

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, April 11, 2018, 2:26 p.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Vanessa L. Gibson	Keith Powers
Alicia Ampry-Samuel	Mark Gjonaj	Antonio Reynoso
Diana Ayala	Barry S. Grodenchik	Donovan J. Richards
Inez D. Barron	Robert F. Holden	Carlina Rivera
Joseph C. Borelli	Ben Kallos	Ydanis A. Rodriguez
Justin L. Brannan	Andy L. King	Deborah L. Rose
Fernando Cabrera	Peter A. Koo	Helen K. Rosenthal
Margaret S. Chin	Karen Koslowitz	Rafael Salamanca, Jr
Andrew Cohen	Rory I. Lancman	Ritchie J. Torres
Costa G. Constantinides	Stephen T. Levin	Mark Treyger
Robert E. Cornegy, Jr	Mark D. Levine	Eric A. Ulrich
Laurie A. Cumbo	Alan N. Maisel	Paul A. Vallone
Chaim M. Deutsch	Steven Matteo	James G. Van Bramer
Ruben Diaz, Sr.	Carlos Menchaca	Jumaane D. Williams
Daniel Dromm	I. Daneek Miller	Kalman Yeger
Rafael L. Espinal, Jr	Francisco P. Moya	
Mathieu Eugene	Bill Perkins	

Absent: Council Member Lander.

The Public Advocate (Ms. James) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

There were 50 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by: Rabbi Shmuel Butman, Lubavitch Youth Organization, 770 Eastern Parkway, Brooklyn, New York 11213.

[Started the Invocation speaking Yiddish]

Our heavenly father please bestow your blessings
upon all the members of the New York City Council.
Bless them with good health, long life,
prosperity and happiness in all of their endeavors.
Bless them for proclaiming 116 days of education
in honor of the 116th day of the Rabbi of Lubavitch
of Rabbi Menachem Mendel Schneerson.
When the Rabbi spoke about education,
the Rabbi speaks about education of all Children,
the American child, the African child, the European Child,
the Mid Eastern child, the Far Eastern Child,
all the children of the world.
The Rabbi always said that he wants the children
to know that there is an eye that sees,
there's an ear that hears, and that the world is not a jungle.
You were elected by divine providence
to represent all the people of the city of New York
in all matters of peace, of justice, of freedom and democracy.
This is an election that Almighty God gave
because Almighty God felt that you have...
whatever it takes you have the responsibility
to make sure that all of those laws are going to be instituted.
As New York City is the leading city in the United States,
your influence goes beyond the city,
and it reaches every part of the United States of America,
and as the United States of America is a super power,
your influence reaches all four corners of the world.
It is known among all four corners of the world
that the leading city in the world
is the great city, the city of New York,
and parallel, of course, we have to say that with Jerusalem.
The Lubavitch Movement of the last 68 years
has found a seat in this great,
and Lubavitch it's sitting, and we number,
thank God close to a half a million.
All over, all over the world
have a special affinity for this great city,
the city of New York
and for the last 68 years
the seat of the Movement is right here in Brooklyn

part of the city of New York.
 In 1991, I was invited
 to open the United States Senate in Washington.
 Before that, I went to Rabbi, and the Rabbi said to me:
 Take a *pushke* with you.
 A *pushke* is a charity box, and let everybody see
 what you are going to do, and let them know
 what money should be used for.
 It is my honor and my privilege
 to do what the Rabbi asked me
 to put in a dollar bill on which it says:
 IN God we trust in *pushke*.
 We would like to invite you,
 dear members after that to participate with the one dollar,
 but I don't want to get scared.
 This is not a fundraising effort. [*laughter*]
 If it would be we would ask you for much than a dollar.
 This is an effort to do more goodness and kindness,
 and we hope that you will participate with a dollar or less.
 Thank you so much.
 I want to tell you that in our shuls in our synagogues,
 every Sabbath morning, we offer a prayer for you.
 We save [*Speaking in Yiddish*]
 All those who serve the public faithfully as you do
 we offer a special prayer for you, for your health,
 for your happiness, for your contentment,
 that you should be blessed with everything
 with all the blessings in your communal lives
 as well as in your private lives,
 and let us say Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

Linda Brown, who was at the center of the landmark case *Brown v. Board of Education* that struck down racial segregation in American schools, died on March 25, 2018 at the age of 75. The Speaker (Council Member Johnson) noted that her legacy would include changing race relations forever.

Winnie Mandela, former wife of Nelson Mandela and known as the mother of the South African nation for her independent role in the fight against apartheid, died on April 2, 2018 at the age of 81. The Speaker (Council Member Johnson) noted that her life was being celebrated that day in Soweto and around the world.

George Staab, 57, an NYC Department of Transportation worker, was struck and killed by an automobile on the Hutchinson River Parkway in the Bronx on April 4, 2018. The Speaker (Council Member Johnson) sent his thoughts and prayers to Mr. Staab's family, friends and the DOT.

Stephen Livecchi, 59, an MTA bus helper, was killed in the line of duty on March 27, 2018. The Speaker (Council Member Johnson) offered his condolences to Mr. Livecchi's family and friends, the MTA, and Transport Local Union Local 100.

Three more individuals died recently due to 9/11 related illnesses: retired NYPD Lieutenant William Wanser, 60; retired NYPD Detective Pedro Esponda, 60; and retired FDNY Firefighter George Froehlich, 64. The Speaker (Council Member Johnson) offered his thoughts and prayers to their families, friends, the NYPD, and the FDNY.

ADOPTION OF MINUTES

Council Member Adams moved that the Minutes of the Stated Meeting of February 15, 2018 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-32

Communication from the Mayor – Submitting Executive Order No. 32 of 2018 pursuant to Section 3-113(a)(2) of the New York City Administrative Code, entitled "Amendment of Executive Order No. 11 Dated June 28, 1990, as Amended, Relating to Special Commissioner of Investigation for the New York City School District."

(For text of the Executive Order, please refer to the New York City Council website at <http://council.nyc.gov> for the relevant attachment to the [M-32 of 2018](#) file)

Received, Ordered, Printed and Filed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-33

Communication from the Office of the Public Advocate – Submitting the Public Advocate Progress Report for 2017.

(For text of the Progress Report, please refer to the New York City Council website at <http://council.nyc.gov> for the relevant attachment to the [M-33 of 2018](#) file)

Received, Ordered, Printed and Filed.

M-34

Communication from the Office of Management and Budget - Submitting a copy of the District Resource Statement: Department for the Aging, Fiscal and Service Reports for 2017 and 2018, pursuant to Sections 207 and 2708 of the New York City Charter.

(For text of the District Resource Statement, please refer to the New York City Council website at <http://council.nyc.gov> for the relevant attachment to the [M-34 of 2018](#) file)

Received, Ordered, Printed and Filed.

M-35

Communication from the Staten Island Borough President - Submitting the name of Alfred C. Cerullo, III to the Council for its advice and consent regarding his re-appointment to the City Planning Commission, pursuant to Sections 31 and 192 of the City Charter.

April 6, 2018

The Honorable Corey Johnson Speaker,
New York City Council City Hall
New York, NY 10007

RE: Appointment to the City Planning Commission

Dear Speaker;

I am writing to inform you that, pursuant to Section 192 of the New York City Charter, I am presenting Alfred Cerullo III to be reappointed as a member of the New York City Planning Commission (CPC) for the remainder of a five year term, ending June 30th, 2021. Mr. Cerullo will succeed Rayann Besser on the Commission.

I have attached Mr. Cerullo's resume for your convenience.

I wish to thank the council for reviewing the qualifications of Mr. Cerullo, and I am confident that he will continue to do an excellent job as a City Planning Commissioner.

Please do not hesitate to contact me if you have any further questions or require any additional information.

Sincerely,

James S. Oddo
President, Borough of Staten Island

CC: Mr. Charles W. Davis, Chief Compliance Officer, New York City Council Ms. Joni Kletter, Director of Appointments, NYC Mayor's Office

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL-UPS

M-36

By The Chair of the Committee on Land Use (Council Member Salamanca):

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 actions of the City Planning Commission on Uniform Land Use Review Procedure application No. C 180210 PSQ, related to application no. C 180209 ZMQ, shall be subject to Council review.

Coupled on Call-Up Vote.

M-37

By Council Member Menchaca:

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 actions of the City Planning Commission on Uniform Land Use Review Procedure application No. C 150253 POK shall be subject to Council review.

Coupled on Call-Up Vote.

M-38

By Council Member Van Bramer:

Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1-50 50th Avenue, Borough of Queens, Community Board 2, Application No. 20185176 TCQ shall be subject to review by the Council.

Coupled on Call-Up Vote.

The Public Advocate (Ms. James) 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, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **50**.

At this point, the Public Advocate (Ms. James) 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 Civil and Human Rights

Report for Int. No. 614-A

Report of the Committee on Civil and Human Rights 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 information about sexual harassment to be made available online for public access.

The Committee on Civil and Human Rights to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 974), respectfully

REPORTS:

I. INTRODUCTION

On February 28, 2018, the Committee on Women, chaired by Council Member Helen Rosenthal, and the Committee on Civil and Human Rights, chaired by Council Member Mathieu Eugene, conducted a joint oversight hearing titled “Sexual Harassment Best Practices/Policies in New York City.” At the hearing, the Committees received testimony on sexual harassment policies and procedures at New York City (“NYC” or “City”) agencies and in the private sector. The Committees explored best practices and model sexual harassment policies in other jurisdictions. During the hearing the Committees also heard 11 pre-considered bills and one pre-considered resolution, all related to strengthening New York City’s anti-sexual harassment policies and combatting sexual harassment in the workplace. Those invited to testify included representatives from the City’s Commission on Gender Equity, Commission on Human Rights (CCHR), the Department of Citywide Administrative Services, and Equal Employment Practices Commission, as well as businesses, advocacy groups, labor unions and other interested parties.

Today, the Committee on Civil and Human Rights will vote on four bills and one resolution:

- Proposed Int. No. 614-2018-A: A Local Law to amend the administrative code of the city of New York, in relation to requiring information about sexual harassment to be made available online for public access.
- Proposed Int. No. 657-2018-A: A Local Law to amend the administrative code of the city of New York, in relation to expanding sexual harassment protections to all employees.
- Proposed Int. No. 660-2018-A: A Local Law to amend the administrative code of the city of New York, in relation to making improvements to clarify and strengthen the human rights law as it relates to sexual harassment.
- Proposed Int. No. 663-2018-A: A Local Law to amend the administrative code of the city of New York, in relation to the statute of limitations for filing certain harassment claims arising under the city human rights law.
- Res. No. 222-2018: Resolution calling upon the United States Congress to pass, and the President to sign S.2203/H.R.4734, known as the "Ending Forced Arbitration of Sexual Harassment Act of 2017," which prohibits a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute.

II. ANALYSIS OF BILLS

PROPOSED INT. NO. 614-A

This bill would require the New York City Commission on Human Rights (CCHR) to conspicuously post on its website resources about sexual harassment, including: (i) an explanation that sexual harassment is a form of unlawful discrimination under local law; (ii) examples of sexual harassment; (iii) a list of alternate and additional government agencies for filing complaints about sexual harassment, and the websites for such agencies, to the extent available; (iv) information regarding the prohibition of retaliation against a complainant in local law; and (v) bystander intervention education and the importance of taking action to prevent workplace harassment. This bill would go into effect 90 days after it becomes law.

PROPOSED INT. NO. 657-A

Generally, the New York City Human Rights Law (NYCHRL) applies to employers with four or more employees. This bill would amend the existing definition of employer in section 8-107(5) to include employers with any number of employees if there is a claim of gender-based discrimination pursuant to section 8-107(1). This section of the bill takes effect immediately. Similarly, section 2 of the bill makes the same amendments to the definition of employer to Local Law 63 of 2018, which amends the NYCHRL but does not take effect until October 16, 2018.

PROPOSED INT. NO. 660-A

This bill amends the policy statement in section 8-101 of the NYCHRL to include sexual harassment as a form of discrimination that the CCHR shall have the power to eliminate and prevent. This bill would become effective immediately after it becomes law.

PROPOSED INT. NO. 663-A

This bill amends section 8-109(e) of the NYCHRL to change the statute of limitations for filing harassment claims based on unwelcome conduct that intimidates, interferes with, oppresses, threatens, humiliates or degrades a person based on such person's gender from one year to three years from the time that the alleged harassment occurred. This bill would take effect immediately.

RES. NO. 222-2018

This resolution would call upon Congress to pass, and the President to sign S.2203/H.R.4734, known as the "Ending Forced Arbitration of Sexual Harassment Act of 2017," which prohibits a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute.

The resolution indicates that, in the United States, a large number of employers tend to require their workers to sign arbitration agreements, which require that any disputes between employer and employee, including sexual harassment, be settled in private arbitration, outside of the court system.

The resolution notes that according to the Economic Policy Institute, a large number of employers require their employees to sign arbitration agreements, which mandate that any disputes, including sexual harassment, be settled in private arbitration, outside of the court system. It further notes that 56 percent of non-unionized workers at private-sector employers, equating to roughly 60.1 million workers, are covered by such arbitration agreements.

As a result, the resolution states that many employees choose not to report sexual harassment claims due to a fear of retaliation and the lack of attorney participation due to claims being harder to win and damages awarded being much lower than court-awarded damages.

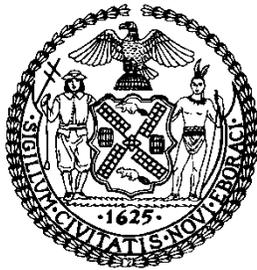
The resolution indicates that, according to reports by the federal Equal Employment Opportunity Commission (EEOC), 70 percent to 90 percent of victims of sexual harassment do not formally make a complaint or file a charge with fair employment agencies, with many cases of sexual harassment being left unaddressed.

The resolution further states that, in light of recent high-profile cases, and the advent of the #MeToo movement, it is important to bring attention to the problem of workplace sexual harassment and mandatory arbitration agreements, while also working towards solutions to this problem.

The resolution notes that many advocates, including Gretchen Carlson, a publicly-known victim of sexual harassment in the workplace, believe that reforming arbitration laws is key to stopping sexual harassment. The resolution indicates that S.2203, introduced by Senator Kirsten E. Gillibrand, and H.R.4734, introduced by Representative Cheri Bustos, will prohibit a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute. The resolution states that this legislation would effectively increase the number of workers coming forward with claims of sexual harassment, increase attorney participation, make employers accountable for workplace sexual harassment, and make the workplace more fair, safe and equal.

Finally, the resolution calls upon Congress to pass and the President to sign S.2203, introduced by Senator Kirsten E. Gillibrand, and H.R.4734, introduced by Representative Cheri Bustos, which prohibit a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute.

(The following is the text of the Fiscal Impact Statement for Int. No. 614-A:)



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

PROPOSED INTRO. NO. 614-A

COMMITTEE: Civil and Human Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring information about sexual harassment to be made available online for public access.

SPONSOR: By Council Members Ampry-Samuel, Rose, Rosenthal, Chin, Gibson and Powers

SUMMARY OF LEGISLATION: Proposed Intro. No. 614-A would require the New York City Commission on Human Rights to conspicuously post on their website online resources about sexual harassment.

EFFECTIVE DATE: Local law takes effect ninety days after.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that Proposed Intro. No. 614-A would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that Proposed Intro. No. 614-A would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
New York City Commission on Human Rights

ESTIMATE PREPARED BY: Sheila D. Johnson, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Rebecca Chasan, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 614 by the Council on March 7, 2018 and was referred to the Committee on Civil and Human Rights (Committee). The Committee considered the legislation at a hearing on February 28, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 614-A, will be voted on by the Committee on April 9, 2018. Upon successful vote of the Committee, Proposed Intro. No. 614-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 6, 2018.

(For text of Int. Nos. 657-A, 660-A, and 663-A and their Fiscal Impact Statements, please see the Reports of the Committee on Civil and Human Rights for Int. Nos. 657-A, 660-A, and 663-A respectively, printed in these Minutes; for text of Res. No. 222, please see the Report of the Committee on Civil and Human Rights for Res. No. 222 printed in the voice-vote Resolutions section of these Minutes; for text of Int. No. 614-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 614-A, 657-A, 660-A, 663-A, and Res. No. 222.

(The following is the text of Int. No. 614-A:)

Int. No. 614-A

By Council Members Ampry-Samuel, Rose, Rosenthal, Chin, Gibson, Powers, Constantinides, Reynoso, Kallos, Adams, Eugene, Lander, Miller, Rivera, Ayala and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to requiring information about sexual harassment to be made available online for public access

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 8 of the administrative code of the city of New York is amended by adding a new section 8-132 to read as follows:

§ 8-132 Sexual harassment information. a. The commission shall post conspicuously on the commission's website online resources about sexual harassment, including but not limited to:

1. Information that sets forth in simple and understandable terms:

- (a) An explanation that sexual harassment is a form of unlawful discrimination under local law;*
- (b) Specific descriptions and examples of activities which may be sexual harassment;*
- (c) A description of the commission's complaint process, and how to contact the commission;*
- (d) A list of alternate and additional government agencies for filing complaints about sexual harassment, and the websites for such agencies, to the extent available;*
- (e) An explanation that retaliation, including but not limited to retaliation for complaints concerning allegations of sexual harassment, is prohibited by subdivision 7 of section 8-107, and examples of activities which may be retaliation for such complaints; and*
- (f) Bystander intervention education and the importance of taking action to prevent workplace sexual harassment.*

2. An interactive tool describing each step of the complaint process available through the commission, from when a complaint is filed to when a determination is made on such complaint.

§ 2. This local law takes effect 90 days after it becomes law.

MATHIEU EUGENE, *Chairperson*; BRADFORD S. LANDER, BEN KALLOS, HELEN K. ROSENTHAL; Committee on Civil and Human Rights, April 9, 2018. *Other Council Members Attending: Council Members Ampry-Samuel and Rivera.*

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. 657-A

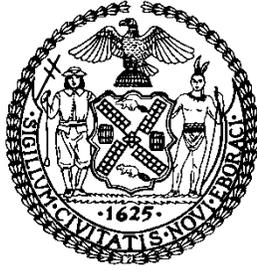
Report of the Committee on Civil and Human Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to expanding sexual harassment protections to all employees.

The Committee on Civil and Human Rights to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1033), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil and Human Rights for No. 614-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 657-A:



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

PROPOSED INTRO. NO. 657-A

COMMITTEE: Civil and Human Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to expanding sexual harassment protections to all employees. **SPONSOR:** By Council Members Powers, Rose, Rosenthal, Chin and Gibson

SUMMARY OF LEGISLATION: The provisions of the New York City Human Rights Law (HRL) generally apply to employers with four or more employees. Proposed Intro. No. 657-A would amend HRL, with regard to sexual harassment, to apply to all employers, regardless of the number of employees.

EFFECTIVE DATE: Section 1 of this local law takes effect immediately. Section 2 of this local law takes effect on the same effective date as section 3 of local law number 63 for the year 2018.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that Proposed Intro. No. 657-A would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that Proposed Intro. No. 657-A would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
New York City Commission on Human Rights

ESTIMATE PREPARED BY: Sheila D. Johnson, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Rebecca Chasan, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 657 by the Council on March 7, 2018 and was referred to the Committee on Civil and Human Rights (Committee). The Committee considered the legislation at a hearing on February 28, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 657-A, will be voted on by the Committee on April 9, 2018. Upon successful vote of the Committee, Proposed Intro. No. 657-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 6, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 657-A:)

Int. No. 657-A

By Council Members Powers, Rose, Rosenthal, Chin, Gibson, Constantinides, Reynoso, Kallos, Adams, Eugene, Lander, Miller, Rivera, Ayala, Ampry-Samuel and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to expanding sexual harassment protections to all employees

Be it enacted by the Council as follows:

Section 1. Subdivision 5 of section 8-102 of the administrative code of the city of New York is amended to read as follows:

5. For purposes of subdivisions one, two, three, eleven-a, twenty-two, subparagraph one of paragraph a of subdivision twenty-one, and paragraph e of subdivision twenty-one of section 8-107 of this chapter, the term "employer" does not include any employer with fewer than four persons in his or her employ, *provided, however, that in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term "employer" shall include any employer, including those with fewer than four persons in their employ.* For purposes of this subdivision, natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

§ 2. Section 8-102 of the administrative code of the city of New York, as added by local law number 63 for the year 2018, is amended to read as follows:

Employer. For purposes of subdivisions 1, 2, 3, 11-a, and 22, subparagraph 1 of paragraph a of subdivision 21, and paragraph e of subdivision 21 of section 8-107, the term "employer" does not include any employer with fewer than four persons in the employ of such *employer, provided however, that in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term "employer" shall include any employer, including those with fewer than four persons in their employ.* For purposes of this definition, natural persons employed as independent contractors to carry out work in furtherance of an employer's business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

§ 3. Section 1 of this local law takes effect immediately. Section 2 of this local law takes effect on the same effective date as section 3 of local law number 63 for the year 2018.

MATHIEU EUGENE, *Chairperson*; BRADFORD S. LANDER, BEN KALLOS, HELEN K. ROSENTHAL; Committee on Civil and Human Rights, April 9, 2018. *Other Council Members Attending: Council Members Ampry-Samuel and Rivera.*

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. 660-A

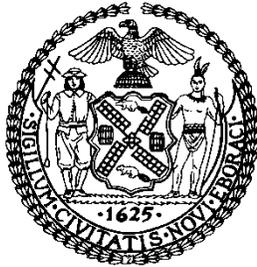
Report of the Committee on Civil and Human Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to making improvements to clarify and strengthen the human rights law as it relates to sexual harassment

The Committee on Civil and Human Rights to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1035), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil and Human Rights for No. 614-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 660-A:



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

PROPOSED INTRO. NO. 660-A

COMMITTEE: Civil and Human Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to making improvements to clarify and strengthen the human rights law as it relates to sexual harassment.

SPONSOR: By Council Members Rivera, Rose, Rosenthal, Chin, Gibson and Powers

SUMMARY OF LEGISLATION: Proposed Intro. No. 660-A would amend the policy statement of the New York City Human Rights Law (HRL) to include sexual harassment as a form of discrimination that the New York City Commission on Human Rights shall have the power to eliminate and prevent.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that Proposed Intro. No. 660-A would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that Proposed Intro. No. 660-A would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
New York City Commission on Human Rights

ESTIMATE PREPARED BY: Sheila D. Johnson, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Rebecca Chasan, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 660 by the Council on March 7, 2018 and was referred to the Committee on Civil and Human Rights (Committee). The Committee considered the legislation at a hearing on February 28, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 660-A, will be voted on by the Committee on April 9, 2018. Upon successful vote of the Committee, Proposed Intro. No. 660-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 6, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 660-A:)

Int. No. 660-A

By Council Members Rivera, Rose, Rosenthal, Chin, Gibson, Powers, Constantinides, Kallos, Adams, Eugene, Lander, Miller, Ayala, Ampy-Samuel and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to making improvements to clarify and strengthen the human rights law as it relates to sexual harassment

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 119 for the year 2017, is amended to read as follows:

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, uniformed service, 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. This local law takes effect immediately.

MATHIEU EUGENE, *Chairperson*; BRADFORD S. LANDER, BEN KALLOS, HELEN K. ROSENTHAL; Committee on Civil and Human Rights, April 9, 2018. *Other Council Members Attending: Council Members Ampry-Samuel and Rivera.*

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. 663-A

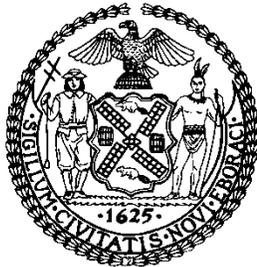
Report of the Committee on Civil and Human Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the statute of limitations for filing certain harassment claims arising under the city human rights law

The Committee on Civil and Human Rights to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1037), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil and Human Rights for No. 614-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 663-A:



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

PROPOSED INTRO. NO. 663-A

COMMITTEE: Civil and Human Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the statute of limitations for filing certain harassment claims arising under the city human rights law.

SPONSOR: By Council Members Rosenthal, Rose, Adams Chin and Powers

SUMMARY OF LEGISLATION: Proposed Intro. No. 663-A would amend the New York City Human Rights Law (HRL) for gender-based harassment claims by extending the statute of limitations for filing such claims under the HRL from one year to three years.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that Proposed Intro. No. 663-A would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that Proposed Intro. No. 663-A would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
New York City Commission on Human Rights

ESTIMATE PREPARED BY: Sheila D. Johnson, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Rebecca Chasan, Counsel
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 663 by the Council on March 7, 2018 and was referred to the Committee on Civil and Human Rights (Committee). The Committee considered the legislation at a hearing on February 28, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 663-A, will be voted on by the Committee on April 9, 2018. Upon successful vote of the Committee, Proposed Intro. No. 663-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 6, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 663-A:)

Int. No. 663-A

By Council Members Rosenthal, Rose, Adams, Chin, Powers, Constantinides, Reynoso, Kallos, Eugene, Lander, Miller, Rivera, Ayala, Ampry-Samuel and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to the statute of limitations for filing certain harassment claims arising under the city human rights law

Be it enacted by the Council as follows:

Section 1. Subdivision (e) of section 8-109 of the administrative code of the city of New York, as amended by local law number 11 for the year 1993, is amended to read as follows:

(e) The commission shall not have jurisdiction over any complaint that has been filed more than one year after the alleged unlawful discriminatory practice or act of discriminatory harassment or violence as set forth in chapter six of this title occurred; *provided, however, that the commission shall have jurisdiction over a claim of gender-based harassment if such claim is filed within three years after the alleged harassing conduct occurred.*

§ 2. This local law takes effect immediately.

MATHIEU EUGENE, *Chairperson*; BRADFORD S. LANDER, BEN KALLOS, HELEN K. ROSENTHAL; Committee on Civil and Human Rights, April 9, 2018. *Other Council Members Attending: Council Members Ampry-Samuel and Rivera.*

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 Consumer Affairs and Business Licensing

At this point, the Speaker (Council Member Johnson) announced that the following item had been **preconsidered** by the Committee on Consumer Affairs and Business Licensing and had been favorably reported for adoption.

Report for Int. No. 754

Report of the Committee on Consumer Affairs ad Business Licensing in favor of approving and adopting, a Local Law to amend the New York city charter, in relation to adding members to the nightlife advisory board.

The Committee on Consumer Affairs and Business Licensing to which the annexed preconsidered proposed local law was referred on April 11, 2018, respectfully

REPORTS:

I. INTRODUCTION

On June 19, 2017, the Committee on Consumer Affairs, chaired by Council Member Rafael Espinal, held an oversight hearing titled “Enforcement of New York City’s Cabaret Law.” Approximately 60 witnesses provided testimony about the City’s Cabaret Laws. As a result of positive feedback from the hearing, Introductory Bill No.1688, A Local Law to amend the New York city charter, in relation to establishing an office of nightlife and a nightlife advisory board was passed on August 24, 2017. It was signed into law on September 19, 2017 as Local Law 178 of 2017.

In an effort to reform the City’s nightlife laws and regulations, the Nightlife Advisory Board will make recommendations to the City Council and the Mayor. On March 28, 2018, the Committee heard Introductory Bill Number 754-2018 (“Int. No. 754”), a Local Law to amend the New York city Charter, in relation to adding members to the Nightlife Advisory Board. On April 11, 2018, the Committee voted on Int. No. 754, with four in favor, none against, and no abstentions.

II. BACKGROUND

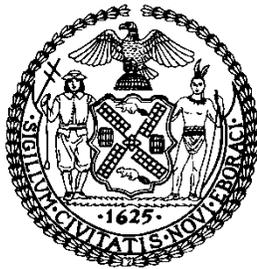
Local Law 178 of 2017 established the Nightlife Advisory Board to examine issues relating to nightlife establishments and make recommendations on ways to improve laws and policies that impact the City’s nightlife industry. The Board must make findings and recommendations on common issues and trends relating to i) the

regulatory structure of the nightlife industry; ii) common complaints regarding nightlife establishments; iii) public safety concerns related to the nightlife industry; iv) enforcement of nightlife industry-related laws and rules; v) zoning and other community development concerns related to the nightlife industry; vi) integration of the nightlife industry into the city’s various neighborhoods; (vii) nightlife workforce conditions, including but not limited to, wages and workforce safety; (viii) the availability and responsiveness of the office of nightlife to the concerns of nightlife establishments; and (ix) any other issues the nightlife advisory board finds are relevant. The Board must provide recommendations to the Mayor and the Council within 18 months of the effective date of the law. After that, the Board may make recommendations as appropriate.

III. INT. NO. 754

Int. No. 754 increases the membership of the Nightlife Advisory Board from 12 to 14, five to be appointed by the Mayor and nine by the Speaker of the Council.

(The following is the text of the Fiscal Impact Statement for Int. No. 754:)



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

**PRECONSIDERED INTRO. NO: 754
COMMITTEE: Consumer Affairs and Business
Licensing**

TITLE: A Local Law to amend the New York City Charter, in relation to adding members to the nightlife advisory board **SPONSOR:** Council Member Espinal

SUMMARY OF LEGISLATION: This Preconsidered Introduction would increase the body of the Nightlife Advisory Board from 12 members to 14 members. One of the newly added members would be appointed by the Speaker of the Council, and one would be appointed by the Mayor.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$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 anticipated that there would be no impact on expenses resulting from the enactment of this legislation since the two new positions would be unpaid.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Andrew Wilber, Financial Analyst, Finance Division

ESTIMATE REVIEWED BY: John Russell, Unit Head, Finance Division
Regina Poreda Ryan, Deputy Director, Finance Division
Rebecca Chasan, Counsel, Finance Division

LEGISLATIVE HISTORY: The Committee on Consumer Affairs and Business Licensing (Committee) held a public hearing on this Preconsidered Introduction on March 28, 2018 and the legislation was laid over. The legislation will be voted on by the Committee at a hearing on April 10, 2018. Upon a successful vote by the Committee, this Preconsidered Introduction will be introduced to the full Council and be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 4, 2018.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered bill, please see the Introduction and reading of bills for Int. No. 754 printed in these Minutes)

RAFAEL L. ESPINAL, Jr.; MARGARET S, CHIN, PETER A. KOO, BRADFORD S. LANDER; Committee on Consumer Affairs and Business Licensing, April 10, 2018.

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 item had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 271

Report of the Committee on Finance in favor of approving 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 April 11, 2018, 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 6, 2017, the Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 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 2018 Expense Budget and amendments to the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget.

This Resolution, dated April 11, 2018, approves the new designation and the changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2018 Expense Budget, as described in Charts 4-11; and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, as described in Chart 12.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 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 aging discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 4 sets forth the new designation of a certain organization receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2018 Expense Budget. This change will be effectuated upon a budget modification.

Chart 5 sets forth the new designation of certain organizations receiving funding pursuant to the Initiative to Address Borough Wide Needs in accordance with the Fiscal 2018 Expense Budget.

Chart 6 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 2018 Expense Budget. Some of these changes 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 Support Our Seniors Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 8 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 2018 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 9 sets forth the change in the designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 10 sets forth the new designation of a certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 11 sets forth the change in the designation of a certain organization receiving funding pursuant to the Access to Food and Nutritional Education Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 12 amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget. One of the amendments is to the Description/Scope of Services for all allocations made pursuant to the DoVE Initiative. Safe Horizon is the administrator for this initiative.

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 be further 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 2018 Expense Budget. 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. 271:)

Preconsidered Res. No. 271

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 6, 2017 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth 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 2018 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local 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 in accordance with the Fiscal 2018 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 aging discretionary funding in accordance with the Fiscal 2018 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 youth discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Initiative to Address Borough Wide Needs in accordance with the Fiscal 2018 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 NYC Cleanup Initiative in accordance with the Fiscal 2018 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 Support Our Seniors Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 7; 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 2018 Expense Budget. Some of these changes will be effectuated upon a budget modification, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of a certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Access to Food and Nutritional Education Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 12.

ATTACHMENT:

CHART 1: Local Initiatives - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Treyger	Salt and Sea Mission Church, Inc.	11-3012147	DYCD	(\$5,000.00)	260	005			*
Treyger	Bed-Stuy Campaign Against Hunger, Inc.	20-0934854	DYCD	\$5,000.00	260	005			
Dromm	Talk Therapy Television, Inc.	27-2157824	DYCD	(\$5,000.00)	260	005			
Dromm	Talk Therapy Television, Inc.	27-2157824	DYCD	\$5,000.00	260	005	Maspeth Town Hall, Inc.	23-7259702	
Constantinides	New York Harbor Foundation, Inc.	27-2918478	DYCD	(\$5,000.00)	260	312			
Constantinides	Mouse, Inc.	13-3973196	DYCD	\$5,000.00	260	312			
Constantinides	Mouse, Inc. **	13-3973196	DYCD	(\$5,000.00)	260	312			
Constantinides	Wildlife Conservation Society - Discovery Guides - Queens Zoo **	13-1740011	DCLA	\$5,000.00	126	007			
Espinal	Cypress Hills Local Development Corporation	11-2683663	DYCD	(\$55,000.00)	260	005			
Espinal	Cypress Hills Local Development Corporation, Inc.	11-2683663	DYCD	\$55,000.00	260	005			
Powers	Murray Hill Committee, Inc. **	23-7361016	DPR	(\$5,000.00)	846	006			
Powers	Murray Hill Committee, Inc. **	23-7361016	DYCD	\$5,000.00	260	005			
Rivera	Murray Hill Committee, Inc. **	23-7361016	DPR	(\$4,500.00)	846	006			
Rivera	Murray Hill Committee, Inc. **	23-7361016	DYCD	\$4,500.00	260	005			

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 2: Aging Discretionary - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Dromm	Queens World Film Initiative, Inc.	46-5631277	DFTA	(\$5,000.00)	125	003			
Dromm	New York Irish Center, Inc.	55-0869151	DFTA	\$5,000.00	125	003			

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 3: Youth Discretionary - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Treyger	Coney Island Generation Gap Reunion Committee Corp	20-8562533	DYCD	(\$33,500.00)	260	312			
Treyger	Alliance for Coney Island, Inc.	46-0802042	DYCD	\$18,200.00	260	312			
Treyger	NIA Community Services Network, Inc.	11-2697931	DYCD	\$15,300.00	260	312			
Treyger	Friends of Kaiser Park, Inc.	20-0763333	DYCD	(\$7,000.00)	260	312			
Treyger	United Chinese Association of Brooklyn	37-1469112	DYCD	\$7,000.00	260	312			
Constantinides	Mouse, Inc.	13-3973196	DYCD	(\$5,000.00)	260	312			
Constantinides	New York Harbor Foundation, Inc.	27-2918478	DYCD	\$5,000.00	260	312			

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 4: Initiative to Address Borough Wide Needs - Fiscal 2018

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN	*
Brooklyn Delegation	Coney Island Generation Gap Reunion Committee Corp	20-8562533	DYCD	(\$16,250.00)	260	312			
Brooklyn Delegation	Art's House Schools, Inc.	87-0790139	DYCD	\$5,000.00	260	312			
Brooklyn Delegation	Brighton Ballet Theater Company, Inc.	11-3195590	DYCD	\$5,000.00	260	312			
Brooklyn Delegation	Young Men's Christian Association of Greater New York	13-1624228	DYCD	\$6,250.00	260	312			

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 5: NYC Cleanup Initiative - Fiscal 2018

Member	Organization - School	EIN Number	Agency	Amount	Agy #	U/A	*
Powers	Department of Sanitation	13-6400434	DSNY	(\$50,000.00)	827	109	
Powers	Department of Sanitation	13-6400434	DSNY	\$50,000.00	827	102	
	Department of Youth and Community Development **	13-6400434	DYCD	(\$34,815.00)	260	005	
Ulrich	Department of Sanitation **	13-6400434	DSNY	\$14,815.00	827	102	
Treyger	Alliance for Coney Island, Inc.	46-0802042	DYCD	\$20,000.00	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 6: Support Our Seniors Initiative - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Cumbo	Hope City Empowerment Center, Inc.	11-3629292	DFTA	(\$16,000.00)	125	003	
Cumbo	Heights and Hills, Inc.	23-7237927	DFTA	\$16,000.00	125	003	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 7: Parks Equity Initiative - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Treyger	Friends of Kaiser Park Inc	20-0763333	DPR	(\$20,000.00)	846	006	
Treyger	City Parks Foundation	13-3561657	DPR	\$10,000.00	846	006	
Treyger	Department of Parks and Recreation	13-6400434	DPR	\$10,000.00	846	006	
Matteo	Boy Scouts of America - Greater New York Council **	13-1624015	DPR	(\$10,000.00)	846	006	
Matteo	Boy Scouts of America - Greater New York Council **	13-1624015	DYCD	\$10,000.00	260	005	
Matteo	Bloomfield Conservancy, Inc. **	13-4014664	DPR	(\$15,000.00)	846	006	
Matteo	Bloomfield Conservancy, Inc. **	13-4014664	DYCD	\$15,000.00	260	005	
Barron	Man Up, Inc. **	03-0553092	DPR	(\$18,000.00)	846	006	
Barron	Man Up, Inc. **	03-0553092	DYCD	\$18,000.00	260	005	
Cumbo	Onos Foot Prints, Inc. **	90-0719956	DPR	(\$10,800.00)	846	006	
Cumbo	Onos Foot Prints, Inc. **	90-0719956	DYCD	\$10,800.00	260	005	
Cumbo	Museum of Contemporary African Diasporian Arts, Inc. **	11-3526774	DPR	(\$17,000.00)	846	006	
Cumbo	Museum of Contemporary African Diasporian Arts, Inc. **	11-3526774	DCLA	\$17,000.00	126	003	
Van Bramer	Friends of Gantry Plaza State Park, Inc. **	47-3613599	DPR	(\$10,000.00)	846	006	
Van Bramer	Friends of Gantry Plaza State Park, Inc. **	47-3613599	DYCD	\$10,000.00	260	005	
Van Bramer	Friends of Gantry Plaza State Park, Inc. **	47-3613599	DPR	(\$8,500.00)	846	006	
Van Bramer	Friends of Gantry Plaza State Park, Inc. **	47-3613599	DYCD	\$8,500.00	260	005	
Van Bramer	Central Astoria Local Development Coalition, Inc. **	11-2652331	DPR	(\$10,000.00)	846	006	
Van Bramer	Central Astoria Local Development Coalition, Inc. **	11-2652331	DYCD	\$10,000.00	260	005	
Van Bramer	LaGuardia Community College **	13-1988190	DPR	(\$10,000.00)	846	006	
Van Bramer	LaGuardia Community College **	13-1988190	CUNY	\$10,000.00	042	001	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 8: Digital Inclusion and Literacy Initiative - Fiscal 2018

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Espinal	Cypress Hills Local Development Corporation	11-2683663	DYCD	(\$20,000.00)	260	005	
Espinal	Cypress Hills Local Development Corporation, Inc.	11-2683663	DYCD	\$20,000.00	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

April 11, 2018

CHART 9: Access to Food and Nutritional Education Initiative - Fiscal 2018

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Cypress Hills Local Development Corporation	11-2683663	DYCD	(\$125,000.00)	260	005	
Cypress Hills Local Development Corporation, Inc.	11-2683663	DYCD	\$125,000.00	260	005	

* Indicates pending completion of pre-qualification review.
 ** Requires a budget modification for the changes to take effect

CHART 10: Purpose of Funds Changes - Fiscal 2018

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Rosenthal	West 87th Street Park and Garden	13-4067780	DYCD	(\$5,000.00)	Funding will support park maintenance and outreach events.	
Local	Rosenthal	West 87th Street Park and Garden	13-4067780	DYCD	\$5,000.00	Funds support expenses associated with garden maintenance and community concerts.	
Local	Chin	LES Creative People In Action	27-2188237	DYCD	(\$3,500.00)	The funds will be used to produce a free outdoor musical concert in the East River Park Bandshell.	
Local	Chin	LES Creative People In Action	27-2188237	DYCD	\$3,500.00	Funds will be used to support a free outdoor musical concert in the East River Park Bandshell, including venue rental, outreach, and other costs.	
Local	Ulrich	Forest Park Trust, Inc.	31-1558645	DPR	(\$11,000.00)	Funds will be used for concerts and festivals in Forest Park, Senior programming at Oak Ridge, Landscape Restoration and festivals.	
Local	Ulrich	Forest Park Trust, Inc.	31-1558645	DPR	\$11,000.00	Funds will be used for concerts and festivals in Forest Park, Landscape Restoration and festivals.	
Day Laborer Workforce Initiative		New Immigrant Community Empowerment (NICE)	11-3560625	SBS	(\$125,000.00)	This initiative supports day laborer centers which will provide appropriate physical space for day laborers to meet, referrals to jobs or support services, legal services to address issues such as wage theft, as well as workforce training and development.	
Day Laborer Workforce Initiative		New Immigrant Community Empowerment (NICE)	11-3560625	SBS	\$125,000.00	This funding supports construction site safety training, education, outreach and referral services for construction workers and subcontractors employed at permitted building and demolition projects in the city.	
Day Laborer Workforce Initiative		Staten Island Community Job Center, Inc.	47-2787706	SBS	(\$125,000.00)	This initiative supports day laborer centers which will provide appropriate physical space for day laborers to meet, referrals to jobs or support services, legal services to address issues such as wage theft, as well as workforce training and development.	
Day Laborer Workforce Initiative		Staten Island Community Job Center, Inc.	47-2787706	SBS	\$125,000.00	This funding supports construction site safety training, education, outreach and referral services for construction workers and subcontractors employed at permitted building and demolition projects in the city.	
Day Laborer Workforce Initiative		Third Sector New England	04-2261109	SBS	(\$125,000.00)	This initiative supports day laborer centers which will provide appropriate physical space for day laborers to meet, referrals to jobs or support services, legal services to address issues such as wage theft, as well as workforce training and development.	
Day Laborer Workforce Initiative		Third Sector New England	04-2261109	SBS	\$125,000.00	This funding supports construction site safety training, education, outreach and referral services for construction workers and subcontractors employed at permitted building and demolition projects in the city.	
Day Laborer Workforce Initiative		Northern Manhattan Coalition for Immigrant Rights	13-3255591	SBS	(\$125,000.00)	This initiative supports day laborer centers which will provide appropriate physical space for day laborers to meet, referrals to jobs or support services, legal services to address issues such as wage theft, as well as workforce training and development.	
Day Laborer Workforce Initiative		Northern Manhattan Coalition for Immigrant Rights	13-3255591	SBS	\$125,000.00	This funding supports construction site safety training, education, outreach and referral services for construction workers and subcontractors employed at permitted building and demolition projects in the city.	

Day Laborer Workforce Initiative	Catholic Charities Community Services, Archdiocese of New York	13-5562185	SBS	(\$125,000.00)	This initiative supports day laborer centers which will provide appropriate physical space for day laborers to meet, referrals to jobs or support services, legal services to address issues such as wage theft, as well as workforce training and development.
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* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 10: Purpose of Funds Changes - Fiscal 2018 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Day Laborer Workforce Initiative		Catholic Charities Community Services, Archdiocese of New York	13-5562185	SBS	\$125,000.00	This funding supports construction site safety training, education, outreach and referral services for construction workers and subcontractors employed at permitted building and demolition projects in the city.	
Job Training and Placement Initiative		Public Housing Communities, Inc.	20-3937275	SBS	(\$125,000.00)	Service providers in this initiative will provide a mix of job training and/or placement services to union workers, under-employed and long-term unemployed individuals, immigrant and minority populations, and/or low-income individuals in general. These services focus on improving participants' career prospects through a mix of trainings, job placement, and small business technical assistance. The programs may also include ESOL classes, GED preparation, computer literacy, and general work readiness preparation, and can focus on specific industries such as food retail and childcare provision.	
Job Training and Placement Initiative		Public Housing Communities, Inc.	20-3937275	SBS	\$125,000.00	This funding supports construction site safety training, education, outreach and referral services for construction workers and subcontractors employed at permitted building and demolition projects in the city.	
Job Training and Placement Initiative		Man Up, Inc.	03-0553092	SBS	(\$125,000.00)	Service providers in this initiative will provide a mix of job training and/or placement services to union workers, under-employed and long-term unemployed individuals, immigrant and minority populations, and/or low-income individuals in general. These services focus on improving participants' career prospects through a mix of trainings, job placement, and small business technical assistance. The programs may also include ESOL classes, GED preparation, computer literacy, and general work readiness preparation, and can focus on specific industries such as food retail and childcare provision.	
Job Training and Placement Initiative		Man Up, Inc.	03-0553092	SBS	\$125,000.00	This funding supports construction site safety training, education, outreach and referral services for construction workers and subcontractors employed at permitted building and demolition projects in the city.	
Job Training and Placement Initiative		East River Development Alliance, Inc.	86-1096987	SBS	(\$125,000.00)	Service providers in this initiative will provide a mix of job training and/or placement services to union workers, under-employed and long-term unemployed individuals, immigrant and minority populations, and/or low-income individuals in general. These services focus on improving participants' career prospects through a mix of trainings, job placement, and small business technical assistance. The programs may also include ESOL classes, GED preparation, computer literacy, and general work readiness preparation, and can focus on specific industries such as food retail and childcare provision.	

Job Training and Placement Initiative	East River Development Alliance, Inc.	86-1096987	SBS	\$125,000.00	This funding supports construction site safety training, education, outreach and referral services for construction workers and subcontractors employed at permitted building and demolition projects in the city.
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* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART 10: Purpose of Funds Changes - Fiscal 2018 (continued)

Source	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Domestic Violence and Empowerment (DoVE) Initiative	All Allocations		Various	(\$7,805,000.00)	The DoVE initiative supports community-based organizations that provide services to domestic violence survivors and their families in New York City. Funding supports a range of services that include case management, crisis intervention, referrals, counseling, empowerment workshops, legal advocacy and referrals. Safe Horizon, the administrator for this program, serves as a liaison between the City and the grantees throughout the year to resolve complex administrative issues	
Domestic Violence and Empowerment (DoVE) Initiative	All Allocations		Various	\$7,805,000.00	The DoVE initiative supports community-based organizations that provide services to domestic violence survivors and their families in New York City. Funding supports a range of services that include case management, crisis intervention, referrals, counseling, empowerment workshops, legal advocacy and referrals. Safe Horizon, the administrator for this program, serves as a liaison between the City and the community based organizations and other service providers throughout the year to resolve complex administrative issues.	
Afterschool Enrichment Initiative	Mothers Aligned Saving Kids (MASK), Inc.	11-3495018	DYCD	(\$167,000.00)	This initiative supports a civic education program funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support.	
Afterschool Enrichment Initiative	Mothers Aligned Saving Kids (MASK), Inc.	11-3495018	DYCD	\$167,000.00	This initiative supports a civic education program funds afterschool program providers that offer enrollment-based programs with high-quality arts and athletic activities, as well as academic enrichment and support, in addition to after school, Helpline referrals, support groups, radio show and community awareness"	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, April 11, 2018.

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 M-30

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget re the Transfer City funds between various agencies in Fiscal Year 2018 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-6).

The Committee on Finance, to which the annexed communication was referred on March 22, 2018 (Minutes, page 1113) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on April 10, 2016, the Committee on Finance considered a communication, dated April 6, 2018, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit "1" (the "modification" or "MN-6"), to modify units of appropriation and transfer City funds between various agencies in the amount of \$970,333,665 in the Fiscal 2018 expense budget as adopted by the Council on June 6, 2017, as modified on September 27, 2017, January 16, 2018, and February 15, 2018 pursuant to Section 107(b) of the New York City Charter (the "Charter").

Analysis. 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 6, 2017, the Council adopted the expense budget for Fiscal 2018 (the "Fiscal 2018 Expense Budget"). On September 27, 2017, January 16, 2018, and February 15, 2018 the Council modified the Fiscal 2018 Expense Budget. This Modification reallocates appropriations in the amount of \$970,333,665 that were reflected in the Fiscal 2018 Expense Budget to implement changes reflected in the November and February Financial Plan and to fund City Council initiatives and other discretionary programs. The net effect of the modification is zero (see attached reference sheet for details by agency).

The changes included in the modification have an associated headcount addition of 1,734 positions overall, 918 of which would be City-funded. The headcount changes are shown in the Financial Plan, however, and not in the Modification.

Headcount Additions in FY18		
	TOTAL	City
Nov Plan		
New Needs	161	149
Other Adjustments	809	256
Sub-Total	970	405
Feb Plan		
New Needs	476	458
Other Adjustments	288	55
Sub-Total	764	513
TOTAL	1,734	918

Below is a list of the major actions for Fiscal 2018 contained in the Expense Budget modification which the Administration is requesting that the Council approve:

Department of Homeless Services

- **Homeless Shelter Re-estimate - \$169.9 million:** The budget modification increases shelter spending for the remainder of Fiscal 2018 by \$169.9 million, of which \$150 million are City funds. Of the \$150 million in City funds, \$5.5 million support shelters for families with children, \$28.1 million support adult family shelters, and \$116.4 million support single adult shelters.

Department of Education

- **NYC School Support Services - \$50 million:** The budget modification increases the budget for New York City School Support Services (NYC SSS), the non-profit entity that provides custodial support to Department of Education (DOE) schools by \$50 million. The funding being added to the Fiscal 2018 budget is for fringe costs, which were higher than expected, and for the cost of custodial services at new schools: NYC SSS hired 63 staff for schools that opened in Fall 2016 (Fiscal 2017) and 60 new staff for schools that opened in Fall 2017 (Fiscal 2018).
- **Custodial Operations - \$21 million:** The budget modification would lower the budget for DOE custodial operation by \$21 million. This reflects internal savings from within the DOE's School Facilities budget that are being used to offset some of the additional NYC SSS-related need. There is \$9.9 million in savings associated with custodial engineers taking on additional assignments following the transition to NYC SSS, enabling the phase out of Temporary Care positions, and \$10.6 million in savings from custodial service contracts that have ended
- **Absent Teacher Reserve (ATR) Employee Departure program - \$15.7 million:** The budget modification reflects a savings of \$15.7 million in DOE's Fiscal 2018 budget as a result of the Absent Teacher Reserve Employee Departure program, which encourages retirement by employees of the appropriate age. Through this initiative, DOE no longer has to pay the salary for the employee in the ATR pool.
- **6th Period Coverage - \$16.4 million:** DOE will generate a savings of \$16.4 million in Fiscal 2018 by encouraging schools to use a variety of choices available for 6th period coverage as a way to reduce excess per session costs, such as hiring a substitute or a teacher from the ATR pool to cover this time.
- **School Food Revenue Adjustment - \$38 million:** This budget modification recognizes an additional \$38 million in federal revenue for school food, which support DOE's Universal Free Lunch program. This additional revenue replaces City funding by the corresponding amount in Fiscal 2018.

Department of Small Business Services

- **NYC School Bus Grant Program - \$41.8 million:** The modification would add \$41.8 million to the Department of Small Business Services for the school bus grant program to support the employment of experienced school bus workers impacted by changes in the Department of Education's contracts for school bus transportation. To date, all grants made through this program have gone to Reliant Transportation.

Department of Correction

- **Close GMDC Jail on Rikers Island - \$10.2 million:** The Budget Modification will reduce DOC's Budget by \$10.2 million in Fiscal 2018 due to the closure of GMDC. According to the Department, current GMDC uniform staff will be transferred to other facilities once the Department starts transferring the 18-year-old inmates.

New York Police Department

- **Police Department Civilian Accruals - \$19.6 million:** The Budget Modification recognizes \$19.6 million in civilian accruals in Fiscal 2018 for the Police Department. According to the Police Department, these accruals are various civilian titles, including traffic enforcement agents, none of which would impact patrol services. These accruals are a result of hiring delays, due to the lengthy and time-consuming background investigation by the Department for all new hires.

Miscellaneous Budget

- **Fringe Benefits - \$233.3 million:** Federally negotiated fringe reimbursement rates will result in additional revenues that offset City costs at ACS, DHS, and HRA. Additionally, a number of re-estimates will reduce the cost of fringe benefits, including health insurance and workers' compensation.

- **General Reserve - \$500 million:** Funds were added to the General Reserve which are allocated through the Revenue Budget modification.

- **Debt Service Reestimate - \$167.7 million:** The largest portion of this savings, nearly \$119 million, is due to OMB revising its assumptions of the interest rates the City pays on its variable-rate bonds. An additional \$20 million is realized due to the refunding of general obligation bonds.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of approval.

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

TO: Honorable Corey Johnson
Speaker

Honorable Daniel Dromm
Chair, Finance Committee

FROM: Latonia R. McKinney, Director
Ray Majewski, Deputy Director/Chief Economist
Paul Scimone, Deputy Director
Regina Poreda Ryan, Deputy Director
Nathan Toth, Deputy Director
Rebecca Chasan, Counsel

DATE: April 10, 2016

SUBJECT: A budget modification (MN-6) for Fiscal Year 2018 to implement changes in the City's expense budget.

INITIATION: By letter dated April 6, 2018, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds between various agencies in the amount of \$970,333,665 to implement changes in the City's expense budget.

BACKGROUND: MN-6 reallocates appropriations that were reflected in the Fiscal 2018 Adopted Budget to implement expense budget changes which were reflected in the November and February Financial Plans and to fund City Council local initiatives as well as other discretionary programs.

FISCAL IMPACT: MN-6 represents the reallocation of appropriations. The net effect of this modification is zero.

Accordingly, this Committee recommends its adoption.

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

Res. No. 297

RESOLUTION APPROVING THE MODIFICATION (MN-6) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.

By Council Member Dromm.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on April 10, 2016, the Committee on Finance considered a communication, dated April 6, 2018, from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit 1 (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$970,333,665 in the Fiscal 2018 expense budget as adopted by the Council on June 6, 2017, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

ATTACHMENT:

(For text of the MN-6 numbers, please refer to the City Council website at <http://council.nyc.gov> for the MN-6 attachment to [M-30 of 2018](#))

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS; Committee on Finance, April 11, 2018.

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 M-31

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the Appropriation of new revenues in Fiscal Year 2018, pursuant to Section 107(e) of the New York City Charter (MN-7).

The Committee on Finance, to which the annexed communication was referred on March 22, 2018 (Minutes, page 1114) and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on April 10, 2018, 2018, the Council considered a communication from the Office of Management and Budget of the Mayor dated March 16, 2018, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2018 Expense Budget Plan, and the revenue estimate related thereto prepared by the Mayor as of March 16, 2018.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 14, 2016, the Council adopted the expense budget for fiscal year 2018 (the "Fiscal 2018 Expense Budget"). On June 6, 2017, the Council adopted the expense budget for fiscal year 2018 (the "Fiscal 2018 Expense Budget"). On September 27, 2017 the Council adopted MN-1 modifying the Fiscal 2018 Expense Budget. On January 16, 2018 the Council adopted MN-4 and on February 15, 2018 the Council adopted MN-5 further modifying the Fiscal 2018 Expense Budget.

Circumstances have changed since the Council last amended the Fiscal 2018 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding, or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2018 Expense Budget and related revenue estimate requested in the communication.

This modification (MN-7) seeks to increase revenues in the net amount of \$783.8 million compared to the Fiscal 2018 Adoption Plan. This represents an increase in City funds of approximately 1.3 percent.

MN-7 is the first revenue modification of Fiscal 2018 and it reflects changes since the Adoption Plan, which are outlined in the February Plan.

MN-7 recognizes \$783.8 million in increased revenues, including \$493.7 million in tax revenue, \$190.1 million in miscellaneous revenues, and \$100 million in reduced disallowances.

Tax revenues increased by \$493.7 million. The increase primarily reflects two administrative actions – audits and property tax reserves. Audit collections increased by \$449 million since Adoption. \$400 million of the increase came from a small group of banks paying the bank corporation tax, which is now merged into the general corporation tax. Real property tax collections increased by \$268 million, and were largely attributed to a \$188 million takedown of a reserve held for the nonpayment of property tax. The reserve is usually taken down over the course of the year. There was also \$78.1 million in additional revenues from PILOTs (Payments in Lieu of Taxes), with the lion's share (\$49 million) from the Battery Park City Authority. Offsetting the increases was a steep \$480 million reduction in general corporation tax collections. The corporation tax has experienced weak collections since Fiscal 2016. There remains uncertainty as to how much of the decline was due to past economic conditions and how much from the City's business tax reforms of 2015. There was also \$86.6 million in additional revenue posted under Tax Reduction Program. This represents no actual change in revenue, but simply a change in bookkeeping. The revenue loss from expanding the Senior Home Exemption, the Disability Home Exemption and Veterans Exemption has been moved from a separate line called Tax Reduction Program, to being incorporated in net property tax collections.

For Fiscal 2018, miscellaneous revenues increased by \$190.1 million. This included a \$55 million increase from licenses, permits, and franchises. It also includes a \$53 million increase from fines and forfeitures.

There is also a one-time \$100 million addition in the Revenue Budget from the reduction of a liability set up to cover any disallowances of State and Federal categorical grants. An example of such disallowance is a 2009 settlement with the Federal government in which New York State returned \$540 million, \$100 million of which was paid back by the City. This reduction of disallowances represents a judgement by OMB and the Comptroller that the risk posed by these categorical grants is no longer great enough to require all of the \$553 million liability currently on the City's balance sheet.

This budget modification adds \$2.58 billion to the Budget Stabilization Account, which will prepay debt service for Fiscal 2019. This addition is funded by a \$400 million reduction in Prior Year Payables, and a \$1.4 billion reduction of the General Reserve. Prior to MN-6 at Adoption, the General Reserve contained \$1.2 billion. MN-6 added \$500 million to the General Reserve for a total of \$1.7 billion. After MN-7, \$300 million will remain in the General Reserve.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2018 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

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

TO: Honorable Corey Johnson
Speaker

Honorable Daniel Dromm
Chair, Finance Committee

FROM: Latonia McKinney, Director, Finance Division
Raymond Majewski, Deputy Director/Chief Economist, Finance Division
Rebecca Chasan, Counsel
Paul Sturm, Supervising Economist,
Hector German Financial Analyst, Finance Division

DATE: April 10, 2018

SUBJECT: A Budget Modification (MN-7) for Fiscal 2018 that will appropriate \$783.8 million in new revenues.

INITIATION: By letter dated March 16, 2018, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$783.8 million in new revenues. These new revenues, combined with additional resources of \$400 million of Prior Year Payables, and \$1.4 billion from the General Reserve, will be used to increase the Budget Stabilization Account by \$2.58 billion.

BACKGROUND: This modification (MN-7) seeks to recognize \$783.8 million in new revenues, and combines \$400 million in Prior Year Payables, and \$1.4 billion from the General Reserve, implementing changes reflected in the 2018 February Financial Plan. Of these funds, the total amount of \$2.58 billion is added to the Budget Stabilization Account, which will prepay debt service for Fiscal 2019.

FISCAL IMPACT: This adoption represents a net increase in the Fiscal 2018 budget of \$783.8 million.

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 298

RESOLUTION APPROVING A MODIFICATION (MN-7) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Dromm.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on April 10, 2018, the Committee on Finance considered a communication, dated March 16, 2018, from the Office of Management and Budget of the Mayor of the City of New York (the "Mayor"), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the "Charter"), attached hereto as Exhibit A (the "Request to Appropriate"); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

NOW, THEREFORE, The Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2018 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

3. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT:

(For text of the MN-7 numbers, please refer to the City Council website at <http://council.nyc.gov> for the MN-6 attachment to [M-31 of 2018](#))

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, April 11, 2018.

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 Governmental Operations

Report for Int. No. 241-B

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law in relation to establishing a charter revision commission to draft a new or revised city charter.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 420), respectfully

REPORTS:

I. INTRODUCTION

Today, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, will hold a vote on Proposed Int. No. 241-B, a bill that would establish a Charter Revision Commission to draft a new or revised Charter of the City of New York. An earlier version of this bill was heard in this Committee on March 16, 2018.

II. BACKGROUND

The New York State Constitution and state law grant the City general powers and rights, while the organization of City government and the distribution of these powers are set forth in the New York City Charter.¹ Since the adoption of the first City Charter in 1897, it has been amended more than 100 times.² While the most common method of changing the Charter is through local law, certain significant changes must be approved by the voters at an election.³ There are three ways a proposed change to the Charter can appear on the ballot: (1) following the passage of a local law that directs that the local law be submitted to the electorate for approval; (2) by a petition that gathers a requisite number of signatures; or (3) through a Charter Revision Commission, created by the Mayor, the City Council, or by petition.⁴

1989 Charter Revision Commission

The modern structure of New York City government was established through proposals from a Charter Revision Commission established in 1989.⁵ For much of the twentieth century, the City was effectively governed by the Mayor and the Board of Estimate, a body composed of the Mayor, Comptroller, the President of the City Council—each with two votes—and the five Borough Presidents—each with one vote.⁶ The Board of Estimate controlled the land use process, approved franchises, and entered into contracts on behalf of the City.⁷ In conjunction with the Council, the Board formulated and approved the budget.⁸ During this period, the Council

¹ N.Y. Const. art. IX, *see generally* N.Y. Stat. of Local Gov'ts Law and N.Y. Mun. Home Rule Law.

² *See* Laws of 1897, ch. 378; N.Y.C. Charter Revision Commission, Final Report Of The 2010 New York City Charter Revision Commission,

³ N.Y. Mun. Home Rule Law § 23; N.Y.C. Charter § 38.

⁴ *Id.*

⁵ N.Y.C. Charter Revision Commission, *Final Report of the New York City Charter Revision Commission* (Mar. 1990), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1989_final_post-election_report.pdf.

⁶ Frederick A.O. Schwarz, Jr. & Eric Lane, *The Policy and Politics of Charter Making: The Story of New York City's 1989 Charter*, 42 NYL Sch. L. Rev. 723, 766-768 (1998).

⁷ *Board of Estimate of City of New York v. Morris*, 489 U.S. 688, 694 n. 4 (1989).

⁸ *Id.*

had the authority to pass local laws, but in terms of power, influence, and reputation, it was largely considered a secondary institution.⁹

As the population of each borough varied significantly, the Board of Estimate's structure caused residents of more populous boroughs to have less representational power than residents from less populous boroughs.¹⁰ In 1981, a group of Brooklyn voters challenged this voting scheme as violating the "one person-one vote" principle found in the Equal Protection Clause of the Constitution.¹¹ Following a district court ruling against the Board in 1986, Mayor Ed Koch established a two-year Charter Revision Commission, chaired by Richard Ravitch, to propose appropriate changes to the Board.¹² However, in 1988, the U.S. Supreme Court decided to hear the case, causing the Commission to defer any proposals relating to structural changes.¹³

Anticipating a ruling against the City in 1989, the work of the Ravitch Commission was resumed in early 1989 by a new Commission, chaired by Frederick A. O. Schwarz Jr.¹⁴ As expected, shortly after the formation of the new Commission, the Supreme Court ruled that the structure of the Board of Estimate violated the Equal Protection Clause.¹⁵ The Commission considered reforming the Board of Estimate, but ultimately elected to propose abolishing the Board after concluding that it "had flaws beyond its representational illegality."¹⁶ The Schwarz Commission not only addressed the legal infirmities of the Board, but conceived of a new streamlined system of government designed to redistribute power and increase minority representation.¹⁷ Many of the Board's land use, franchise, and budget powers were shifted to an expanded City Council, which grew from 35 to 51 Members.¹⁸ The Board's contracting powers were divided between the Council and Mayor, with the Council approving the contract budget and Mayoral agencies awarding contracts.¹⁹ These changes were designed to "separate the executive and legislative branches of government with the legislature making policy and the executive carrying it out."²⁰ In November 1989, voters approved the new Charter, with 55% supporting the measure.²¹

Post-1989 Commissions

After the Schwarz Commission, subsequent Charter Revision Commissions focused more narrowly on particular issues, often proposing changes that could be achieved through local law. It would be nearly a decade before another Charter Revision Commission was convened. In 1998, Mayor Rudolph Giuliani established a Commission, chaired by Peter Powers, which considered five issues: (1) whether to adopt nonpartisan elections; (2) whether to adopt further campaign finance reform, including a ban on corporate contributions; (3) whether the land use process should be streamlined; (4) whether to adopt new rules for procurement; and (5) whether city offices function effectively.²² In practice, the Commission's work focused heavily on nonpartisan elections,

⁹ N.Y.C. Charter §§ 21 and 28 (1988); Schwarz, Jr. & Lane at 779-783.

¹⁰ N.Y.C. Charter Revision Commission, *Final Report of the New York City Charter Revision Commission 2-3* (Mar. 1990), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1989_final_post-election_report.pdf.

¹¹ *Board of Estimate of City of New York v. Morris*, 489 U.S. 688, 690-691 (1989).

¹² N.Y.C. Charter Revision Commission, *Report of the New York City Charter Revision Commission Volume One 14-15* (Jan. 1989), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1986-1988_final_report.pdf.

¹³ N.Y.C. Charter Revision Commission, *Report of the New York City Charter Revision Commission Volume One 12-13* (Jan. 1989), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1986-1988_final_report.pdf.

¹⁴ Frederick A.O. Schwarz, Jr. & Eric Lane, *The Policy and Politics of Charter Making: The Story of New York City's 1989 Charter*, 42 NYL Sch. L. Rev. 723, 736 (1998).

¹⁵ *Board of Estimate of City of New York v. Morris*, 489 U.S. 688 (1989).

¹⁶ Frederick A.O. Schwarz, Jr. & Eric Lane, *The Policy and Politics of Charter Making: The Story of New York City's 1989 Charter*, 42 NYL Sch. L. Rev. 723, 765-66 and 771 (1998).

¹⁷ N.Y.C. Charter Revision Commission, *Final Report of the New York City Charter Revision Commission 4-6* (Mar. 1990), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1989_final_post-election_report.pdf.

¹⁸ N.Y.C. Charter Revision Commission, *Final Report of the New York City Charter Revision Commission 11, 16-23* (Mar. 1990), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1989_final_post-election_report.pdf.

¹⁹ N.Y.C. Charter Revision Commission, *Final Report of the New York City Charter Revision Commission 11, 24-25* (Mar. 1990), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1989_final_post-election_report.pdf.

²⁰ N.Y.C. Charter Revision Commission, *Summary of Final Proposals 3* (Aug. 1989), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1989_final_report.pdf.

²¹ N.Y.C. Charter Revision Commission, *Final Report of the New York City Charter Revision Commission 1* (Mar. 1990), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1989_final_post-election_report.pdf.

²² N.Y.C. Charter Revision Commission, *Report of the New York City Charter Revision Commission 4* (Aug. 1998), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1998_final_report.pdf.

campaign finance reform, and whether to make the City Council full-time.²³ The only proposal that made it onto the ballot addressed campaign finance.²⁴

While the 1998 Commission was ostensibly designed to promote efficiency in government and examine the need for electoral reforms, Mayor Giuliani was largely motivated by a desire to block the appearance of another item on the ballot—a measure to prohibit public money from being used to build a stadium for the New York Yankees outside of the Bronx.²⁵ Under State law, ballot questions submitted by a Mayoral-created Charter Revision Commission “bump” questions relating to Charter revision submitted by petition or local law, meaning that they do not appear on the ballot that year.²⁶ In spite of widespread criticism of the Commission as a rushed political move, the proposal was adopted.²⁷

1999 Charter Revision Commission

The next year, Mayor Giuliani convened another Charter Revision Commission, chaired by former Deputy Mayor Randy Mastro, with the goal of making government “more efficient and better organized and more responsive to the public's needs.”²⁸ Again, however, the true aim of the Commission appeared to be primarily political—the Mayor was running for the Senate and hoped to prevent then-Public Advocate Mark Green from succeeding him.²⁹ Critics also noted that the majority of the Commissioners served in the Mayor’s Administration or were appointees to other mayoral boards.³⁰ The final proposal, appearing as a single question, included 14 items such as the creation of gun-free school zones, mandating a cap on spending increases in the budget, making tax increases more difficult, making the Human Rights Commission permanent, and establishing an Organized Crime Commission.³¹ The most controversial measure—altering the mayoral succession process so that a special election would be held within 60 days of a vacancy—was drafted to only take effect after Mayor Giuliani’s term ended.³² Despite this change, the measure was resoundingly defeated, with more than 75% of voters disapproving.³³

2001 Charter Revision Commission

Just months before leaving office, Mayor Giuliani convened yet another Charter Revision Commission, again chaired by Randy Mastro, “to make innovations in government that occurred” during his term in office

²³ N.Y.C. Charter Revision Commission, *Report of the New York City Charter Revision Commission 24-27* (Aug. 1998), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1998_final_report.pdf; Dan Barry, *Modest Charter Plan Serves a Mayoral Goal*, N.Y. Times, Aug. 20, 1998, available at <http://www.nytimes.com/1998/08/20/nyregion/modest-charter-plan-serves-a-mayoral-goal.html>.

²⁴ N.Y.C. Charter Revision Commission, *Report of the New York City Charter Revision Commission 7* (Aug. 1998), available at http://www1.nyc.gov/assets/charter/downloads/pdf/1998_final_report.pdf.

²⁵ Dan Barry, *Charter Panel’s Mayoral Misery Tour; Giuliani Tactic Draws Eccentricity and Anger in 5 Boroughs*, N.Y. TIMES, Jul. 16, 1998, available at <http://www.nytimes.com/1998/07/16/nyregion/charter-panel-s-mayoral-misery-tour-giuliani-tactic-draws-eccentricity-anger-5.html>; Int. 335-1998.

²⁶ N.Y. State Municipal Home Rule Law § 36(5)(e).

²⁷ Dan Barry, *Giuliani Criticized on Charter Plans*, N.Y. TIMES, Jun. 30, 1998, available at <http://www.nytimes.com/1998/06/30/nyregion/giuliani-criticized-on-charter-plans.html>; Bruce Lambert, *The 1998 Election: The Charter; After Giuliani’s Success With Campaign Finance Referendum, a New Battle Looms*, N.Y. TIMES, Nov. 6, 1998, available at <http://www.nytimes.com/1998/11/06/nyregion/1998-election-charter-after-giuliani-s-success-with-campaign-finance-referendum.html>.

²⁸ Press Release, N.Y.C. Office of the Mayor, *Mayor Giuliani Convenes The City’s New Charter Revision Commission*, Jun. 15, 1999, available at <http://www.nyc.gov/html/om/html/99a/pr225-99.html>.

²⁹ Abby Goodnough, *Former Head of Charter Panel Attacks Giuliani’s Latest Plan*, N.Y. TIMES, Jul. 1, 1999, available at <http://www.nytimes.com/1999/07/01/nyregion/former-head-of-charter-panel-attacks-giuliani-s-latest-plan.html>; Dan Barry, *A Mayor’s Like-Minded Charter Panel*, N.Y. TIMES, Jun. 17, 1999, available at <http://www.nytimes.com/1999/06/17/nyregion/a-mayor-s-like-minded-charter-panel.html>.

³⁰ Dan Barry, *A Mayor’s Like-Minded Charter Panel*, N.Y. TIMES, Jun. 17, 1999, available at <http://www.nytimes.com/1999/06/17/nyregion/a-mayor-s-like-minded-charter-panel.html>.

³¹ N.Y.C. Campaign Finance Board, ‘99 Charter Revision – Question 1 – Charter Change, http://www.nycfb.info/public/voter-guide/voter_99/ballot_99/text.htm (last accessed Mar. 4, 2018).

³² *Id.*

³³ N.Y.C. Board of Elections, 1999 General Election Results, http://www.vote.nyc.ny.us/downloads/pdf/results/1999/generalelection/1999g_results.pdf (last accessed Mar. 4, 2018).

permanent.³⁴ The new Commission's proposals heavily drew from the less controversial issues raised by the 1999 Charter Revision Commission, such as making the Administration for Children's Services, the Human Rights Commission, and the Mayor's Office of Immigrant Affairs permanent Charter agencies and creating gun-free school zones.³⁵ In addition, the Commission proposed additional anti-gun provisions, combining the Departments of Health and Mental Hygiene, expanding membership on the Board of Health, and making the Office of Emergency Management a Charter agency.³⁶ Unlike the 1999 ballot proposal, these measures were presented as five separate questions, with each passing.³⁷

2002 Charter Revision Commission

In June 2002, Mayor Michael Bloomberg announced a Charter Revision Commission chaired by former Police Commissioner Robert McGuire.³⁸ The Mayor asked that the Commission examine nonpartisan elections and Mayoral succession—both controversial topics addressed by Commissions convened by Mayor Giuliani.³⁹ Following significant opposition, the Commission deferred further consideration of the nonpartisan elections; however the remaining issue placed on the ballot—whether the Charter should require a special election within 60 days of a mayoral vacancy—passed with more than 60% of the vote.⁴⁰

2003 Charter Revision Commission

In March 2003, Mayor Bloomberg convened another Charter Revision Commission, chaired by then-President of St. Francis College Frank J. Macchiarola, again with the purported goal of addressing nonpartisan elections.⁴¹ However, the creation of a Commission that year also carried the benefit of bumping another question from appearing on the ballot that would call for a Commission to address limits on class sizes in City schools.⁴²

Unlike previous attempts, a question proposing nonpartisan election did make it to the ballot, along with two other measures: changes to the City's procurement policies; and a number of changes, consolidated into a single question, regarding government administration, including new rules of conduct for administrative judges, expansion of the tribunal authority of the Department of Consumer Affairs, increased penalties for Conflicts of Interest Board violations, and the elimination of the Preliminary Mayor's Management Report.⁴³ All three

³⁴ Press Release, N.Y.C. Office of the Mayor, *Mayor Giuliani Announces Formation of Charter Revision Commission to Preserve Innovations in Government*, Jun. 15, 2001, available at <http://www.nyc.gov/html/om/html/2001a/pr208-01.html>.

³⁵ N.Y.C. Charter Revision Commission, *Final Report of 2001 Charter Revision Commission 1-3* (2001), available at http://www1.nyc.gov/assets/charter/downloads/pdf/2001_final_report.pdf.

³⁶ *Id.*

³⁷ N.Y.C. Board of Elections, 2001 General Election Results, <http://vote.nyc.ny.us/downloads/pdf/results/2001/generalelection/general2001.pdf> (last accessed Mar. 4, 2018).

³⁸ N.Y.C. Charter Revision Commission, *The City in Transition: Interim Succession and the Mayoralty – Report of the New York City Charter Revision Commission 4* (Sept. 2002), available at http://www1.nyc.gov/assets/charter/downloads/pdf/2002_final_report.pdf.

³⁹ Jennifer Steinhauer, *Charter Revision Opponents Prepare to Battle Bloomberg*, N.Y. TIMES, Jul. 19, 2002, available at <http://www.nytimes.com/2002/07/19/nyregion/charter-revision-opponents-prepare-to-battle-bloomberg.html>.

⁴⁰ Michael Cooper, *Mayor Calls Charter Panel's Rejection of His Plan Proof of Its Independence*, N.Y. TIMES, Sept. 4, 2002, available at <http://www.nytimes.com/2002/09/04/nyregion/mayor-calls-charter-panel-s-rejection-of-his-plan-proof-of-its-independence.html>; N.Y.C. Charter Revision Commission, *The City in Transition: Interim Succession and the Mayoralty – Report of the New York City Charter Revision Commission 13 and 18* (Sept. 2002), available at http://www1.nyc.gov/assets/charter/downloads/pdf/2002_final_report.pdf; N.Y.C. Board of Election, 2002 General Election Results, <http://vote.nyc.ny.us/downloads/pdf/results/2003/general/g2003recaps.pdf> (last accessed Mar. 4, 2002).

⁴¹ Press Release, N.Y.C. Office of the Mayor, *Mayor Michael R. Bloomberg Announces Appointment of Frank J. Macchiarola as Chair of the Charter Revision Commission*, Mar. 26, 2003, available at <http://www1.nyc.gov/site/charter/news/march-26-2003.page>.

⁴² David M. Herszenhorn, *Group Wants the City Charter To Set Limits on Class Sizes*, N.Y. TIMES, Aug. 19, 2003, available at <http://www.nytimes.com/2003/08/19/nyregion/group-wants-the-city-charter-to-set-limits-on-class-sizes.html>; Michael Cooper, *Appeals Court Blocks Vote On Lowering City Class Sizes*, N.Y. TIMES, Oct. 21, 2003, available at <http://www.nytimes.com/2003/10/21/nyregion/appeals-court-blocks-vote-on-lowering-city-class-sizes.html>.

⁴³ N.Y.C. Charter Revision Commission, *Enhancing Access, Opportunity & Competition: A Blueprint for Reform – Final Report – N.Y.C. Charter Revision Commission 4-9* (Sept. 2003), available at http://www1.nyc.gov/assets/charter/downloads/pdf/final_report2003.pdf.

proposal failed by a wide margin, with 70% of voters rejecting nonpartisan elections, 63% rejecting changes to the procurement policies, and 65% rejecting the Commission's government administration reforms.⁴⁴

2004-2005 Charter Revision Commission

In August 2004, Mayor Bloomberg established yet another Commission, chaired by then-Special Advisor to the Mayor Esther Fuchs, asking that they “explore the issues of fiscal stability, judicial reform and administrative efficiency and accountability.”⁴⁵ Again, the creation of the Commission coincided with an effort to place a question on the ballot calling for a Commission to address limits on class sizes, allowing Mayor Bloomberg to ensure the proposal was not placed before voters during the 2005 elections.⁴⁶

After a year-long review, the Commission elected to place just two proposals on the ballot: (1) requiring the issuance of rules establishing a code of professional conduct for administrative law judges, largely mirroring a failed proposal from the 2003 Commission; and (2) codifying certain State law balanced budget and audit requirements in the Charter.⁴⁷ Both proposals passed, with 79% supporting the ethics proposal and 76% supporting the budget measure.⁴⁸

2010 Charter Revision Commission

In his 2008 State of the City speech, Mayor Bloomberg pledged to appoint a Commission that would “conduct a top-to-bottom review of City government,” in the model of the 1989 Commission.⁴⁹ However, the plans for a robust Commission were delayed as the Mayor launched a bid for a third term.⁵⁰ During his campaign, the Mayor secured the support of Ron Lauder, a prominent advocate for a two-term limit, in exchange for an appointment to a Charter Revision Commission that would examine term limits.⁵¹

While Mr. Lauder did not join the Commission that was later formed, the promised broad mandate now included term-limits.⁵² Chaired by then-Chancellor of the City University of New York Matthew Goldstein, the Commission began its work in the spring of 2010, focusing on term limits, voter participation, public integrity,

⁴⁴ N.Y.C. Board of Elections, 2003 General Election Results, <http://vote.nyc.ny.us/downloads/pdf/results/2003/general/g2003recaps.pdf> (last accessed Mar. 5, 2018); Jonathan P. Hicks & Michael Cooper, *The 2003 Election: City Charter; City Votes Down An Effort To End Party Primaries*, N.Y. TIMES, Nov. 5, 2003, available at <http://www.nytimes.com/2003/11/05/nyregion/the-2003-election-city-charter-city-votes-down-an-effort-to-end-party-primaries.html>.

⁴⁵ Press Release, N.Y.C. Office of the Mayor, *Mayor Michael R. Bloomberg Announces Appointments to Charter Revision Commission*, Aug. 19, 2004, available at <http://www1.nyc.gov/site/charter/news/mayor-michael-r.-bloomberg-announces-appointment-of-frank-j.-macchiarola-as-chair-of-the-charter-revision-commission.page>.

⁴⁶ Nick Confessore, *Miller Seeks Referendum Limiting Size of Classes*, N.Y. TIMES, Jul. 27, 2005, available at <http://query.nytimes.com/gst/fullpage.html?res=9906E1DA133FF934A15754C0A9639C8B63>; Winnie Hu, *Accusations After Bloomberg Thwarts Miller on Class Size*, N.Y. TIMES, Aug. 7, 2005, available at <http://query.nytimes.com/gst/fullpage.html?res=9907E3D6163EF934A3575BC0A9639C8B63>.

⁴⁷ N.Y.C. Charter Revision Commission, *Advancing Accountability: Balanced Budgets and Administrative Ethics – Final Report of the 2004-2005 N.Y.C. Charter Revision Commission* 26-48 (Aug. 2005), available at http://www1.nyc.gov/assets/charter/downloads/pdf/final_report_2005.pdf.

⁴⁸ N.Y.C. Board of Elections, *Statement and Return Report for Certification – General Election 2005 – For Q3 Ethics Code for City Administrative Judges* (Nov. 2005), available at <http://vote.nyc.ny.us/downloads/pdf/results/2005/general/CityWide/Crossover%20Ethics%20For%20Administrative%20Judges.pdf>; N.Y.C. Board of Elections, *Statement and Return Report for Certification - General Election 2005 – For Q4 Balanced Budget And Other Fiscal Requirement* (Nov. 2005), available at <http://vote.nyc.ny.us/downloads/pdf/results/2005/general/CityWide/Crossover%20Balanced%20Fiscal%20Requirements.pdf>.

⁴⁹ Prepared Text if Mayor Bloomberg's 2008 State of the City Address, Jan. 17, 2008, available at <http://www.nytimes.com/2008/01/17/nyregion/17stateofnyc.html>.

⁵⁰ Douglas Muzzio, *Bloomberg Moves to Change the Charter, But How?*, GOTHAM GAZETTE, Mar. 8, 2010, available at <http://www.gothamgazette.com/index.php/city/467--bloomberg-moves-to-change-the-city-charter-but-how->.

⁵¹ Erin Einhorn, *Term limit deal: Ronald Lauder agrees to stay out of legal battle in return for city board city*, N.Y. DAILY NEWS, Oct. 6, 2008, available at <http://www.nydailynews.com/news/term-limit-deal-ronald-lauder-agrees-stay-legal-battle-return-city-board-seat-article-1.299400>; Michael Barbaro & Sewell Chan, *Lauder and Bloomberg Strike a Deal*, N.Y. TIMES, Oct. 8, 2008, available at <https://cityroom.blogs.nytimes.com/2008/10/08/lauder-will-support-mayor-on-term-limits/>.

⁵² N.Y.C. Charter Revision Commission, *Final Report of the 2010 N.Y.C. Charter Revision Commission* i, vi-ix (Aug. 2010), available at http://www1.nyc.gov/assets/charter/downloads/pdf/final_report_of_the_2010_charter_revision_commission_9-1-10.pdf.

government structure, and land use.⁵³ Just two proposals were placed on the ballot, one on term limits and another, broader question covering a number of issues regarding the City's government, including disclosure of independent expenditures, reduced signature requirements to get onto the ballot, mandatory training and increased penalties relating to conflicts of interest, consolidating administrative tribunals, and reviewing reports and advisory boards for continued relevance.⁵⁴ Both proposals were approved by large margins, with 74% approving a two-term limit for City elected officials and 83% approving City administrative changes.⁵⁵

The Mayor's Recent Charter Revision Commission Announcement

During his 2018 State of the City speech, Mayor Bill de Blasio announced that he would appoint a Charter Revision Commission, with "the mandate to propose a plan for deep public financing of local elections."⁵⁶ He went on to state that "we need to build on [the decades of campaign finance reform in the city] by going even further for the times we're living in now. Our goal is for elections to be funded primarily by public dollars, greatly reducing the power of big money."⁵⁷

Making changes to the Campaign Finance Act, such as increasing public matching funds or decreasing contribution limits (seemingly two areas of interest for Mayor de Blasio, based on his 2018 State of the City speech), would typically be done via the enactment of local laws by the Council to change applicable provisions of the New York City Administrative Code. They would not typically be changes handled by amending the Charter, which primarily concerns the structure of City government rather than the details of specific programs. For this reason, the New York Times called the Mayor's plan for campaign finance changes "somewhat muddled," and described the Mayor as "using a tactic beloved by... [Mayors] Bloomberg and...Giuliani, who convened charter revision commissions...[that were] often criticized as...seeking policy changes that would have been more appropriately handled as legislation by the City Council."⁵⁸ The day after Mayor de Blasio's speech, the New York Times editorial board wondered of the Mayor's Charter Revision Commission was necessary: "Why bother with a process that may well run a tortuous course? Nothing stops Mr. de Blasio from immediately drafting legislation to get the same result, and persuading the City Council to pass it."⁵⁹ The Mayor's approach has also been criticized by Citizens Union.⁶⁰

Since the Council originally passed the Campaign Finance Act in 1988, the Council has routinely updated and strengthened the Act to ensure its success. These efforts have included progressively lower contribution limits and increased public matching funds formulas over time, the same ideas that the Mayor proposed in his 2018 State of the City speech. The program has won praise from reformers as a national model for successful reform.⁶¹ Some highlights of the Council's reform efforts are below.

⁵³ N.Y.C. Charter Revision Commission, *Final Report of the 2010 N.Y.C. Charter Revision Commission* vi (Aug. 2010), available at http://www1.nyc.gov/assets/charter/downloads/pdf/final_report_of_the_2010_charter_revision_commission_9-1-10.pdf.

⁵⁴ N.Y.C. Charter Revision Commission, *Final Report of the 2010 N.Y.C. Charter Revision Commission* 11, 54 (Aug. 2010), available at http://www1.nyc.gov/assets/charter/downloads/pdf/final_report_of_the_2010_charter_revision_commission_9-1-10.pdf.

⁵⁵ N.Y.C. Board of Elections, *Statement and Return Report for Certification – General Election 2010 – Term Limits* (Nov. 2010), available at <http://vote.nyc.ny.us/downloads/pdf/results/2010/General/23.9CitywideTermLimitsQuestionRecap.pdf>; N.Y.C. Board of Elections, *Statement and Return Report for Certification – General Election 2010 – Elections and Government Administration* (Nov. 2010), available at <http://vote.nyc.ny.us/downloads/pdf/results/2010/General/24.6CitywideElectionsAndGovAdminQuestionRecap.pdf>.

⁵⁶ Official Transcript: Mayor de Blasio Presents 2018 State of the City," available at <http://www1.nyc.gov/office-of-the-mayor/news/095-18/official-transcript-mayor-de-blasio-presents-2018-state-the-city>.

⁵⁷ *Id.*

⁵⁸ William Neuman, "Mayor Wants City Charter Revision to Tackle Campaign Finance," *New York Times* (February 12, 2018), available at <https://www.nytimes.com/2018/02/12/nyregion/de-blasio-charter-revision-campaign-contributions.html>

⁵⁹ Editorial, "Will Apathy Defeat de Blasio's Grand Plan for Democracy?" *New York Times* (February 14, 2018), available at <https://www.nytimes.com/2018/02/14/opinion/de-blasios-plan-democracy.html>.

⁶⁰ Erin Durkin, "De Blasio charter commission plan panned by good government group," *Daily News* (February 21, 2018), available at <http://www.nydailynews.com/news/politics/de-blasio-charter-commission-plan-panned-good-government-group-article-1.3834081>.

⁶¹ See, e.g. the Brennan Center's 2010 report entitled "Small Donor Matching Funds: The NYC Election Experience," available at <http://www.brennancenter.org/publication/small-donor-matching-funds-nyc-election-experience>, which calls the program "a model for reform nationwide."

- **1988:** The Council enacts the original Campaign Finance Act, instituting contribution limits that were significantly lower than under state law for candidates who opted into the program, and public matching funds for these candidates.⁶² The law does not regulate non-participating candidates.
- **Prior to 1989 election:** The Council amends the law in response to the first round of Campaign Finance Board rulemaking to clarify certain provisions and make the law less burdensome on participating candidates.⁶³
- **Prior to 1993 election:** The Council further simplifies reporting under the law to induce more candidates to participate in the system.⁶⁴
- **Prior to 1997 election:** The Council tightens reporting requirements to increase transparency and adds a debate requirement for participation in the program.⁶⁵
- **Prior to 2001 election:** The Council bans corporate contributions, lowers contribution limits and increases public matching funds ratios, further strengthening what by this time was considered the leading campaign finance program in the country.⁶⁶ It did so over the veto of Mayor Giuliani, and in the face of his attempt to supersede the Council's efforts by creating a Charter Revision Commission examining similar issues.
- **Prior to 2005 election:** The Council further increases the public match in certain instances and increases maximum public funds payments.⁶⁷ It also brings non-participating candidates under the purview of the law and the jurisdiction of the Campaign Finance Board.⁶⁸
- **Prior to the 2009 election:** The Council passes strong “pay-to-play” restrictions, sharply curtailing contributions to candidates from lobbyists and those who do business with the City, and closes corporate donation loopholes.⁶⁹ It also increases the public funds match ratio and instituted changes to empower small donors.⁷⁰
- **Prior to 2017 election:** The Council substantially strengthens the City's independent expenditure reporting requirements, making them the toughest in the country, reduces the appearance of undue influence by declining public matching funds to contributions bundled by lobbyists, and further streamlines the Act to encourage candidate participation.⁷¹ The Council also passes a law, the first of its kind in the country, regulating contributions to quasi-campaign groups controlled by elected officials that promote their agenda or otherwise benefit them politically.⁷²

III. ANALYSIS OF, AND CHANGES TO, PROPOSED INT. NO. 241-B

Proposed Int. No. 241-B would establish a Charter Revision Commission to draft a new or revised Charter of the City of New York.

⁶² Local Law 8 of 1988.

⁶³ Local Law 4 of 1989.

⁶⁴ Local Law 69 of 1990.

⁶⁵ Local Law 37 of 1994 and Local Law 90 of 1996, respectively.

⁶⁶ Local law 48 of 1998 and Local Law 21 of 2001.

⁶⁷ Local Laws 58, 59 and 60 of 2004

⁶⁸ *Id.*

⁶⁹ Local Law 17 of 2006

⁷⁰ *Id.*

⁷¹ Local Law 41 of 2014, Local Laws 166 through 173 and 182 through 194 of 2016.

⁷² Local Law 181 of 2016.

The Commission would consist of up to 15 members. Four would be appointed by the Mayor, and four would be appointed by the Speaker of the Council. Each Borough President, the Public Advocate, and the Comptroller would each have one appointment. One of the appointees would be designated by the Speaker as chairperson. Vacancies would be filled by the original appointing official, with the Commission being empowered to continue its work if there are vacancies so long as it has the requisite quorum.

An addition to the bill from when it was originally heard is a requirement that appointments to the Commission be made within 60 days of the enactment of this bill. After that time, any appointment authority that is unused would be forfeited, and the size of the Commission would be reduced commensurate with any such forfeited authority. For example, if one Borough President failed to appoint anyone within 60 days, but all other appointments were made, the Commission would consist of 14 members.

A quorum of the Commission would be a majority of the number of appointments made within the 60 days appointment period. For example, if 14 appointments were made during the appointment period, the size of the Commission would be 14 members, and 8 members would be needed for a quorum.

In another change from the previous bill, which was silent on removal, commissioners would be removable by their appointing authority only for cause.

Registered lobbyists would not be eligible to be members, and any person with business dealings with the City would be eligible to be a member only if they received approval by the Conflicts of Interest Board (COIB), subject to any restrictions or limitations on their responsibilities required by COIB. Holding public office or employment would not be a disqualification for being a member of the Commission. Members would not receive compensation for their services, though they would be reimbursed for any necessary expenses accrued in the performance of their duties.

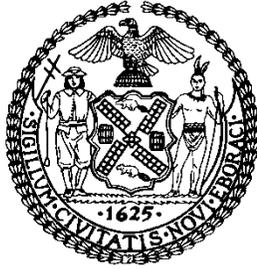
The City would be required to fund the Commission, and the Commission would be empowered to appoint, set the salary of, and remove its employees and consultants. As with commissioners, registered lobbyists would not be eligible to serve as employees or consultants to the Commission, and any person with business dealings with the City would be eligible to be an employee or consultant for the Commission only if they received approval by COIB, subject to any restrictions or limitations on their responsibilities required by COIB. Holding public office or employment would not be a disqualification for being an employee or consultant of the Commission.

The Commission would be required to hold at least one public hearing in each borough, and to conduct an extensive outreach campaign to solicit ideas from civic and community leaders, and encourage the public to participate in the hearing process. In a change from the previous version of the bill, the Commission would be required to have a website, which would include public hearing agendas, transcripts, and webcasts. In another change, the Commission would explicitly be considered an “agency” for the purposes of the state’s Freedom of Information Law. The Commission would also be empowered to conduct private hearings, take testimony, subpoena witnesses, and require the production of documents and records.

The Commission would be permitted to submit its proposed charter or charter amendments in as many parts as it chose, at a general or special election as it saw fit, but would be required to submit its work for submission to the City Clerk in time for submission to the voters no later than the second General Election after the enactment of Proposed Int. No. 241-B. At this time, or once the Commission otherwise submitted a proposal to the voters, the Commission would be disbanded.

Proposed Int. No. 241-B would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 241-B:)



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

PROPOSED INTRO. NO. 241-B

COMMITTEE: Governmental Operations

TITLE: A local law in relation to establishing a charter revision commission to draft a new or revised city charter.

SPONSORS: The Public Advocate (Ms. James), the Speaker (Council Member Johnson) and Council Member Kallos (by request of the Manhattan Borough President).

SUMMARY OF LEGISLATION: Proposed Int. No. 241-B would establish a charter revision commission to draft a new or revised City Charter. The commission would consist of up to 15 members, with four appointed by the Mayor, four appointed by the Speaker, one appointed by each Borough President, one appointed by the Public Advocate, and one appointed by the Comptroller. The appointed members would serve without compensation and the commission would be required to hold at least one public hearing in each of the five boroughs and to conduct an extensive outreach campaign to solicit ideas and recommendations. The commission would be granted the authority to appoint employees and consultants and to fix their compensation.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY20
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$570,000
Net	\$0	\$0	\$570,000

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 anticipated that this legislation would have an impact on expenditures in the amount of up to \$570,000 in Fiscal 2020. Existing resources would be used to fund the Commission’s work in the closing months of Fiscal 2018 and all of Fiscal 2019, while additional funding of up to \$570,000 would be required to finance the Commission’s work over the first months of Fiscal 2020 prior to the Commission’s findings being presented to New York City voters on the November 2019 ballot. The cost of the Commission may total up to \$2.3 million in total, using existing resources and a potential new fiscal impact of up to \$570,000 in Fiscal 2020.

This funding would support the work of the Commission, primarily to hire staff and/or outside consultants to carry out research on all aspects of the Charter that the Commission is considering revising. In addition, this funding would support the public outreach and community engagement campaigns and/or events to solicit the public’s opinions regarding potential revisions to the Charter. While the members of the Commission will work pro-bono, members of the Commission would be reimbursed for all expenses incurred in the performance of their duties, such as for travel.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund**SOURCES OF INFORMATION:** City Council Finance Division**ESTIMATE PREPARED BY:** Zachary Harris, Financial Analyst**ESTIMATE REVIEWED BY:** John Russell, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 241 on January 31, 2018 and referred to the Committee on Governmental Operations (Committee). The legislation was amended after introduction and a hearing was held by the Committee on March 16, 2018 on the amended version, Proposed Intro. No. 241-A. After the hearing, the legislation was laid over. The legislation was subsequently amended for a second time and the most recently amended legislation, Proposed Intro. No. 241-B, will be considered by the Committee on April 10, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 241-B will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 6, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 241-B:)

Int. No. 241-B

By the Public Advocate (Ms. James), the Speaker (Council Member Johnson) and Council Members Kallos and Rivera (by request of the Manhattan Borough President).

A Local Law in relation to establishing a charter revision commission to draft a new or revised city charter

Be it enacted by the Council as follows:

Section 1. There is hereby established a commission to draft a new or revised charter for the city of New York.

§ 2. Composition of the commission. a. The commission shall consist of up to 15 members to be appointed as follows:

1. four members appointed by the mayor;
2. four members appointed by the speaker of the city council;
3. one member appointed by each borough president;
4. one member appointed by the public advocate; and
5. one member appointed by the comptroller.

b. The speaker of the city council shall appoint from among the membership a chairperson.

c. All appointments to the commission shall be made within 60 days of the enactment of this local law, after which time any unused appointment authority granted by subdivision a of this section is forfeited. Any vacancy in the membership of the commission occurring after such date shall be filled in the same manner as the original appointment. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and any number of commissioners greater than half the number of appointments made within 60 days of the enactment of this local law shall constitute a quorum.

d. No member of the commission may be removed except for cause by the appointing authority that appointed such member.

e. No commission member may be a registered lobbyist as that term is defined in subdivision (a) of section 3-211 of the administrative code of the city of New York. Any person other than such a lobbyist who has business dealings with the city, as that term is defined in subdivision 18 of section 3-702 of the administrative code of the city of New York, may serve as a commission member only after approval by the conflicts of interest board and only subject to such restrictions or limitations on their duties and responsibilities for the commission as the conflicts of interest board may require.

f. No person is disqualified to serve as a commission member by reason of holding any other public office or employment, nor shall they forfeit any such office or employment by reason of their appointment hereunder, notwithstanding the provisions of any law.

g. Commission members shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

h. The terms of office of the commission members expire on the day of the election at which the proposed new or revised charter prepared by the commission is submitted to the qualified electors of the city, or on the day of the second general election following the date of the enactment of this local law if no such questions have been submitted by that time.

§ 3. Commission mandate and powers. a. The commission shall review the entire charter and prepare a draft of a proposed new or revised charter.

b. The commission shall conduct not less than one public hearing in each of the five boroughs of the city and shall conduct an extensive outreach campaign that solicits ideas and recommendations from a wide variety of civic and community leaders, and which encourages the public to participate in such hearings. The commission shall maintain a website that includes its public hearing agendas and transcripts, as well as webcasts of its public hearings.

c. The commission shall have power to conduct private hearings, take testimony, subpoena witnesses, and require the production of books, papers, and records.

d. The city shall make appropriations for the support of the commission and the commission may accept any services, facilities, or funds and use or expend the same for its purposes. In addition, the city shall have the power, on the request of the commission, to appropriate to such commission such sum or sums as shall be necessary to defray its expenses.

e. On request of the commission, the mayor may direct any board, body, officer, or employee of the city to cooperate with, assist, advise, provide facilities, materials or data, and render services to the commission.

f. The commission shall appoint and may at pleasure remove such employees and consultants as it shall require and fix their compensation.

g. No commission employee or consultant may be a registered lobbyist as that term is defined in subdivision (a) of section 3-211 of the administrative code of the city of New York. Any person other than such a lobbyist who is a person doing business with the city, as that term is defined in subdivision 18 of section 3-702.18 of the administrative code of the city of New York, may serve as a commission employee or consultant only after approval by the conflicts of interest board and only subject to such restrictions or limitations on their duties and responsibilities for the commission as the conflicts of interest board may require.

h. No person is disqualified to serve as a commission employee or consultant by reason of holding any other public office or employment, nor shall they forfeit any such office or employment by reason of their appointment hereunder, notwithstanding the provisions of any law.

i. The commission shall be considered an agency for the purposes of article 6 of the public officers law.

§ 4. Submission of recommendation for voter approval. a. The commission may require that its proposed charter be submitted in two or more parts so arranged that corresponding parts of the existing charter shall remain in effect if one or more of such parts are not adopted, or may in lieu of a new charter submit a revision of the existing charter in one or more amendments and may also submit alternative charters or amendments or alternative provisions to supersede designated portions of a proposed charter or amendment if adopted.

b. The commission may submit its proposed new or revised charter to the electors of the city at a general or special election, and shall complete and file in the office of the city clerk its proposed new or revised charter in time for submission to the electors not later than the second general election after the date of the enactment of this local law.

§ 5. Severability. If any provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part, or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situation shall not be affected.

§ 6. Effective date. This local law takes effect immediately.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS; Committee on Governmental Operations, April 10, 2018.

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. 36

Report of the Committee on Land Use in favor of approving Application No. C 180069 ZSM submitted by 21E12 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking garage with a maximum capacity of 187 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 and 1102), in C1-7/C6-1 Districts, Borough of Manhattan, Community District 2, Council District 2. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2018 (Minutes, page 1097), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 180069 ZSM

City Planning Commission decision approving an application submitted by 21E12 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 150 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 and 1102), in C1-7 and C6-1 Districts.

INTENT

To approve the Special Permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to permit 150 attended public parking spaces within a new mixed-use development at 21 East 12th Street in the Union Square South neighborhood of Manhattan Community District 2.

PUBLIC HEARING

DATE: March 12, 2018

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 27, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission with modifications.

In Favor:

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 28, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, KALLOS, King, Koo, Lancman, Levin, Miller, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 28, 2018.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 37

Report of the Committee on Finance in favor of a Resolution approving Application No. C 180095 ZMK submitted by Silvershore Properties 97 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 an R6A District and establishing within the proposed R6A District a C2-4 District, in relation to property bounded by a line 100 feet westerly of Washington Avenue, Dean Street and Underhill Avenue, Borough of Brooklyn, Community District 8, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2018 (Minutes, page 1097) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 8****C 180095 ZMK**

City Planning Commission decision approving an application submitted by Silvershore Properties 97 LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an R6B District to an R6A District property bounded by a line 100 feet westerly of Washington Avenue, Dean Street and Underhill Avenue; and
2. establishing within the proposed R6A District a C2-4 District bounded a line 100 feet westerly of Washington Avenue, Dean Street and Underhill Avenue.

INTENT

To amend the Zoning Map, Section No. 16c, changing an R6B zoning district to an R6A/C2-4 zoning district to facilitate the conversion of an existing building's ground floor from parking to commercial use in the Prospect Heights neighborhood of Brooklyn.

PUBLIC HEARING**DATE:** March 12, 2018**Witnesses in Favor:** Six**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 27, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 28, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, King, Koo, Lancman, Levin, Miller, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 299

Resolution approving the decision of the City Planning Commission on ULURP No. C 180095 ZMK, a Zoning Map amendment (L.U. No. 37).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on March 2, 2018 its decision dated February 28, 2018 (the "Decision"), on the application submitted by Silvershore Properties 97 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 zoning district to an R6A/C2-4 zoning district on a triangular portion of a block located at the northeastern corner of Dean Street and Underhill Avenue in the Prospect Heights neighborhood of Brooklyn, Community District 8, in order to facilitate the conversion of an existing building's ground floor from parking to commercial use, (ULURP No. C 180095 ZMK), Community District 8, Borough of Brooklyn (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2018;

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 October 30, 2017 (CEQR No. 18DCP041K), (the “Negative Declaration”).

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 180095 ZMK, incorporated by reference herein, 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 hereby amended by changing the Zoning Map, Section No.16c:

1. changing from an R6B District to an R6A District property bounded by a line 100 feet westerly of Washington Avenue, Dean Street and Underhill Avenue; and
2. establishing within the proposed R6A District a C2-4 District bounded a line 100 feet westerly of Washington Avenue, Dean Street and Underhill Avenue;

as shown on a diagram (for illustrative purposes only) dated October 30, 2017, Community District 8, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 28, 2018.

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. 38

Report of the Committee on Finance in favor of a Resolution approving Application No. C 180065 PCK submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 242 Nevins Street (Block 411, Lot 24, Block 418, Lot 1, Block 425, Lot 1) for a combined sewer overflow control facility, Borough of Brooklyn, Community District 6, Council District 33. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2018 (Minutes, page 1097) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BROOKLYN CB - 6****C 180065 PCK**

City Planning Commission decision approving an application submitted by the New York City Department of Environmental Protection and the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 234 Butler Street, 242 Nevins Street, and 270 Nevins Street (Block 411, Lot 24; Block 418, Lot 1; Block 425, Lot 1) for a combined sewer overflow control facility.

INTENT

To approve the site selection and acquisition in order to facilitate the construction of a combined sewer overflow (CSO) control facility in the Gowanus neighborhood of Brooklyn Community District 6, to reduce the volume of sewer overflows entering the Gowanus Canal.

PUBLIC HEARING**DATE:** March 12, 2018**Witnesses in Favor:** Six**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 27, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Adams, Barron, Koo, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 28, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, King, Koo, Lancman, Levin, Miller, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 300

Resolution approving the decision of the City Planning Commission on ULURP No. C 180065 PCK (L.U. No. 38), a site selection and acquisition of property located at 234 Butler Street, 242 Nevins Street, and 270 Nevins Street (Block 411, Lot 24; Block 418, Lot 1; Block 425, Lot 1), Community District 6, Borough of Brooklyn, for use as a combined sewer overflow control facility.

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on February 21, 2018 its decision dated February 14, 2018 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Department of Environmental Protection (DEP) and the New York City Department of Citywide Administrative Services (DCAS) for site selection and acquisition of property located at 234 Butler Street, 242 Nevins Street, and 270 Nevins Street (Block 411, Lot 24; Block 418, Lot 1; Block 425, Lot 1), Community District 6, Borough of Brooklyn (the "Site"), for a combined sewer overflow control facility (ULURP No. C 180065 PCK) (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2018;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues, including the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on February 1, 2018 (CEQR No. 17DEP040K), which identified significant adverse impacts with historic and cultural resources (architectural and archeological) and construction noise as shown in Exhibit A;

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Notice of Completion attached as Exhibit A hereto, those project components related to the environment and mitigation measures that were identified as practicable; and
- (4) The Decision, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 180065 PCK, incorporated by reference herein, the Council approves the Decision for the site selection and acquisition of the Site for a combined sewer overflow control facility.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 28, 2018.

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. 41

Report of the Committee on Finance in favor of a Resolution approving Application No. 20185206 HAM submitted by the New York City Department of Housing Preservation and Development for the approval of an Urban Development Action Area Project (UDAAP) pursuant to Article 16 of the General Municipal Law and approval of a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law, for property located at 165 West 80th Street (Block 1211, Lot 7), Borough of Manhattan, Community District 7, Council District 6.

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2018 (Minutes, page 1098) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

20185206 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant Article 16 of the General Municipal Law for approval of an urban development action area project, waiver of the area designation requirement, and waiver of Sections 197-c and 197-d of the New York City Charter, for property located at 165 West 80th Street (Block 1211, Lot 7), and approving a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for the disposition area, Community District 7, Council District 6.

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 which, when completed, will provide twenty-eight (28) Affordable cooperative dwelling units, plus one (1) superintendent unit.

PUBLIC HEARING

DATE: March 12, 2018

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 27, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Kallos, Deutsch, Gibson, King.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 28, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, King, Koo, Lancman, Levin, Miller, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 301

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 165 West 80th Street (Block 1211, Lot 07), Borough of Manhattan;

and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 7, Borough of Manhattan (L.U. No. 41; 20185206 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on February 14, 2018 its request dated February 11, 2018 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 165 West 80th Street (Block 1211, Lot 07), Community District 7, Borough of Manhattan (the "Disposition 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 stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City 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 the exemption of the project 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 March 12, 2018;

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 February 14, 2018, 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 Disposition 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 in the Disposition Area that do not exist on the Effective Date.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 28, 2018.

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. 42

Report of the Committee on Finance in favor of a Resolution approving Application No. C 180115 HAM submitted by the New York City Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, for the designation of property located at 302-314 West 127th Street (Block 1953, Lots 36, 37, 38, 39, 40 and 41), as an Urban Development Action Area and an Urban Development Action Area Project for such area; and for the disposition of city-owned property located at 302, 304, 306, and 310 West 127th Street (Block 1953, Lots 36, 37, 38, and 40) to a developer selected by HPD to facilitate an affordable housing development, Borough of Manhattan, Community District 10, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2018 (Minutes, page 1099) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 10****C 180115 HAM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for
 - a) the designation of property located at 302-314 West 127th Street (Block 1953, Lots 36, 37, 38, 39, 40 and 41), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located at 302, 304, 306, and 310 West 127th Street (Block 1953, Lots 36, 37, 38, and 40) to a developer selected by HPD;

to facilitate an affordable housing development containing approximately 116 affordable units and approximately 96,900 square feet of community facility space.

INTENT

To approve the urban development action area designation, project approval, and the disposition of city-owned property which in conjunction with the related action would facilitate the construction of a 12-story, approximately 96,000-square-foot community facility with approximately 116 supportive and affordable housing units and attendant social services.

PUBLIC HEARING

DATE: March 12, 2018

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 27, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Kallos, Deutsch, Gibson, King.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: March 28, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, King, Koo, Lancman, Levin, Miller, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 302

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 180115 HAM, approving the designation of an Urban Development Action Area located at 302-314 West 127th Street (Block 1953, Lots 36, 37, 38, 39, 40 and 41), an Urban Development Action Area Project, and the disposition of city-owned property located at 302, 304, 306, and 310 West 127th Street (Block 1953, Lots 36, 37, 38, and 40), Borough of Manhattan, Community District 10, to a developer to be selected by HPD (L.U. No. 42; C 180115 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the City Planning Commission filed with the Council on March 2, 2018 its decision dated February 28, 2018 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") regarding:

- a) pursuant to Article 16 of the General Municipal Law of New York State for the designation of property located at 302-314 West 127th Street (Block 1953, Lots 36, 37, 38, 39, 40 and 41) as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area (302, 304, 306, and 310 West 127th Street (Block 1953, Lots 36, 37, 38, and 40) to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related action would facilitate the construction of a 12-story, approximately 96,000-square-foot community facility with approximately 116 supportive and affordable housing units and attendant social services, (ULURP No. C 180115 HAM), Community District 10, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to application C 180116 ZSM (L.U. No. 43), a special permit to modify bulk requirements to permit a FAR of 6.5 to apply to a non-profit institution with sleeping accommodations;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, by letter dated March 6, 2018 and submitted to the Council on March 7, 2018, HPD submitted its requests (the "HPD Requests") respecting the Application including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on March 12, 2018;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 17HPD111M) issued on October 13, 2017 (the "Negative Declaration").

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 Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report (C 180115 HAM) and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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 finds that the financial aid, in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act, is necessary to enable the project to be undertaken.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 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 and subject to the terms and conditions of the Project Summary.

The Project shall be developed in a manner consistent with Project Summary submitted by HPD March 7, 2018, copy of which is attached hereto and made a part hereof.

The Council approves the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 28, 2018.

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. 43

Report of the Committee on Finance in favor of a Resolution approving Application no. C 180116 ZSM submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of Section 24-111 to permit the allowable community facility floor area ratio of Section 24-11 to apply to a non-profit institution with sleeping accommodations, in connection with a proposed 12-story building on property located at 302-314 West 127th St. (Block 1953, Lots 36, 37, 38, 39, 40 and 41), in R7-2, R7-2/C1-4 and R8 Districts, Borough of Manhattan, Community District 10, Council District 9. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2018 (Minutes, page 1099) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 10****C 180116 ZSM**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with a proposed 12-story building on property located at 302-314 West 127th St. (Block 1953, Lots 36, 37, 38, 39, 40 and 41), in R7-2, R7-2/C1-4 and R8 Districts.

INTENT

To approve the special permit pursuant to Section 24-111 of the Zoning Resolution which in conjunction with the related action would facilitate the construction of a 12-story, approximately 96,000-square-foot community facility with approximately 116 supportive and affordable housing units and attendant social services.

PUBLIC HEARING**DATE:** March 12, 2018**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** March 27, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Kallos, Deutsch, Gibson, King.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 28, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, King, Koo, Lancman, Levin, Miller, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 303

Resolution approving the decision of the City Planning Commission on ULURP No. C 180116 ZSM (L.U. No. 43), for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution of the City of New York to modify the requirements of 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with a proposed 12-story building on property located at 302-314 West 127th St. (Block 1953, Lots 36, 37, 38, 39, 40 and 41), in R7-2, R7-2/C1-4 and R8 Districts, Community District 10, Borough of Manhattan.

By Council Members Salamanca and Kallos.

WHEREAS, the City Planning Commission filed with the Council on March 2, 2018 its decision dated February 28, 2018 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to 74-903 of the Zoning Resolution of the City of New York to modify the requirements of 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with a proposed 12-story building on property located at 302-314 West 127th St. (Block 1953, Lots 36, 37, 38, 39, 40 and 41), in R7-2, R7-2/C1-4 and R8 Districts in the Central Harlem neighborhood of Manhattan Community District 10, (ULURP No. C 180116 ZSM), Community District 10, Borough of Manhattan, (the "Application");

WHEREAS, the Application is related to application C 180115 HAM (L.U. No. 42), an urban development action area project designation, project approval, and disposition of city-owned property;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-903 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2018;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 17HPD111M) issued on October 13, 2017 (the "Negative Declaration").

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 this report, C 180116 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following terms and conditions:

1. The property that is the subject of this application (C 180116 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Harden + Van Arnam Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-01	Zoning Analysis	10/12/2017
Z-02	Zoning Lot Site Plan	10/12/2017
Z-05	Cross Section	10/12/2017

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 28, 2018.

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. 44

Report of the Committee on Finance in favor of a Resolution disapproving Application No. 20185143 TCK pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Mozzarella Holdings LLC, d/b/a Barano, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 26 Broadway, Borough of Brooklyn, Community Board 1, Council District 33. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2018 (Minutes, page 1099) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

20185143 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Mozzarella Holdings LLC, d/b/a/ Barano, for a new revocable consent to establish, maintain, operate and use an unenclosed sidewalk café located at 26 Broadway.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain, operate and use an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: March 27, 2018

Witnesses in Favor: Four

Witnesses Against: Four

SUBCOMMITTEE RECOMMENDATION**DATE:** March 27, 2018

The Subcommittee recommends that the Land Use Committee disapprove the Petition.

In Favor:

Moya, Constantinides, Lancman, Levin, Rivera, Torres, Grodenchik.

Against:

Reynoso

Abstain:

None

COMMITTEE ACTION**DATE:** March 28, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, King, Koo, Lancman, Levin, Miller, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

Reynoso

Abstain:

None

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

Res. No. 304

Resolution disapproving the petition for a new revocable consent for an unenclosed sidewalk café located at 26 Broadway, Borough of Brooklyn (Non-ULURP No. 20185143 TCK; L.U. No. 44).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of Consumer Affairs filed with the Council on March 2, 2018 its approval dated March 1, 2018 of the petition of Mozzarella Holdings, LLC, d/b/a Barano, for a new revocable consent to establish, maintain, operate and use an unenclosed sidewalk café located at 26 Broadway, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on March 27, 2018; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council disapproves the Petition.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, I. DANEEK MILLER, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 28, 2018.

Coupled to be Disapproved.

Report for L.U. No. 50

Report of the Committee on Finance in favor of a Resolution filing, pursuant to a letter of withdrawal, Application No. 20185223 PXX (N 180239 PXX) submitted by the New York City Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter, for Notice of Intent to acquire office space at 188 West 230th Street (Block 3264, Lot 104) for use as offices by the Taxi and Limousine Commission, Borough of the Bronx, Community District 8, Council District 14.

The Committee on Land Use, to which the annexed Land Use item was referred on March 22, 2018 (Minutes, page 1308) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 8

20185223 PXX (N 180239 PXX)

Application submitted by the New York City Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter, for Notice of Intent to acquire office space at 188 West 230th Street (Block 3264, Lot 104) for use as offices by the Taxi and Limousine Commission.

PUBLIC HEARING

DATE: March 15, 2018

Witnesses in Favor: Four

Witnesses Against: None

By letter dated March 20, 2018 and submitted to The City Council on March 21, 2018, the Applicant withdrew the application.

SUBCOMMITTEE RECOMMENDATION**DATE:** March 27, 2018

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

In Favor:

Adams, Barron, Koo, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** March 28, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, King, Koo, Lancman, Levin, Miller, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 305

Resolution approving a motion to file pursuant to withdrawal of the application for the decision of the City Planning Commission on Non-ULURP Application No. 20185223 PXX; N 180239 PXX; (Preconsidered L.U. No. 50), for intent to acquire office space at 188 West 230th Street (Block 3264, Lot 104), Community Board 8, Borough of the Bronx, for use as offices by the Taxi and Limousine Commission.

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on March 12, 2018 its decision dated March 12, 2018 (the "Decision") on the application submitted pursuant to Section 195 of the New York City Charter by the New York City Department of Citywide Administrative Services (DCAS), for intent to acquire office space located at 188 West 230th Street (Block 3264, Lot 104), for use by the Taxi and Limousine Commission (TLC) as offices (the "Office Space"), (Non-ULURP No. 20185223 PXX; N 180239 PXX), Community District 8, Borough of the Bronx (the "Application");

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 15, 2018;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues, including the determination that the application is a Type II action pursuant to 6 NYCRR Part 617.5(c)(26) and requires no further review under CEQR (the “Type II Determination”);

WHEREAS, by submission dated March 20, 2018, and submitted to The City Council on March 21, 2018, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 6.40a, 7.90 and 11.80 of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 28, 2018.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report of the Committee on Rules, Privileges and Elections

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

Report for Res. No. 272

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution to amend chapter II of the Rules of the Council in relation to discrimination and harassment.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on April 11, 2018, respectfully

REPORTS:

Re: PRECONSIDERED RESOLUTION NO. 272:

SUBJECT: Resolution amending chapter II of the Rules of the Council in relation to discrimination and harassment

ANALYSIS: Before the Committee, for its consideration, are proposed amendments to chapter II of the Rules of the Council (“Rules”). The preconsidered resolution proposes to amend Rule 2.70 and add Rule 2.75 to chapter II of the Rules. These amendments will align the Rules with the demands set forth in the legislative package titled Stop Sexual Harassment in NYC Act.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 272:)

Preconsidered Res. No. 272

Resolution to amend chapter II of the Rules of the Council in relation to discrimination and harassment.

By Council Member Koslowitz:

Section 1. Rule 2.70 of the Rules of the Council of the city of New York is amended to read as follows:

2.70. Policies Prohibiting Discrimination and Harassment [Policies] and Related Training – a. The Speaker shall establish a policy or policies [against] prohibiting workplace discrimination and harassment, including sexual harassment, [and discrimination] for the Council, which shall apply to all Council Members, their staff and Council central staff. All Members, their staff and Council central staff shall be required to comply with the requirements of such policy or policies, including the requirements for related training. The Speaker shall provide all Members, their staff and Council central staff with a copy of such policy or policies and any changes thereto.

b. The Speaker shall require mandatory annual participatory interactive training for all Members, their staff and Council central staff as outlined in the policy or policies established pursuant to rule 2.70a.

§ 2. Chapter II of the Rules of the Council of the city of New York is amended by adding new rule 2.75 to read as follows:

2.75 Assessment and Reporting – a. The Speaker shall formulate a recurrent risk factor review plan to assess and address potential risk factors associated with workplace sexual harassment, such as a homogenous workforce, language differences in the workplace, a workforce having significant power disparities and isolated and decentralized workplaces. The process herein shall commence immediately, recur periodically and cease January 31, 2022.

b. The Speaker shall publish an annual report within the Council for the first Stated meeting in February disclosing complaints of workplace sexual harassment, as defined by the Council’s policy or policies prohibiting discrimination and harassment established pursuant to rule 2.70a. Such report shall track for each preceding calendar year the number of complaints alleging workplace sexual harassment and the dispositions of such complaints. The annual report shall not contain any personally identifiable information.

c. The Speaker shall distribute a discrimination and harassment climate survey. Such survey shall gauge whether Council staff are familiar with the Council’s policy or policies prohibiting discrimination and harassment, consider their workplace safe and free from violations of the Council’s policy or policies and believe that the Council protects the rights of its employees to pursue their duties in a respectful workplace. The climate survey shall assess whether Council staff have witnessed or experienced workplace discrimination or harassment as described by the Council’s policy or policies and whether they understand Council reporting and complaint procedures. The climate survey shall also gauge whether Council staff believe discrimination or harassment is, or would be, tolerated by the Council. For supervisors and managerial employees, the climate survey shall

prompt whether such supervisors and managerial employees are knowledgeable about their responsibilities with respect to the prevention of conduct prohibited by the Council's policy or policies prohibiting discrimination and harassment. The climate survey shall also prompt whether such supervisors and managerial employees are knowledgeable about the measures they may take to address complaints. Information concerning demographic variables, including, but not limited to, race, ethnicity, gender, sexual orientation and age, shall be solicited from survey respondents. Survey respondents may provide such demographic information, in full or in part, at their discretion.

By the close of the first year of the term, the Speaker shall disseminate the climate survey. By the close of the second year of the term, the Speaker shall assess the climate survey results, and, in response, determine and implement a preemptive action plan to create a discrimination-free and harassment-free workplace, as set forth in the Council's policy or policies established pursuant to rule 2.70a. By the close of the third year of the term, the Speaker shall refine and redistribute the climate survey. By the end of the term, the Speaker shall assess the recent climate survey results, and, in response, recommend a successive preemptive action plan. By the end of the first year of the ensuing term, and every four years thereafter, the Speaker shall address the preceding Speaker's recommendations, disseminate a climate survey, assess the climate survey results, and, in response, determine and recommend a preemptive action plan for the next Speaker. Based on each assessment and determination, the Speaker shall update the Council's policy or policies prohibiting discrimination and harassment, as necessary, established pursuant to rule 2.70a.

In the event a Speaker's term is fewer than four years, the subsequent Speaker shall maintain the four-year climate survey schedule delineated herein for the remainder of the unexpired term. In the event of two consecutive 2-year terms, the Speaker of the first term shall initiate and conclude the steps delineated herein for the first two years of a regular four-year term. The Speaker of the second term shall initiate and conclude the steps delineated herein for the final two years of a regular four-year term.

KAREN KOSLOWITZ, *Chair*; MARGARET S. CHIN, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., RORY I. LANCMAN, , RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON) ; Committee on Rules, Privileges and Elections, April 11, 2018. *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 Women

Report for Int. No. 612-A

Report of the Committee on Women in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to anti-sexual harassment trainings at city agencies.

The Committee on Women, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 973), respectfully

REPORTS:

I. INTRODUCTION

On Monday, April 9, 2018, the Committee on Women, chaired by Council Member Helen Rosenthal, will hold a hearing to consider Proposed Int. No. 612-A, sponsored by The Speaker (Council Member Cory Johnson) and Council Members Rose, Rosenthal, Chin, Powers, Constantinides and Reynoso, which would require anti-sexual harassment trainings at city agencies. The committee will also consider Proposed Int. No. 613-A, sponsored by Council Members Adams, Rose, Rosenthal, Chin, Powers, Constantinides, Reynoso, which requires assessing workplace risk factors associated with sexual harassment within city agencies; Proposed Int. No. 630-A, sponsored by Council Members Cornegy, Cumbo, Rose, Rosenthal, Chin, Gibson, Powers, and Constantinides, which would require creating an anti-sexual harassment rights and responsibilities poster; Proposed Int. No. 632-A, sponsored by Council Members Cumbo, The Public Advocate (Ms. James), Rose, Rosenthal, Chin, Gibson, Powers and Constantinides, which would require mandating anti-sexual harassment training for private employers; Proposed Int. No. 653-A, sponsored by Council Members Levine, Williams, Torres, Cabrera, Rose, Rosenthal, Chin, Gibson, Powers, Constantinides and Reynoso, which would require mandating annual reporting on workplace sexual harassment within city agencies; Proposed Int. No. 664-A, sponsored by Council Members Rosenthal, Rose, Chin, Powers, Constantinides, which would require climate surveys and action plans to combat sexual harassment and equal employment opportunity violations at city agencies and Proposed Int. No. 693, sponsored by Council Members Van Bramer, Rose, Rosenthal, Chin, Powers, Constantinides, which would require information in labor services employment reports

The first hearing on Int. 612, 613, 630, 632, 653, 664 and 693 was held on February 28, 2018, as a joint oversight hearing with the Committee on Civil and Human Rights, chaired by Council Member Mathieu Eugene. At the hearing, titled "Sexual Harassment Best Practices/Policies in New York City," the Committees sought information on sexual harassment policies and procedures at New York City ("NYC" or "City") agencies and in the private sector, considering these seven bills, in addition to several others before the Civil and Human Rights Committee. The Committees also explored best practices and model sexual harassment policies in other jurisdictions. Those invited to testify included representatives from the City's Commission on Gender Equity, Commission on Human Rights, the Department of Citywide Administrative Services, and Equal Employment Practices Commission, as well as businesses, advocacy groups, labor unions and other interested parties.

II. PROPOSED INT. NO. 612-A

Section one of Proposed Int. No. 612-A would add section 815.1 to the New York city charter to define agency under the same definition used in section 1150 of the New York city charter and include the offices of the borough presidents, comptroller and public advocate in this definition. The legislation clarifies that interactive training means participatory teaching whereby the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online training program or other participatory demonstrations and that it is not required to be live or facilitated by an in-person instructor.

Proposed Int. No. 612-A would require the head of each agency to ensure that each employee receives anti-sexual harassment interactive training annually. The legislation would require that interns be considered employees and that training include: (i) an explanation that sexual harassment is a form of unlawful discrimination under local, state and federal law; (ii) a description of what sexual harassment is; (iii) the internal complaint process available to employees within their agency; (iv) the complaint process available through the city's commission on human rights, the state's division of human rights and the United States equal employment opportunity commission; (v) the prohibition of retaliation; and (vi) information concerning bystander intervention. Finally, the legislation requires that the department of citywide administrative services report to the mayor and speaker on the results of agency compliance by January 31 of each year.

Section two of proposed Int. No. 612-A would establish that this local law go into effect 120 days after it becomes law.

Since introduction, Proposed Int. 612-A was amended to require trainings annually rather than two times per year, to remove the separate additional training for supervisors and managers and merging this section with the section on employee training generally to clarify that they can be trained with all employees, to clarify that interactive training would not require that the training be live or facilitated by an in-person instructor, to clarify

that the department and not agency heads maintain the information, to clarify that agency would be defined by section 1150 and not section 385 of the city charter and would include the offices of the borough presidents, the comptroller and the public advocate and to clarify that information concerning bystander intervention would include resources that explain how to engage in bystander intervention.

III. PROPOSED INT. NO. 613-A

Section one of Proposed Int. No. 613-A would require that agency has the same meaning as defined in section 1150 of the New York city charter and require all city agencies, including the offices of the borough presidents, comptroller and public advocate, to conduct an ongoing assessment of risk factors associated with sexual harassment. The legislation also requires that each agency submit its ongoing assessment of risk factors to the department of citywide administrative services for periodic review, to assist the department of citywide administrative services and each agency to develop responsive strategies to combat sexual harassment.

Pursuant to Proposed Int. No. 613-A, risk factors assessed may include homogenous workforce, such as work environments with low diversity with respect to age, ethnicity, gender, race, or sex, language differences in the workplace, workplaces with significant power disparities such as workplaces where employees hold positions usually subject to the direction of others, isolated workplaces such as workplaces where employees work alone or have few opportunities to interact with others, and decentralized workplaces such as workplaces that are geographically dispersed. Finally, the legislation would further note that assessments be submitted to the department of citywide administrative services for periodic review.

Section two of Proposed Int. No. 613-A would establish that this local law takes effect immediately and would be repealed on January 31, 2022.

Since introduction, Proposed Int. 613-A was amended to simplify the language to make it more understandable and translatable to the workplace, including condensing the 11 factors to 5, to clarify that the department and not the commission would be responsible for the process, and to clarify that agency would be defined by section 1150 and not section 385 of the city charter and would include the offices of the borough presidents, the comptroller and the public advocate.

IV. PROPOSED INT. NO. 630-A

Section one of Proposed Int. No. 630-A would amend section 8-107 of the administrative code of the city of New York to require that every employer conspicuously display an anti-sexual harassment rights and responsibilities poster, designed by the commission, in employee breakrooms or other common areas employees gather and, at a minimum, in English and in Spanish. The legislation requires that the poster be set forth in simple and understandable terms, including, at a minimum: an explanation of sexual harassment as a form of unlawful discrimination under local law, a statement that sexual harassment is also a form of unlawful discrimination under state and federal law, a description of sexual harassment, complaint processes available and the prohibition against retaliation pursuant to subdivision 7 of section 8107.

Pursuant to Proposed Int. No. 630-A, the poster would be at least 8 1/2 by 14 inches, use a minimum 12-point type, and contain only one language, although the legislation indicates it would be made available in English, Spanish and any other language deemed appropriate and would be made available online to download. The legislation also requires that employers also distribute an information sheet on sexual harassment to individual employees at the time of hire, and indicates the sheet could be include an employee handbook. The legislation notes that the information sheet would contain the same elements as the poster and be available in English, Spanish and any other language deemed appropriate.

Section two of Proposed Int. No. 630-A would establish that this local law takes effect 120 days after it becomes law.

Since introduction, Proposed Int. 630-A was amended to remove the penalty scheme and clarify that the poster should be available in any language deemed appropriate by the commission, in addition to English and Spanish.

V. PROPOSED INT. NO. 632-A

Section one of Proposed Int. No. 632-A would amend section 8-107 of the administrative code of the city of New York to require that interactive training be defined as participatory teaching whereby the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online training program or other participatory forms of training as determined by the commission and clarify live instruction and an in-person instructor is not required. The legislation would require that employers with 15 or more employees conduct an anti-sexual harassment interactive training for all employees, including supervisory and managerial employees, annually and within 90 days of initial hire for employees who work more than 80 hours in a calendar year who perform work on a full-time or part-time basis. Pursuant to the legislation, the training would include information explaining that sexual harassment as a form of unlawful discrimination under local, state and federal law, describing and providing examples of sexual harassment, providing information on complaint processes, providing examples and information of retaliation, prohibited pursuant to subdivision 7 of section 8-107, bystander intervention, including but not limited to any resources that explain how to engage in bystander intervention and specific responsibilities for preventing sexual harassment and retaliation.

Proposed Int. No. 632-A would also require that all employers keep a record of both trainings and a signed acknowledgement of attendance from employees for at least three years. The legislation requires the commission on human rights to develop an online interactive training module to satisfy the requirements that would be available to employers if the employer also

provides separate information on complaint processes to employees and provide employees with a certificate of completion. Pursuant to Proposed Int. No. 632-A, the term employer would not apply to the United States government; the state of New York, the city of New York or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law. The legislation would indicate it applies to interns, that an employee would not be required to receive additional training until the new cycle if they complete the training once during a cycle and change employers during the cycle. has received anti-sexual harassment training at one employer within the required training cycle shall not be required to receive additional anti-sexual harassment training at another employer until the next cycle and options for employers who are subject to anti-sexual harassment training requirements in multiple jurisdictions.

Section two of Proposed Int. No. 632-A would establish that this local law takes effect on April 1, 2019.

Since introduction, Proposed Int. 632-A was amended to remove the penalty scheme, clarify that all employees are trained, including supervisors and managers, as they were separate before, clarify that employees do not have to be trained until after 90 days of employment, simplify record retention compliance, training parameters for employers who face multi-jurisdiction and compliance for employee who receives training at one employer and changes jobs within a cycle and to change the effective date from Sept 1, 2018 to April 1, 2019.

VI. PROPOSED INT. NO. 653-A

Section one of Proposed Int. No. 653-A would amend the administrative code of the city of New York by adding section 3-119.2. The legislation would define agency under the same definition used in section 1150 of the New York city charter and include the offices of the borough presidents, the comptroller and the public advocate in this definition. Pursuant to Proposed Int. No. 653-A, department would be defined as department of citywide administrative services, reporting individual is defined as an individual who brings forth a report of workplace sexual harassment, including city job or internship applicants, current or former employees, interns, independent contractors and volunteers, and respondent would be defined as an individual under the same categories who has entered the agency's official complaint process.

Proposed Int. No. 653-A would require each agency to annually report complaints of workplace sexual harassment to the department. Pursuant to the legislation, the department would be required to compile and submit the reports to the mayor, the council and the commission on human rights by December 31 and post a report on the complaints online, which would include the number of sexual harassment complaints that were filed, resolved, substantiated, not substantiated and closed because the complaint was withdrawn. The legislation notes that the report would disaggregate information by agency, that the information on agencies

with under 10 employees would be aggregated together, and that no report would contain personally identifiable information.

Section two of proposed Int. No. 653-A would establish that this local law takes effect 180 days after it becomes law.

Since introduction, Proposed Int. 653-A was amended to merge some of the reporting categories, remove the disciplinary reporting category to protect privacy of city employees, to clarify that Proposed Int. 653-A would capture former employees whether they were the reporting individual or the respondent, to require the definition of Agency to mirror section 1150 and not section 385 of the city charter and to include the offices of the borough presidents, the comptroller and the public advocate, to clarify how department is defined, and to clarify that if any category requested contains between 0, not 1, and 5 incidents of sexual harassment claims, the number shall be replaced with a symbol.

VII. PROPOSED INT. NO. 664-A

Section one of Proposed Int. No. 664-A would define agency as it is defined under section 1150 of the New York city charter and would include the offices of the borough presidents, the comptroller and the public advocate. This legislation would require the department of citywide administrative services to develop a climate survey to assess the general awareness and knowledge of the city's equal employment opportunity policy, including on sexual harassment policies, prevention at city agencies and employee experience with and knowledge of reporting of prohibited acts, and notes that the surveys would include optional questions on the race, ethnicity, gender, sexual orientation and age of the individual reporting.

Pursuant to Proposed Int. No. 664-A, the department would assess each agency on factors including employee familiarity with policies, where to get help, how to file a complaint or initiate a disciplinary procedure, responsibilities and ways to report sexual harassment, viewpoints on safety, fairness, and resources. The legislation would require that the department make the survey available to disseminate to employees at all agencies on or before September 31, 2018. Further, the legislation would require that agencies ensure employees are aware of the survey, that it would be optional and anonymous, and would require agencies to take steps to ensure that no personally identifiable information was included.

Proposed Int. No. 664-A would require the department to prepare and submit a report with the results of surveys no later than February 28, 2019. The report would be open to additional information from agencies. The legislation would also require the department to work with each agency to develop and report on an action plan that would address issues raised in the

survey and a plan to address them and recommendations. Proposed Int. No. 664-A would require each agency to redistribute the climate survey to each employee no later than July 31, 2020, and require the department to provide the mayor and the speaker with the results on or before December 31, 2021.

Finally, the legislation would require the department to work with each agency and each agency to update their action plan by December 31, 2022 with the results of the agency's survey, incorporate the plans into the agency's annual EEO plan, and report results to the mayor and the speaker on or before December 31, 2022. Proposed Int. No. 664-A would require each agency to redistribute the climate survey on or before July 31, 2024 and on or before July 31 every four years thereafter and to produce a report on the results of the survey to the mayor and the speaker on or before December 31, 2025 and on or before December 31 every four years thereafter.

Section two of Proposed Int. No. 664-A would establish that this local law takes effect 90 days after it becomes law.

Since introduction, Proposed Int. 664-A was amended to clarify that the department and not the commission will be responsible for and oversee the process, to clarify that surveys would be developed by September 2018 and not July 2018, to clarify that the reply on the surveys would be due in February 2019 and not December 2018, to require that the surveys go into perpetuity, to be conducted every four years after the initial two are conducted, and to remove the sunset clause.

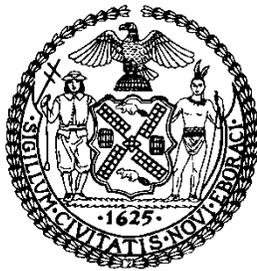
VIII. PROPOSED INT. NO. 693-A

Section one of Proposed Int. No. 693-A would amend section 1305 of chapter 56 of the New York city charter to require that employment reports include information on employment practices, policies and procedures and to require that the contracting agency transmit the report.

The legislation requires that the commissioner ensure that contractors and subcontractors conducting reports follow the equal employment opportunity requirement of local, state and federal law and executive orders.

Section two of Proposed Int. No. 693-A would establish that this local law takes effect 60 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 612-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 612-A

COMMITTEE: Women

TITLE: A Local Law to amend the New York city charter, in relation to anti-sexual harassment trainings at city agencies

SPONSORS: The Speaker (Council Member Johnson) and Council Members Rose, Rosenthal, Chin, Powers, Constantinides, and Reynoso

SUMMARY OF LEGISLATION: Proposed Intro. No. 612-A would mandate that all City agencies, as well as the offices of the borough presidents, the comptroller and the public advocate, conduct annual anti-sexual harassment training for all employees, including interns, supervisors, and managerial employees of such agency. The legislation would require trainings to be “interactive trainings,” but they are not required to be live or facilitated by an in-person instructor. The trainings may be included as part of a broader anti-discrimination training. The Department of Citywide Administrative Services (DCAS) would be required to maintain a record of all trainings required pursuant to this section for at least three years, and also submit an annual report to the Mayor and Speaker with the results of City agencies’ compliance.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$1,870,000	\$2,800,000	\$2,800,000
Net	(\$1,870,000)	(\$2,800,000)	(\$2,800,000)

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that Proposed Intro. No. 612-A would have an annual impact on expenditures of \$2.8 million. The majority of the costs reflect payments to City employees who require overtime to complete the trainings, particularly patrol officers within the New York City Police Department (NYPD). Other uniformed employees, as well as pedagogical and civilian employees, either have existing training accommodations or sufficient flexibility within their annual term of employment in order to complete the training. Furthermore, DCAS could use existing resources to provide City agencies with a computer-based training, maintain training records, and report compliance.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Department for Citywide Administrative Services
New York City Commission on Human Rights
New York City Police Department

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered at a joint hearing by the Committee on Women and the Committee on Civil and Human Rights as a Preconsidered Introduction at a hearing on February 28, 2018, and the legislation was laid over. The legislation was introduced to the Council as Intro. No. 612 on March 7, 2018, and referred to the Committee on Women. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 612-A, will be voted on by the Committee on Women at a hearing on April 9, 2018. Upon successful vote by the Committee, Proposed Intro. No. 612-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 8, 2018.

(For text of Int. Nos. 613-A, 630-A, 632-A, 653-A, 664-A, and 693-A and their Fiscal Impact Statements, please see the Reports of the Committee on Women for Int. Nos. 613-A, 630-A, 632-A, 653-A, 664-A, and 693-A, respectively, printed in these Minutes; for text of Int. No. 612-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 612-A, 613-A, 630-A, 632-A, 653-A, 664-A, and 693-A.

(The following is the text of Int. No. 612-A:)

Int. No. 612-A

By The Speaker (Council Member Johnson) and Council Members Rose, Rosenthal, Chin, Powers, Constantinides, Reynoso, Lander, Ayala, Miller, Adams, Rivera and Koslowitz.

A Local Law to amend the New York city charter, in relation to anti-sexual harassment trainings at city agencies

Be it enacted by the Council as follows:

Section 1. Chapter 35 of the New York city charter is amended by adding a new section 815.1 to read as follows:

§815.1. Anti-sexual harassment training. a. Definitions. For purposes of this section, the following terms have the following meanings:

Agency. The term “agency” has the same meaning as such term is defined in section 1150 and shall include the offices of the borough presidents, the comptroller and the public advocate.

Interactive training. The term “interactive training” means participatory teaching whereby the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online training program or other participatory demonstrations as determined by the commission. However, such “interactive training” is not required to be live or facilitated by an in-person instructor in order to satisfy the provisions of this subdivision.

b. All personnel. The head of each agency, in consultation with the department, shall ensure that each employee of such agency receives anti-sexual harassment interactive training annually. Such training shall be designed to create an environment that is free from sexual harassment, to discourage the development of sexual harassment, to raise awareness and sensitivity of employees to potential sexual harassment and to enable employees to prevent and respond to sexual harassment. Such training shall include the specific responsibilities of supervisory and managerial employees in the prevention of sexual harassment and retaliation, and measures that such employees may take to appropriately address sexual harassment complaints. Such training may be included as a part of a broader anti-discrimination training and shall include but not be limited to the following:

- 1. An explanation of sexual harassment as a form of unlawful discrimination under local law;*
- 2. A statement that sexual harassment is a form of unlawful discrimination under federal and state law;*
- 3. A description of what sexual harassment is;*
- 4. The internal complaint process available to employees within such agency;*
- 5. The complaint process available through the commission on human rights, the division of human rights and the United States equal employment opportunity commission, including contact information;*
- 6. The prohibition of retaliation, pursuant to federal, state and local law and the internal complaint process, and examples thereof; and*
- 7. Information concerning bystander intervention, including but not limited to any resources that explain how to engage in bystander intervention.*

c. For purposes of this section the term “employee” shall apply to interns.

d. Compliance. 1. The department of citywide administrative services shall maintain a record of all trainings required pursuant to this section for at least three years. On or before January 31 of each year the department of citywide administrative services shall report to the mayor and the speaker the results of agency compliance with the requirements of this section.

2. The training required pursuant to this section is intended to establish a minimum threshold and does not prohibit any agency from providing more frequent or additional anti-sexual harassment training.

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

HELEN K. ROSENTHAL, Chair; BRADFORD S. LANDER, LAURIE A. CUMBO, DIANA AYALA;
Committee on Women, April 9, 2018.

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. 613-A

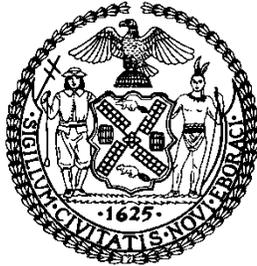
Report of the Committee on Women in favor of approving and adopting, as amended, a Local Law in relation to assessing workplace risk factors associated with sexual harassment within city agencies.

The Committee on Women, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 974), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Women for Int. No. 612-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 613-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 613-A
COMMITTEE: Women

TITLE: A Local Law in relation to assessing on workplace risk factors associated with sexual harassment within city agencies

SPONSORS: Council Members Adams, Rose, Rosenthal, Chin, Powers, Constantinides, and Reynoso

SUMMARY OF LEGISLATION: Proposed Intro. No. 613-A would require the New York City Department of Citywide Administrative Services (DCAS) to review ongoing assessments conducted by City agencies, as well as the offices of the borough presidents, the comptroller and the public advocate, of risk factors associated with sexual harassment within such agencies, in order to help provide a fair and safe work environment for all City workers. The assessments would be submitted to DCAS for periodic review. This local law would be deemed repealed on January 31, 2022.

EFFECTIVE DATE: This local law would take effect immediately and would be deemed repealed on January 31, 2022.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY18	FY Succeeding Effective FY19	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures because existing resources could be used by City agencies to conduct the assessments and by DCAS to review the assessments.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Citywide Administrative Services

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered at a joint hearing by the Committee on Women and the Committee on Civil and Human Rights as a Preconsidered Introduction at a hearing on February 28, 2018, and the legislation was laid over. The legislation was introduced to the Council as Intro. No. 613 on March 7, 2018 and referred to the Committee on Women. The legislation was subsequently amended and the amended version, Proposed Intro. No. 613-A, will be voted on by the Committee on Women at a hearing on April 9, 2018. Upon successful vote by the Committee, Proposed Intro. No. 613-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 8, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 613-A:)

Int. No. 613-A

By Council Members Adams, Rose, Rosenthal, Chin, Powers, Constantinides, Reynoso, Lander, Ayala, Miller, Rivera and Koslowitz.

A Local Law in relation to assessing workplace risk factors associated with sexual harassment within city agencies

Be it enacted by the Council as follows:

Section 1. Sexual harassment workplace risk factors report. a. Definitions. For purposes of this local law, the term “agency” has the same meaning as such term is defined in section 1150 of the New York city charter and shall include the offices of the borough presidents, the comptroller and the public advocate.

b. Every agency shall conduct an ongoing assessment of risk factors associated with sexual harassment at such agency in order to help provide a fair and safe work environment for all city workers. Each agency shall submit its ongoing assessment of risk factors to the department of citywide administrative services for periodic review. Such ongoing assessment of risk factors is intended to assist the department of citywide administrative services and each agency to develop responsive strategies to combat sexual harassment.

c. The risk factors to be assessed may include, but need not be limited to, the following:

(a) Homogenous workforce, such as work environments with low diversity with respect to age, ethnicity, gender, race, or sex;

(b) Language differences in the workplace;

(c) Workplaces with significant power disparities such as workplaces where employees hold positions usually subject to the direction of others;

(d) Isolated workplaces such as workplaces where employees work alone or have few opportunities to interact with others; and

(e) Decentralized workplaces such as workplaces that are geographically dispersed.

d. The assessments required pursuant to this section shall be submitted to the department of citywide administrative services for periodic review.

§ 2. This local law takes effect immediately and shall be deemed repealed on January 31, 2022.

HELEN K. ROSENTHAL, Chair; BRADFORD S. LANDER, LAURIE A. CUMBO, DIANA AYALA; Committee on Women, April 9, 2018.

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. 630-A

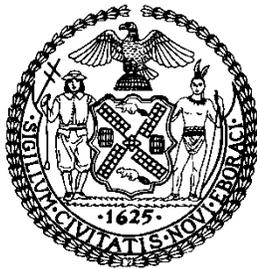
Report of the Committee on Women in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating an anti-sexual harassment rights and responsibilities poster.

The Committee on Women, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 991), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Women for Int. No. 612-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 630-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 630-A
COMMITTEE: Women**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to creating an anti-sexual harassment rights and responsibilities poster

SPONSORS: Council Members Cornegy, Cumbo, Rose, Rosenthal, Chin, Gibson, Powers and Constantinides

SUMMARY OF LEGISLATION: Proposed Intro. No. 630-A would require the New York City Commission on Human Rights (CCHR) to design an anti-sexual harassment rights and responsibilities poster. All employers in New York City would be required to display such poster in a conspicuous location where employees gather, with posters displayed in at least both English and Spanish. The poster would be made available online for employer

reproduction. The bill would also require an information sheet on sexual harassment be distributed to employees at time of hire.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, provided that the Commission on Human Rights would take all actions necessary for implementation prior to such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because CCHR has the existing sexual harassment information, design capacity, and website resources to create and distribute the posters.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Commission on Human Rights

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered at a joint hearing by the Committee on Women and the Committee on Civil and Human Rights as a Preconsidered Introduction at a hearing on February 28, 2018, and the legislation was laid over. The legislation was introduced to the Council as Intro. No. 630 on March 7, 2018 and referred to the Committee on Women. The legislation was subsequently amended and the amended version, Proposed Intro. No. 630-A, will be voted on by the Committee on Women at a hearing on April 9, 2018. Upon successful vote by the Committee, Proposed Intro. No. 630-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 8, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 630-A:)

Int. No. 630-A

By Council Members Cornegy, Cumbo, Rose, Rosenthal, Chin, Gibson, Powers, Constantinides, Lander, Ayala, Miller, Adams, Rivera and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to creating an anti-sexual harassment rights and responsibilities poster

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 29 to read as follows:

29. *Anti-sexual harassment rights and responsibilities; poster. (a) Every employer must conspicuously display an anti-sexual harassment rights and responsibilities poster designed by the commission, in employee breakrooms or other common areas employees gather. Every employer at a minimum shall display such poster in English and in Spanish.*

(b) The commission shall create a poster that sets forth in simple and understandable terms the following minimum requirements:

(1) An explanation of sexual harassment as a form of unlawful discrimination under local law;

(2) A statement that sexual harassment is also a form of unlawful discrimination under state and federal law;

(3) A description of sexual harassment, using examples;

(4) The complaint process available through, and directions on how to contact, the commission;

(5) The complaint process available through, and directions on how to contact, the state division of human rights;

(6) The complaint process available through, and directions on how to contact, the United States equal employment opportunity commission; and

(7) The prohibition against retaliation, pursuant to subdivision 7 of section 8-107.

(c) The size and style of the poster shall be at least 8 1/2 by 14 inches with a minimum 12 point type. Such poster shall be made available in English and Spanish and any other language deemed appropriate by the commission, however, any such poster shall only contain one language.

(d) Any poster required pursuant to this section shall be made available on the commission's website for employers to download for legible color reproduction in English, Spanish and any other language deemed appropriate by the commission.

(e) The commission shall develop an information sheet on sexual harassment that employers shall distribute to individual employees at the time of hire. Such information sheet may be included in an employee handbook. Such information sheet shall contain, at a minimum, the same elements of paragraph (b) of this subdivision. The information sheet shall be made available in English and Spanish and any other language deemed appropriate by the commission.

§ 2. This local law takes effect 120 days after it becomes law; provided, however that the commission on human rights shall take all actions necessary for its implementation, including the promulgation of rules, before such date.

HELEN K. ROSENTHAL, Chair; BRADFORD S. LANDER, LAURIE A. CUMBO, DIANA AYALA; Committee on Women, April 9, 2018.

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. 632-A

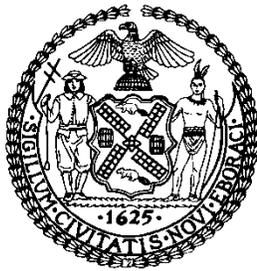
Report of the Committee on Women in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to mandating anti-sexual harassment training for private employers.

The Committee on Women, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 993), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Women for Int. No. 612-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 632-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 632-A
COMMITTEE: Women

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to mandating anti-sexual harassment training for private employers

SPONSORS: Council Members Cumbo, The Public Advocate (Ms. James), Rose, Rosenthal, Chin, Gibson, Powers, and Constantinides

SUMMARY OF LEGISLATION: Proposed Intro. No. 632-A would mandate that all private employers with 15 or more employees conduct annual anti-sexual harassment training for all employees, including interns, supervisors, and managerial employees of such employer. The New York City Commission on Human Rights, in order to help employers meet this mandate, would also be responsible for creating an online interactive training module to be posted on their website for access by employers. An employee who has received anti-sexual harassment training at one employer within the required training cycle shall not be required to receive additional anti-sexual harassment training at another employer until the next cycle.

EFFECTIVE DATE: This local law would take effect April 1, 2019.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department for Citywide Administrative Services could share its existing anti-sexual harassment training and certification technology with the Commission on Human Rights in order to fulfill the requirements of the legislation. Costs which may be borne by non-City employers with more than 15 employees are outside of the scope of this analysis.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Citywide Administrative Services

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered at a joint hearing by the Committee on Women and the Committee on Civil and Human Rights as a Preconsidered Introduction at a hearing on February 28, 2018, and the legislation was laid over. The legislation was introduced to the Council as Intro. No. 632 on March 7, 2018, and referred to the Committee on Women. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 632-A, will be voted on by the Committee on Women at a hearing on April 9, 2018. Upon successful vote by the Committee, Proposed Intro. No. 632-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 8, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 632-A:)

Int. No. 632-A

By Council Members Cumbo, The Public Advocate (Ms. James), Rose, Rosenthal, Chin, Gibson, Powers, Constantinides, Lander, Ayala, Miller, Adams, Rivera and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to mandating anti-sexual harassment training for private employers

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 30 to read as follows:

30. Anti-sexual harassment training. (a) Definitions. For purposes of this subdivision, the following terms have the following meanings:

Interactive training. The term “interactive training” means participatory teaching whereby the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online training program or other participatory forms of training as determined by the commission. However, such “interactive training” is not required to be live or facilitated by an in-person instructor in order to satisfy the provisions of this subdivision.

(b) Training. Employers with 15 or more employees shall annually conduct an anti-sexual harassment interactive training for all employees, including supervisory and managerial employees, of such employer employed within the city of New York. Such training shall be required after 90 days of initial hire for employees who work more than 80 hours in a calendar year who perform work on a full-time or part-time basis. Such training shall include, but need not be limited to, the following:

- (1) An explanation of sexual harassment as a form of unlawful discrimination under local law;*
- (2) A statement that sexual harassment is also a form of unlawful discrimination under state and federal law;*
- (3) A description of what sexual harassment is, using examples;*
- (4) Any internal complaint process available to employees through their employer to address sexual harassment claims;*
- (5) The complaint process available through the commission, the division of human rights and the United States equal employment opportunity commission, including contact information;*
- (6) The prohibition of retaliation, pursuant to subdivision 7 of section 8-107, and examples thereof; and*
- (7) Information concerning bystander intervention, including but not limited to any resources that explain how to engage in bystander intervention.*
- (8) The specific responsibilities of supervisory and managerial employees in the prevention of sexual harassment and retaliation, and measures that such employees may take to appropriately address sexual harassment complaints.*

(c) Compliance. (1) Employers shall keep a record of all trainings, including a signed employee acknowledgement. Such acknowledgment may be electronic.

(2) Employers shall maintain such records for at least three years and such records must be made available for commission inspection upon request.

(3) The commission shall develop an online interactive training module that may be used by an employer as an option to satisfy the requirements of paragraph (b) of this subdivision, provided that an employer shall inform all employees of any internal complaint process available to employees through their employer to address sexual harassment claims. Such training module shall be made publicly available at no cost on the commission's website. Such training module shall allow for the electronic provision of certification each time any such module is accessed and completed. The commission shall update such modules as needed.

(4) The training required by this subdivision is intended to establish a minimum threshold and shall not be construed to prohibit any private employer from providing more frequent or additional anti-sexual harassment training.

(d) For purposes of this subdivision the term "employer" shall not apply to (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

(e) For purposes of this subdivision the term "employee" shall apply to interns.

(f) An employee who has received anti-sexual harassment training at one employer within the required training cycle shall not be required to receive additional anti-sexual harassment training at another employer until the next cycle.

(g) An employer that is subject to training requirements in multiple jurisdictions may assert that it is compliant with this subdivision provided that each provision in subparagraph b of this subdivision is fulfilled in an anti-sexual harassment training that such employer makes available to its employees on an annual basis and shall be allowed to provide proof of compliance.

§ 2. This local law takes effect April 1, 2019.

HELEN K. ROSENTHAL, Chair; BRADFORD S. LANDER, LAURIE A. CUMBO, DIANA AYALA;
Committee on Women, April 9, 2018.

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. 653-A

Report of the Committee on Women 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 mandating annual reporting on workplace sexual harassment within city agencies

The Committee on Women, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1026), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Women for Int. No. 612-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 653-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 653-A
COMMITTEE: Women

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to mandating annual reporting on workplace sexual harassment within city agencies

SPONSORS: Council Members Levine, Williams, Torres, Cabrera, Rose, Rosenthal, Chin, Gibson, Powers, Constantinides, and Reynoso

SUMMARY OF LEGISLATION: Proposed Intro. No. 653-A would mandate annual reporting on workplace sexual harassment complaints within City agencies, as well as the offices of the borough presidents, the comptroller and the public advocate. Each agency would be required to report to the Department of Citywide Administrative Services (DCAS), which would compile the reports into a single report. The compiled report would be required to be submitted to the Mayor, Council, and Commission on Human Rights, and the Commission on Human Rights would be required to post it to its website.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing workplace sexual harassment incident information and agency staff would be used to generate the reports, and existing online resources would be used to post the required reports.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Citywide Administrative Services

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered at a joint hearing by the Committee on Women and the Committee on Civil and Human Rights as a Preconsidered Introduction at a hearing on February 28, 2018, and the legislation was laid over. The legislation was introduced to the Council as Intro. No. 653 on March 7, 2018 and referred to the Committee on Women. The legislation was subsequently amended and the amended version, Proposed Intro. No. 653-A, will be voted on by the Committee on Women at a hearing on April 9, 2018. Upon successful vote by the Committee, Proposed Intro. No. 653-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 8, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 653-A:)

Int. No. 653-A

By Council Members Levine, Williams, Torres, Cabrera, Rose, Rosenthal, Chin, Gibson, Powers, Constantinides, Reynoso, Lander, Ayala, Miller, Adams, Rivera and Koslowitz

A Local Law to amend the administrative code of the city of New York, in relation to mandating annual reporting on workplace sexual harassment within city agencies

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-119.2 to read as follows:

§ 3-119.2 Annual reporting on workplace sexual harassment. a. Definitions. For purposes of this section, the following terms have the following meanings:

Agency. The term “agency” has the same meaning as such term is defined in section 1150 of the charter and shall include the offices of the borough presidents, the comptroller and the public advocate.

Department. The term “department” means the department of citywide administrative services.

Reporting individual. The term “reporting individual” means a city job or internship applicant, or a current or former employee, intern, independent contractor or volunteer who brings forth a report of workplace sexual harassment.

Respondent. The term “respondent” means a city job or internship applicant, or a current or former employee, intern, independent contractor or volunteer accused of workplace sexual harassment who has entered into the agency’s official complaint process.

b. Each agency shall report to the department complaints of workplace sexual harassment annually. The department shall annually compile complaints of workplace sexual harassment within each agency for the preceding fiscal year and shall annually submit by December 31 to the mayor, the council and commission on human rights, which shall post it on its website, a report containing the following information:

- 1. The number of such complaints that were filed;*
- 2. Of those complaints in paragraph 1 of this subdivision, the number of complaints resolved;*
- 3. Of those complaints in paragraph 2 of this subdivision, the number of complaints substantiated;*
- 4. Of those complaints in paragraph 2 of this subdivision, the number of complaints not substantiated; and*
- 5. The number of complaints in the agency’s official discrimination claim process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.*

c. The information required pursuant to subdivision b of this section shall be disaggregated by agency, except that agencies with 10 employees or less shall be aggregated together.

d. No report required pursuant to subdivision b of this section shall contain personally identifiable information. If any category requested contains between 0 and 5 incidents of sexual harassment claims, the number shall be replaced with a symbol.

§ 2. This law takes effect 180 days after it becomes law.

HELEN K. ROSENTHAL, Chair; BRADFORD S. LANDER, LAURIE A. CUMBO, DIANA AYALA;
Committee on Women, April 9, 2018.

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. 664-A

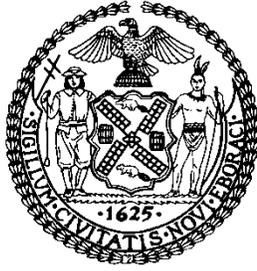
Report of the Committee on Women in favor of approving and adopting, as amended, a Local Law in relation to climate surveys and action plans to combat sexual harassment and equal employment opportunity violations at city agencies.

The Committee on Women, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1037), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Women for Int. No. 612-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 664-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 664-A

COMMITTEE: Women

TITLE: A Local Law in relation to climate surveys and action plans to combat sexual harassment

SPONSORS: Council Members Rosenthal, Rose, Chin, Powers and Constantinides

SUMMARY OF LEGISLATION: Proposed Intro. No. 664-A would require the New York City Department of Citywide Administrative Services (DCAS) to develop a climate survey to be administered on a voluntary basis at all city agencies, as well as the offices of the borough presidents, the comptroller and the public advocate, to ascertain the general awareness and knowledge of the City's equal employment opportunity (EEO) policy, including but not limited to sexual harassment policies and prevention. The survey would be followed by a report to the Mayor and Speaker with the results. Based on these results, DCAS would work with each City agency to develop an action plan to address the results of the surveys, which would be incorporated into each agency's annual EEO plan. Cycles of surveys, reports, and action plans would be completed in 2020 and then in 2022, with further such cycles occurring in 2024 and every four years thereafter.

EFFECTIVE DATE: This local law would take effect 90 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$82,500	\$90,000	\$90,000
Net	(\$82,500)	(\$90,000)	(\$90,000)

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that Proposed Intro. No. 664-A would have an annual impact on expenditures of \$90,000. The cost reflects the salary and fringe expenses associated with an additional member of staff at DCAS who would be responsible for reviewing climate surveys and working with agencies to develop responsive strategies to combat sexual harassment. Existing resources within DCAS could be used to develop the survey, while existing EEO and administrative staff within City agencies could be used to fulfill other requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Department for Citywide Administrative Services
New York City Commission on Human Rights

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered at a joint hearing by the Committee on Women and the Committee on Civil and Human Rights as a Preconsidered Introduction at a hearing on February 28, 2018, and the legislation was laid over. The legislation was introduced to the Council as Intro. No. 664 on March 7, 2018 and referred to the Committee on Women. The legislation was subsequently amended and the amended version, Proposed Intro. No. 664-A, will be voted on by the Committee on Women at a hearing on April 9, 2018. Upon successful vote by the Committee, Proposed Intro. No. 664-A will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 8, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 664-A:)

Int. No. 664-A

By Council Members Rosenthal, Rose, Chin, Powers, Constantinides, Lander, Ayala, Miller, Adams, Rivera and Koslowitz.

A Local Law in relation to climate surveys and action plans to combat sexual harassment and equal employment opportunity violations at city agencies

Be it enacted by the Council as follows:

Section 1. Equal employment opportunity and sexual harassment climate surveys. a. Definitions. For purposes of this local law, the term “agency” has the same meaning as such term is defined in section 1150 of the New York city charter and shall include the offices of the borough presidents, the comptroller and the public advocate.

b. The department of citywide administrative services shall develop a climate survey to assess the general awareness and knowledge of the city’s equal employment opportunity (“EEO”) policy, including but not limited to sexual harassment policies and prevention at city agencies, including employee experience with and knowledge of reporting of prohibited acts. In addition, such survey shall include questions, that may be completed in full or in part, at the discretion of the employee respondent, including race, ethnicity, gender, sexual orientation and age of the employee. The department shall use such survey to assess each agency regarding the following:

- (1) The extent that employees of each agency are familiar with the EEO policy of such agency they are employed by or assigned to, including but not limited to sexual harassment;
- (2) The extent that employees are knowledgeable about the EEO policy, including but not limited to sexual harassment, and where they can get help if they believe that they were sexually harassed;
- (3) The extent that employees are knowledgeable about how and where to file a formal complaint about a violation of the EEO policy, including but not limited to a complaint about sexual harassment or related misconduct or how to initiate a disciplinary procedure;
- (4) The extent that employees are knowledgeable about the process that occurs after an employee has filed a complaint about a violation of the EEO policy, including but not limited to a complaint of sexual harassment or related misconduct;

(5) For supervisory and managerial employees, the extent that such employees are knowledgeable about their responsibilities with respect to the prevention of violations of the EEO policy, including but not limited to sexual harassment and retaliation as such conduct is prohibited by the city's human rights law;

(6) For supervisory and managerial employees, the extent that such employees are knowledgeable about measures that such employee may take to appropriately address complaints under the EEO policy, including but not limited to sexual harassment complaints;

(7) Whether employees have witnessed or experienced sexual harassment, as described by local law or a violation of the EEO policy, including but not limited to unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature, at their current place of employment or at an employer sanctioned event;

(8) Whether employees feel that their workplace is safe and free from violations of the EEO policy, including but not limited to sexual harassment or retaliation;

(9) Whether employees believe that the agency they are employed by or assigned to protects the rights of its employees to pursue their duties in a respectful workplace;

(10) Whether employees believe that the agency they are employed by or assigned to ensures that all employees are protected from workplace harassment and ensures that all employees are treated equally and fairly;

(11) Whether employees believe that the agency they are employed by or assigned to takes steps to prevent violations of the EEO policy, including but not limited to incidents of sexual harassment or retaliation;

(12) Whether employees believe that the agency they are employed by or assigned to takes seriously and investigates violations of the EEO policy, including but not limited to claims of sexual harassment; and

(13) Whether employees believe that the agency they are employed by or assigned to adequately responds to those who claim to have experienced violations of the EEO policy, including those who may be victims of sexual harassment, and ensures that appropriate resources are made available to those individuals.

c. The department shall make the climate survey available to all agencies for dissemination to agency employees on or before September 31, 2018. Agencies shall ensure that each employee receives such climate survey and are advised that such climate survey is not mandatory or required as part of such employee's job. Agencies shall take steps to ensure that the assessment remains anonymous and that no individual employee is personally identified.

d. No later than February 28, 2019, the department shall prepare and submit to the mayor and the speaker a report with the results of the climate survey prepared pursuant to subdivision b of this section. Any agency may provide additional information to the department in preparation of such report. Such additional information may include prior relevant reports or underlying data that can provide context to the results of such agency's climate assessment, including an assessment of risk factors associated with sexual harassment within such agency.

e. No later than December 31, 2019, the department shall work with each agency to develop an action plan, to be incorporated into each agency's annual EEO plan, and to be reported to the mayor and the speaker on or before March 31, 2020. Such action plan shall address the results of each agency's climate survey including but not limited to:

(1) Identifying any issues at such agency identified by the climate survey required by subdivision b and outlining what steps such agency will take to address and cure those issues; and

(2) Incorporating the recommendations of the report issued pursuant to subdivision d of this section.

f. After each agency develops and implements an action plan pursuant to subdivision e, and no later than July 31, 2020, each agency shall redistribute the climate survey required by subdivision b to each agency employee. The department shall produce a report to the mayor and the speaker on or before December 31, 2021 with the results of the climate survey prepared pursuant to this subdivision. No later than December 31, 2022, the department shall work with each agency to update their action plans, to be incorporated into each agency's annual EEO plan, and to be reported to the mayor and the speaker on or before December 31, 2022, which shall address the results of each agency's climate survey redistributed pursuant to this subdivision.

g. On or before July 31, 2024 and on or before July 31 every four years thereafter, each agency shall redistribute the climate survey required by subdivision b to each agency employee. The department shall produce a report to the mayor and the speaker on or before December 31, 2025 and on or before December 31 every four years thereafter with the results of the climate survey prepared pursuant to this subdivision.

§ 2. This local law takes effect 90 days after it becomes law.

HELEN K. ROSENTHAL, Chair; BRADFORD S. LANDER, LAURIE A. CUMBO, DIANA AYALA; Committee on Women, April 9, 2018.

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. 693

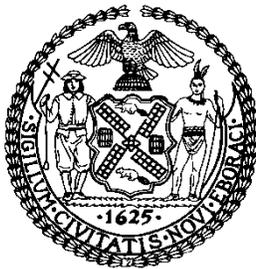
Report of the Committee on Women in favor of approving and adopting, a Local Law to amend the New York city charter, in relation to division of labor services employment reports.

The Committee on Woman, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1037), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Women for Int. No. 612-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 693-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 693
COMMITTEE: Women**

TITLE: A Local Law to amend the New York city charter, in relation to division of labor services employment reports

SPONSORS: Council Members Van Bramer, Rose, Rosenthal, Chin, Powers and Constantinides

SUMMARY OF LEGISLATION: Proposed Intro. No. 693 would amend the Division of Labor Services employment report, required by City contractors, to include employment practices, policies, and procedures as they relate to preventing and addressing sexual harassment.

EFFECTIVE DATE: This local law would take effect 60 days after it becomes law, provided that the Commissioner of the Department of Small Business Services would take all necessary action for implementation before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY19
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because contractors rather than City personnel would be required to submit the requested information.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered at a joint hearing by the Committee on Women and the Committee on Civil and Human Rights as a Preconsidered Introduction at a hearing on February 28, 2018, and the legislation was laid over. The legislation was introduced to the Council as Intro. No. 693 on March 7, 2018 and referred to the Committee on Women. The legislation will be voted on by the Committee on Women at a hearing on April 9, 2018. Upon successful vote by the Committee, Proposed Intro. No. 693 will be submitted to the full Council for a vote on April 11, 2018.

DATE PREPARED: April 8, 2018.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 693:)

Int. No. 693

By Council Members Van Bramer, Rose, Rosenthal, Chin, Powers, Constantinides, Lander, Ayala, Miller, Adams, Rivera and Koslowitz

A Local Law to amend the New York city charter, in relation to division of labor services employment reports

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision e of section 1305 of chapter 56 of the New York city charter, as added by local law 61 for the year 1991, is amended to read as follows:

e. 2. An employment report shall include, but not be limited to, employment practices, policies[,] and procedures, *including those related to preventing and addressing sexual harassment*, statistics and collective bargaining agreements. The contracting agency shall transmit the employment report to the commissioner after the selection of a proposed contractor or subcontractor. The commissioner shall review all employment reports

to determine whether such contractors and subcontractors are in compliance with the equal employment opportunity requirement of local, state and federal law and executive orders.

§ 2. This local law takes effect 60 days after it becomes law; provided, however that the commissioner shall take all action necessary for its implementation, including the promulgation of rules, before such date.

HELEN K. ROSENTHAL, Chair; BRADFORD S. LANDER, LAURIE A. CUMBO, DIANA AYALA; Committee on Women, April 9, 2018.

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

Report for Int. No. 720

Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the New York city building code, in relation to clarifying the requirements for site safety training providers.

The Committee on Housing and Buildings, to which the annexed preconsidered proposed local law was referred on March 7, 2018 (Minutes, page 1092), and which same item has been laid over by the Council since the March 7, 2018 Stated Meeting (Minutes, page 924), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 720 printed in the Minutes of March 7, 2018, page 1092)

Accordingly, this Committee recommends its adoption.

ROBERT E. CORNEGY, Jr., Chairperson; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Laid Over by the Council.

Report for L.U. No. 36 & Res. No. 306

Report of the Committee on Land Use in favor of approving Application No. C 180069 ZSM submitted by 21E12 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking garage with a maximum capacity of 187 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 and 1102), in C1-7/C6-1 Districts, Borough of Manhattan, Community District 2, Council District 2. This application is subject to review and action by the Land

Use Committee only if appealed to the Council pursuant to Charter Section 197-d(b)(2) or called up by vote of the Council pursuant to Charter Section 197-d(b)(3).

The Committee on Land Use, to which the annexed Land Use item was referred on March 7, 2018 (Minutes, page 1097) and which same Land Use item was coupled with the resolution shown below, and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2

C 180069 ZSM

City Planning Commission decision approving an application submitted by 21E12 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 150 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 and 1102), in C1-7 and C6-1 Districts.

INTENT

To approve the Special Permit pursuant to Sections 13-45 and 13-451 of the Zoning Resolution to permit 150 attended public parking spaces within a new mixed-use development at 21 East 12th Street in the Union Square South neighborhood of Manhattan Community District 2.

PUBLIC HEARING

DATE: March 12, 2018

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: March 27, 2018

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission with modifications.

In Favor:

Moya, Constantinides, Lancman, Levin, Reynoso, Rivera, Torres, Grodenchik.

Against:
None

Abstain:
None

COMMITTEE ACTION**DATE:** March 28, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Kallos, King, Koo, Lancman, Levin, Miller, Reynoso, Torres, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The Committee's proposed modifications were filed with the City Planning Commission on March 28, 2018. The City Planning Commission filed a letter dated April 9, 2018, with the Council on April 10, 2018, 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. 306

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180069 ZSM (L.U. No. 36), for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 187 spaces on portions on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 and 1102), in C1-7 and C6-1 Districts, Community District 2, Borough of Manhattan.

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on March 2, 2018 its decision dated February 28, 2018 (the "Decision"), on the application submitted by 21E12 LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 187 spaces on portions of the ground floor, cellar and sub-cellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 and 1102), in C1-7 and C6-1 Districts, (ULURP No. C 180069 ZSM), Community District 2, Borough of Manhattan, (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Sections 13-45 and 13-451 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 12, 2018;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration (CEQR No. 17DCP132M) issued on October 30, 2017 (the “Negative Declaration”).

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 this report, C 180069 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double underlined is new, added by the City Council.

The ~~the~~ application submitted by 21E12 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an ~~automated-accessory~~ attended parking garage with a maximum capacity of ~~187~~ 150 spaces on portions of the ground floor, cellar and subcellar of a proposed mixed use building on property located at 21 East 12th Street (Block 570, Lots 1101 & 1102), in C1-7/C6-1 Districts, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 180069 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Philip E. Habib, LPE, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
1 of 2	Ground Floor/Site Plan	<u>4/ /18</u> 9/29/17
2 of 2	Cellar & Subcellar Parking Plan	<u>4/ /18</u> 9/29/17

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

- 5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

- 6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, BEN KALLOS, , RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES MARK TREYGER, BARRY S. GRODENCHIK ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, March 28, 2018.

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:

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Sheila Lopez	929 Amsterdam Avenue #3S New York, New York 10025	7
Anaise A. Serrano	445 East 146th Street #4B Bronx, New York 10455	8

Rafael Martinez	25 Sickles Street New York, New York 10040	10
Gina Bonilla	3217 Corlear Avenue Bronx, New York 10463	11
Patricia B. Johnson	100 Aldrich Street #5C Bronx, New York 10475	12
Cecilia M. Torres	1639 Edison Avenue #1 Bronx, New York 10461	13
Juana Cabral	1382 Shakespeare Avenue #60 Bronx, New York 10452	16
Efrain Quintero	214-04 42nd Avenue #3 Bayside, New York 11360	19
Emilia Mancini	150-24 84th Avenue Queens, New York 11432	24
Justin Francis	114-45 179th Street Queens, New York 11434	27
Diana Ross	38-08 Beach Channel Drive #13E Queens, New York 11691	31
Jonathan Gonzalez	149-44 122nd Street Queens, New York 11420	32
Marsha Figueroa	860 Kent Avenue #1 Brooklyn, New York 11205	33
Antonio Miguel Frazier	770 Fulton Street #6K Brooklyn, New York 11238	35
Vanessa Garcia	1235 Belmont Avenue #2 Brooklyn, New York 11208	37
Emily Hebert	404 East 16th Street Brooklyn, New York 11226	40
Melissa Wernersbach	8409 14th Avenue #2R Brooklyn, New York 11228	43
Leslyn D. Richards	656 East 38th Street Brooklyn, New York 11203	45
Marcella Martinez	21 Courtney Loop Staten Island, New York 10305	49

Christine Godoy	100 Jumel Street Staten Island, New York 10308	51
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Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Donna McGrane	206 West 104th Street #57 New York, New York 10025	7
Jeanette Columna	626 Riverside Drive New York, New York 10031	7
Iveliz Plata	219 East 97th Street #3G New York, New York 10029	8
Signs Medina	2850 8th Avenue #8C New York, New York 10039	9
Blanca Martinez	164 Sherman Avenue #21 New York, New York 10034	10
Maria Batista	294 Audubon Avenue #1 New York, New York 10033	10
Daniel W. Iseley	24-A Cooper Place Bronx, New York 10475	12
Magali Figueroa	140 Debs Place #25F Bronx, New York 10475	12
Abdool Majeed	2332 Laconia Avenue Bronx, New York 10469	13
Madeline Candelaria	2309 Holland Avenue #2J Bronx, New York 10467	13
Ernest Bauer	1624 Webster Avenue Bronx, New York 10457	16
Lydia E. Cruz	3244 Third Avenue #A3 Bronx, New York 10451	17
Jin Ho Lee	36-22A Francis Lewis Blvd #201 Flushing, New York 11358	19
Carol L. Bouknight	97-07 Horace Harding Expressway #15B Rego Park, New York 11368	21

Ralph Branson	32-20 101st Street Queens, New York 11369	21
Ginet Reyes	85-10 Forest Parkway Woodhaven, New York 11421	30
Aron Moseson	769 Empire Avenue Queens, New York 11691	31
Ella Caynes	131-78 231st Street Queens, New York 11413	31
Jacob S. Moseson	769 Empire Avenue Queens, New York 11691	31
Danielle M. Graziano	156-12 97th Street Howard Beach, New York 11417	32
Gail A. Zanoni	94-16 Park Lane South Woodhaven, New York 11421	32
Yvonne Hernandez	102-26 86th Avenue #B1 Richmond Hill, New York 11418	32
Catherine V. Thompson	932 St. Marks Avenue #2E Brooklyn, New York 11213	36
Trade Bacon	321 Monroe Street Brooklyn, New York 11216	36
Sophina Go	974 54th Street #2RR Brooklyn, New York 11219	38
Nora Chanko	351 16th Street #2F Brooklyn, New York 11215	39
Rosemarie Coles	454 15th Street #4R Brooklyn, New York 11215	39
Julia Duncan	144 East 29th Street Brooklyn, New York 11226	40
Annie Dunn	621 Lefferts Avenue #C17 Brooklyn, New York 11203	41
Julia Easley-Dunn	976 Gates Avenue Brooklyn, New York 11221	41
Wesley B. Hope	185 Sumpter Street Brooklyn, New York 11233	41
Willermine Bonica	284 Sutter Avenue #2B Brooklyn, New York 11212	41

Belinda McDowell	10307 Flatlands Avenue #6C Brooklyn, New York 11236	42
Denise A. Rallakis	240 94th Street Brooklyn, New York 11209	43
Laiyin L. Li	73-12 15th Avenue 1st Fl Brooklyn, New York 11228	43
Maureen Beaton	1111 Ocean Avenue #202 Brooklyn, New York 11230	45
Patrick F. Falletta	1946 Bergen Avenue #28 Brooklyn, New York 11234	46
Tiffany Yip	2211 Bragg Street #2F Brooklyn, New York 11229	46
Louis J. Salmonese	1829 West 10th Street Brooklyn, New York 11223	47
Milla Brodsky	2632 West 2nd Street #3J Brooklyn, New York 11223	47
Sharon Fox	2610 Ocean Parkway #4A Brooklyn, New York 11235	47
L. Byers-Bernardini	141 St. Marks Place #4C Staten Island, New York 10301	49
Thomas Brice	952 Clove Road Staten Island, New York 10301	49
Catherine Pascarella	99 East Macon Avenue Staten Island, New York 10308	51
Lucinda Cimaglia	429. Doane Avenue Staten Island, New York 10308	51
Michelle Landi	244 Corbin Avenue Staten Island, New York 10308	51
Paula Mancinelli	81 Abingdon Avenue Staten Island, New York 10308	51

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) | M-30 & Res. 297 - | Transfer City funds between various agencies in Fiscal Year 2018 (MN-6). |
| (2) | M-31 & Res. 298 - | Appropriation of new revenues in Fiscal Year 2018 (MN-7). |
| (3) | Int. 241-B - | Draft a new or revised city charter. |
| (4) | Int. 612-A - | Anti-sexual harassment trainings at city agencies. |
| (5) | Int. 613-A - | Workplace risk factors associated with sexual harassment within city agencies. |
| (6) | Int. 614-A - | Sexual harassment to be made available online for public access. |
| (7) | Int 630-A - | Anti-sexual harassment rights and responsibilities poster. |
| (8) | Int. 632-A - | Anti-sexual harassment training for private employers. |
| (9) | Int. 653-A - | Annual reporting on workplace sexual harassment within city agencies. |
| (10) | Int. 657-A - | Sexual harassment protections to all employees. |
| (11) | Int. 660-A - | Clarify and strengthen the human rights law as it relates to sexual harassment. |
| (12) | Int. 663-A - | Statute of limitations for filing certain harassment claims. |
| (13) | Int. 664-A - | Combat sexual harassment and equal employment opportunity violations at city agencies. |
| (14) | Int. 693 - | Division of labor services employment reports. |

- (15) **Int. 754 -** Nightlife advisory board.
- (16) **Res. 271 -** Organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (17) **Res. 272 -** Rules of the Council in relation to discrimination and harassment.
- (18) **L.U. 36 & Res. 306 -** Application No. **C 180069 ZSM** Manhattan, Community District 2, Council District 2.
- (19) **L.U. 37 & Res. 299 -** App. **C 180095 ZMK** Brooklyn, Community District 8, Council District 35.
- (20) **L.U. 38 & Res 300 -** App. **C 180065 PCK** Brooklyn, Community District 6, Council District 33.
- (21) **L.U. 41 & Res. 301 -** App. **20185206** Manhattan, Community District 7, Council District 6.
- (22) **L.U. 42 & Res. 302 -** App. **C 180115 HAM** Manhattan, Community District 10, Council District 9.
- (23) **L.U. 43 & Res. 303 -** App. **C 180116 ZSM** Manhattan, Community District 10, Council District 9.
- (24) **L.U. 44 & Res. 304 -** App. **20185143 TCK** Brooklyn, Community Board 1, Council District 33 (**Coupled to be Disapproved**).
- (25) **L.U. 50 & Res. 305 -** App. **20185223 PXX (N 180239 PXX)** Bronx, Community District 8, Council District 14 (**Coupled to be Filed**).
- (26) **Resolution approving various persons Commissioners of Deeds.**

The Public Advocate (Ms. James) 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, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **50**.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **M-30 & Res. No. 297**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Van Bramer, Williams, Yeger, Cumbo, and the Speaker (Council Member Johnson) – **46**.

Negative – Borelli, Ulrich, Vallone, and Matteo – **4**.

The following was the vote recorded for **Int. No. 241-B**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **49**.

Negative – Yeger – **1**.

The following was the vote recorded for **Int. No. 632-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Cumbo, and the Speaker (Council Member Johnson) – **48**.

Negative – Borelli and Matteo – **2**.

The following was the vote recorded for **L.U. No. 38 & Res. No. 300:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **49**.

Negative – Yeger – **1**.

The following was the vote recorded for **L.U. No. 44 & Res. No. 304:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **49**.

Negative – Reynoso – **1**.

The following Introductions were sent to the Mayor for his consideration and approval:

Int. Nos. 241-B, 612-A, 613-A, 614-A, 630-A, 632-A, 653-A, 657-A, 660-A, 663-A, 664-A, 693 and 754.

RESOLUTIONS

presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote item Res. No. 222

Report of the Committee on Civil and Human Rights in favor of approving a Resolution calling upon the United States Congress to pass, and the President to sign S.2203/H.R.4734, known as the “Ending Forced Arbitration of Sexual Harassment Act of 2017,” which prohibits a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute.

The Committee on Civil and Human Rights, to which the annexed resolution was referred on March 7, 2018 (Minutes, page 1031), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil and Human Rights for Int. No. 614-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 222:)

Res. No. 222

Resolution calling upon the United States Congress to pass, and the President to sign S.2203/H.R.4734, known as the “Ending Forced Arbitration of Sexual Harassment Act of 2017,” which prohibits a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute.

By Council Members Miller, Rose, Rosenthal, Chin, Powers, Constantinides, Kallos, Adams, Eugene, Lander, Rivera and Ayala.

Whereas, In the United States, a large number of employers tend to require their workers to sign arbitration agreements, which require that any disputes between employer and employee, including sexual harassment, be settled in private arbitration, outside of the court system; and

Whereas, The Economic Policy Institute conducted a survey on nonunion private-sector employers, finding that more than 56 percent of American workers, which equates to roughly 60.1 million workers, are subject to mandatory arbitration agreements; and

Whereas, As a result of the increased use of mandatory arbitration agreements, some estimate that more than half of American workers are not able to take sexual harassment claims to court and instead forced to use a private arbitration process; and

Whereas, The Economic Policy Institute states that mandatory arbitration agreements suppress claims, with many employees citing fear of retaliation and lack of attorney participation due to claims being harder to win and damages awarded being much lower than court-awarded damages as main causes of not reporting claims related to sexual harassment and other civil rights claims; and

Whereas, According to reports by the federal Equal Employment Opportunity Commission (EEOC), 70 percent to 90 percent of victims of sexual harassment do not formally make a complaint or file a charge with fair employment agencies, with many cases of sexual harassment being left unaddressed; and

Whereas, In light of recent high-profile cases, and the advent of the #MeToo movement, it is important to bring attention to the problem of workplace sexual harassment and mandatory arbitration agreements, while also working towards solutions to this problem; and

Whereas, Many advocates, including Gretchen Carlson, a publicly-known victim of sexual harassment in the workplace, believe that reforming arbitration laws is key to stopping sexual harassment; and

Whereas, S.2203, introduced by Senator Kirsten E. Gillibrand, and H.R.4734, introduced by Representative Cheri Bustos, will prohibit a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute; and

Whereas, This legislation would effectively increase the number of workers coming forward with claims of sexual harassment, increase attorney participation, make employers accountable for workplace sexual harassment, and make the workplace more fair, safe and equal; 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 S.2203/H.R.4734, known as the “Ending Forced Arbitration of Sexual Harassment Act of 2017,” which prohibits a predispute arbitration agreement from being valid or enforceable if it requires arbitration of a sex discrimination dispute

MATHIEU EUGENE, *Chairperson*; BRADFORD S. LANDER, BEN KALLOS, HELEN K. ROSENTHAL; Committee on Civil and Human Rights, April 9, 2018. *Other Council Members Attending: Council Members Ampry-Samuel and Rivera.*

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing no objections, the Public Advocate (Ms. James) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 741

By The Speaker (Council Member Johnson) and Council Members Brannan, Rosenthal, Powers and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting fees for telephone calls from inmates in city jails

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 9-153 to read as follows:

§ 9-153. Telephone fees. To the extent that the department provides telephone services to inmates, the department shall not accept or receive revenue for providing such services and shall provide all such telephone services to inmates without charge to the inmates or the receiving parties.

§ 2. This local law takes effect 120 days after enactment, provided that the board of correction shall take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Criminal Justice.

Res. No. 268

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, (1) S.6046/A.7798, which would authorize the expanded use of speed cameras in New York City, (2) legislation that would provide for the escalation of penalties and consequences for multiple violations issued by red light and speed cameras and (3) legislation that would require physicians to report medical conditions or incidents that indicate a driver is at high risk of suddenly losing consciousness or vehicle control.

By Council Members Ampry-Samuel and Brannan.

Whereas, According to the Vision Zero Year Four Report, in 2017, 214 people, including 101 pedestrians, were killed in traffic crashes in New York City; and

Whereas, Many of these crashes could be prevented by stronger state laws; and

Whereas, As one recent tragic example, on March 5, 2018, four-year-old Abigail Blumenstein and one-year-old Joshua Lew were killed in a crash in Park Slope, Brooklyn, by a driver who ran a red light, who claimed to have suffered a seizure at the time of the crash and whose car already had been issued four violations by red light cameras and four violations by speed cameras, with no serious consequences; and

Whereas, In order to ensure the safety of all pedestrians and road users, it is necessary that the New York State Legislature make a number of changes to New York State law, some of which have already been proposed in pending bills and others of which must still be introduced; and

Whereas, To begin with the first proposal, under New York State's Vehicle and Traffic Law (VTL), speed cameras may only be installed in school zones and may only be used during, and one hour before and after, the school day and during, or 30 minutes before and after, student activities at the school; and

Whereas, The VTL currently authorizes the use of speed cameras in only 140 out of more than 2,300 school zones in New York City and limits the definition of school zones to only those streets abutting a school building, exit or entrance; and

Whereas, At the locations and times they are authorized to be used, speed cameras have been shown to reduce speeding in school zones by 63%; and

Whereas, A.7798, introduced by Assembly Member Deborah Glick and pending in the New York State Assembly, and companion bill S.6046, introduced by State Senator Jose Peralta and pending in the New York State

Senate, seek to amend the VTL by authorizing the installation of speed cameras in an additional 150 school zones and by more broadly defining school zones to include streets within a quarter mile of schools; and

Whereas, The passage of A.7798 and companion bill S.6046 would therefore take one important step toward improving safety throughout the city; and

Whereas, A second major obstacle to eliminating traffic fatalities on New York City streets is the lenient penalty scheme for violations issued by a red light or speed camera mandated by New York State law; and

Whereas, Under the VTL, the penalty for any violation issued to a vehicle by a red light or speed camera is limited to \$50, regardless of the number of prior violations, the DMV may not use such violations to assess points to a driver's license and insurers may not use such violations to set rates; and

Whereas, This penalty structure is insufficient, because it is too low to serve as an effective deterrent and may not be used to identify and deter dangerous drivers; and

Whereas, Therefore, the State should provide for the escalation of penalties and consequences for multiple violations issued by red light or speed cameras such that for the third violation it would impose a penalty of \$150, for the fourth violation a penalty of \$250, for the fifth violation a penalty of \$300 and information sent to the car's insurer and for the sixth violation a penalty of \$350 and suspension of the car's registration; and

Whereas, A third serious problem is that drivers can lose control of their vehicles due to medical conditions, leading to serious injury or death; and

Whereas, In addition to the Park Slope crash, in recent years such incidents include, on March 20, 2015, two pedestrians killed in Grand Concourse by a taxi driver who had stopped taking his epilepsy medication, on October 31, 2015, three pedestrians killed in Morris Park by a driver who was epileptic and not taking his prescribed medication and on January 9, 2017, a pedestrian killed in East Flatbush by a driver whose leg allegedly stiffened and became locked on the gas pedal due to a medical condition; and

Whereas, Identifying drivers who have medical conditions with a high risk of interfering with their ability to drive safely would help protect city residents; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, (1) S.6046/A.7798, which would authorize the expanded use of speed cameras in New York City, (2) legislation that would provide for the escalation of penalties and consequences for multiple violations issued by red light and speed cameras and (3) legislation that would require physicians to report medical conditions or incidents that indicate a driver is at high risk of suddenly losing consciousness or vehicle control.

Referred to the Committee on Transportation.

Int. No. 742

By Council Members Barron, Espinal and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to access to bathrooms in non-public areas of agency offices and buildings

Be it enacted by the Council as follows:

Section 1. Title 4 of the administrative code of the city of New York is amended to add a new section 4-211, to read as follows:

§ 4-211 Access to bathrooms in non-public areas. Agencies shall allow members of the public access and use of toilet rooms in non-public areas of agency offices or buildings when there is no usable toilet room in a publicly accessible portion of such office or building that is used for customer service interactions, provided that agencies may limit such access by requiring that the member of the public be escorted by an agency employee to and from such toilet room in a non-public area and further provided that agencies may deny such access for areas with a significant security concern.

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

Referred to the Committee on Governmental Operations.

Int. No. 743

By Council Members Barron and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to child support for persons wrongly incarcerated due to prosecutorial misconduct

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 7 of the administrative code of the city of New York is amended to add a new section 7-213 to read as follows:

§ 7-213 *Authority to make payments for child support for persons wrongly incarcerated due to prosecutorial misconduct.* a. *The comptroller, after consultation with the corporation counsel, is hereby authorized and empowered to make a payment to a recipient of child support, pursuant to section 413 of the family court act, upon application by either the supporting parent or the recipient of child support, when the following criteria are met:*

1. *the supporting parent was prosecuted by a district attorney representing one of New York city's five boroughs;*

2. *there is an unpaid amount of child support that was due during a period of time in which the supporting parent was incarcerated;*

3. *the supporting parent was not convicted of any felony or misdemeanor in connection with their incarceration, nor does any felony or misdemeanor charge in connection with their incarceration remain pending, or, if there was a conviction, such conviction has since been vacated pursuant to the criminal procedure law or a claim of unjust conviction has been found by a court of competent jurisdiction pursuant to section 8-b of the court of claims act;*

4. *a court of competent jurisdiction has held that there was prosecutorial misconduct in relation to the supporting parent's incarceration or, under criteria to be determined by the comptroller and the corporation counsel, where the wrongful actions of a district attorney have resulted in incarceration or an undue extension of incarceration;*

5. *the supporting parent, the recipient of child support, and any other interested party as identified by the corporation counsel, shall agree that such payment by the comptroller shall serve as satisfaction of an amount of unpaid child support equal to the amount of such payment; and*

6. *if requested by the corporation counsel, the supporting parent shall agree to release the city of New York, any employee or agency thereof, the district attorney, and any employees thereof, from any current or future claim for damages in relation to such child support payments.*

b. *Any payment made pursuant to this section shall be made in the discretion of the comptroller, after consultation with the corporation counsel, and shall not be made as a matter of right. No payment shall exceed the amount of child support unpaid during the period of time in which the supporting parent was incarcerated.*

c. *The payments authorized by this section shall be limited by the appropriation of funds available for such purpose.*

§ 2. This local law takes effect six months after it becomes law, except that the corporation counsel and the comptroller shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Justice System.

Res. No. 269

Resolution urging Congress to pass and the President to sign S.856/H.R.1949, also known as the Campus Accountability and Safety Act.

By Council Members Barron and Brannan.

Whereas, Sexual assault on college campuses across the country has significantly increased over the past decade; and

Whereas, The impact of failing to implement proper sexual assault procedures and policies on college campuses has been illustrated by several reported high-profile incidents in recent years; and

Whereas, According to the most recent data by the United States (U.S.) Department of Education report on school crime and safety, the number of reported forcible sex offenses on college campuses increased by 262 percent, from 2,200 in 2001 to 8,000 in 2015, accounting for 29 percent of all reported crimes on college campuses; and

Whereas, Further, the number of reported forcible sex offenses between 2014 and 2015 increased by 18 percent, from 6,800 to 8,000; and

Whereas, More forcible sex offenses were reported at institutions with residence halls than at institutions without them; and

Whereas, Over many years, the federal government has taken steps to safeguard students at higher education institutions and increase compliance through several pieces of legislation, including Title IX passed in 1972 and The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) passed in 1990; and

Whereas, The Violence Against Women Reauthorization Act of 2013, or “VAWA 2013,” includes a provision that requires higher education institutions to better respond to sexual assault, including improved reporting of sexual assault, student discipline, and training for students and campus employees on sexual violence; and

Whereas, In addition, in 2011, the Obama Administration introduced comprehensive guidance to help colleges and universities nationwide better understand their obligations under federal civil rights laws to prevent and appropriately respond to sexual assault on campus, and in 2014, established the White House Task Force to Protect Students from Sexual Assault to assist schools in preventing sexual assault and to improve enforcement of Title IX regulations; and

Whereas, Colleges and universities nationwide are taking steps to prevent incidents of sexual violence on campus by increasing the presence of security officers, initiating bystander intervention programs, and educating students on the meaning of “consent”; and

Whereas, In April 2017, Senator Claire McCaskill and Representative Carolyn Maloney introduced S.856/H.R.1949, also known as the Campus Accountability and Safety Act, to hold institutions of higher learning more accountable for how they respond to sexual assault incidents on campus; and

Whereas, The Campus Accountability and Safety Act would establish new campus resources and support services for student survivors of sexual assault, ensure minimum training standards for on-campus personnel, require all institutions to survey students annually about their experience with sexual violence, and require the U.S. Department of Education to publish names of all schools with pending investigations, final resolutions and voluntary resolution agreements related to Title IX; and

Whereas, This piece of legislation would also require that all schools use one uniform process for campus disciplinary proceedings and work collaboratively with law enforcement; and

Whereas, Non-compliance could result in a penalty of up to one percent of the institution’s operating budget, and penalties for violating the Clery Act would increase to up to \$150,000 per violation from the current penalty of \$35,000; and

Whereas, In September 2017, the U.S. Department of Education under the Trump Administration officially rescinded the Obama Administration’s guidance on college sexual assault, offering interim, less stringent guidelines on how colleges and universities should handle the issue; and

Whereas, The passage of the Campus Accountability and Safety Act is vital to reducing sexual violence on college campuses, to ensuring that institutions of higher education adhere to proper sexual assault procedures, and most importantly, to guaranteeing a safe and secure learning environment for all students; now, therefore, be it

Resolved, That the Council of the City of New York urges Congress to pass and the President to sign S.856/H.R.1949, also known as the Campus Accountability and Safety Act.

Referred to the Committee on Higher Education.

Res. No. 270

Resolution calling upon the New York City Department of Education to regularly review the use and condition of transportable classrooms and to limit the amount of time that transportable classrooms are used in New York City public schools.

By Council Members Barron, Treyger and Brannan.

Whereas, A transportable classroom is a temporary building installed on the grounds of a school to provide additional classroom space and to address overcrowding issues; and

Whereas, Transportable classrooms are normally removed once the capacity situation subsides, a permanent addition is made to the school building, or a new school opens in the area; and

Whereas, When properly installed and maintained, transportable classrooms can have a long useful life; and

Whereas, Although temporary classrooms can be a quick fix to overcrowding in schools, there are many implications that a transportable classroom has for the learning environment; and

Whereas, In the 2016-17 school year, there were 244 transportable classroom units in use in New York City Department of Education schools; and

Whereas, According to the National Center for Education Statistics, public school principals report numerous problems associated with temporary classrooms including lighting, air conditioning, heating, ventilation, noise control, size, and the physical condition of buildings; and

Whereas, Further, some transportable classrooms are not equipped with proper or adequate bathrooms; and

Whereas, Often these temporary units become permanent fixtures in growing school districts; and

Whereas, When transportable units are deemed the only viable option available, the amount of time they will be used should be anticipated and those units should be constructed out of the most durable materials in order to ensure the longest and healthiest useful life; and

Whereas, As of the 2016-17 school year, New York City's transportable classrooms had a total capacity of 7,823 students and an enrollment of 5,830 students, the lowest number of students since the DOE began reporting this data to the Council in 2005; and

Whereas, It is important to set limits on the amount of time that transportable units can be used for schools in order to deter these provisional structures from becoming a long-term rather than a short-term solution and to further decrease the number of students in temporary classrooms; and

Whereas, Due to the use of transportable units, children may become sick, especially in the winter, due to inadequate heat in the temporary structure or from having to frequently go outside to access the main school building; and

Whereas, The physical condition of transportable units should be closely monitored and any needed repairs should be completed promptly; and

Whereas, The DOE should replace transportable units that are beyond their useful lives with newer ones to ensure that educational facilities are not in disrepair; and

Whereas, The DOE has committed to eventually removing all transportable units across the City; and

Whereas, According to the February 2018 Proposed Amendment to the FY 2015 – 2019 Five-Year Capital Plan issued by the School Construction Authority, to date, 164 transportable classrooms have been removed, and 70 out of the approximately 190 remaining transportable units are identified for removal; and

Whereas, The DOE should reduce to five the number of years that transportable units can be used to supplement space in any school or school building; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to regularly review the use and condition of transportable classrooms and to limit the amount of time that transportable classrooms are used in New York City public schools.

Referred to the Committee on Education.

Int. No. 744

By Council Members Borelli, Ampry-Samuel and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on emergency medical services supervisor to battalion staffing ratios

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

§ 15-132 Report on EMS supervisor to battalion staffing ratios. a. Definitions. For purposes of this section, the following terms have the following meanings:

Battalion. The term “battalion” means a collection of department resources that consists of several fire stations and the truck companies assigned to them.

Division. The term “division” means a collection of several battalions within the department.

EMS. The term “EMS” means the bureau of emergency medical services within the department.

b. No later than February 1 of each year, the department shall submit to the council a report on the ratios of EMS supervising officers to EMS battalions. Such report shall set forth such staffing ratios by EMS division as of the beginning of the calendar year.

c. Such report shall include, but need not be limited to, the following information:

- 1. The assigned number of each EMS division and the general geographic area each such division covers;*
- 2. The assigned number of each battalion within each EMS division, the geographic area each such battalion covers, including any formal and commonly known names and the area in square miles, and the number of individuals in each such battalion;*
- 3. The total number of battalions within each EMS division;*
- 4. The total number of designated EMS supervising officers for battalions within each EMS division; and*
- 5. For each EMS division, the ratio of EMS supervising officers to battalions within each such division.*

§ 2. This local law takes effect immediately and is deemed repealed 5 years after it becomes law.

Referred to the Committee on Fire and Emergency Management.

Int. No. 745

By Council Members Borelli, Cabrera and Holden.

A Local Law in relation to requiring the fire department to report on the effect of rezonings between 2002 and 2013 on department resources

Be it enacted by the Council as follows:

Section 1. Report on effect of rezonings between 2002 and 2013 on fire department resources. a. Definitions. For purposes of this local law, the following terms have the following meanings:

City. The term “city” means the city of New York.

Department. The term “department” means the fire department.

EMS. The term “EMS” means the bureau of emergency medical services within the department.

b. No later than October 1, 2018, the department, in consultation with the department of city planning, shall submit to the council a report on the effect of significant rezonings that took place in the city between the years 2002 and 2013, inclusive, on department resources. Such report shall also include data on the effect of such

rezonings on the department's EMS resources. The department, in consultation with the department of city planning, shall determine what constitutes a significant rezoning.

c. Such report shall include, but need not be limited to, the following information:

1. Each significant rezoning that took place in the city between 2002 and 2013, inclusive, including the year, borough, formal and commonly known names of the area, major streets and avenues covered by the rezoning and total area in square miles covered by the rezoning;

2. For each such rezoning, a brief description of the type of rezoning that took place, including any substantial changes in zoning district classification and the rationale for the rezoning; and

3. For each such rezoning, the impact of such rezoning on the department's needs in terms of fire protection personnel and staffing, equipment, vehicles and station locations, with a separate category including information on the impact of such rezoning on the department's needs in terms of EMS personnel and staffing, equipment, vehicles and station locations.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 746

By Council Members Borelli, Maisel and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on its new needs based on rezoning that occurred during the previous year

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-132 to read as follows:

§ 15-132 *Annual report on new department needs based on rezonings that occurred during the previous year.* a. *Definitions.* For purposes of this section, the term "EMS" means the bureau of emergency medical services within the department.

b. *No later than February 1 of each year, the department, in consultation with the department of city planning, shall submit to the council a report stating the new needs of the department in terms of fire protection and EMS personnel and staffing, equipment, vehicles and station locations based on rezonings that occurred in the city during the previous fiscal year.*

c. *Such report shall include, but need not be limited to, the following information:*

1. *The rezoned area that resulted in the creation of the department's new needs, including the borough, formal and commonly known names of the area, major streets and avenues covered by the rezoning and the total area in square miles covered by the rezoning;*

2. *For each such rezoned area, a brief description of the type of rezoning that took place, including any substantial change in zoning district classification and the rationale for the rezoning; and*

3. *For each such rezoned area, the impact of such rezoning on the department's needs in terms of fire protection personnel and staffing, equipment, vehicles and station locations, with a separate category including information on the impact of such rezoning on the department's needs in terms of EMS personnel and staffing, equipment, vehicles and station locations.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 747

By Council Members Cabrera, Brannan and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the distribution of public matching funds to candidates previously convicted of certain felonies

Be it enacted by the Council as follows:

Section 1. Subdivision 1 of section 3-703 of the administrative code of the city of New York is amended to add a new paragraph (p), to read as follows:

(p) not have been convicted, provided such conviction has not been vacated pursuant to the criminal procedure law or pardoned by the governor pursuant to section 4 of article IV of the New York state constitution, of a felony defined in:

- (i) article 200 of the penal law;*
- (ii) article 496 of the penal law;*
- (iii) sections 155.30, 155.35, 155.40, and 155.42 of the penal law, if in connection to public funds;*
- (iv) sections 175.10, 175.25 and 175.35 of the penal law; if in connection to public funds;*
- (v) section 195.20 of the penal law;*
- (vi) section 666 of title 18 of the United States code;*
- (vii) sections 1341, 1343 and 1346 of title 18 of the United States code; and*
- (viii) any felony attempt or conspiracy to commit any of the aforementioned felonies.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 748

By Council Members Cabrera, Diaz and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to certain taxi and limousine commission-related hearing procedures of the office of administrative trials and hearings

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

CHAPTER 9
SPECIAL HEARING PROCEDURES APPLICABLE TO VIOLATIONS OF TAXI AND LIMOUSINE
COMMISSION LAWS OR REGULATIONS

§ 19-901 Definitions. For purposes of this chapter, the following terms have the following meanings:

ALJ. The term "ALJ" means an administrative law judge appointed by the chief administrative law judge of OATH pursuant to section 1049 of the charter.

Appeals unit. The term "appeals unit" means the unit authorized under section 6-19 of title 48 of the rules of the city of New York to review ALJ and hearing officer decisions.

Commission. The term "commission" means the New York city taxi and limousine commission.

Hearing officer. The term “hearing officer” means a person designated by the chief administrative law judge of OATH, or such judge’s designee, to carry out the adjudicatory powers, duties and responsibilities of the tribunal.

OATH. The term “OATH” means the office of administrative trials and hearings.

Petitioner. The term “petitioner” means the city agency authorized to issue notices of violation returnable to the tribunal.

Respondent. The term “respondent” means the person against whom the charges alleged in a summons have been filed.

Summons. The term “summons” means the document, including a notice of violation, that specifies the charges forming the basis of an adjudicatory proceeding before the tribunal.

Tribunal. The term “tribunal” means the OATH hearings division, which includes the administrative tribunal referenced in section 19-506.1.

§ 19-902 Appearance of petitioner at commission-related hearing. a. Notwithstanding any rule promulgated by OATH or the commission, at a hearing before the tribunal on a violation of a law or regulation enforced by the commission, the petitioner shall appear in one of the following ways:

1. In person;

2. By sending an authorized representative who is an attorney admitted to practice law in New York state or another authorized representative as OATH permits by rule; or

3. When the tribunal offers the opportunity to do so, by remote methods as OATH permits by rule.

b. Such hearing shall not proceed without the appearance of the petitioner.

c. The tribunal shall dismiss such violation if a petitioner fails to appear or to make a timely request to reschedule pursuant to section 6-05 of title 48 of the rules of the city of New York. The tribunal shall carry out such dismissal in conjunction with the hearing deadline set forth in section 19-905.

§ 19-903 ALJ and hearing officer discretion to reduce commission penalties. a. If an ALJ or hearing officer finds a violation, such ALJ or hearing officer may in the interest of justice reduce a penalty set by the commission after determining that such reduction is appropriate because one or more compelling considerations or circumstances clearly demonstrates that imposing such penalty would constitute or result in injustice. In determining whether such compelling consideration or circumstance exists, the ALJ or hearing officer shall, to the extent applicable, consider, individually and collectively, the following factors:

1. The seriousness and circumstances of the violation;

2. The extent of harm caused by the violation;

3. The evidence supporting or refuting the violation charged, whether admissible or inadmissible at a hearing;

4. The history, character and condition of the respondent;

5. The effect of imposing upon the respondent the penalty set by the commission;

6. The impact of a penalty reduction on the safety or welfare of the community;

7. The impact of a penalty reduction on public confidence in the commission, OATH and the implementation of laws by the city;

8. The position of the petitioner regarding the proposed fine reduction with reference to the specific circumstances of the respondent and the violation charged; and

9. Any other relevant fact indicating whether a decision to impose the penalty set by the commission on the respondent would serve a useful purpose.

b. Upon reducing a penalty set by the commission, the ALJ or hearing officer shall set forth the reasons for such reduction in the record.

§ 19-904 ALJ and hearing officer dismissal of a duplicate notice of violation. a. An ALJ or hearing officer shall dismiss a notice of violation in relation to a hearing before the tribunal on a violation of a law or regulation enforced by the commission upon determining that such notice of violation is in contravention of subdivision e of section 19-507.1.

b. In order for such ALJ or hearing officer to determine whether or not to dismiss such notice of violation, the respondent shall provide proof to such ALJ or hearing officer at such hearing in the form of summonses pertaining to the duplicate or substantively identical violations.

§ 19-905 Commission-related hearing deadline. A hearing before the tribunal on a violation of a law or regulation enforced by the commission shall begin within three hours of the assigned time set forth in the

summons. If such hearing does not begin within such three-hour period, the tribunal may immediately assign the respondent a new date, time and location to appear for a hearing or dismiss the notice of violation.

§ 19-906 Appeal of tribunal decision pertaining to commission penalties. A determination of the appeals unit of the tribunal on penalties in relation to a hearing on a violation of a law or regulation enforced by the commission becomes the final determination of the tribunal, except when the respondent seeks further review to lower a penalty set by the commission. Notwithstanding any rule promulgated by OATH or the commission, neither the petitioner nor the respondent shall petition the chairperson of the commission or such chairperson's designee to adopt, reject or modify such a determination, except that the respondent may petition the chairperson or such chairperson's designee to lower a penalty set by the commission. Aside from further review pertaining to the exception described in this section, the chairperson of the commission or the chairperson's designee shall not review any penalty-related determinations of the appeals unit of the tribunal.

§ 2. This local law takes effect 180 days after it becomes law, except that the office of administrative trials and hearings and the New York city taxi and limousine commission 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 Governmental Operations.

Int. No. 749

By Council Members Constantinides, Richards and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to developing a geothermal pilot program for institutional use in the groundwater supply service area

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-128 to read as follows:

§ 3-128 Pilot geothermal system using the Brooklyn-Queens aquifer. a. For purposes of this section, the term "geothermal system" means a system used to exchange geothermal energy between the earth and one or more buildings for the purpose of providing electricity, heating or cooling for such buildings.

b. The director of the office of long term planning and sustainability, in consultation with the commissioner of environmental protection, shall develop a pilot program in which waters of the Brooklyn-Queens aquifer, other than waters used for drinking purposes, are used in connection with a geothermal system to provide electricity, heating or cooling to one or more buildings that (i) are owned or operated by the city or receive financial assistance from the city and (ii) are primarily used as a school, college, hospital, nursing home, senior residence or a use that such director determines would serve a vulnerable population.

c. Such program shall continue for at least two years after the date on which the city commences providing electricity, heating or cooling through such system to such buildings.

d. By no later than February 1 in the second year that commences after electricity, heating or cooling has been provided to such buildings for two years through such program, such director, in consultation with such commissioner, shall electronically submit, and make publicly available online, a report to the mayor and the speaker of the council with a detailed assessment of the impacts of such program, including recommendations for continuing or expanding such program.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 750

By Council Members Constantinides, Richards, Adams, Miller and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to creation of a Jamaica Bay task force, which would oversee the cleanup of Jamaica Bay, the process by which combined sewer overflows are managed, and the effects of climate change on the bay

Be it enacted by the Council as follows:

Section 1. Title 24 of the administrative code of the city of New York is amended by adding a new section 24-527.1 to read as follows:

§ 24-527.1 *Jamaica Bay task force.* a. *There shall be established a Jamaica Bay task force, which shall provide advice to the commissioner and the Jamaica Bay science and resilience institute for the duration of its term.*

b. *Such advice shall include recommendations to the commissioner and the speaker of the council on the cleanup of Jamaica Bay, the process by which combined sewer overflows are managed for the bay, including the long-term control plan and the effects of climate change on the bay;*

c. *Such advice and recommendations shall include review of the combined sewer overflow and long term control plans consistent with the watershed protection plan;*

d. *Review of measures to restore and maintain the water quality and ecological integrity of the bay;*

e. *Analysis of the impacts of sea-level rise on Jamaica Bay and the surrounding watershed including the underground aquifer and groundwater service area;*

f. *The task force shall develop a schedule, including interim and final milestones, for implementing the measures and recommendations needed to respond to the identified threats posed by water quality degradation and sea level rise.*

g. *The task force shall be comprised of eleven members, five of whom will be appointed by the speaker of the council and six members by the mayor. The members shall include a representative from each community board in the groundwater service area as well as a representative from the communities that adjoin Jamaica Bay. The members shall also include experts in the field of hydrology, biology and geology. Members shall be appointed within forty-five days after the effective date of this section and shall serve without compensation. A chairperson shall be elected from amongst the members. Members shall serve five year terms. Any vacancy shall be filled in the same manner as the original appointment for the remainder of the unexpired term. The commissioner may provide staff to assist the Jamaica Bay task force.*

h. *Such members of the task force shall serve pursuant to subdivision a of this section until such time as the department finalizes a long-term plan to restore the water quality to Jamaica Bay and address sea level rise implications until 2050.*

i. *The chairperson of the task force shall submit a report containing its recommendations to the commissioner and the speaker of the council respecting cleanup of Jamaica Bay, CSO management including the long term control plan for the bay and the effects of climate change and sea level rise on the bay. Thereafter the Jamaica Bay Task Force shall continue to meet until plans for cleanup and management of the bay are fully implemented and plans to mitigate climate change have been enacted.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 751

By Council Member Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on incidents with the public that result in bodily harm or death

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

§ 14-176. Injury report. a. The commissioner shall submit to the council and the mayor within twenty days of the beginning of each fiscal year, and post to the department's website within thirty days of each fiscal year, a report on the number of injuries that occur during law enforcement activity as defined in section 14-174 of this chapter, disaggregated by:

- 1. the number of injuries; and*
- 2. the number of deaths.*

b. The information required pursuant to subdivision a of this section shall be listed in total and disaggregated by:

- 1. the number of civilian victims;*
- 2. the number of police officer victims;*
- 3. the number of incidents where there was use of force by a police officer;*
- 4. the reason for the encounter;*
- 5. the race of the victim;*
- 6. the gender of the victim;*
- 7. the age of the victim;*
- 8. the borough in which the incident occurred; and*
- 9. the patrol precinct, housing police service area, and transit district in which the incident occurred.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 752

By Council Members Cumbo and Brannan.

A Local Law to amend the New York city charter, in relation to creating an office of diversity and inclusion within the department of citywide administrative services

Be it enacted by the Council as follows:

Section 1. Chapter 35 of the New York city charter is amended by adding a new section 814.1 to read as follows:

§ 814.1 Office of diversity and inclusion. a. Definitions.

Director. The term "director" means the director of the office of diversity and inclusion.

Office. The term "office" means the office of diversity and inclusion.

b. The commissioner shall establish an office of diversity and inclusion. Such office shall be headed by a director who shall be appointed by the mayor or by the commissioner.

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

1. Compile and report on statistics relating to hiring, salary and promotion for all city agencies disaggregated by race, gender, civil service classification and other categories as appropriate, and make such reports publicly available online on an annual basis.

2. Set measurable numerical benchmarks and citywide standards with the goal of achieving a representative city government workforce that proportionately reflects the gender, racial, ethnic, linguistic and sexual diversity of the city's residents.

3. Review the recruitment, hiring, promotion and compensation practices of all city agencies and issue directives and measurable annual goals for each city agency in relation to such practices. Such review shall assess whether such practices are consistent and effective in diversifying the make-up of city agency workforces. Such review shall also analyze systemic barriers in hiring and promotion, and make recommendations to minimize such barriers.

4. *Ensure accountability by evaluating each city agency in accordance with the directives, procedures and goals set by the office pursuant to paragraphs 2 and 3 of this subdivision. The office shall ensure that each evaluation shall include, but not be limited to, the following: (i) an explanation of how the office set the goals for the relevant agency; (ii) a determination for each city agency of whether such agency is compliant with such directives, procedures and goals; (iii) an analysis of whether and how such directives, procedures and goals should be expanded or modified for the next annual reporting period, with a view towards improving upon prior benchmarks; and (iv) any other information the office deems relevant. The evaluations shall be compiled and included in an annual report to the mayor, the city council, the equal employment practices commission and the city civil service commission. Such report shall be made publicly available on the city's website.*

5. *Develop policies and best practices to ensure that adequate support, training and mentorship is made available to underrepresented city employees to assist with career advancement in the civil service.*

6. *Develop recruitment, hiring and promotion procedures that address unconscious biases and systemic barriers to achieve greater diversity in the recruitment and promotion of city employees. Provide trainings for city agency employees responsible for recruitment, hiring and promotion on such procedures.*

7. *Advise and consult with the mayor, commissioner and the heads of city agencies to routinely review and improve the city agency efforts to recruit, hire and promote diverse candidates.*

d. *Report. The first report required by paragraph 4 of subdivision c of this section is due within 18 months of the effective date of the local law that added this section, and annually thereafter.*

§ 2. Paragraph 19 of subdivision a of section 815, as amended by local law 59 for the year 1996, is amended to read as follows:

(19) To establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose, to adopt and implement an annual plan to accomplish this objective. Copies of such plans shall be filed with the mayor, council, department of citywide administrative services, equal employment practices commission, and city civil service commission and shall be made available for reasonable public inspection. *In carrying out duties related to this paragraph, the heads of city agencies shall cooperate fully with the department of citywide administrative services' office of diversity and inclusion in accordance with section 814.1; and*

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

Referred to the Committee on Civil and Human Rights.

Int. No. 753

By Council Members Cumbo, Treyger, Espinal and Brannan.

A Local Law in relation to informing sexual assault survivors of their rights

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this section, the term “sexual assault” means any nonconsensual sexual act proscribed by federal or state law, including when the victim lacks capacity to consent.

b. The department of health and mental hygiene shall conduct an outreach campaign to notify survivors of sexual assault of their rights under chapter 238 of title 18 of the United States code, section 631(13) of the New York executive law, and sections 2805-i and 2805-p of the New York public health law, or any successor to such provisions, and any regulations promulgated pursuant thereto.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date, and is deemed repealed two years after it becomes law.

Referred to the Committee on Health.

Preconsidered Res. No. 271

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 6, 2017 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2018 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth 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 2018 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local 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 in accordance with the Fiscal 2018 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 aging discretionary funding in accordance with the Fiscal 2018 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 youth discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Initiative to Address Borough Wide Needs in accordance with the Fiscal 2018 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 NYC Cleanup Initiative in accordance with the Fiscal 2018 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 Support Our Seniors Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 7; 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 2018 Expense Budget. Some of these changes will be effectuated upon a budget modification, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation of a certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Access to Food and Nutritional Education Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 12.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res. No. 271 printed in these Minutes).

Preconsidered Int. No. 754

By Council Members Espinal and Lander.

A Local Law to amend the New York city charter, in relation to adding members to the nightlife advisory board

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 20-d of chapter 1 of the New York city charter, as added by local law number 178 for the year 2017, is amended to read as follows:

f. Nightlife advisory board. 1. There shall be a nightlife advisory board to advise the mayor and the council on issues relating to nightlife establishments. The advisory board shall identify and study common issues and trends relating to the nightlife industry and shall make recommendations, as appropriate, to the mayor and the council on ways to improve laws and policies that impact nightlife establishments. The nightlife advisory board shall examine the following: (i) the regulatory structure of the nightlife industry; (ii) common complaints regarding nightlife establishments; (iii) public safety concerns related to the nightlife industry; (iv) the enforcement of nightlife industry-related laws and rules; (v) zoning and other community development concerns related to the nightlife industry; (vi) integration of the nightlife industry into the city's various neighborhoods; (vii) nightlife workforce conditions, including but not limited to, wages and workforce safety; (viii) the availability and responsiveness of the office of nightlife to the concerns of nightlife establishments; and (ix) any other issues the nightlife advisory board finds are relevant.

2. The nightlife advisory board shall consist of [12]14 members, of whom [eight]nine members shall be appointed by the speaker of the council and [four]five by the mayor. Such board shall provide reasonable notice of its meetings to the director, who may attend such meetings and may coordinate the attendance of relevant agency heads or their designees.

3. All members shall serve for a term of two years and may be removed by the appointing official for cause. Upon appointment of all the members, the nightlife advisory board shall elect a chair from its membership by a majority vote of such advisory board. Any vacancy on the nightlife advisory board shall be filled in the same manner as an original appointment.

4. The nightlife advisory board shall keep a record of its deliberations and determine its own rules of procedure, which shall include a procedure or mechanism by which members of the public may make submissions to the board. The first meeting of the nightlife advisory board shall be convened within 120 days after the effective date of the local law that added this section.

5. Within 18 months of the effective date of the local law that added this section, the nightlife advisory board shall submit recommendations to the mayor and the council. After such date, the nightlife advisory board may submit recommendations to the mayor and the council as appropriate.

§ 2. This local law takes effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Consumer Affairs and Business Licensing).

Int. No. 755

By Council Member Eugene.

A Local Law in relation to requiring the equal employment practices commission to analyze and report annually on citywide racial and ethnic classification underutilization and adverse impact

Be it enacted by the Council as follows:

Section 1. City agency racial and ethnic underutilization assessment and reporting. a. In furtherance of local, state and federal equal employment requirements and goals, the equal employment practices commission shall conduct a citywide analysis of racial and ethnic classification underutilization and submit to the mayor and the speaker of the council, and to make available to the public, a report containing its findings and recommendations.

b. Data collection. The commission shall obtain from the department for citywide administrative services, as well as directly from city agencies, the information necessary to comply with the assessment and reporting requirements of this section.

c. Reporting. The commission shall issue a report to the mayor and the speaker of the council no later than February 15, 2019, and no later than February 15 annually thereafter, and shall make such report available to the public. Such report shall include, but not be limited to the following:

1. the size and composition of the city's government workforce, disaggregated by agency, including, but not limited to information about the following:

(a) race;

(b) gender;

(c) length of employment at such agency, as follows: zero to three years, four to seven years, eight to eleven years and twelve or more years;

(d) job title category as determined by the department of citywide administrative services, when applicable;

(e) job title category provided by the United States department of labor and the federal equal employment opportunity commission, as follows: officials and managers, professionals, technicians, sales workers, office and administrative support, craft workers, operatives, laborers and services workers;

(f) information regarding affirmative employment goals identified in agency affirmative employment plans;

(g) where such affirmative employment goals were not met, information identifying the racial and ethnic groups underutilized or adversely impacted;

(h) recommendations for correcting underutilization and adverse impact, disaggregated by underutilized or adversely impacted group;

(i) information regarding previously issued correction action plans or determinations of non-compliance;

2. aggregate, citywide results of data from paragraphs 1 through 9;

3. recommendations regarding how the collection of racial and ethnic classification data of city employees, based on a review of the city's racial and ethnic classification categories and an assessment of whether such categories accurately capture the racial and ethnic composition of the city's government workforce, including a review of employee response rates to racial and ethnic classification questions;

4. recommendations for strengthening agency affirmative employment plan oversight and enforcement, including funding recommendations; and

5. recommendations for citywide corrective actions, including legislative, regulatory and budgetary changes, to address:

(a) chronic or systemic underutilization;

(b) reach citywide affirmative employment goals; and

(c) increase diversity in the recruitment, selection, retention and promotion of city employees;

d. All city agencies shall cooperate with the commission and provide information and assistance as requested; provided, however, no information that is otherwise required to be provided pursuant to this section shall be disclosed in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of employee information.

§ 2. This local law takes effect immediately and is deemed repealed five years after it becomes law.

Referred to the Committee on Civil and Human Rights.

Int. No. 756

By Council Member Eugene.

A Local Law to amend the New York city charter, in relation to requiring the department of citywide administrative services to review and report annually on the city's efforts to collect racial and ethnic demographic information, including a review of racial classification categories and employee response rates

Be it enacted by the Council as follows:

Section 1. Paragraph 8 of subdivision b of section 814 of the New York city charter is amended to read as follows:

(8) To annually publish and submit to the mayor, council and the commission on equal employment practices a report on the activities of the department of citywide administrative services and city agencies to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies. Such report shall include, but not be limited to, an analysis of the city government workforce and applicants for such employment by agency, title and classification; a description of each agency's employment practices, policies and programs; an analysis of the effectiveness of the city's efforts to provide fair and effective affirmative employment practices to ensure equal employment opportunity for minority group members and women who are employed by, or who seek employment with, city agencies; *a review of the racial and ethnic classification categories used to collect demographic information and the impact of such categories on employee response rates*; and such legislative, programmatic and budgetary recommendations for the development, implementation or improvement of such activities as the commissioner deems appropriate.

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 757

By Council Members Gibson, Menchaca, Cumbo, Kallos and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a school siting task force

Be it enacted by the Council as follows:

Section 1. Title 4 of the administrative code of the city of New York is amended by adding a new section 4-211 to read as follows:

§ 4-211 *School siting task force. a. There shall be an interagency task force to assist the New York city school construction authority's real estate division in finding adequate sites for new school construction and buildings that may be owned or leased for school use. Such task force shall review city real estate transactions to identify opportunities for potential school sites. Such task force shall also review city owned buildings, city owned property and vacant land within the city to evaluate appropriateness and feasibility for new school construction or lease for school use.*

b. The task force shall consist of the following seven members:

1. *The chancellor of the city school district, or their designee, who shall serve as chairperson of the task force;*
 2. *The commissioner of citywide administrative services, or their designee;*
 3. *The director of city planning, or their designee;*
 4. *The president and chief executive officer of the New York city economic development corporation, or their designee;*
 5. *The commissioner of housing and preservation development, or their designee;*
 6. *The president of the New York city school construction authority, or their designee; and*
 7. *The speaker of the council, or their designee.*
- c. The task force shall meet not less than quarterly, and such meetings shall be considered a meeting of a public body subject to article 7 of the public officers law.*
- d. The departments of citywide administrative services and city planning may provide staff to assist the task force.*
- e. The task force shall annually submit on January 31 to the mayor, council, and the New York city school construction authority a report on its findings and recommendations of the task force.*
- § 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 758

By Council Members Gibson, Miller and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that missing persons reports be checked prior to a city burial

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-209 to read as follows:

§ 17-209 Missing persons reports and city burials. The chief medical examiner shall make reasonable efforts to check missing persons reports and databases for possible matches with unidentified human remains in the possession of the chief medical examiner, and shall make reasonable efforts to contact any family member who has reported such missing person, prior to transferring such remains to the department of correction or other city agency for the purposes of a city burial.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Health.

Int. No. 759

By Council Members Gibson, Menchaca, Cumbo, Kallos and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to identifying applications to the department of city planning and the department of buildings related to parcels suitable for school sitings

Be it enacted by the Council as follows:

Section 1. Title 25 of the administrative code of the city of New York is amended by adding a new section 25-116 to read as follows:

§ 25-116 *School site identification.* a. *The department of city planning shall require every applicant who files an application pursuant to section 197-c or section 201 of the charter to indicate whether the applicant owns or controls a lot or adjacent lots which are the subject of the application and which in the aggregate measure: (i) twenty-thousand square feet or more; or (ii) twelve-thousand square feet or more. Such lot or lots meeting the conditions of (i) or (ii) shall be identified by tax block and lot numbers.*

b. *Upon filing of any application for which an applicant has informed the department that the subject land meets either of the conditions described in subdivision a of this section, the department shall report the following information to the president of the school construction authority: the name of the applicant; the application number; the borough, blocks, and lots that are the subject of the application; the information provided by the applicant pursuant to subdivision a of this section; and the approval or approvals requested by the applicant.*

c. *By January 30 of each year, the department shall report to the speaker of the council the list of applications referred to the school construction authority pursuant to subdivision b of this section during the previous year.*

§ 2. Title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.8.2.1 to read as follows:

28-104.8.2.1 *Lots meeting certain school siting criteria.* *A statement included in an application for new building pursuant to section 28-104.8.2 shall also indicate whether a lot or adjacent lots, which are the subject of the application, in the aggregate measure: (i) twenty-thousand square feet or more; or (ii) twelve-thousand square feet or more. Such lot or lots meeting the conditions of (i) or (ii) shall be identified by borough, tax block and lot numbers. Upon filing of any application on which an applicant has informed the department that the subject land meets either of the conditions described in in this section, the department shall report the following information to the president of the school construction authority: the name of the applicant; the application number; the borough, blocks, and lots that are the subject of the application; and the information provided by the applicant pursuant to section 28-104.8.2. By January 30 of each year, the department shall report to the speaker of the council the list of applications referred to the school construction authority pursuant to this section during the previous year.*

§ 3. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Land Use.

Int. No. 760

By Council Members Gibson, Torres, Williams and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the maintenance of an information sharing system regarding civil actions, claims, complaints, and investigations alleging improper police conduct

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended to add a new section 14-173 to read as follows:

§ 14-173 *Information sharing.* a. *Definition.* *For the purposes of this section, the term “actions, claims, complaints, and investigations” includes, but is not limited to, information regarding civil actions reported pursuant to section 7-112, notices of claim filed against individual police officers received by the comptroller;*

settlements of claims filed against individual police officers by the comptroller; complaints received and investigations conducted by the civilian complaint review board; closed investigations conducted by the department; reviews of police department investigations conducted by the commission to combat police corruption; complaints received pursuant to section 804 of the charter; and any criminal arrests or closed investigations of individual police officers known to the department for actions taken while on duty.

b. A department or office designated by the mayor shall develop and maintain a system that allows for the electronic access and sharing by the department, the law department, the comptroller, the civilian complaint review board, and the individual responsible for implementing the duties set forth in paragraph 1 of actions, claims, complaints, and investigations.

c. 1. The department shall provide such designated department or office, at a minimum, the following information that shall be electronically accessible by the law department, the comptroller, the civilian complaint review board, and the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the charter as such information relates to pending or resolved civil actions or claims filed against individual police officers: the precinct affiliation, rank, and employment date of any police officer against whom an action, claim, complaint, or investigation is asserted. Such information shall be provided by the department on no less than a biweekly basis and shall be disaggregated by whether any such officer was the subject of a closed investigation conducted by or known by the department, or has any criminal arrests known to the department for actions taken while on duty.

2. Upon request, the department shall notify the law department, the comptroller, the civilian complaint review board, or the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the charter as to whether the particular officer who is the subject of an inquiry was scheduled to be on duty and whether any such officer was wearing an official department uniform at the time of the incident giving rise to such an action or claim.

d. Nothing in this section shall require the sharing of or access to information considered confidential pursuant to section 50-a of the civil rights law.

e. The information provided pursuant to subdivision a of this section shall be searchable by the name of a police officer and precinct affiliation.

§ 2. Chapter 1 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-115 to read as follows:

§ 7-115 Information sharing. a. The department shall provide the department or office designated by the mayor pursuant to subdivision b of section 14-173 the following information regarding civil actions filed in state or federal court against the police department or individual police officers, or both, resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment:

- 1. the court in which the action was filed;*
- 2. the name of the law firm representing the plaintiff;*
- 3. the name of the law firm or agency representing each defendant;*
- 4. the date the action was filed; and*
- 5. the allegation of improper police conduct, such as use of force, assault and battery, malicious prosecution, or false arrest or imprisonment; and*
- 6. if an action has been resolved: (i) the date on which it was resolved; (ii) the manner in which it was resolved; and (iii) whether the resolution included a payment to the plaintiff by the city and, if so, the amount of such payment.*

b. The information provided pursuant to subdivision a of this section information shall be updated no less than biweekly.

§ 3. This local law takes effect on January 1, 2019.

Referred to the Committee on Public Safety.

Preconsidered Res. No. 272

Resolution to amend chapter II of the Rules of the Council in relation to discrimination and harassment

By Council Member Koslowitz:

Section 1. Rule 2.70 of the Rules of the Council of the city of New York is amended to read as follows:

2.70. Policies Prohibiting Discrimination and Harassment [Policies] and Related Training – a. The Speaker shall establish a policy or policies [against] prohibiting workplace discrimination and harassment, including sexual harassment, [and discrimination] for the Council, which shall apply to all Council Members, their staff and Council central staff. All Members, their staff and Council central staff shall be required to comply with the requirements of such policy or policies, including the requirements for related training. The Speaker shall provide all Members, their staff and Council central staff with a copy of such policy or policies and any changes thereto.

b. The Speaker shall require mandatory annual participatory interactive training for all Members, their staff and Council central staff as outlined in the policy or policies established pursuant to rule 2.70a.

§ 2. Chapter II of the Rules of the Council of the city of New York is amended by adding new rule 2.75 to read as follows:

2.75 Assessment and Reporting – a. The Speaker shall formulate a recurrent risk factor review plan to assess and address potential risk factors associated with workplace sexual harassment, such as a homogenous workforce, language differences in the workplace, a workforce having significant power disparities and isolated and decentralized workplaces. The process herein shall commence immediately, recur periodically and cease January 31, 2022.

b. The Speaker shall publish an annual report within the Council for the first Stated meeting in February disclosing complaints of workplace sexual harassment, as defined by the Council's policy or policies prohibiting discrimination and harassment established pursuant to rule 2.70a. Such report shall track for each preceding calendar year the number of complaints alleging workplace sexual harassment and the dispositions of such complaints. The annual report shall not contain any personally identifiable information.

c. The Speaker shall distribute a discrimination and harassment climate survey. Such survey shall gauge whether Council staff are familiar with the Council's policy or policies prohibiting discrimination and harassment, consider their workplace safe and free from violations of the Council's policy or policies and believe that the Council protects the rights of its employees to pursue their duties in a respectful workplace. The climate survey shall assess whether Council staff have witnessed or experienced workplace discrimination or harassment as described by the Council's policy or policies and whether they understand Council reporting and complaint procedures. The climate survey shall also gauge whether Council staff believe discrimination or harassment is, or would be, tolerated by the Council. For supervisors and managerial employees, the climate survey shall prompt whether such supervisors and managerial employees are knowledgeable about their responsibilities with respect to the prevention of conduct prohibited by the Council's policy or policies prohibiting discrimination and harassment. The climate survey shall also prompt whether such supervisors and managerial employees are knowledgeable about the measures they may take to address complaints. Information concerning demographic variables, including, but not limited to, race, ethnicity, gender, sexual orientation and age, shall be solicited from survey respondents. Survey respondents may provide such demographic information, in full or in part, at their discretion.

By the close of the first year of the term, the Speaker shall disseminate the climate survey. By the close of the second year of the term, the Speaker shall assess the climate survey results, and, in response, determine and implement a preemptive action plan to create a discrimination-free and harassment-free workplace, as set forth in the Council's policy or policies established pursuant to rule 2.70a. By the close of the third year of the term,

the Speaker shall refine and redistribute the climate survey. By the end of the term, the Speaker shall assess the recent climate survey results, and, in response, recommend a successive preemptive action plan. By the end of the first year of the ensuing term, and every four years thereafter, the Speaker shall address the preceding Speaker's recommendations, disseminate a climate survey, assess the climate survey results, and, in response, determine and recommend a preemptive action plan for the next Speaker. Based on each assessment and determination, the Speaker shall update the Council's policy or policies prohibiting discrimination and harassment, as necessary, established pursuant to rule 2.70a.

In the event a Speaker's term is fewer than four years, the subsequent Speaker shall maintain the four-year climate survey schedule delineated herein for the remainder of the unexpired term. In the event of two consecutive 2-year terms, the Speaker of the first term shall initiate and conclude the steps delineated herein for the first two years of a regular four-year term. The Speaker of the second term shall initiate and conclude the steps delineated herein for the final two years of a regular four-year term.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Int. No. 761

By Council Members Lander and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to sales of cooperative apartments

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 12, to read as follows:

*CHAPTER 12
FAIR RESIDENTIAL COOPERATIVE DISCLOSURE LAW*

- § 8-1201 Definitions.*
- § 8-1202 Mandatory statement.*
- § 8-1203 Amended, supplemental and untimely statements.*
- § 8-1204 Liability for failure to provide statement.*
- § 8-1205 Procedure for asserting violation.*
- § 8-1206 Preclusive effect of statement.*
- § 8-1207 No estoppel or res judicata.*
- § 8-1208 Powers of the commission.*
- § 8-1209 Construction.*

§ 8-1201 Definitions. When used in this chapter:

Application. The term "application" means both the request of a prospective seller or a prospective purchaser to a cooperative corporation for that cooperative corporation to provide its unconditional consent to a sale of certificates of stock, a proprietary lease, or other evidence of an ownership interest in such cooperative corporation, and the information and documents, acquired by the cooperative corporation in connection with its determination as to whether or not to grant unconditional consent to the sale of certificates of stock, a proprietary lease, or other evidence of an ownership interest in such cooperative corporation.

Commission. The term "commission" means the New York city commission on human rights.

Cooperative corporation. The term "cooperative corporation" means any corporation that grants persons the right to reside in a cooperative apartment, that right existing by such person's ownership of certificates of

stock, proprietary lease, or other evidence of ownership of an interest in such entity but shall not include a cooperative corporation containing less than 10 dwelling units.

Prospective purchaser. The term “prospective purchaser” means a person who has entered into a contract of sale to purchase the proprietary lease and the ownership interest in a cooperative corporation from a prospective seller.

Prospective seller. The term “prospective seller” means a person who has a proprietary lease and an ownership interest in a cooperative corporation and who has entered into a contract of sale to sell the person’s proprietary lease and ownership interest in a cooperative corporation to a prospective purchaser.

Sale. The term “sale” means the transfer of a person’s ownership interest in a cooperative corporation and that person’s proprietary lease to another person.

§ 8-1202 Mandatory statement. a. If a prospective purchaser is disapproved, the cooperative corporation shall provide the prospective purchaser with a written statement of each and all of its reasons for withholding consent no later than five business days after it has made its decision to withhold consent.

b. The statement required by this section must set forth each reason for withholding consent with specificity. This requirement includes identifying each element of the prospective purchaser’s application which was found by the cooperative corporation to be deficient, any specific ways that the application failed to meet any specific policies, standards, or requirements of the cooperative corporation, and the source of any negative information relied upon by the cooperative corporation in connection with any of its reasons for withholding consent to the proposed purchase. The statement must convey sufficient information to enable a prospective purchaser to take specific steps to remedy any specific deficiencies in that application.

c. The statement required by this section must set forth the number of applications that have been received by the cooperative corporation in the period commencing three years prior to the date of the submission of the application that is the subject of the statement and continuing through and including the date of the statement. The statement must also set forth for the same period of time the number of applications for which the cooperative corporation withheld consent and the number of applications for which the cooperative corporation did not make a decision on such applications.

d. The statement required by this section shall include a certification by an officer of the cooperative corporation, sworn or affirmed under penalties of perjury, that the statement is a true, complete and specific recitation of each and all of the cooperative corporation’s reasons for withholding consent; that each person who participated in the decision to withhold consent has stated to the certifying officer that he or she had no reasons for withholding consent other than those set forth in the statement; and that the statement is a true and complete recitation of total applications, applications for which consent was withheld and applications in which no decision was made as required by this chapter.

§ 8-1203 Amended, supplemental and untimely statements. a. Amendments or supplements to timely statements required by section 8-1202 of this chapter shall also be considered timely if such amendments or supplements are provided to a prospective purchaser within ten business days after the cooperative corporation has disapproved a prospective purchaser.

b. If a cooperative corporation seeks to provide a prospective purchaser with an untimely statement, amendment, or supplement, the untimely statement, amendment or supplement must be accompanied by a statement of reasons for untimeliness.

§ 8-1204 Liability for failure to provide statement. In addition to any other penalties or sanctions which may be imposed pursuant to this chapter or any other applicable provision of law, any cooperative corporation that is determined to have failed to timely comply with any of the provisions of sections 8-1202 of this chapter shall be liable for statutory damages to each prospective purchaser or prospective seller who commences or joins in an action alleging a failure to have timely complied with the requirements in an amount no less than one thousand dollars and no more than \$25,000 thousand dollars, in addition to liability as provided by section 8-1206 of this chapter. In determining the appropriate statutory damages to be imposed pursuant to this section, a finder of fact shall take into account both the scope of non-compliance and the resources of the cooperative corporation.

§ 8-1205 Procedure for asserting violation. Any prospective purchaser or prospective seller may commence an action in any court of competent jurisdiction alleging a failure to comply with the requirements of this chapter. Such action must be commenced within six months of the time when compliance was required. The prevailing party in such an action may be awarded costs and reasonable attorneys’ fees. The court shall also order an

appropriate equitable remedy, provided that such remedy shall not include a grant of property or an order directing the cooperative corporation to reconsider an application or to grant its consent to a sale. In the event that the finder of fact determines that non-compliance was willful, the finder of fact shall award punitive damages, but such damages shall not exceed twice the amount awarded under section 1204 of this chapter.

§ 8-1206 Preclusive effect of statement. a. In any action or proceeding commenced against a cooperative corporation pursuant to any chapter of this title neither the cooperative corporation nor any of its directors, officers, employees, or agents shall be permitted to introduce any evidence concerning reasons for having withheld consent that were not set forth in a statement fully compliant with the requirements of this chapter.

b. A person commencing an action in a court of competent jurisdiction as described in paragraph a of this section is under no obligation to commence a proceeding under section 8-1205 of this chapter in order for such person to gain preclusion of non-compliant statements. The court before which the allegation of an unlawful discriminatory practice is pending shall determine which statements, if any, fully complied with the requirements of section 8-1202 of this chapter, unless such a judgment has already been rendered pursuant to a proceeding commenced pursuant to section 8-1205 of this chapter.

§8-1207 No estoppel or res judicata. No action commenced pursuant to this chapter shall determine or purport to determine either the genuineness of the reasons provided in the statement required by section 8-1202 of this chapter or shall determine any question of whether any person has committed an unlawful discriminatory practice as defined by chapter one of this title. If a judgment rendered pursuant to an action or proceeding commenced pursuant to this chapter purports to do so, a person shall nevertheless retain all rights to commence an action or proceeding alleging the commission of an unlawful discriminatory act, and insofar as any judgment rendered pursuant to this chapter purports to make findings regarding either genuineness or whether an unlawful discriminatory practice has been committed, such purported findings shall not be given any force or effect in any other action or proceeding.

§ 8-1208 Powers of the commission. The commission may initiate investigations in connection with a failure to have timely complied with the requirements of section 8-1204 of this chapter. In the event that the commission determines that a violation occurred, it may award civil penalties in an amount no less than one thousand dollars and no more than \$25,000 thousand dollars.

§ 8-1209 Construction. a. The provisions of this chapter shall be construed in a manner to make certain that prospective purchaser has been provided with sufficient information to learn why a cooperative corporation has withheld consent to such purchase; and to deter attempts to evade or delay compliance with the provisions of this chapter.

b. No provision of this chapter shall be construed or interpreted to restrict or expand the reasons for which a cooperative corporation may lawfully withhold consent.

§2. This local law takes effect 120 days after it becomes law; provided that the commissioner of the commission on human rights may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, establishing guidelines and promulgating rules.

Referred to the Committee on Housing and Buildings.

Int. No. 762

By Council Members Levine, Williams, Brannan and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to foreign language courses offered in New York city public schools

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new Chapter 20 to title 21-A to read as follows:

Chapter 20. Foreign Language Courses

§ 21-988 Reporting data. *a. Not later than October 15, 2018, and annually thereafter, the department shall submit to the council and post on the department's website a report of information regarding the number of non-English language courses offered in grades kindergarten through twelve in each school. Such report shall include, but not be limited to: (i) the non-English languages taught, including the number of courses offered for each non-English language; (ii) the number of students enrolled in each non-English language, which shall be disaggregated by proficiency level; and (iii) the results of standardized tests taken by students in non-English languages. Such report shall also include demographic information for students in each school, including, but not limited to race, ethnicity, and English language learner status. All information required by this subdivision shall be aggregated citywide, as well as disaggregated by each school, community school district, council district and borough.*

b. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Res. No. 273

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.1154/S.3641, to implement more foreign language instruction in elementary schools.

By Council Members Levine and Brannan.

Whereas, The ability to communicate in more than one language is critically important in the interconnected world of the 21st century; and

Whereas, Furthermore, there is growing awareness in the United States that creating a multilingual society is crucial to our economic success, national security, and international relations; and

Whereas, Today's students, who will have to compete in the global economy and work with people of diverse cultures abroad and at home, thus need to learn one or more foreign languages; and

Whereas, Studies have found that young children are better able to learn new languages, and that the ability markedly declines after puberty, as the brain is more plastic and ready to create new neural circuits before than after puberty; and

Whereas, In addition, the American Council on the Teaching of Foreign Languages (ACTFL) states that beginning foreign language instruction early sets the stage for students to develop advanced levels of proficiencies in multiple languages, as younger learners still possess the capacity to develop near native-like pronunciation and intonation in a new language; and

Whereas, ACTFL also reports that children who learn a foreign language beginning in early childhood demonstrate certain cognitive advantages over children who do not; and

Whereas, Additionally, longitudinal studies by Harvard University confirm that learning additional languages increases critical thinking skills, creativity and flexibility of the mind in young children; and

Whereas, Despite such evidence, a national survey from the Center for Applied Linguistics (CAL) shows U.S. elementary schools cut back on foreign language instruction in recent years; and

Whereas, According to the CAL survey, the percentage of public elementary schools offering foreign language instruction decreased significantly, from 24% in 1997 to 15% in 2008, the latest year for which data is available; and

Whereas, As in most other states, foreign language instruction is not currently found in all public elementary schools in New York, but is needed so that all students are able to develop proficiencies in one or more languages other than English (LOTE); and

Whereas, A.1154, sponsored by Assemblymember Rozic, and its companion bill S.3641, sponsored by Senator Parker, would allocate \$2 million to establish an incentive program for school districts wishing to implement programs of foreign language in the elementary schools and establish an incentive program for college students wishing to become foreign language teachers; and

Whereas, More specifically, A.1154 and S.3641 would establish a pilot program in five high needs districts (\$200,000 each) to expand foreign language education programs at the elementary level; and

Whereas, In addition, A.1154 and S.3641 would provide for 100 awards of up to \$10,000 each for college students who are working towards certification in foreign languages education, to cover the costs of tuition and materials for their education; and

Whereas, It is hoped that the success of these Foreign Language in the Elementary School (FLES) programs will not only encourage the districts to find the funds to continue offering the FLES programs once funding from the bill has ended, but also generate interest in the neighboring districts which will inspire them to implement FLES programs, thus creating a grassroots movement in favor of FLES; and

Whereas, Further, in regards to the second goal of this legislation, to provide funding to encourage college students wishing to become LOTE teachers, it is hoped that this will help to address the current severe shortage of LOTE teachers in New York State which can prevent school districts from offering a variety of languages; and

Whereas, Students in New York State and especially those in New York City, the nation's most diverse and global city, need to have skills in at least one language other than English in order to successfully confront the challenges of the world of today and tomorrow; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.1154/S.3641, to implement more foreign language instruction in elementary schools.

Referred to the Committee on Education.

Int. No. 763

By Council Member Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain qualified transportation benefits to part-time employees.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-926 of the administrative code of the city of New York is amended to read as follows:

a. Except as provided in subdivision c of this section, every employer with twenty or more full-time employees in the city of New York shall offer full-time *and part-time* employees the opportunity to use pre-tax earnings to purchase qualified transportation fringe benefits, other than qualified parking, in accordance with federal law, provided that in the event that such employer's number of full-time employees is reduced to less than twenty, any employee eligible to be provided such opportunity prior to the employee reduction shall continue to be provided such opportunity for the duration of such employee's employment with such employer. For purposes of this section, "full-time employees" shall mean employees who work an average of thirty hours or more per week for such employer for such period of time as the commissioner establishes by rule *and "part-time employees" shall mean employees who work a minimum of 80 hours in a calendar year for such employer for such period of time as the commissioner establishes by rule.*

§ 2. This local law shall take effect January 1, 2019, provided that the commissioner of consumer affairs shall, prior to the effective date of this local law, promulgate such rules, and take such other steps, as may be necessary to effectuate the provisions of this local law on its effective date.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 764

By Council Members Menchaca and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the mayor's office of operations to report on adult literacy programs offered by the city or pursuant to a contract with the city.

Be it enacted by the Council as follows:

Section 1. Title 21 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

Chapter 10. Adult and Continuing Education.

§ 21-1001 Adult and continuing education reporting. a. Not later than June 1, 2018, and annually thereafter, the director of the mayor's office of operations or other designee of the mayor shall report to the speaker on all adult literacy programs offered by the city or pursuant to a contract with the city. Such report shall include the number of adult literacy programs offered, the number of persons who applied to such programs, the scoring method of any literacy intake examination used to screen such applicants, the number of such applicants who were denied admission to such programs based on the results of such an examination, and the number of such applicants who were denied admission to such programs due to an adult literacy program's capacity limitations. For the purposes of this section, "adult literacy programs" include the following courses: English for speakers of other languages, adult basic education, general educational development and other classes designed to enhance the literacy of adults.

§ 2. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Education.

Int. No. 765

By Council Member Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring all ocean liners and cruise ships docking at terminals equipped with shore power in the city to use only shore power

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-140.1 to read as follows:

§ 22-140.1 Use of shore power. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Cruise ship. The term "cruise ship" means a passenger ship used for recreational voyages.

Ocean liner. The term "ocean liner" means a passenger ship used primarily as a form of transportation across seas or oceans.

Shore power. The term "shore power" means shore-side electrical power that a ship can use while docking, while its auxiliary engines are turned off.

b. All ocean liners and cruise ships docking at waterfront terminals that are equipped with shore power shall use only shore power while docked.

c. Owners of such ocean liners and cruise ships have a grace period of two years after the local law that created this section takes effect, during which time such owners may retrofit their ships to use shore power while still being permitted to dock their ships at the waterfront terminals.

§ 2. This local law takes effect 120 days after it becomes law, except that the department of small business services 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 Environmental Protection.

Int. No. 766

By Council Member Menchaca.

A Local Law to amend the New York city charter, in relation to requiring that the preliminary mayor's management report and the mayor's management report be made available online and in multiple languages

Be it enacted by the Council as follows:

Section 1. Section 12 of chapter 1 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. The preliminary management report and management report shall be made available on the city's website in English and in the top six limited English proficiency languages spoken by the population of New York city as determined by the department of city planning, based on United States census data. A notice describing how best to print such reports in whole or in part, and sample signage to inform the public of the availability of print on demand service for such reports, shall be provided to all public libraries and district offices of council members, for use at their discretion.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 767

By Council Member Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to requiring that construction documents include a plan for protecting adjacent properties

Be it enacted by the Council as follows:

Section 1. Article 104 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-104.8.5 to read as follows:

§ 28-104.8.5 Adjacent property protection plan. *Construction documents for construction or demolition operations shall include a plan, certified by a registered design professional, for protecting adjacent public and private property. Such plan shall include a list of all adjacent properties and a description of the means and methods that will be implemented to prevent damage to such properties.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 768

By Council Member Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to issue an annual report concerning the condition of roadways and pedestrian islands after snow events.

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new section 16-124.2 to read as follows:

§16-124.2 Annual reports concerning roadways and pedestrian islands after snow events. By March first of two thousand eighteen, and every year thereafter, the commissioner shall issue a report concerning the condition of city roadways and pedestrian islands after each snow event for the preceding calendar year. Such report shall contain, but shall not be limited to, the amount, in inches, of snow for each snow event; the percentage of city roadways and pedestrian islands cleared within eight, twelve, and twenty four hours after each snow event; and the number of complaints received by 311 after each snow event concerning uncleared roadways and pedestrian islands, listed by borough. Such report may be prepared and presented in conjunction with the mayor's management report required pursuant to section twelve of the New York city charter. For purposes of this section, "snow event" shall have the meaning as set forth in subsection a of section 16-124.1 of the administrative code of the city of New York.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 769

By Council Member Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to warning notice for missing bicycle equipment

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

§ 19-176.3 Missing Bicycle Equipment. Any notices of violation issued by a city agency to a bicyclist operating a bicycle without equipment required in the vehicle and traffic law or this code shall be canceled upon the satisfactory demonstration to the agency that issued such notice of violation that such bicycle contains such equipment in good working order within forty eight hours following the issuance of such notice of violation.

§2. This local law takes effect 90 days following enactment into law except that all appropriate agencies shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 770

By Council Members Menchaca, Chin, Rosenthal and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to reducing noise caused by sightseeing helicopters that meet federal noise reduction standards

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that there is significant noise pollution caused by the dozens of sightseeing helicopters operating daily from heliports owned by the city. The heliports used by sightseeing helicopters are near water which carries the sound of those helicopters and significantly disrupts the daily lives of city residents who live and work near the heliports or across the East River. A previous local law limited sightseeing tour operators to the stage 3 noise levels as determined by the federal aviation administration, however the Council finds that no current noise reduction measures will be acceptable to ensure the quiet repose of the affected communities. Therefore the Council finds that the prohibition on sightseeing helicopters needs to be extended to include helicopters that meet the stage 3 noise levels as well.

§ 2. Subdivision a of section 24-244.1 of the administrative code of the city of New York, as added by proposed introduction number 859-2015, is amended by adding a new definition of “stage 3 noise level” in alphabetical order to read as follows:

Stage 3 noise level. The term “stage 3 noise level” means stage 3 noise level as such term is defined by subsection (h) of section 36.1 of title 14 of the code of federal regulations.

§ 3. Subdivision b of section 24-244.1 of the administrative code of the city of New York, as added by proposed introduction number 859-2015, is amended to read as follows:

b. Sightseeing helicopters. No person shall use or permit the use of any sightseeing helicopter that meets stage 1 noise levels, [or] stage 2 noise levels *or stage 3 noise levels* to take off or land from any property owned or managed by the city of New York, except in emergency situations or as otherwise directed by an aviation control tower or air traffic control center.

§ 4. This local law takes effect 270 days after it becomes law, provided that it is approved by the United States secretary of transportation pursuant to the federal airport noise and capacity act of 1990.

Referred to the Committee on Environmental Protection.

Int. No. 771

By Council Members Menchaca, Chin, Rosenthal and Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to reducing noise caused by sightseeing helicopters

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 24-244.1 to read as follows:

§ 24-244.1 Sightseeing helicopters. a. Definitions. For purposes of this section:

Chartered helicopter. The term “chartered helicopter” means a helicopter that is leased in its entirety for exclusive and temporary use, and not for the purpose of conducting sightseeing tours.

Sightseeing helicopter. The term “sightseeing helicopter” means a helicopter that is operated for the purpose of conducting regular aviation tours along flight routes approved by the federal aviation administration. The term “sightseeing helicopter” shall not include private helicopters, chartered helicopters, military

helicopters, media helicopters or helicopters used by the fire department, police department, coast guard or emergency services.

Stage 1 noise level. The term “stage 1 noise level” means stage 1 noise level as such term is defined by subsection (h) of section 36.1 of title 14 of the code of federal regulations.

Stage 2 noise level. The term “stage 2 noise level” means stage 2 noise level as such term is defined by subsection (h) of section 36.1 of title 14 of the code of federal regulations.

b. No person shall use or permit the use of any sightseeing helicopter that meets stage 1 noise levels or stage 2 noise levels to take off or land from any property owned or managed by the city of New York, except in emergency situations or as otherwise directed by an aviation control tower or air traffic control center.

§ 2. Table I following paragraph (5) of subdivision (b) of section 24-257 of the administrative code of the city of New York as amended by local law number 153 for the year 2013 is amended by adding a new row immediately following row 24-244 to read as follows:

24-244.1	1,500	500	3,000	1,000	4,500	1,500
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§ 3. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 772

By Council Members Menchaca, Vallone and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to suspending parking rules when fuel rationing is in effect

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

§ 19-163.3 *Suspension of parking rules during fuel rationing. Alternate side of the street parking rules shall be suspended during periods when fuel rationing is required in the city by a local emergency order promulgated under section twenty-four of the executive law, an executive order promulgated under section twenty-nine-a of the executive law or is otherwise lawfully required, provided that the department may reinstate alternate side of the street parking rules after consulting with the department of sanitation.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Res. No. 274

Resolution calling upon Department of Homeland Security to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.

By Council Member Menchaca.

Whereas, New York City is home to 3.3 million immigrants, making up approximately 40 percent of the City’s total population; and

Whereas, For decades the New York Police Department (NYPD) has worked to gain the trust, respect and cooperation of all of the City's residents, including undocumented immigrants; and

Whereas, This hard-earned trust was established by implementing policies that clearly demonstrate that the NYPD serves and protects all New Yorkers equally; and

Whereas, Pursuant to Executive Orders 35 and 41 of 2003, law enforcement officers may not inquire about a person's immigration status unless investigating illegal activity other than status as an undocumented individual and may not inquire about the immigration status of crime victims, witnesses, or others who contact the police seeking assistance; and

Whereas, The NYPD has publicly reinforced their commitment to neighborhood policing and maintaining strong ties with immigrant communities throughout the City; and

Whereas, NYPD Commissioner James P. O'Neill has repeatedly stated that everyone who comes into contact with the NYPD should feel comfortable identifying themselves or seeking assistance without hesitation, anxiety or fear, regardless of their immigration status, as NYPD does not initiate police action with the sole objective of determining a person's immigration status; and

Whereas, There are multiple reports that ICE agents operating in New York City have represented themselves as "police officers" in the course of conducting immigration enforcement activities, such as home raids; and

Whereas, When ICE agents represent themselves as "police," it misleads individuals who believe they are interacting with the NYPD; and

Whereas, Decades of experience demonstrate that communities will be less safe if immigrants are driven underground, dissuaded from providing valuable information and cooperation because they fear contact with law enforcement; and

Whereas, Assistance and cooperation from immigrant communities is especially important when the victim or witness of a crime is an immigrant or has immigrant family members; and

Whereas, To protect public safety, ensure equal enforcement of the law and allow local law enforcement to properly do their jobs, witnesses and victims in immigrant communities must be encouraged to file reports and come forward with information; and

Whereas, The NYPD has confirmed that the department does not conduct civil immigration enforcement and does not enforce administrative warrants issued by ICE agents or federal immigration judges solely in connection with civil immigration violations; and

Whereas, The importance of such policies has been recognized for years and garnered bipartisan support on account of proven effectiveness in improving public safety; and

Whereas, The Major City Chiefs (MCC), a professional association of Chiefs and Sheriffs representing the largest cities in the United States and Canada, have publicly stated as far back as 2006 that a divide between the local police and immigrant communities results in increased crime against immigrants and their families, creates a class of silent victims and obstructs the potential for assistance from immigrants in solving crimes; and

Whereas, In 2007, John Feinblatt, the Criminal Justice Coordinator for the City of New York under Republican Mayor Michael Bloomberg, credited these policies as one of the main reasons New York City was the country's safest big city at that time; and

Whereas, Statistical research conducted by the Brennan Center for Justice demonstrates that New York City continues to be the safest big city in the country; and

Whereas, If the NYPD are perceived to be enforcing immigration laws, trust between law enforcement and the City's immigrant residents and their families will undoubtedly erode; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Department of Homeland Security to prohibit United States Immigration and Customs Enforcement (ICE) agents from identifying themselves as police officers while conducting immigration enforcement activities in New York City.

Referred to the Committee on Immigration.

Res. No. 275

Resolution denouncing the National Archives and Records Administration's preliminary approval of Immigration and Customs Enforcement's request to begin destroying crucial government records such as those relating to incidents of sexual abuse, physical assault and death of individuals in immigration detention.

By Council Member Menchaca.

Whereas, The United States Immigration and Customs Enforcement (ICE), a division of the United States Department of Homeland Security (DHS), is charged with overseeing and providing for the care, custody and control of immigration detainees; and

Whereas, Immigrant rights advocates and civil rights organizations have taken significant steps to document instances of ICE misconduct in immigration detention facilities and help impacted detainees file formal complaints or lawsuits; and

Whereas, The Office of the Inspector General (OIG) at the United States Department of Homeland Security (DHS) reported receiving 33,126 complaints of sexual and/or physical abuse against DHS component divisions between January 2010 and July 2016, noting that that more complaints were filed against ICE than any other agency; and

Whereas, Of the 33,126 complaints, only 225 complaints were investigated by the DHS OIG; and

Whereas, Further, the DHS OIG confirms receiving at least 1,016 reports of sexual abuse or assault filed by individuals in immigration detention between May 28, 2014 and July 12, 2016, but only investigated twenty-four of the complaints; and

Whereas, Records relating to such incidents are critical in the investigation and prosecution of such misconduct and, for that reason, stored by the National Archives and Record Administration (NARA); and

Whereas, Despite a troubling number of complaints, ICE has requested permission to begin routinely destroying eleven types of records, including those relating to sexual abuse, physical assault and deaths of individuals in immigration detention; and

Whereas, In light of the rampant ICE misconduct and the DHS OIG's failure to adequately investigate complaints, immigrant victims are increasingly seeking redress through individual, as well as class-action, lawsuits; and

Whereas, ICE records regarding incidents of misconduct are critical pieces of evidence in such cases and, by destroying them, ICE is impeding immigrant victims' access to justice; and

Whereas, The NARA has preliminarily approved ICE's proposed record destruction schedule, leading to national public outcry from immigrant rights groups, civil rights organizations and elected officials; and

Whereas, The NARA must uphold its duty to promote government transparency and accountability by ensuring that federal records regarding ICE misconduct are retained and made available to those seeking redress; now, therefore, be it

Resolved, That the Council of the City of New York denounces the National Archives and Records Administration's preliminary approval of Immigration and Customs Enforcement's request to begin destroying crucial government records, including those relating to incidents of sexual abuse, physical assault and death of individuals in immigration detention.

Referred to the Committee on Immigration.

Res. No. 276

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation introduced by Assembly Member Aravella Simotas, A.06447, which would make it an E felony to report the immigration status of a crime victim or witness with the intent to harass, intimidate, or cause harm or legal consequences, including deportation

By Council Member Menchaca.

Whereas, Perpetrators of crime and domestic violence have long used the threat of exposing an individual's lack of lawful immigration status as means of controlling and silencing immigrant crime victims and witnesses; and

Whereas, In 2017, the Washington Post reported that U.S. Immigration and Customs Enforcement (ICE) agents arrested a domestic violence survivor seeking an order of protection at a Texas courthouse after allegedly receiving information about her immigration status from her abusive partner; and

Whereas, Upon being arrested by ICE, the survivor was placed in immigration detention and now faces deportation while her abusive partner remains free; and

Whereas, El Paso County Attorney Jo Anne Bernal stated that it was the first time in her 23-year-long career at the courthouse that ICE agents made their presence known during a protective order hearing; and

Whereas, Advocates believe this incident signals a broader change in immigration enforcement policy and that such change will surely be exploited by perpetrators of crime, keeping countless immigrant victims and witnesses from engaging with the criminal justice system; and

Whereas, The New York State Penal Law currently prohibits the intimidation of a crime victim or witness through the use of harassment, physical violence, or the threat of violence, but does not address intimidation caused by the actual or threatened reporting of a victim or witness's immigration status; and

Whereas, New York State Assembly Member Aravella Simotas introduced A.06447, which would make it an E felony for an individual acting outside of their official duties to report the citizenship or immigration status of a crime victim or person seeking an order of protection, or the status of a member of their family member, to a government entity if such reporting is intended to harass, intimidate, or cause harm or legal consequences to the victim, witness or their family; and

Whereas, It is critical that immigrant victims can safely report crimes and cooperate with local law enforcement without being harassed, intimidated or harmed by the perpetrator of the crime on account of their immigration status; and

Whereas, Failure to protect immigrant victims and witnesses from this form of intimidation will significantly decrease their willingness to cooperate with law enforcement and negatively impact broader public safety efforts; and

Whereas, Survivors who bravely step forward to report abuse and criminal activity should not be silenced by the threat of deportation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation introduced by Assembly Member Aravella Simotas, A.06447, which would make it an E felony to report the immigration status of a crime victim or witness with the intent to harass, intimidate, or cause harm or legal consequences, including deportation.

Referred to the Committee on Immigration.

Res. No. 277

Resolution calling on the Mayor to issue an executive order directing the New York City Police Department to make marihuana-related misdemeanor and violation arrests the lowest level enforcement priority for police.

By Council Member Menchaca.

Whereas, The New York City Police Department (NYPD) is responsible for enforcing certain state laws; and

Whereas, Among the laws the NYPD has the authority to enforce are marihuana-related offenses; and

Whereas, Article 221 of the Penal Law enumerates all of the New York State marihuana-related offenses; and

Whereas, The offense of “unlawful possession of marihuana,” for example, occurs when an individual knowingly and unlawfully possesses small quantities of marihuana; and

Whereas, The Penal Law considers small quantities as an amount up to and including twenty-five grams of marihuana; and

Whereas, Without any aggravating factors, this violation, which is not a crime, is punishable by a maximum fine of one hundred dollars; and

Whereas, The offense of “criminal possession of marihuana in the fifth degree,” a class B misdemeanor, is defined as knowingly and unlawfully possessing either (i) any quantity of marihuana if the possession is in a public place and such marihuana is burning or open to public view, or (ii) one or more substances containing marihuana, the aggregate weight of which is more than 25 grams; and

Whereas, Arrests for misdemeanor marihuana possession in New York City has been a highly debated topic for several years as many people feel it is a victimless crime that is not worthy of an arrest nor vital to promote public safety; and

Whereas, According to the New York State Division of Criminal Justice Services, in the first quarter of 2014, 7,017 arrests were made for marihuana possession in New York City compared to 7,671 arrests in the same period last year; and

Whereas, An arrest record can have an adverse impact on an individual’s life beyond any fine or jail sentence as it can affect his or her employment, education, housing and family life; and

Whereas, According to the Drug Policy Alliance, New York City spends between \$1,000 and \$2,000 for each marihuana possession arrest for expenses related to policing, adjudication, and jail time; and

Whereas, In a time of limited resources, taxpayer dollars could be better spent on other greatly needed services and addressing more serious criminal activity in neighborhoods across New York City; and

Whereas, On July 8, 2014, then Brooklyn District Attorney, Kenneth P. Thompson, announced a policy which reflects changing attitudes toward prosecuting marihuana possession cases and indicated that his office would stop prosecuting most low-level marihuana cases; and

Whereas, The policy change applies to limiting prosecutions for (i) possession of marihuana in the fifth degree for either holding or burning marihuana in public view, or (ii) possessing more than 25 grams of marihuana, and (iii) unlawful possession of marihuana; and

Whereas, District Attorney Thompson should be applauded for his recognition that young people of color are disproportionately arrested and stigmatized for low-level marihuana possession and for making a policy change to evaluate whether or not to prosecute these cases; and

Whereas, However, this new policy is only in place in Brooklyn and only takes effect after someone has already been arrested; and

Whereas, While it would be beneficial for this policy to be implemented citywide, the NYPD should stop regularly arresting New Yorkers for low-level marihuana offenses; and

Whereas, The mayor should act expeditiously and issue an executive order to make it clear to New Yorkers and to the police that possession of small amounts of marihuana is not a significant public safety issue and that arresting New Yorkers on a routine basis is not in the public interest, now, therefore, be it

Resolved, That the Council of the City of New York calls on the Mayor to issue an executive order directing the New York City Police Department to make marihuana-related misdemeanors and violations the lowest level enforcement priority for police arrests.

Referred to the Committee on Public Safety.

Res. No. 278

Resolution calling upon the Metropolitan Transportation Authority to alter its policies so that customers never end up with a MetroCard with less than a full fare in value.

By Council Member Menchaca.

Whereas, The Metropolitan Transportation Authority (MTA) offers two primary types of MetroCards that allow customers to pay subway and bus fares: Pay-Per-Ride and Unlimited; and

Whereas, Customers can add any amount between \$5.50 and \$80 to their Pay-Per-Ride MetroCard, with a 5 percent “bonus” added to the value of the card with each transaction; and

Whereas, The bonus results in one free fare for every 20 full fare rides; and

Whereas, Though the bonus is advantageous for customers, as MetroCards are used and their value is depleted, it can result in MetroCards with balances of less than a full \$2.75 fare; and

Whereas, Visitors who are leaving the city and people who start using other forms of transportation can be left with MetroCards that have value but are unusable without refilling them; and

Whereas, Similarly, households may accumulate multiple MetroCards with varying “unusable” balances; and

Whereas, For the sake of convenience and ease-of-use for its customers, the MTA should devise a system in which customers are not left with “unusable” balances on their MetroCards while maintaining the principle of a free fare for every 20 full fares; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to alter its policies so that customers never end up with a MetroCard with less than a full fare in value.

Referred to the Committee on Transportation.

Res. No. 279

Resolution calling upon the Metropolitan Transportation Authority to conduct a pilot program involving the installation of structures on subway steps designed to facilitate movement of bicycles.

By Council Member Menchaca.

Whereas, Bicycles are permitted on the subway, but most stations do not have elevators; and

Whereas, Carrying a bicycle up and down the stairs in the subway system can be difficult and unwieldy at best and impossible for some people; and

Whereas, Other cities, including San Francisco, Copenhagen, and Seoul, have installed narrow bicycle ramps along the sides of stairways in their public transportation systems to facilitate the movement of bicycles; and

Whereas, The San Francisco ramps cost approximately \$100,000 per stairway; and

Whereas, The ramps are situated mostly under handrails in space not otherwise used by individuals using the stairway; and

Whereas, Ramps also alleviate the obstruction, bottlenecks, and potential hazards that can be caused by customers lugging their bicycles up and down subway stairs; and

Whereas, Cycling is an environmentally-friendly and healthy transportation alternative; and

Whereas, New York City has undertaken numerous measures to encourage cycling, most notably expanding its bicycle lane network and introducing a bicycle-share system; and

Whereas, Narrow bicycle ramps on subway stairs would be an unobtrusive and relatively inexpensive method of continuing to make New York a bicycle-friendly city; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to conduct a pilot program involving the installation of structures on subway steps designed to facilitate movement of bicycles.

Referred to the Committee on Transportation.

Res. No. 280

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation prohibiting the use of frontal protection systems on motor vehicles driven within New York State.

By Council Member Menchaca.

Whereas, In 2017, more than 9,000 pedestrians in New York City were injured by motor vehicles, while 101 pedestrians died in crashes; and

Whereas, According to the National Highway Traffic Safety Administration, serious injury to the legs is the second most common injury to pedestrians in the United States, following head injuries; and

Whereas, In response to increasing concerns regarding pedestrian safety, automobile manufactures now design the front end of vehicles to help minimize lower extremity injuries to pedestrians; and

Whereas, Motorists, however, may purchase devices known as frontal protection systems that attach to the bumper of their vehicle that negate the benefits of such new vehicle designs; and

Whereas, Frontal protection systems, also known as bumper guards or grill guards, may pose a significant threat to pedestrians involved in a collision with a motor vehicle modified to include such a system as they prevent the bumper from absorbing some of the impact; and

Whereas, The European Union and Australia restrict the use of frontal protection systems due to concerns over pedestrian safety; and

Whereas, New York State law governs requirements for the equipment of motor vehicles driven on public roads within New York State and sets forth prohibited modifications; and

Whereas, The State should take action to protect pedestrians in New York City from the devastating injuries that can occur as a result of a collision involving a vehicle equipped with a frontal protection system; now, therefore, be it

Resolved, That the Council of the City calls upon the New York State Legislature to pass, and the Governor to sign, legislation prohibiting the use of frontal protection systems on motor vehicles driven within New York State.

Referred to the Committee on Transportation.

Res. No. 281

Resolution calling upon Congress to require the Federal Aviation Administration to promulgate regulations on air quality and noise for tourist helicopters flying over New York City.

By Council Members Menchaca, Chin and Rosenthal.

Whereas, A great number of tourist helicopters fly over the city of New York every day; and

Whereas, According to the Natural Resources Defense Council's 1999 study "Needless Noise: The Negative Impacts of Helicopter Traffic in New York City and the Tri-State Region," studies have shown exposure to frequent overhead flights to be associated with a number of health effects in children, including high blood pressure, neuroendocrinological issues, impaired psychological and cognitive functions, learned helplessness, poorer long-term memory, and diminished reading comprehension; and

Whereas, Helicopters emit air pollutants such as particulate matter, nitrogen oxide, and formaldehyde, which are known to cause asthma, cancer, and other illnesses; and

Whereas, In January 2017, the New York City Economic Development Corporation (NYCEDC) reduced tourist helicopter traffic and noise in half by limiting the number of flights departing from Manhattan's Pier 6 heliport to 28,000 per year and ending all Sunday flights; and

Whereas, The NYCEDC, working with the Federal Aviation Administration (FAA), five helicopter tour operators, and the Eastern Region Helicopter Council, has also established agreed upon rules to limit the impact of helicopters on the public; and

Whereas, The above-referenced rules need to be formalized and strengthened by the FAA promulgating enforceable rules generated through an open public process; and

Whereas, The City of Los Angeles passed a similar resolution, which lead to federal legislation requiring the FAA to voluntarily issue tourist helicopter regulations within a year that would restrict helicopter flight paths and minimum altitudes in Los Angeles County in order to minimize helicopter impacts on public health or, if they do not meet the year deadline, requires them to issue such regulations; and

Whereas, There has been a great deal of public outcry for relief from impacts caused by helicopter tours in New York City, including from a wide range of public officials; and

Whereas, Similar measures to restrict flight paths and set minimum altitudes as was done in Los Angeles could alleviate much of the harm caused by helicopter tours; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to require the Federal Aviation Administration to promulgate regulations on air quality and noise for tourist helicopters flying over New York City.

Referred to the Committee on Environmental Protection.

Int. No. 773

By Council Member Powers

A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of business dealings with the city to include certain uncertified applications to the department of city planning

Be it enacted by the Council as follows:

Section 1. Paragraphs a and b of subdivision 18 of section 3-702 of the administrative code of the city of New York is amended to read as follows:

a. The term “business dealings with the city” shall mean (i) one or more contracts (other than an emergency contract or a contract procured through publicly-advertised competitive sealed bidding) with a single person or entity for the procurement of goods, services or construction that are in effect or that were entered into within the preceding twelve-month period with the city of New York or any agency or entity affiliated with the city of New York and have a total value at or above \$100,000, or, with respect to contracts for construction, at or above \$500,000, and shall include any contract for the underwriting of the debt of the city of New York or any agency or entity affiliated with the city of New York and the retention of any bond counsel, disclosure counsel or underwriter's counsel in connection therewith; or (ii) any acquisition or disposition of real property (other than a public auction or competitive sealed bid transaction or the acquisition of property pursuant to the department of environmental protection watershed land acquisition program) with the city of New York or any agency or entity affiliated with the city of New York; or (iii) any application for approval sought from the city of New York pursuant to the provisions of section 195 of the charter, any application for approval sought from the city of New York [that has been certified] pursuant to the provisions of section 197-c of the charter, and any application for a zoning text amendment [that has been certified] pursuant to section 201 of the charter; provided, however, that for purposes of this clause, with respect to section 195 an applicant shall include the lessor of an office building or office space, and with respect to section 197-c an applicant shall include a designated developer or sponsor of a project for which a city agency or local development corporation is the applicant and provided, further, however, that owner-occupants of one, two and three family homes shall not be considered applicants pursuant to this clause; or (iv) one or more concessions (other than a concession awarded through publicly-advertised competitive sealed bid) or one or more franchises with a single person or entity that are in effect or

that were entered into within the preceding twelve-month period from the city of New York or any agency or entity affiliated with the city of New York which have a total estimated annual value at or above \$100,000; or (v) one or more grants made to a single person or entity that are in effect or that were entered into within the preceding twelve-month period that have a total value at or above \$100,000, received from the city of New York or any agency or entity affiliated with the city of New York; or (vi) any economic development agreement entered into or in effect with the city of New York or any agency or entity affiliated with the city of New York; or (vii) any contract for the investment of pension funds, including investments in a private equity firm and contracts with investment related consultants. In addition, for purposes of this chapter a lobbyist as defined in section 3-211 of this title shall be deemed to be engaged in business dealings with the city of New York during all periods covered by a registration statement. For purposes of clauses (i), (iv) and (v) of this subdivision, all contracts, concessions, franchises and grants that are \$5,000 or less in value shall be excluded from any calculation as to whether a contract, concession, franchise or grant is a business dealing with the city. For purposes of clauses (ii) and (iii) of this subdivision, the department of city planning, in consultation with the board, may promulgate rules to require the submission by applicants to the city of information necessary to implement the requirements of subdivisions 1-a and 1-b of section 3-703 of this chapter as they relate to clauses (ii) and (iii) of paragraph (a) of this subdivision for purposes of inclusion in the doing business database established pursuant to subdivision 20 of this section. For purposes of this subdivision, "agency or entity affiliated with the city of New York" shall mean the city school district of the city of New York and any public authority, public benefit corporation or not for profit corporation, the majority of whose board members are officials of the city of New York or are appointed by such officials. The department of housing preservation and development shall promulgate rules setting forth which categories of actions, transactions and agreements providing affordable housing shall and shall not constitute business dealings with the city of New York for purposes of this subdivision. The department shall consider the significance of the affordable housing program and the degree of discretion by city officials in determining which actions, transactions and agreements shall and shall not constitute such business dealings. Notwithstanding any provision of this subdivision, a housing assistance payment contract between a landlord and the department of housing preservation and development or the New York city housing authority relating to the provision of rent subsidies pursuant to Section 8 of the United States Housing Act of 1937, 42 USC 1437 et., seq., shall not constitute business dealings with the city of New York for the purposes of this subdivision.

b. Business dealings with the city as defined in this subdivision shall be as follows: for purposes of clause (i) of paragraph (a) of this subdivision, bids or proposals on contracts for the procurement of goods, services, or construction shall only constitute business dealings with the city of New York for the period from the later of the submission of the bid or proposal or the date of the public advertisement for the contract opportunity until twelve months after the date of such submission or advertisement, and contracts for the procurement of goods, services or construction shall only constitute business dealings with the city of New York during the term of such contract (or in the case of purchase contracts for goods, from the date of such purchase) and for twelve months thereafter, provided, however that where such contract award is made from a line item appropriation and/or discretionary funds made by an elected official other than the mayor or the comptroller, such contract shall only constitute business dealings with the city from the date of adoption of the budget in which the appropriation of such contract is included until twelve months after the end of the term of such contract; for purposes of clause (ii) of paragraph a of this subdivision, leases in which the city of New York is the proposed lessee shall only constitute business dealings with the city from the date the application for acquisition is filed pursuant to section 195 or the date of the certification of such application pursuant to section 197-c to a period of one year after the commencement of the lease term or after the commencement of any renewal and, where the city or any city affiliated entity is disposing of any real property interest, shall only constitute business dealings with the city from the date of the submission of a proposal and during the term of any agreement and one year after; for purposes of clause (iii) of paragraph (a) of this subdivision, applications for approval sought from the city of New York pursuant to the provisions of sections 197-c or 201 of the charter, except for applications for leases as described in clause (ii), shall only constitute business dealings with the city from the date of the [certification of such] application to the date that is one hundred twenty days after the date of filing by the council with the mayor of its action pursuant to subdivision e of section 197-d of the charter or, in the case of a decision of the city planning commission for which the council takes no action pursuant to paragraph (3) of subdivision (b) of section 197-d of the charter, the date which is twenty days following the filing of such decision with the

council pursuant to subdivision a of section 197-d of the charter, provided, however, that in the case of a disapproval of a council action by the mayor pursuant to subdivision e of section 197-d of the charter, such date shall be one hundred twenty days after expiration of the ten day period for council override pursuant to such section, *and further provided that in the case of the withdrawal of such application such date shall be the date of such withdrawal*; for purposes of clause (iv) of paragraph (a) of this subdivision, bids or proposals for franchises and concessions shall only constitute business dealings with the city of New York for the period from the submission of the bid or proposal until twelve months after the date of such submission, concessions shall only constitute business dealings with the city of New York during the term of such concession and for twelve months after the end of such term, and franchises shall only constitute business dealings with the city of New York for the period of one year after the commencement of the term of the franchise or after the commencement of any renewal; for purposes of clause (v) of paragraph (a) of this subdivision, grants shall constitute business dealings with the city of New York for one year after the grant is made; for purposes of clause (vi) of paragraph (a) of this subdivision, economic development agreements shall constitute business dealings with the city from the submission of an application for such agreement and during the term of such agreement and for one year after the end of such term; and for purposes of clause (vii) of paragraph (a) of this subdivision, contracts for the investment of pension funds, including the investments in a private equity firm and contracts with investment related consultants shall constitute business dealings with the city from the time of presentation of investment opportunity or the submission of a proposal, whichever is earlier, and during the term of such contract and for twelve months after the end of such term.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Governmental Operations.

Int. No. 774

By Council Members Powers, Ayala, Levine and Brannan

A Local Law to amend the administrative code of the city of New York, in relation to the per contributor amount of the public funding threshold for eligibility

Be it enacted by the Council as follows:

Section 1. Paragraph (a) of subdivision 2 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(a) The threshold for eligibility for public funding for participating candidates in a primary or general election, or special election to fill a vacancy, shall be in the case of:

(i) mayor, not less than two hundred fifty thousand dollars in matchable contributions comprised of sums up to one hundred seventy-five dollars per contributor including at least one thousand matchable contributions of [ten] *five* dollars or more;

(ii) public advocate and comptroller, not less than one hundred twenty-five thousand dollars in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least five hundred matchable contributions of [ten] *five* dollars or more;

(iii) borough president, an amount equal to the number of persons living in such borough as determined by the last census multiplied by two cents in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least one hundred matchable contributions of [ten] *five* dollars or more from residents of the borough, or ten thousand dollars comprised of sums of up to one hundred seventy-five dollars per contributor, whichever is greater.

(iv) member of the city council, not less than five thousand dollars in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least seventy-five matchable contributions of [ten] *five* dollars or more from residents of the district in which the seat is to be filled.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 775

By Council Members Powers, Holden, Levine, Brannan and Yeger

A Local Law to amend the administrative code of the city of New York, in relation to the small campaign exemption limit

Be it enacted by the Council as follows:

Section 1. Section 3-702 of the administrative code of the city of New York is amended to add a new subdivision 23, to read as follows:

23. The term “small campaign” shall mean a campaign where neither the expected total cumulative contributions nor the expected total cumulative expenditures of a candidate, including expenditures made with the candidate’s personal funds, exceeds \$3,000.

§ 2. Subdivision 6-a of section 3-703 of the administrative code of the city of New York is amended to read as follows:

6-a. Any rules promulgated by the board to require that disclosure reports submitted pursuant to this chapter be submitted in an electronic format shall provide exemptions for small campaigns, [as defined by board rules,] and for other campaigns that demonstrate that submission in an electronic format would pose a substantial hardship.

§ 3. This local law takes effect 120 days after becoming law, except that the campaign finance board may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Governmental Operations.

Int. No. 776

By Council Members Powers, Kallos, Levine and Brannan

A Local Law in relation to a pilot program for increasing the public funds cap

Be it enacted by the Council as follows:

Section 1. a. Notwithstanding paragraph (b) of subdivision 2 of section 3-705 of the administrative code, for the next special election held pursuant to a proclamation issued after the effective date of this local law, the principal committee of a participating candidate may receive public funds pursuant to paragraph (a) of subdivision 2 of section 3-705 of the administrative code in an amount not to exceed eighty-five percent of the expenditure limitation provided in subdivision one of section 3-706 of the administrative code for the office for which such candidate seeks election.

b. No later than three months after the special election in subdivision a of this local law, the campaign finance board shall submit to the mayor and the speaker of the council a report on the distribution of public funds for such special election, including an analysis of any impact such distribution had on such special election and a recommendation on whether such a distribution of public funds should be implemented in future elections.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 777

By Council Members Powers, Lander, Levine and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the matchable portion of contributions to \$250

Be it enacted by the Council as follows:

Section 1. Paragraph (a) of subdivision 2 of section 3-705 of the administrative code of the city of New York is amended to read as follows:

2. (a) If the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of six dollars for each one dollar of matchable contributions, up to [one thousand fifty] *one thousand five hundred* dollars in public funds per contributor (or up to [five hundred twenty-two] *seven hundred fifty* dollars in public funds per contributor in the case of a special election), obtained and reported to the campaign finance board in accordance with the provisions of this chapter.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 282

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to raise the financial disclosure threshold for campaigns from \$1,000 to \$3,000.

By Council Members Powers and Brannan

Whereas, The New York City Campaign Finance Act (Admin Code §3-703(6-a.)) requires campaigns to file financial disclosures and directs the Campaign Finance Board ('CFB') to provide exemptions for small campaigns in their rules; and

Whereas, The Campaign Finance Board Rule 1-11(c) defines a small campaign as a campaign with both expenditures and contributions under \$1,000, based on the New York State Election Law (§14-124); and

Whereas, Changing the state Election Law to reflect an increase in the financial disclosure threshold from \$1,000 to \$3,000 would automatically change the citywide threshold as the CFB rule is tied to the New York State Election Law; and

Whereas, The cost of running a winning campaign in New York City ranges from \$140,000 in City Council elections to \$7 million in mayoral elections; and

Whereas, Running a small campaign within the \$1,000 disclosure threshold is largely impossible given the resource demands of running a campaign in New York City; and

Whereas, Raising the disclosure threshold by \$2,000 would allow candidates with few resources to engage in dialogue on city and districtwide issues through their campaigns, with relief from administrative burden that could detract from their message; and

Whereas, Raising the disclosure threshold would save CFB time and resources as it would exempt additional campaigns with minimal impact from disclosure and subsequent review; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation to raise the financial disclosure threshold for campaigns from \$1,000 to \$3,000.

Referred to the Committee on Governmental Operations.

Res. No. 283

Resolution calling upon the Governor to coordinate a review of cases involving persons convicted of a crime at the age of 16 or 17 years of age, before Raise the Age legislation went into effect, who are currently incarcerated or are sentenced in criminal court to ensure those sentences are equitable and just.

By Council Members Powers, Brannan and Rivera.

Whereas, In April of 2017, Governor Andrew Cuomo signed legislation known as “Raise the Age” into law; and

Whereas, Pursuant to Raise the Age, New York state will no longer automatically prosecute 16- and 17-year-olds as adults by October 2019; and

Whereas, Prior to the passage of this legislation, cases involving 16- and 17-year-old defendants were adjudicated in the criminal justice system, and deprived of the treatment and services afforded to juveniles; and

Whereas, In New York, juvenile cases are adjudicated in Family Court by judges with special training and access to social services; and

Whereas, The courts collaborate with the Administration for Children’s Services, the Department of Probation, the Department of Education, attorneys, community-based providers and others to provide a wide range of services to improve the lives of children and families involved in the juvenile justice system; and

Whereas, The overarching goal of the juvenile system is to rehabilitate young people who commit offenses by coordinating services that meet their special needs; and

Whereas, According to the Administration for Children’s Services, 46% of youth placed into juvenile detention facilities required mental health services in 2017; and

Whereas, In the New York City juvenile justice system, several programs offer a range of supervision to youth, with the goal of detaining only those who pose a high-risk to themselves or their communities; and

Whereas, Moreover, a conviction for a juvenile in Family Court is not considered a criminal conviction and therefore youth do not have a criminal record as a result of the proceeding; and

Whereas, Family Court Judges, in a response to a motion made by the youth, may seal any records related to the case; and

Whereas, Before the passage of Raise the Age, cases involving 16 –and 17- year olds were adjudicated in the adult criminal justice system, which is widely considered more punitive, imposing longer prison sentences and resulting in youth having criminal records along with negative collateral consequences; and

Whereas, Considering the significant change in practice that is being gradually implemented, incarcerated persons whose cases were adjudicated in adult criminal court, instead of Family Court, at the age of 16 or 17 should have their sentences reviewed and commuted accordingly; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor to coordinate a review of cases involving persons convicted of a crime at the age of 16 or 17 years of age, before Raise the Age legislation went into effect, who are currently incarcerated or are sentenced in criminal court to ensure those sentences are equitable and just.

Referred to the Committee on Juvenile Justice.

Res. No. 284

Resolution calling upon the United States Congress to pass, and the President to sign, S.2580, the “Every Person Counts Act,” to ensure that no question about citizenship appears on the 2020 decennial census.

By Council Members Powers, Chin, the Speaker (Council Member Johnson), Ayala, Levine, Cornegy, Cabrera, Rivera, Miller and Brannan.

Whereas, The United States (“US”) Constitution mandates that the federal government conduct a decennial census for tax and representation purposes; and

Whereas, US census data is widely used by government agencies, research institutions and community groups for appropriating billions of dollars in federal aid and services; and

Whereas, The US Census Bureau acknowledges that both overcounts and undercounts occur in the census process; and

Whereas, New York City’s densely populated urban context resulted in the lowest response rates for the 2000 and 2010 census, nearly 10 percentage points below the national average; and

Whereas, In spite of US Census Bureau precautions in 2010, canvassing failed to identify many New York City addresses due, in part, to an inability to access apartment building residence, illegal sublets, and residents’ general mistrust of federal employees; and

Whereas, New York City is home to many “hard to count” populations, including 3.1 million immigrants, comprising 38% of its population and 45% of its workforce; and

Whereas, On December 12, 2017, the Department of Justice sent a letter to the US Census Bureau, requesting that a question on citizenship status be added to the 2020 census form; and

Whereas, The entire US population has not been required to complete a citizenship question on the decennial census form since 1950; and

Whereas, On March 20, 2018, US Senator Robert Menendez (D-NJ) introduced the “Every Person Counts Act” (S.2580) which would require that the decennial census tabulate the total number of persons in each state and elicit no information regarding US citizenship or immigration status; and

Whereas, On March 26, 2018, the US Commerce Secretary Wilbur Ross announced that the 2020 census would include a citizenship status question; and

Whereas, Citizenship data is argued to be critical for calculating the Citizen Voting-Age Population (“CVAP”)¹ used to enforce section two of the voting rights act of 1965, which prohibits discriminatory voting practices or procedures; and

Whereas, Congress could not have intended to use CVAP for section two of the voting rights act of 1965, because the census did not include a population-wide citizenship question to collect CVAP data after 1950; and

Whereas, From 1980 through 2016, the Census Bureau has maintained that inquiries regarding citizenship have the potential to drive down response rates and impair the accuracy of the decennial count, evidenced in court arguments (*Fed’n for Am. Immigration Reform v. Klutznick*), congressional testimony and other communications; and

Whereas, Sending all households a census form with a citizenship question is expected to depress the immigrant participation rate as the Trump administration has made aggressive statements and policy decisions to the detriment of the immigrant community in the US; and

Whereas, In the March 2018 memo, the Department of Commerce stated it “is not able to determine definitively how inclusion of a citizenship question on the decennial census will impact responsiveness;” and

Whereas, During 2017 pre-tests, the Census Bureau released a memo detailing increases in respondents voicing concerns about confidentiality; and

Whereas, Census testing researchers heard concerns related to the ‘Muslim ban,’ the “dissolution of the Deferred Action for Childhood Arrival program,” and “Immigration and Customs Enforcement presence;” and

Whereas, The last end-to-end 2020 census test began on April 1, 2018, and does not include a citizenship question, meaning the question will be deployed on the final census questionnaire without significant testing, a move that is unprecedented in modern census administration and contravenes federal standard operating procedure; and

Whereas, New York Attorney General Eric Schneiderman filed a lawsuit on April 3, 2018, joined by sixteen states and the District of Columbia, against President Donald Trump and the US Department of Commerce over the inclusion of the citizenship question in the 2020 decennial census; and

Whereas, Accurate information about New York City’s population is critical to ensuring that the City receives adequate federal funding and representation at federal, state and local levels; and

¹ Letter from Arthur E. Gary, General Counsel, Justice Management Division, U.S. Dep’t of Justice, to Ron Jarmin, Performing the Non-Exclusive Functions and Duties of the Director, U.S. Bureau of the Census, U.S. Dep’t of Commerce (Dec. 12, 2017).

Whereas, In Fiscal Year 2018, the City budgeted for \$8.3 billion in federal grants, many of which are allocated based on census data; and

Whereas, New York lost two Congressional seats after the 2010 census due to undercounting and risks losing another seat in 2020 for the same reason; and

Whereas, The New York State Assembly and Senate districts are set based on census data and a significant undercount of downstate populations may erroneously lead to diminished representation upstate; and

Whereas, The decennial Districting Commission redraws City Council districts based on census data and undercounts in some neighborhoods could lead to unequal Council district populations; 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, S.2580, the “Every Person Counts Act,” to ensure that no question about citizenship appears on the 2020 decennial census.

Referred to the Committee on Immigration.

Int. No. 778

By Council Members Richards, Ampry-Samuel, Brannan and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring police officers to be trained on basic fire safety

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended to add a new section 14-173 to read as follows:

§14-173 Fire training. The department shall ensure that all officers are trained on basic fire safety protocols, including when to engage in active fire incidents.

§2. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 779

By Council Members Richards, Powers and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on use by department staff of any device designed to incapacitate a person through the use of an electric shock.

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 9-130 of the administrative code of the city of New York, as added by local law 33 for the year 2016, is amended by amending paragraph 23 and adding a new paragraph 24 to read as follows:

23. incidents of use of force C in which chemical agents were used;[.]

24. incidents in which staff uses any device designed to incapacitate a person through the use of an electric shock.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Criminal Justice.

Int. No. 780

By Council Member Rivera

A Local Law to amend the administrative code of the city of New York, in relation to clarifying responsibilities of owners and the department of housing preservation and development to address indoor asthma allergen hazards

Be it enacted by the Council as follows:

Section 1. The definition of “integrated pest management” of section 27-2017 of the administrative code of the city of New York as amended by local law number 55 for the year 2018 is amended to read as follows:

Integrated pest management. The term “integrated pest management” means ongoing prevention, monitoring and pest control activities [and reasonable efforts] to eliminate pests from any building, lot, or dwelling. This includes, but is not limited to, [reasonable efforts to eliminate] *the elimination* of harborages and conditions conducive to pests, the use of traps, and, when necessary, the use of pesticides.

§ 2. The definition of “remediation” or “remediate” of section 27-2017 of the administrative code of the city of New York as amended by local law number 55 for the year 2018 is amended to read as follows:

Remediation or remediate. The term “remediation” or “remediate” means [reasonable efforts] *measures* to eradicate pests in accordance with section 27-2017.8 and [reasonable efforts] *measures* to eradicate indoor mold hazards in accordance with rules promulgated pursuant to section 27-2017.9.

§ 3. Section 27-2017.1 of article 4 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows

§27-2017.1 Owners' responsibility to remediate. The existence of an indoor allergen hazard in any dwelling unit in a multiple dwelling is hereby declared to constitute a condition dangerous to health. An owner of a dwelling shall [take reasonable measures to] keep the premises free from pests and other indoor allergen hazards and from any condition conducive to indoor allergen hazards, and shall [take reasonable measures to] prevent the reasonably foreseeable occurrence of such a conditions and shall expeditiously [take reasonable measures to] remediate such conditions and any underlying defect, when such underlying defect exists, consistent with section 27-2017.8 and the rules promulgated pursuant to section 27-2017.9.

§ 4. Paragraph a of section 17-199.6 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

§ 17-199.6 Investigations of indoor allergen hazards in dwellings of persons with medically diagnosed moderate persistent or severe persistent asthma. a. The department shall establish procedures to permit doctors, nurses, or other health professionals, upon the consent of their patients, to request a department investigation of possible indoor allergen hazards in dwellings where persons reside who have been medically diagnosed with moderate persistent or severe persistent asthma. Such procedures shall provide for the referral to the department of housing preservation and development of such requests that would be subject to section 27-2017.6. The procedures shall also provide for an investigation to be made when the department is notified that a person who has been medically diagnosed with moderate persistent or severe persistent asthma is residing in a dwelling with possible indoor allergen hazards not otherwise subject to enforcement by the department of housing preservation and development under section 27-2017.6. Such indoor allergen hazards *may* include, but are not limited to, mold that is not readily observable to the eye, including mold that is hidden within wall cavities, construction dust or such other conditions as the department shall from time-to-time determine by rule are indoor allergen hazards.

§ 5. Paragraph c of section 17-199.6 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

c. In the event that the department determines that the owner or other person having the duty or liability to comply with an order issued pursuant to this section fails to substantially comply therewith within twenty-one days after service thereof, the department shall, in accordance with section 27-2017.10, refer such order to the department of housing preservation and development. The department of housing preservation and development may [shall] take such enforcement action as is necessary, including performing or arranging for the performance of the work to correct the certified condition.

§ 6. This local law takes effect on the same day as local law number 55 for the year 2018 takes effect, except that the commissioners of health and mental hygiene and housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Preconsidered Int. No. 781

By Council Members Rivera, Rosenthal and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city police department to utilize a modern case management system

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

§ 14-176 *Special victims case management.*

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

Case management system. The term “case management system” means a digital and searchable means of tracking and monitoring investigations, cases, and other activities of the special victims division. Such system shall be capable of automated analysis of the performance of such division and members of such division, including the timeliness of any such investigations.

Special victims division. The term “special victims division” means any division, unit, or other entity within the department that regularly investigates the violation of article 130 of the penal law.

b. Case management system. The Special victims division shall utilize a case management system, and establish policies that limit access to such system to protect the privacy of crime victims. Such policies shall be published on the department’s website.

§2. This local law takes effect one year after it becomes law.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Res. No. 285

Resolution calling upon the United States Secretary of the Interior to recognize the historical significance of Roberto Clemente’s place of death in Loiza, Puerto Rico, by adding it to the National Register of Historic Places.

By Council Members Rivera, Miller, Menchaca, Adams, Ayala, Ampry-Samuel, Eugene, Cornegy and Barron.

Whereas, Roberto Clemente, born August 18, 1934 in Carolina, Puerto Rico, was a renowned Major League Baseball (MLB) right fielder who played for the Pittsburgh Pirates (“Pirates”) from 1955 to 1972; and

Whereas, Roberto Clemente was first scouted in 1952 by the Brooklyn Dodgers, who signed him 15 months later and assigned him to Triple A Montreal for the 1954 season before the Pirates, utilizing the Major-Minor League Rule 5, claimed him for their team; and

Whereas, While playing for the Pirates, Roberto Clemente hit a remarkable .317 over 18 seasons, collecting 3,000 hits, and placing in the Pirate’s Top Ten in every offensive and defensive category; and

Whereas, Roberto Clemente, an All-Star for 12 seasons, the National League (NL) batting leader for four years, and a Gold Glove Award winner for 12 consecutive seasons, was the first Latino to help win a World

Series as a starter (in 1960), to receive an NL Most Valuable Player (MVP) Award (in 1966), and to receive a World Series MVP Award (in 1971); and

Whereas, As a Black Puerto Rican in MLB less than a decade after Jackie Robinson broke baseball's color barrier, Roberto Clemente faced discrimination for being a "double outsider;" he (as well as his Black teammates) were barred from dining in segregated restaurants or staying the same hotel with the rest of the team during spring training in Florida, while the press relied on Latin stereotypes, mocked his accent by quoting him with phonetic spelling, and ignored his requests to not Anglicize his name in print; and

Whereas, Roberto Clemente challenged the stereotypes that had marginalized native Spanish speakers in the United States (U.S.) and often spoke out against prejudice; he became known as a strong voice for the growing contingent of Latino players in the major leagues, advocated for Latino civil rights, and was a close associate of Rev. Dr. Martin Luther King Jr.; and

Whereas, Rather than join the rest of the league to play Winter League Baseball in Puerto Rico during the 1958-59 off-season, Roberto Clemente enlisted in the U.S. Marine Corps Reserve and served for six years as an infantryman; and

Whereas, Not only was Roberto Clemente an exemplary American baseball player and a hero to all Boricuas, he was deeply involved in Puerto Rican charities relating to young people and sports; and

Whereas, On December 31, 1972, Roberto Clemente tragically died at the age of 38 when a plane he chartered to bring food and relief supplies to earthquake-ravaged Nicaragua crashed near Piñones, in Loíza, Puerto Rico shortly after takeoff; and

Whereas, In 1973, Roberto Clemente was inducted posthumously as the first Latino player into the National Baseball Hall of Fame; and

Whereas, Since September 17, 2002, MLB has observed Roberto Clemente Day annually at every ballpark across both leagues, to commemorate the lasting memory of one of baseball's greatest ambassadors; and

Whereas, In honor of his memory, The Roberto Clemente Award is given annually to the MLB player who "best exemplifies the game of baseball, sportsmanship, community involvement and the individual's contribution to his team," as voted on by baseball fans and members of the media; and

Whereas, According to the Hunter College Center for Puerto Rican Studies at the City University of New York, New York state is home to over one million Puerto Ricans, the largest population of Puerto Ricans on the U.S. mainland and, in the wake of the devastation caused by Hurricanes Irma and Maria, an additional estimated 11,000 Puerto Ricans have migrated to New York state; and

Whereas, New York City is home to the Roberto Clemente State Park, which hosts Roberto Clemente Week annually to celebrate his life with a series of special events in the Bronx and the Roberto Clemente Family Guidance Center in Manhattan; and

Whereas, The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation; and

Whereas, Roberto Clemente was an American baseball legend who embodied the values of a model citizen; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Secretary of the Interior to recognize the historical significance of Roberto Clemente's place of death in Loíza, Puerto Rico, by adding it to the National Register of Historic Places.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 782

By Council Member Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to pedestrian safety action plans and to repeal section 19-180.1, relating to safety audits of crash locations involving pedestrians

Be it enacted by the Council as follows:

Section 1. Section 19-180.1 of the administrative code of the city of New York, is REPEALED.

§ 2. Section 19-182 of the administrative code of the city of New York, is amended to read as follows:

§ 19-182 Comprehensive [study] *studies, plans and reports* of pedestrian fatalities and serious injuries. *a. Definitions. For purposes of this section, the following terms have the following meanings:*

Arterial street. The term “arterial street” means a high-capacity street under the jurisdiction of the department serving as the principal network of through-traffic flow.

Bicycle lane. The term “bicycle lane” means a portion of the roadway that has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicycles.

Bicycle path. The term “bicycle path” means a path physically separated from motorized vehicle traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way and which is intended for the use of bicycles.

Curb extension. The term “curb extension” means an expansion of the curb line into the lane of the roadway adjacent to the curb for a portion of a block either at a corner or mid-block.

Exclusive pedestrian phase. The term “exclusive pedestrian phase” means a pedestrian control signal that allows pedestrians an exclusive interval at which to completely cross using any of the existing crosswalks within the intersection while traffic is stopped in all directions.

Leading pedestrian interval. The term “leading pedestrian interval” means a pedestrian control signal that displays a walk indication before a green indication for the parallel direction of traffic.

Median barrier. The term “median barrier” means a raised median or pedestrian safety island extended through an intersection to prevent left turns and through-movements to and from the intersecting street.

Motor vehicle. The term “motor vehicle” has the same meaning as in section 125 of the vehicle and traffic law.

Pedestrian safety island. The term “pedestrian safety island” means a raised area located at crosswalks that serves as pedestrian refuge separating traffic lanes or directions.

Priority location. The term “priority location” means the corridors, arterial streets, intersections, and areas identified in subparagraphs (a)-(c) of paragraph 3 of subdivision c of this section.

Serious injury. The term “serious injury” means those injuries categorized as “A” injuries by the New York state department of motor vehicles.

[a.] *b. Every five years, the department shall conduct a comprehensive study of all traffic crashes involving a pedestrian fatality or serious injury for the most recent five years where traffic crash data is available. In each such study, the department shall analyze the conditions and factors associated with each such traffic crash and identify common factors among the crashes, if any. The department shall use such studies to develop strategies to improve pedestrian safety, which may include modifying citywide traffic operations policy, developing pedestrian safety strategies geared towards specific users, including, but not limited to, installation of audible pedestrian signals and other devices to assist those with sight, hearing and mobility impairments, prioritizing locations and/or types of roadways or intersections for safety improvements and making recommendations for improving safety at such locations.*

[b.] *c. The first comprehensive traffic study and plans, including a schedule for implementing strategies for improving pedestrian safety generated by such study, shall be submitted to the mayor and speaker of the council and posted on the department's official website by the thirtieth day of november, two thousand and fifteen. Subsequent studies and plans shall be submitted to the mayor and speaker of the council and posted on the department's official website every five years thereafter by the thirtieth of november in such years.*

[c. 1. For purposes of this section, the following terms shall have the following meanings:

(A) “Exclusive pedestrian phase” shall mean a pedestrian control signal that allows pedestrians an exclusive interval at which to completely cross using any of the existing crosswalks within the intersection while traffic is stopped in all directions;

(B) “Leading pedestrian interval” shall mean a pedestrian control signal that displays a walk indication before a green indication for the parallel direction of traffic;

(C) “Motor vehicle” shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.]

[2.] 1. As part of the comprehensive study and plan required pursuant to this section, the department shall study means of enhancing the safety of pedestrians and bicyclists where motor vehicles make left turns. Such study and plan shall consider and make recommendations as to how streets and sidewalks may be designed to minimize the risk of traffic crashes and to minimize the risk of critical injury or death resulting from the making of such turns. Such study and plan shall include, but not be limited to, at or near left turn locations, consideration of removing motor vehicle parking, the installation of leading pedestrian intervals, the designation of lanes exclusively for left turns, and the installation of exclusive pedestrian phases.

[d. 1. For purposes of this subdivision, "arterial streets" shall mean high-capacity streets under the jurisdiction of the department serving as the principal network of through-traffic flow.]

2. As part of the comprehensive study and plan required pursuant to this section, the department shall study arterial streets as defined herein and make recommendations as to how such streets may be designed to minimize the risk of traffic crashes and to minimize the risk of [critical] *serious* injury or death resulting from such crashes.

3. *Comprehensive status report. As part of the comprehensive study and plan required pursuant to this section, the department shall release a comprehensive status report for each of the five boroughs that shall:*

(a) *Identify the corridors and arterial streets representing at least 50 percent of the total pedestrians killed or seriously injured on such corridors and arterial streets during the preceding five years and at least five percent of the total mileage of street network in each borough, and rank the corridors and arterial streets identified based on the number of pedestrians killed or seriously injured during such five-year period;*

(b) *Identify the intersections representing at least 20 percent of the total pedestrians killed or seriously injured on such intersections during the preceding five years and at least two percent of all intersections in such borough and rank the intersections identified based on the number of pedestrians killed or seriously injured during such five-year period; and*

(c) *Identify additional locations comprising one or more intersections, highways, arterial streets and corridors to include in each comprehensive status report, but such additional areas and locations shall not substitute any of the corridors, arterial streets or intersections identified in subparagraphs (a) and (b) of this paragraph.*

(d) *Report on the status and any progress made on all the safety strategies and improvement recommendations made pursuant to subdivision a of this section, and on the schedule for implementing the strategies to improve pedestrian safety as identified in the most recent prior five-year study pursuant to subdivision b of this section.*

(e) *Describe for each priority location: the status, plans, and any progress made on all street safety engineering and other changes of design, including, but not limited to pedestrian safety islands, exclusive pedestrian phases, leading pedestrian intervals, dedicated left turn signals, curb extensions, median barriers, raised walk-ways, protected and unprotected bicycle lanes, lane-narrowing, and the removal of any such features, and other traffic calming changes and traffic devices.*

(f) *List the number of pedestrians, bicyclists and motorists killed and seriously injured during the preceding five years. Such comprehensive status report shall describe the locations where such incidents occurred, disaggregated by borough and by New York city council district, New York city police precinct and community board in each borough.*

d. The department shall inspect and conduct audits for each priority location and make improvements as soon as reasonably possible, and if necessary, incorporate improvements into capital projects.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 783

By Council Members Rose and Brannan.

A Local Law to amend the New York city building code and the administrative code of the city of New York, in relation to requiring reflective material on garbage containers

Be it enacted by the Council as follows:

Section 1. Section 3303.4.2 of the New York city building code is amended by adding a new item 4 to read as follows:

4. Containers holding debris or waste shall be equipped with reflective material sufficient for the container to be visible to vehicular traffic.

§ 2. Section 27-2021 of the New York city building code is amended by adding a new subdivision d to read as follows:

d. Any receptacles placed outside of the building for the department of sanitation or other collection agency shall be equipped with reflective material sufficient for such receptacles to be visible to vehicular traffic.

§ 3. Subdivision c of section 16-120 of the administrative code of the city of New York is amended to read as follows:

c. Incinerator, residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department of sanitation, department of health, and the department of housing preservation and development. *Any receptacles placed outside of the building for department of sanitation or other collection agency shall be equipped with reflective material sufficient for the receptacle to be visible to vehicular traffic.* After the contents have been removed by the department of sanitation or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department of sanitation, the department of health, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

§ 4. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Preconsidered Int. No. 784

By Council Members Rose, Rosenthal and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city police department to use evidence based staffing for the department's special victims division

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

§14-176 Special victims division staffing. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Evidence based staffing model. The term “evidence based staffing model” means a method of determining staffing levels such as the Prummel Staffing Model that considers the volume of cases by category of offense, minimum law enforcement standards for the average time required to investigate such cases, and staff leave usage and administrative duties that affect employee availability.

Investigative hours per case. The term “investigative hours per case” means the number of hours worked by special victims officers divided by the number of active cases referred to the special victims division.

Special victims division. The term “special victims division” means any division or other entity within the department that regularly investigates alleged violations of article 130 of the penal law.

Special victims officers. The term “special victims officers” means any member of the department whose primary duties include investigating sexual crimes and who regularly interact with the victims of sexual crimes.

Unit. The term “unit” means any unit, squad, division or other means of allocating work within the special victims division.

b. The department shall use an evidence based staffing model to determine allocation of staff within the special victims division.

c. Beginning January 31, 2019, and every year thereafter, the commissioner shall prepare a report on staffing for the special victims division for the previous year. This report shall be sent to the mayor and the speaker of the council, and posted on the department’s website. This report shall include the following information:

1. The number of cases referred to such division, disaggregated by borough and unit, and also disaggregated by the charged offense and severity of such offense where applicable.

2. The number of special victims officers, disaggregated by borough and unit, and also disaggregated by the rank of such officers, including disaggregation by detective grades.

3. Investigative hours per case, disaggregated by borough and unit.

§2. This local law takes effect 6 months after it becomes law.

Adopted by the Council (preconsidered but laid over by the Committee on Public Safety).

Preconsidered Int. No. 785

By Council Members Rosenthal, Levine and Richards.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city police department to provide training on investigating sexual crimes

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-176 to read as follows:

§ 14-176 *Special victims training.*

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

Sexual crimes. The term “sexual crimes” means any offense in article 130 of the penal law.

Special victims officers. The term “special victims officers” means any member of the department whose primary duties include investigating sexual crimes and who regularly interact with the victims of sexual crimes.

Special victims school. The term “special victims school” means a comprehensive training on the specific needs of victims of sexual crimes. Such training shall be designed to develop skills in interacting with such victims such as the Forensic Experiential Trauma Interview method, require a demonstration of such skills, and shall of a length the commissioner determines is sufficient to ensure that special victims officers are capable of utilizing such skills, but in no case shall be less than ten weeks in length.

b. *Training requirement.* Special victims officers shall complete special victims school prior to engaging with any victims of sexual crimes.

§2. This local law takes effect one year after it becomes law.

Adopted by the Council (preconsidered but laid over by the Committee on Public Safety).

Int. No. 786

By Council Members Torres, Cornegy and Ampry-Samuel.

A Local Law in relation to requiring the department of buildings to report on the efficacy of elevator brake monitors and remote elevator monitoring systems

Be it enacted by the Council as follows:

Section 1. As used in this local law:

Brake monitor. The phrase “brake monitor” means software or a device that is installed on an elevator and is designed to identify when an elevator brake fails to disengage and which has the capability to shut down the elevator, or reset the elevator.

Remote electronic monitoring system. The phrase “remote electronic monitoring system” means software or a device installed on an elevator that remotely checks whether elevators are properly functioning, and logs all elevator error messages.

§ 2. By no later than December 31, 2019, the department of buildings shall prepare and file with the mayor and the council, and post on its website, a report analyzing whether brake monitors and remote electronic monitoring systems enhance elevator safety and, if so, the feasibility of requiring the installation of such monitors and systems on all elevators in residential buildings.

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 787

By Council Members Torres, Cornegy and Ampry-Samuel.

A Local Law to amend the New York city building code, in relation to maintaining brake monitors and elevator monitoring systems

Be it enacted by the Council as follows:

Section 1. The New York city amendments to section 8.6.4.6 of ASME A17.1-2000, with supplements A17.1a-2002 and A17.1b-2003, as set forth in section 8.6 of chapter K1 of appendix K of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

**SECTION 8.6
MAINTENANCE, REPAIR, AND REPLACEMENT**

Delete and revise section 8.6.4.6 to read as follows:

8.6.4.6 Brakes

8.6.4.6.1 The driving-machine brake shall be maintained annually to ensure proper operations, including, but not limited to the following:

- (a) residual pads (anti-magnetic pads);
- (b) lining and running clearances;
- (c) pins and levers;
- (d) springs;
- (e) sleeves and guide bushings;
- (f) discs and drums; [and]
- (g) brake coil and plunger[.];
- (h) *brake monitors, if installed; and*
- (i) *elevator monitoring systems, if installed.*

8.6.4.6.1.1 Brake maintenance shall be entered in the maintenance records.

8.6.4.6.1.2 A metal tag indicating the elevator maintenance company and date of service shall be attached to the elevator controller.

8.6.4.6.2 If any part of the driving machine brake is changed or adjusted that can affect the holding capacity or decelerating capacity of the brake when required (see Section 2.24.8.3), it shall be adjusted and checked by means that will verify its proper function and holding capacity.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 788

By Council Members Torres, Cornegy and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to elevator maintenance company licenses and elevator maintenance company director licenses

Be it enacted by the Council as follows:

Section 1. Section 28-304.7 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

§ 28-304.7 Required contract. [The] *Each* owner of [all] a new [and] *or* existing passenger [elevators and escalators] *elevator or escalator* shall have a contract with [an approved agency] *an elevator maintenance company complying with section 28-425.1* to perform *passenger* elevator [repair work and maintenance and escalator maintenance, repair and replacement work] *and escalator maintenance, repair and replacement*, as defined by ASME A17.1 as modified by [Chapter K1 of] Appendix K of the New York city building code. The name, address and telephone number of such [agency] *company* shall be maintained at each premises, on the mainline disconnect switch and in a location readily accessible to employees of the department and to maintenance and custodial staff at the premises.

§ 2. Section 28-401.15 of the administrative code of the city of New York is amended by adding two license types to read as follows:

License Type	Initial Fee	Renewal Fee	Additional Fees
<i>Elevator maintenance company.</i>	\$100	\$150	<i>Late-renewal: \$50 Reissuance: \$50</i>
<i>Elevator maintenance company director.</i>	\$50	\$75	<i>Late-renewal: \$50 Reissuance: \$50</i>

§ 3. Section 28-401.3 of the administrative code of the city of New York is amended by adding new definitions for “ELEVATOR MAINTENANCE COMPANY,” “ELEVATOR MAINTENANCE COMPANY DIRECTOR,” “ELEVATOR MAINTENANCE COMPANY HELPER,” “ELEVATOR MAINTENANCE COMPANY MECHANIC” and “ELEVATOR WORK” in appropriate alphabetical order to read as follows:

ELEVATOR MAINTENANCE COMPANY. *An entity or division thereof that performs elevator work.*

ELEVATOR MAINTENANCE COMPANY DIRECTOR. *An individual who is licensed to supervise elevator work under section 28-425.7.*

ELEVATOR MAINTENANCE COMPANY HELPER. *An individual who performs elevator work and meets the requirements of section 28-425.9.*

ELEVATOR MAINTENANCE COMPANY MECHANIC. *An individual who performs elevator work and meets the requirements of section 28-425.8.*

ELEVATOR WORK. *Maintenance, repair, replacement, modernization or alteration work, as defined by ASME A17.1 as modified by appendix K of the New York city building code, performed on a passenger elevator or escalator regulated by this code or other applicable laws or rules.*

§ 4. Chapter 4 of title 28 of the administrative code of the city of New York is amended to add a new article 425 to read as follows:

ARTICLE 425

ELEVATOR MAINTENANCE COMPANY LICENSE/REGISTRATION AND ELEVATOR MAINTENANCE COMPANY DIRECTOR LICENSE

§ 28-425.1 General.

§ 28-425.2 Elevator work performed before January 1, 2020.

§ 28-425.3 Elevator work performed on and after January 1, 2020 and before January 1, 2023.

§ 28-425.4 Elevator work performed on and after January 1, 2023.

§ 28-425.5 Designated individual in responsible charge.

§ 28-425.6 Prohibition on working for more than one elevator maintenance company.

§ 28-425.7 Requirements for elevator maintenance company director license.

§ 28-425.8 Elevator maintenance company mechanic qualifications.

§ 28-425.9 Elevator maintenance company helper qualifications.

§ 28-425.10 Initial training.

§ 28-425.11 Continuing education.

§ 28-425.12 No examination required.

§ 28-425.13 Term of license.

§ 28-425.14 Fees.

§ 28-425.15 Elevator work performed by the department.

§ 28-425.1 General. *Elevator maintenance companies shall comply with this article.*

§ 28-425.2 Elevator work performed before January 1, 2020. *Until January 1, 2020, elevator maintenance companies shall comply with this section or section 28-425.4.*

§ 28-425.2.1 Designated individual in responsible charge. *The elevator maintenance company shall designate an individual in responsible charge in accordance with section 28-425.5.*

§ 28-425.2.2 Elevator work. *All elevator work for an elevator maintenance company shall be performed by individuals who are directly employed by such company and working under the direct and continuing supervision of the individual designated for such company in accordance with section 28-425.5.*

§ 28-425.3 Elevator work performed on and after January 1, 2020 and before January 1, 2023. *On and after January 1, 2020 and until January 1, 2023, elevator maintenance companies shall comply with this section or section 28-425.4.*

§ 28-425.3.1 Designated individual in responsible charge. *The elevator maintenance company shall designate an individual in responsible charge in accordance with section 28-425.5. In addition to the requirements of section 28-425.5 and prior to such company performing elevator work, such individual shall submit satisfactory proof to the department that all individuals directly employed by such company to*

perform or supervise elevator work have successfully completed the initial training set forth in section 28-425.10.

§ 28-425.3.2 Elevator work. *All elevator work for an elevator maintenance company shall be performed by individuals who:*

- 1. Are directly employed by such company;*
- 2. Are working under the direct and continuing supervision of the individual designated for such company in accordance with section 28-425.5; and*
- 3. Have successfully completed the initial training set forth in section 28-425.10.*

§ 28-425.4 Elevator work performed on and after January 1, 2023. *On and after January 1, 2023, elevator maintenance companies shall be licensed in accordance with this section.*

§ 28-425.4.1 Requirements for elevator maintenance company license; renewals. *In addition to the general licensing requirements of article 401 of this chapter, applicants for an elevator maintenance company license shall:*

- 1. Designate an individual in responsible charge in accordance with section 28-425.5;*
- 2. Submit satisfactory proof to the department that all individuals performing or supervising elevator work on behalf of the applicant have successfully completed the initial training set forth in section 28-425.10; and*
- 3. For license renewal applications, submit satisfactory proof that all individual performing or supervising elevator work on behalf of the applicant have successfully completed the continuing education set forth in section 28-425.11 within the three years preceding submission of such application.*

§ 28-425.4.2 Elevator work. *All elevator work for an elevator maintenance company shall comply with the following:*

- 1. Such work shall be performed by or under the direct and continuing supervision of the individual designated in responsible charge in accordance with section 28-425.5; and*
- 2. Such work shall be performed by one or more of the following individuals:*
 - 2.1. An elevator maintenance company director directly employed by such company;*
 - 2.2. An elevator maintenance company mechanic directly employed by such company; or*
 - 2.3. An elevator maintenance company helper directly employed by such company and working under the personal and immediate supervision of an elevator maintenance company director or mechanic without intermediate supervisors or other intervening levels of supervision.*

§ 28-425.5 Designated individual in responsible charge. *Where required by this article, an elevator maintenance company shall designate an individual directly employed by such company to be in responsible charge of all elevator work and related operations for such company. Such individual shall:*

- 1. Submit the following to the department before exercising direct and continuing supervision over elevator work performed by such company:*
 - 1.1. Such individual's full name, home address and home telephone number;*
 - 1.2. Such company's name, address and telephone number;*
 - 1.3. A certification by such individual stating that all elevator work performed by such company will be performed under the direct and continuing supervision of such individual and will comply with the requirements of this article;*
- 2. Maintain and make available to the department the following records upon request of the department:*
 - 2.1. A log of all elevator work performed by such company, including the locations where such work was performed, for seven years; provided further that, where an elevator maintenance company employs individuals who inspect, test or witness the inspection or testing of passenger elevators or escalators, whether on behalf of such company or otherwise, such log shall include the locations of such inspecting, testing or witnessing thereof;*
 - 2.2. All records submitted to such company in accordance with sections 28-425.8 and 28-425.9;*
 - 2.3. All records related to initial training as set forth in section 28-425.10 and continuing education as set forth in section 28-425.11 for employees of such company; and*
- 3. Certify to the truth and accuracy of all submissions to the department.*

§ 28-425.6 Prohibition on working for more than one elevator maintenance company. *No individual may:*

- 1. Perform or supervise elevator work for an elevator maintenance company while directly employed by another elevator maintenance company; or*

2. *Inspect, test or witness the inspection or testing of any passenger elevator or escalator that underwent elevator work performed by an elevator maintenance company that directly employed such individual at any time within the one year preceding such inspecting, testing or witnessing thereof.*

§ 28-425.7 Requirements for elevator maintenance company director license. *In addition to the general licensing requirements of article 401 of this chapter, applicants for an elevator maintenance company director license shall submit satisfactory proof to the department that:*

1. *The applicant is a New York state licensed professional engineer or registered architect who has at least two years of full time work experience supervising elevator work or inspecting, testing or witnessing the inspection or testing of passenger elevators or escalators within the five years preceding submission of such application; or*

2. *The applicant has at least ten years of full time work experience supervising elevator work within the fifteen years preceding submission of such application and meets one or more of the following requirements:*

2.1. *The applicant has at least five additional years of full time work experience performing or supervising elevator work; or*

2.2. *The applicant has earned a certification upon completion of a vocational, trade or apprenticeship program for elevator mechanic or technician from an institution registered by the New York state or the United States department of labor.*

§ 28-425.8 Elevator maintenance company mechanic qualifications. *No individual may work as an elevator maintenance company mechanic for an elevator maintenance company until he or she submits satisfactory proof to such company that he or she:*

1. *Has at least five years of full time work experience performing or supervising elevator work within the ten years preceding such submission; or*

2. *Has earned a certification upon completion of a vocational, trade or apprenticeship program for elevator mechanic or technician from an institution registered by the New York state or the United States department of labor.*

§ 28-425.9 Elevator maintenance company helper qualifications. *No individual may work as an elevator maintenance company helper for an elevator maintenance company until he or she submits satisfactory proof to such company that he or she is enrolled in a vocational, trade or apprenticeship program for elevator mechanic or technician of an institution registered by the New York state or the United States department of labor at the time of such submission.*

§ 28-425.10 Initial training. *Where required by this article, individuals performing or supervising elevator work for an elevator maintenance company shall complete at least thirty-six hours of initial training courses. Such courses shall be developed or approved by the department and shall cover:*

1. *Twenty hours of instruction on safe work practices and related topics that shall include, but shall not be limited to, the elevator industry field employees' safety handbook (FESH) topics of the proper and safe use of jumpers and potential hazards of jumpers, fall protection, electrical safety and lock out and tag out procedures and product-specific safety applications or procedures;*

2. *Ten hours on the New York city construction codes, chapter 3 of title 27 of the administrative code and adopted standards, rules, commissioner's orders/bulletins and topics related to elevators and escalators.*

The applicable edition of the following standards shall be included:

2.1. *ASME A17.1;*

2.2. *ASME A17.2;*

2.3. *ASME A17.3;*

2.4. *ICC/ANSI A117.1; and*

3. *Six hours on new technology related to the elevator industry, which may include cross-discipline training, manufacturer's training or other technical training pertaining to new technology to enhance safety and reliable service and to provide a sustainable environment. Content shall be relevant to the attendees and their specific certificate classification.*

§ 28-425.11 Continuing education. *Where required by this article, individuals performing or supervising elevator work for an elevator maintenance company shall complete at least seven hours of continuing education courses. To qualify under this section, such courses must be approved by the department and must cover the subject areas set forth in section 28-425.10.*

§ 28-425.12 No examination required. *No examination shall be required for an elevator maintenance company license or an elevator maintenance company director license.*

§ 28-425.13 Term of license. *The term of the elevator maintenance company and elevator maintenance company director licenses shall be three years.*

§ 28-425.14 Fees. *Applicants for elevator maintenance company and elevator maintenance company director licenses shall pay the fees set forth in section 28-401.15.*

§ 28-425.15 Elevator work performed by the department. *Notwithstanding any other provision in this article, the department may perform elevator work.*

§ 5. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 286

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City, and any public authorities or public benefit corporations operating therein, broad authority to utilize the design-build delivery method for capital projects

By Council Members Torres, Diaz, Menchaca and Brannan.

Whereas, Design-build is a method of capital project delivery in which one entity works under a single contract provide both design and construction services; and

Whereas, The design-build method is an alternative to the design-bid-build method under which design and construction are bid out separately to different entities each with their own contracts, subcontractors, and scope of work; and

Whereas, New York City is generally barred from using the design-build method due to a variety of restrictions in State law, including, but not limited to, Wick’s Law, contained in section 101 of the General Municipal Law, which requires the City to separately contract for various specified trades and section 103 of the General Municipal Law which requires that City contracts be awarded to the lowest responsible bidder; and

Whereas, The primary benefits of the design-build method are that its use substantially lessens the likelihood of delays and cost-overruns which currently plague many of the City’s capital projects; and

Whereas, Because design-build requires only a single contract, it would relieve the City from having to complete two lengthy procurement processes, thereby saving significant time at the start of a project, and because design-build firms commit to a total cost in the contract, they assume the risks for any delays and increased costs that arise during the project; and

Whereas, Moreover, collaboration between the design and construction teams inherent in the design-build process leads to fewer change orders in the middle of the project, allows for construction to begin before the design is fully finalized, and encourages the design and construction teams to work together to find solutions to any issues that may arise during the course of the project; and

Whereas, According to a June 19, 2017 New York Times Article, “A Streamlined Way to Build Projects Runs Into New York Politics,” design-build is increasingly being used across the country with New York being only one of eight states where it remains a limited option; and

Whereas, In order for the City to have the authority to utilize design-build on appropriate projects as needed, the State must legislatively grant such permission; and

Whereas, While such authorization has previously been included in several State Executive Budgets and pieces of State legislation in various forms, it has yet to be approved for the City in a broad fashion; and

Whereas, New York State Governor Andrew Cuomo is supportive of design-build and its benefits with his spokesperson quoted in the above-referenced news article as saying “Governor Cuomo is the single biggest

proponent of expanding design-build in New York State because it has consistently saved time and taxpayer money on major infrastructure projects"; and

Whereas, The State Legislature has also recognized the benefits of the design-build method and, in fact, has granted the State the authority to use it on a variety of capital projects; and

Whereas, The State Infrastructure Investment Act, first passed in 2011, expressly granted design-build authority to the New York State Thruway Authority, the Department of Transportation, the Office of Parks, Recreation and Historic Preservation, the Department of Environmental Conservation, and the New York State Bridge Authority for certain types of capital projects; and

Whereas, The State has also passed the Transformational Economic Development Infrastructure and Revitalization Projects Act, enacted as part of the State's Fiscal 2017 budget, which authorizes the State Urban Development Corporation and the New York Convention Center Development Corporation to use design-build for projects relating to the Jacob K. Javits Convention Center, the Empire Station Complex, the James A. Farley redevelopment, and the Pennsylvania Station New York redevelopment; and

Whereas, Two oft-cited examples of the State's successful use of design-build are the replacements of the Tappan Zee and Kosciuszko Bridges both of which were completed on time and on budget at a significantly reduced price than had they been constructed using the traditional design-bid-build method; and

Whereas, In 2016, after examining \$7.7 billion in planned bridge work, the Citizens Budget Commission concluded that the City would have saved as much as \$2 billion over ten years if the State had authorized the use of design-build; and

Whereas, For the first time, the State's Fiscal 2019 Adopted Budget granted the City limited authority to use design-build contracts for three specific capital projects; and

Whereas, The three projects are the rehabilitation of the Brooklyn-Queens Expressway (BQE) triple cantilever; the construction or reconstruction of residential properties owned by the New York City Housing Authority (NYCHA) to remediate certain conditions of habitability; and the construction or reconstruction or reconstruction by the Department of Design and Construction of facilities necessary for the timely closure of Rikers Island, but only if such work is approved by the New York State Commission of Correction; and

Whereas, On March 20, 2018, the Director of the Office of Management and Budget testified before the City Council that the use of a design-build would save approximately \$113.4 million and two years for the BQE project and at least six percent of the cost of NYCHA and Rikers-related projects; and

Whereas, In addition to restricting the City's authority for design-build to only three projects, the State also imposed a condition that it could be used only if the City entered into the design-build contracts pursuant to a project labor agreement; and

Whereas, Besides the limited grants of authority contained in the Fiscal 2019 budget, many other agencies would benefit from the use of design-build for certain projects, including, but not limited to, the School Construction Authority, the Department of Environmental Protection, the Health and Hospitals Corporation, and the New York Police Department; and

Whereas, The State's continued denial of broad design-build authority to the City is fiscally irresponsible and without reasonable basis; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City, and any public authorities or public benefit corporations operating therein, broad authority to utilize the design-build delivery method for capital projects.

Referred to the Committee on Finance.

Res. No. 287

Resolution calling upon the Mayor of the City of New York and the Chancellor of the New York City Department of Education to expand the use of the community learning schools model.

By Council Members Torres and Treyger.

Whereas, Non-academic factors such as where students live, family instability, poverty, homelessness, and inadequate access to health care negatively impact student achievement; and

Whereas, One out of five children in New York City depends on emergency food for their next meal; and

Whereas, More than 22,000 children in New York City sleep in homeless shelters each night; and

Whereas, In 2015, more than 28% of children in New York City lived below the federal poverty line; and

Whereas, The community learning schools model acknowledges the influence of these factors on a child's academic achievement; and

Whereas, The model was created in collaboration between the United Federation of Teachers, the New York City Council, the Partnership of New York City, and Trinity Wall Street; and

Whereas, The community learning schools model partners public schools and service organizations to support the academic, social service, and health needs of school children, their families and communities; and

Whereas, As of December 2017, there are 29 community learning schools across the five boroughs of which there are high schools, middle schools, and elementary schools; and

Whereas, Community learning schools are a type of community school; and

Whereas, Studies have shown that community schools can increase student attendance and scores in math and reading; and

Whereas, Studies in the United States by the Bright Research Group, Economic Modeling Specialists, and The Finance Project show that for each dollar spent on community schools, there are greater returns to society; and

Whereas, One such study in New York City found a social return on investment of \$10.30 per dollar of investment at PS 5 Ellen Lurie Elementary School and \$14.30 at the Salomé Ureña campus; now therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor of the City of New York and the Chancellor of the New York City Department of Education to expand the use of the community learning schools model.

Referred to the Committee on Education.

Int. No. 789

By Council Member Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the corporation counsel to submit reports on the settlement of civil actions

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 7 of the administrative code of the city of New York is amended to add a new section 7-115, to read as follows:

§ 7-115 Reports on civil actions generally. a. The law department shall post on its website, and submit to the speaker of the city council, a report of all civil actions resolved, since the prior report, in which the law department represented a defendant and such resolution included a payment to the plaintiff by the city. Such report shall provide the total number of such resolutions executed during the reporting period as well as the total dollar amount of all such payments during the reporting period. Such report shall also list, for each such civil action:

1. the defendant in the action, provided that if the defendant was an individual then the report shall list the agency for which such individual was employed;

2. the dollar amount of such payment to such plaintiff; and

3. the date that such action was resolved.

b. The first report required by subdivision a of this section shall be submitted to the city council on January 31st in the year following the enactment of this law and shall include all actions resolved as described in

subdivision a on a date between the enactment of this local law and the date of the report's submission. Each subsequent report shall be submitted by April 30, July 31, and October 31 of that year and every subsequent year.

§ 2. This local law takes effect immediately.

Referred to the Committee on Justice System.

Res. No. 288

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, comprehensive legislation to prevent the continued operation and proliferation of illegal massage businesses in New York City.

By Council Members Vallone, Brannan and Holden.

Whereas, The think tank Urban Institute found in 2014 that the illicit massage industry is increasing in the United States ('U.S. '), with an estimated total annual revenue of \$2.5 billion; and

Whereas, The Polaris Project, an anti-human trafficking advocacy group, states that the illicit massage industry is the second largest U.S. human trafficking industry after escort services; and

Whereas, New York City, Los Angeles and San Francisco are the main ports of entry where recruits with promises of legitimate employment first enter the illicit massage industry; and

Whereas, There are an estimated 695 illicit massage parlors in New York that offer explicit sex acts for pay; and

Whereas, New York City has the third largest population of illicit massage businesses ('IMB') nationwide but lacks the strong regulatory structure that has contributed to the closure of over 100 such businesses in Los Angeles and San Francisco; and

Whereas, Formalizing the massage therapy profession through regulation discredits illegal activities that are currently masked under the umbrella of massage therapy services; and

Whereas, New York State Assemblyman Michael Miller introduced a package of bills (A.490, A. 629, A.639, A.743, A.2839) directed at regulating the massage industry and making it difficult to operate an IMB; and

Whereas, New York Assembly bill A.490 requires that landlords verify the licensure of massage therapists tenants or risk a civil penalty for verification failure, and A.743 authorizes a landlord to cancel a lease and evict a tenant that promotes prostitution and/or practices massage therapy without a professional license; and

Whereas, The Polaris Project found that IMBs that are forced to shut down due to raids or sting operations, regularly reopen within the year at a different location; and

Whereas, Landlords in New York are not immediately liable for criminal acts perpetrated by their tenants and lack incentive to refuse leases or lease renewals to IMBs; and

Whereas, New York Assembly bill A. 2839 expands the definition of massage therapy to include several related services and additionally requires that a licensed massage therapist be on premises at all times during business hours; and

Whereas, Updating the massage therapy definition modernizes the definition while continuing to deny legitimacy to illicit activity conducted at IMBs; and

Whereas, Many IMBs operate at odd hours, sometimes throughout the night; and

Whereas, Requiring a licensed massage therapist to be on premise would add additional enforcement grounds against IMBs; and

Whereas, New York Assembly bill A. 639 requires that the lobby area or entrance of a licensed massage therapist office be clearly visible from outside the establishment; and

Whereas, The Polaris Project documented IMBs and found that these businesses commonly cover their windows and lock their front doors, requiring customers to ring a bell before being let in or used side doors as primary entrances; and

Whereas, Preventing massage parlors from shielding passers-by from seeing into the lobby area may decrease the confidence of parlor clientele, thus decreasing demand; and

Whereas, New York Assembly bill A.629 designates the New York City Department of Consumer Affairs as the enforcement body for massage therapy in New York City; and

Whereas, A vast majority of New York's illicit massage businesses are within the confines of the City of New York, where the City's Department of Consumer Affairs is best positioned, resourced and motivated in coordination with the City's Police Department to enforce regulations of IMBs; and

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, comprehensive legislation to prevent the continued operation and proliferation of illegal massage businesses in New York City.

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 289

Resolution calling on the New York City School Construction Authority to more clearly communicate to the general public how city residents can submit potential school sites and the guidelines used by the School Construction Authority in considering whether a suggested school site meets the evaluation standards used by the authority.

By Council Member Vallone.

Whereas, The School Construction Authority was created by the New York State Legislature in December 1988 to build new public schools and manage the design, construction and renovation of capital projects in New York City's more than 1,400 public school buildings; and

Whereas, The mission of the School Construction Authority is to design and construct safe, attractive and environmentally sound schools for children throughout the many communities of New York City; and

Whereas, The School Construction Authority is dedicated to building and modernizing schools in a responsible, cost-effective manner while achieving the highest standards of excellence in safety, quality and integrity; and

Whereas, The School Construction Authority's Real Estate Division is responsible for finding adequate sites for new school construction and buildings that may be leased for school use; and

Whereas, The School Construction Authority's Real Estate Division solicits from the general public potential school sites through its website; and

Whereas, Information on how the general public can submit potential school sites is not conspicuously posted on the School Construction Authority's website; and

Whereas, The School Construction Authority's Real Estate Division does not publish all guidelines and criteria it uses in considering a potential school site; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the School Construction Authority to more clearly communicate to the general public how city residents can submit potential school sites and the guidelines used by the School Construction Authority in considering whether a suggested school site meets the evaluation standards used by the authority.

Referred to the Committee on Education.

Res. No. 290

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.4348 / S.5809, to prepare New York for the upcoming 2020 decennial Census.

By Council Member Vallone

Whereas, The United States ('U.S. ') Constitution mandates that the federal government conduct a decennial census for tax and representation purposes; and

Whereas, U.S. Census data is widely used by government agencies, research institutions and community groups for appropriating billions of dollars in federal aid and service delivery; and

Whereas, Both overcounts and undercounts occur in the census process and the U.S. Census bureau itself acknowledges such deviations exist; and

Whereas, New York State Assemblyman Marcos Crespo has claimed that undercounts in 2010 may have contributed to the loss of at least two congressional seats in New York, and a similar risk persists in 2020; and

Whereas, In spite of precautions taken by the U.S. Census bureau in 2010, canvassing failed to identify many addresses due in part to an inability to access illegal sublets and apartment building residences, and residents' fear or mistrust of federal employees; and

Whereas, As a result of factors unique to its densely populated urban context, New York City had the lowest Census response rate for the 2000 and 2010 Census, about 10 percentage points below the national average; and

Whereas, In anticipation and preparation for the upcoming 2020 Census, New York State Assemblyman Crespo and Senator Klein introduced A.4348 and S.5809, respectively, to establish a New York State 2020 Complete Count Commission; and

Whereas, This commission would be empowered to identify the issues that led to the 2010 U.S. Census undercount in New York state and make recommendations to ensure an accurate count in the 2020 U.S. Census; and

Whereas, The Speaker (Council Member Johnson) of the Council of the City of New York has announced a New York City focused taskforce to support and enhance the decennial Census and ensure that all New Yorkers are counted; and

Whereas, New York City Mayor Bill de Blasio announced a new mayoral initiative, "Get Counted," headed by a Census Coordinator to ensure that typically difficult-to-reach immigrant and low-income communities are counted; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.4348/S.5809, to prepare New York for the upcoming 2020 decennial Census.

Referred to the Committee on Governmental Operations.

Int. No. 790

By Council Member Van Bramer

A Local Law to amend the administrative code of the city of New York, in relation to outdoor signs

Be it enacted by the Council as follows:

Section 1. Chapter 5 of the administrative code of the city of New York is amended by adding a new article 505 to read as follows:

ARTICLE 505
GROUND AND WALL SIGNS ADVERTISING RETAIL OR COMMERCIAL SPACE

§ 28-505.1 Ground and wall signs advertising retail or commercial space. *No more than one ground or wall sign advertising the availability of retail or commercial space for rent on the property of a vacant commercial or mixed-use building may be erected on each side of such building.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 791

By Council Member Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to granting crime victims access to police reports

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 14 of the administrative code of the city of New York is amended by adding a new section 14-173 to read as follows:

§ 14-173 Victim access to police reports. The department shall provide any person identified as a complainant in any written report in the custody of the department with a copy of such reports, upon request, at no cost. If requested, such reports shall be provided in electronic format. The department may deny access to such reports where such access would interfere with an ongoing investigation or pose a legitimate risk to public safety.

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

Referred to the Committee on Public Safety.

Int. No. 792

By Council Members Van Bramer and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to the posting of real time snow plow data

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended to add a new section 16-124.2, to read as follows:

§ 16-124.2 Real time snow plow data. a. The department of sanitation shall create and maintain a website that displays real time information on the progress of snow plow operations during any snowfall in which snow plow operations are occurring. Such information shall be provided through both an exportable data set and a mapping of that data set.

b. Such website shall be required to display real time information when: (1) snowfall that requires snow plow operations is then occurring; or (2) snow plow operations have occurred in the past five days.

c. Such website shall provide a link to any public data set or sets containing past plow data posted pursuant to chapter 5 of title 23 of this code.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 793

By Council Member Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to notify council members about street design changes prior to notifying community boards

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 19-101.2 of the administrative code of the city of New York is amended to read as follows:

c. Prior to the implementation of a major transportation project, the department shall forward notice of such project, including a description of such project, to affected council member(s) and community board(s) by electronic mail. *The notification to the affected community board(s) shall take place no less than 5 days and no more than 10 days after the notification to the affected council member(s).*

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 794

By Council Member Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to commercial cyclist data

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 10-157 of the administrative code of the city of New York, as amended by local law number 56 for the year 2012, is amended to read as follows:

d. Every business using a bicycle for commercial purposes shall maintain a roster of bicycle operators employed by such business. Such roster shall include the name and place of residence address of every employee operating a bicycle on behalf of such business, the date of employment and discharge of each such employee, every such employee's three digit identification number, and whether such employee has completed the bicycle safety course required by paragraph 3 of subdivision e of this section. The owner of any business using a bicycle for commercial purposes shall be responsible for maintaining such roster. Such roster shall be made available for inspection during regular and usual business hours or any other such time that such entity is open for business upon request of an authorized employee of the police department or department of transportation or any other person authorized by law.

(1) No later than January 1, 2019, and quarterly thereafter, every business shall provide, to the department of transportation, a report listing the number of bicycle operators employed by such business. Such report shall not include identifying information about such bicycle operator, such as, but not limited to, the name of the bicycle operator.

(2) No later than June 1, 2019, and annually thereafter, the commissioner of transportation shall provide a report to the speaker of the council and the mayor, and shall post to the department of transportation's website, information on the total number of bicycle operators working for businesses in the city that use bicycles for commercial purposes.

(3) The commissioner may adopt rules and regulations related to the proper form that businesses shall use to submit information required in paragraph (1) of this subdivision.

§ 2. This local law takes effect 120 days after it becomes law, except the commissioner of transportation may take any measures necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Transportation.

Int. No. 795

By Council Member Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the time period for parking at parking meters

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-167.5 to read as follows:

§ 19-167.5 Maximum parking time at parking meters. The maximum time period allowed at a parking space regulated by a parking meter shall be four hours.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 796

By Council Members Van Bramer and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to in relation to a cultural liaison for the department of homeless services

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 21-321 to read as follows:

§ 21-321 Homeless services cultural liaison. a. Definitions. For purposes of this section, the following terms shall have the following meanings:

Cultural liaison. The term “cultural liaison” means an individual designated by the department to advise the department on how best to facilitate arts programming and collaboration with cultural institutions.

Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. The department shall designate, at a minimum, one cultural liaison. Such cultural liaison shall coordinate with the department of cultural affairs and shall develop programming for adults and children residing in shelters.

c. The department shall establish a plan to delineate the responsibilities of the cultural liaison. Such plan shall include, but not be limited to, a mechanism for the cultural liaison to invite input from local non-profit social service providers, local arts organizations, members of the arts community, representatives of cultural

institutions, elected officials, community planning board members, and other concerned members of the community. Within 90 days of the effective date of the local law that added this section, the department shall submit such plan to the speaker of the city council and the commissioner of the department of cultural affairs.

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

Referred to the Committee on General Welfare.

Int. No. 797

By Council Members Van Bramer, Levin and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to distributing IDNYC application forms at shelter intake centers and HRA centers

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 to read as follows:

§ 21-142 *Distribution of IDNYC applications. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Drop-in center. The term “drop-in center” means any facility operated by the department of homeless services or by a provider under contract or similar agreement with the department of homeless services that provides hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals and housing placement services, but not overnight housing.

HRA center. The term “HRA center” means any facility operated by the department where individuals may apply for cash assistance, child support services, food assistance or health insurance.

IDNYC. The term “IDNYC” means the New York city identity card issued pursuant to section 3-115.

Intake center. The term “intake center” means any facility where individuals or families may apply for admission to a shelter.

Shelter. The term “shelter” means any facility operated by the department or the department of homeless services or by a provider under contract or similar agreement with the department or the department of homeless services that provides temporary emergency housing.

b. The department, in conjunction with the department of homeless services, shall arrange for the distribution of application forms for IDNYC at drop-in centers, HRA centers, intake centers and shelters.

c. Beginning October 1, 2018, and quarterly thereafter, the commissioner shall submit to the mayor and speaker of the council, no later than 30 days after the end of each quarter, a report listing the drop-in centers, HRA centers, intake centers and shelters to which application forms for IDNYC were distributed in the prior quarter, and the number of application forms for IDNYC distributed to each such drop-in center, HRA center, intake center and shelter.

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

Referred to the Committee on General Welfare.

Res. No. 291

Resolution calling upon President Donald Trump to fully fund the Institute of Museum and Library Services, and to not diminish or eliminate the agency in any form.

By Council Member Van Bramer.

Whereas, The Institute of Museum and Library Services (IMLS), established by the United States (U.S.) Congress in 1996, is an independent federal agency that provides support to further empower museums and libraries to support civic life and the nation's wellbeing; and

Whereas, The IMLS was created in order to consolidate the Department of Education's Library Programs Office, established in 1956 as the first federal program of direct support to public libraries, and the Institute of Museum Services, established in 1976 with the primary purpose of providing general operation support grants to museums and other cultural institutions, because lawmakers at the time saw "great potential in an Institute that is focused on the combined roles that libraries and museums play in our community life, in support of research, learning, and entertainment, and in support of American culture and history"; and

Whereas, The IMLS administers grant programs, including population-based state formula grants for libraries, peer-reviewed competitive discretionary grants, cooperative agreements, and partnerships that support both museums and libraries; and

Whereas, The IMLS is also responsible for conducting policy research, analysis and data collection to extend and improve museum, library and information services across the country as well as developing interagency collaborations to achieve national policy; and

Whereas, In 2016, the IMLS received appropriations totaling \$230 million, which accounts for almost 0.006 percent of the \$4 trillion that the Congressional Budget Office projects that the federal government will spend in 2017; and

Whereas, Since its inception, despite relatively modest congressional appropriations, the IMLS has been instrumental in supporting and expanding access to museum and library services at the state and local levels; and

Whereas, According to its website, the IMLS is the primary federal support for an estimated 35,000 museums of all disciplines, including aquariums, botanic gardens, children's museums, history, science and technology centers and zoos, and 123,000 libraries of all types, including academic, public, research and tribal; and

Whereas, As president-elect, Donald Trump announced a plan to reduce federal spending by \$10.5 trillion over ten years; and

Whereas, In 2015, during the last Congressional session, U.S. House of Representatives Speaker Paul Ryan proposed eliminating the IMLS and, after a February 14, 2017 internal memo circulated within the Office of Management and Budget obtained by The New York Times suggested the elimination of the National Endowment for the Arts and National Endowment for the Humanities, there is concern that the institute could be next; and

Whereas, Library services in New York City (NYC) are provided three independent systems which collectively operate four research library centers in Manhattan and 217 local library branches across the five boroughs; and

Whereas, In addition to free and open access to books, periodicals, electronic sources and non-print materials which may be borrowed through a lending service, NYC libraries are multipurpose community and information centers, safe havens for children after school, where immigrants and other non-native speakers can learn English and where anyone can obtain free tax assistance and business services, including technical assistance programs for small businesses; and

Whereas, According to the IMLS' website, in fiscal year 2016 three grants totaling \$564,980 were awarded to NYC libraries, including the New York Public Library, which received \$295,010 to "develop and deliver a blended learning early literacy staff training in partnership with the NYC Early Childhood Professional Development Institute at the City University of New York"; and

Whereas, As a global cultural capital, NYC is home to hundreds of museums and cultural institutions, from the internationally renowned Metropolitan Museum of Art to community-based organizations such as the Edgar Allan Poe Cottage in the Bronx; and

Whereas, Museums bring history to life, they celebrate art, culture and heritage, and promote better understanding as well as encourage curiosity, dialogue and self-reflection; and

Whereas, According to the IMLS' website, in fiscal year 2016 nine grants totaling \$1,213,476 were awarded to NYC museums, including the Queens Museum of Art, which received \$150,000 to develop Corona, Queens: A Dignified Neighborhood for Immigrants, "a project aimed at creating new opportunities through an arts and

cultural lens for civic engagement by equipping emerging immigrant neighborhood leaders with necessary tools for community engagement”; and

Whereas, Museums and libraries are relevant and vital institutions that connect, educate, engage and inform people from all walks of life; and

Whereas, The IMLS fulfills its mission to “inspire libraries and museums to advance innovation, lifelong learning, and cultural and civic engagement” through grant making, policy development and research that helps museums and libraries deliver invaluable services that make it possible for local communities and individuals to thrive; now, therefore, be it

Resolved, That the Council of the City of New York calls upon President Donald Trump to fully fund the Institute of Museum and Library Services, and to not diminish or eliminate the agency in any form.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 292

Resolution calling on the New York City Housing Authority to amend the one-year residency requirement by allowing exemptions for tenants to qualify as a Remaining Family Member.

By Council Member Van Bramer

Whereas, New York City Housing Authority is a public housing authority with 326 developments, 2,462 residential buildings, and 176,066 units, making it the largest public housing provider in North America; and

Whereas, 174,282 families and 396,581 residents live in NYCHA’s public housing; and

Whereas, To reside in NYCHA housing, a person must be an “authorized family member,” and must be listed in each of the tenant’s annual affidavits of income; and

Whereas, NYCHA defines an authorized family member as any tenant listed on the original family roster when the tenancy began, any person that was born to or adopted by an authorized family member in the household, or any person that received permission from the development’s housing manager to reside in the unit; and

Whereas, A person who is requesting to permanently join the household of an authorized family member must be either spouse, registered domestic partner, parent, grandparent, grandchild, child, or sibling; and

Whereas, A person who receives permission from the development’s housing manager to permanently reside in a NYCHA unit with an authorized family member may qualify as a “remaining family member” and continue to reside in the unit after the authorized family member’s tenancy ends if such person resided in the unit continuously for one year before the authorized family member died or vacated the unit (the “one-year rule”), passes a criminal background check, has a verifiable income that NYCHA can use to calculate rent, and has the legal capacity to sign a lease; and

Whereas, According to press reports, NYCHA is issuing removal notices to persons who failed to satisfy the one-year rule, but who otherwise would have qualified as remaining family members; and

Whereas, The one-year rule can be unfair to low income tenants who gave up housing elsewhere in order to move to NYCHA, particularly when such persons relocated to provide care for terminally ill relatives; and

Whereas, Persons who move to a NYCHA unit to care for a terminally ill relative who is an authorized family member are unable to predict or plan when that family member will pass away and should not be punished for a situation that is beyond their control; and

Whereas, Creating an exception to the one-year rule may prevent such persons from becoming homeless; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Housing Authority to amend the one-year residency requirement by allowing exemptions for tenants to qualify as a Remaining Family Member.

Referred to the Committee on Public Housing.

Res. No. 293

Resolution calling upon the New York City Housing Authority to report annually the total number of vacant units in all of its developments, disaggregated by the number of units that are fit and unfit for occupancy, and provide details on the reason why a vacant apartment is deemed unfit for occupancy.

By Council Member Van Bramer

Whereas, The New York City Housing Authority (NYCHA) currently oversees 176,066 apartments in 326 developments throughout the city; and

Whereas, NYCHA exists for the purpose of providing low-and-moderate income New Yorkers safe and affordable housing; and

Whereas, The city's housing shortage is evident by the 257,143 families on the wait list for public housing as of March 6, 2017; and

Whereas, Families placed on the waitlist must often wait years for an apartment; and

Whereas, Nevertheless, according to a June 24, 2015, New York Daily News article, about 312 NYCHA units have remained empty for years due to the need to conduct major repairs; and

Whereas, NYCHA appears to be unable to address maintenance issues in these vacant units that could spread to nearby apartments and affect the quality of life of other residents; and

Whereas, NYCHA reports that it has over \$16.5 billion dollars in unfunded capital needs; and

Whereas, NYCHA primarily receives funding through federal subsidies which have substantially declined, jeopardizing NYCHA's ability to quickly handle its repairs and infrastructure needs; and

Whereas, Renovations to vacant apartments are at risk with the steady decline of these subsidies; and

Whereas, NYCHA's delay in repairing vacant units has caused needed residential space to remain unavailable to prospective tenants; and

Whereas, An annual report on NYCHA's vacant units and the reasons why such vacancies exist will increase transparency and accountability by bringing to light what repairs if any, are necessary to return such units to the rent rolls; now therefore, be it,

Resolved, That the Council of the City of New York calls upon the New York City Housing Authority to report annually the total number of vacant units in all of its developments, disaggregated by the number of units that are fit and unfit for occupancy, and provide details on the reason why a vacant apartment is deemed unfit for occupancy.

Referred to the Committee on Public Housing.

Res. No. 294

Resolution calling on the Metropolitan Transportation Authority to install soundproofing systems near schools where subway and train noise reach disruptive decibel levels

By Council Members Van Bramer and Brannan.

Whereas, The Metropolitan Transportation Authority ("MTA") has over 600 miles of subway tracks, and operates 6,000 subway cars that serve 468 subway stations; and

Whereas, A large portion of the MTA's track infrastructure is above ground, running through many commercial and residential areas; and

Whereas, While New York City arguably has one of the largest and most efficient subway systems in the world, the largely above-ground system poses many problems for City residents; and

Whereas, In particular, subway noise has become a concern to many parents; and

Whereas, According to one media report, a public school in Queens that is located near an elevated train registered decibel levels in the high 90s; and

Whereas, According to the National Institutes of Health, prolonged exposure to noise levels of 85 decibels or higher may lead to hearing loss; and

Whereas, The New York City Department of Health recently launched a campaign to educate City residents about the negative effects of headphone use; and

Whereas, In Seattle, Washington, the local transit authority began work in 2013 to soundproof a portion of its light rail system that runs close to a residential neighborhood due to concerns about noise levels; and

Whereas, The MTA, in conjunction with other relevant City and State agencies, should begin studying ways to soundproof subway tracks located near public schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to install soundproofing systems near schools where subway and train noise reach disruptive decibel levels.

Referred to the Committee on Transportation.

Int. No. 798

By Council Members Williams and Brannan

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination in the issuance of credit and requiring creditors to disclose to potential borrowers how their rate is calculated

Be it enacted by the Council as follows:

Section 1. Section 8-107 of the administrative code of the city of New York is amended by adding a new subdivision 29 to read as follows:

29. *Credit. (a) It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof to discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit on the basis of an applicant's race, creed, religion, color, national origin, sexual orientation, age, gender, marital status, disability, partnership status, caregiver status, uniformed service or alienage or citizenship status of such applicant or applicants, or because of any lawful source of income of such applicant or applicants, or because children are, may be or would be residing with such applicant or applicants.*

(b) Notwithstanding paragraph a of this subdivision, it shall not be considered discriminatory if credit differentiations or decisions are based upon factually supportable, objective differences in applicants' overall credit worthiness, which may include reference to such factors as current income, assets and prior credit history of such applicants, as well as reference to any other relevant factually supportable data; provided, however, that no creditor shall consider, in evaluating the credit worthiness of an applicant, aggregate statistics or assumptions relating to race, creed, religion, color, national origin, sexual orientation, age, gender, marital status, disability, partnership status, caregiver status, uniformed service or alienage or citizenship status of such applicant or applicants, or any lawful source of income of such applicant or applicants, or whether children are, may be or would be residing with such applicant or applicants.

(c) Notwithstanding paragraph a of this subdivision, it shall not be an unlawful discriminatory practice to consider age in determining credit worthiness when age has a demonstrable and statistically sound relationship to a determination of credit worthiness.

(d) Notwithstanding paragraph a of this subdivision, the provisions in this subdivision, as they relate to age, shall not apply to persons under the age of eighteen years.

(e) Notwithstanding paragraph a of this subdivision, it shall not be an unlawful discriminatory practice for a creditor or any officer, agent or employee thereof to make inquiries concerning marital history, status and number of dependents.

(f) A creditor granting, withholding, extending or renewing, or fixing the rates, terms or conditions of, any form of credit shall, if requested by an applicant or applicants in writing, disclose the method by which such determinations, rates, terms or conditions were calculated.

§ 2. The commission on human rights shall engage in outreach and education efforts regarding the rights of borrowers, and the responsibilities of creditors, established by this local law. Such outreach and education shall be directed at such creditors and the general public.

§ 3. a. For a period of one year, the commission on human rights shall organize and conduct no fewer than five investigations of discrimination in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, during which the commission shall use pairs of testers to investigate creditors. Such investigations shall include but not be limited to using matched pairs of testers who shall apply for, inquire about or express interest in the same extension of credit and who shall be assigned similar credentials but who shall differ in one of the following characteristics: actual or perceived *race, creed, religion, color, national origin, sexual orientation, age, gender, marital status, disability, partnership status, caregiver status, uniformed service or alienage or citizenship status* of such applicant or applicants, lawful source of income, number of children who are, may be or would be residing with such applicant or applicants. The first of the investigations shall commence on or before January 1, 2019.

b. On or before January 1, 2020, the commission shall submit to the speaker of the Council a report related to such investigations conducted during the 12 month period commencing on January 1, 2019. Such report shall include, but not be limited to: (i) the number of matched pair tests completed; (ii) the protected class variable used in each matched pair test; and (iii) the number of incidents of actual or perceived discrimination on each protected class, including a description of any incidents of discrimination detected in the course of such investigations, provided that the commission shall not be required to report information that would compromise any ongoing or prospective investigation or prosecution.

c. Any incidents of actual or perceived discrimination that occur during such investigations shall be referred to the commission's law enforcement bureau.

d. Nothing herein shall preclude the commission from conducting other such discrimination testing programs or investigations pursuant to the commissioner's authority under this Code and the New York city charter.

§ 4. This local law shall take effect 120 days after its enactment, provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on Civil and Human Rights.

Int. No. 799

By Council Members Williams and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting retaliation against individuals who request a reasonable accommodation under the city's human rights law

Be it enacted by the Council as follows:

Section 1. Subdivision 7 of section 8-107 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

7. Retaliation. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter, (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title, (v) *requested a reasonable accommodation under this chapter*, or (vi) provided any information to the commission pursuant to the terms of a conciliation agreement made pursuant to section 8-115 of this chapter. The retaliation or discrimination complained of under this subdivision need not result in an ultimate action with respect to employment, housing or a public accommodation or in a materially adverse change in the terms and conditions of employment, housing, or a public accommodation, provided, however, that the retaliatory or discriminatory act or acts complained of must be reasonably likely to deter a person from engaging in protected activity.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 800

By Council Members Williams and Rosenthal

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the provision of vacation leave and employment.

Be it enacted by the Council as follows:

Section 1. Subdivision (e) of section 2203 of the New York city charter, as added by local law number 46 for the year 2013, is hereby amended to by adding a new paragraph (3) to read as follows:

(3) *chapter 14 of title 20 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding paid vacation leave, and the power to conduct investigations regarding violations of such chapter upon his or her own initiative.*

§ 2. Paragraph (1) of subdivision (h) of section 2203 of the New York city charter, as relettered by local law number 46 for the year 2013, is hereby amended to read as follows:

(h)(1) Notwithstanding any inconsistent provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for the violation of any laws or rules the enforcement of which is within the jurisdiction of the department pursuant to this charter, the administrative code or any other general, special or local law. The department shall have the power to render decisions and orders and to impose civil penalties for all such violations, and to order equitable relief for and payment of monetary damages in connection with enforcement of [chapter] *chapters 8 and 14* of title 20 of the administrative code. Except to the extent that dollar limits are otherwise specifically provided, such civil penalties shall not exceed five hundred dollars for each violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this subdivision shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

§ 3. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 9 to read as follows:

**CHAPTER 14
RIGHT OF EMPLOYEES TO VACATION LEAVE**

§ 20-1401 **Definitions.** *When used in this chapter, the following terms shall be defined as follows:*

a. "Calendar year" shall mean a regular and consecutive twelve month period, as determined by an employer.

b. "Chain business" shall mean any employer that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681; provided that the total number of employees of all such establishments in such group is at least ten.

c. "Employee" shall mean any "employee" as defined in section 190(2) of the labor law who is employed for hire within the city of New York for more than eighty hours in a calendar year who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law, and not including those who are employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207.

d. "Employer" shall mean any "employer" as defined in section 190(3) of the labor law, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city of New York or any local government, municipality or county or any entity governed by general municipal law section 92 or county law section 207.

e. "Paid vacation leave" shall mean paid leave from work for vacation, personal holiday, or paid leave for an absence from work approved by an employer.

f. "Retaliation" shall mean any threat, discipline, discharge, demotion, suspension, reduction in employee hours, or any other adverse employment action against any employee for exercising or attempting to exercise any right guaranteed under this chapter.

§ 20-1402 Right to paid vacation leave; accrual. a. All employees of employers with ten or more employees who work at least an average of twenty hours per week have the right to paid vacation leave pursuant to this chapter. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year, and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

b. 1. An employee shall begin accruing paid vacation leave after working for the same employer for six months.

2. After the initial six-month period, employees are entitled to accrue leave in equal installments at every pay period while working for the employer, as follows:

- i. Forty hours for the twelve-month period following the initial six-month period;
- ii. Sixty hours for the twelve-month period beginning with the eighteenth month of employment;
- iii. Eighty hours for each twelve-month period beginning after the thirtieth month of employment; and
- iv. One hundred twenty hours for each twelve-month period beginning after the sixtieth month of employment.

3. For an employee who work more than twenty but less than forty hours per week, the number of vacation leave hours accrued shall be determined by taking the average number of hours per week such employee worked in the previous six months and reducing the accrual amounts in subparagraphs i.-iv. of paragraph 2 of subdivision b of this section by the same percentage that such employee worked less than forty hours per week.

c. Nothing in this chapter shall be construed to discourage or prohibit an employer from providing workers with a more generous vacation leave policy including, but not limited to, additional paid vacation leave.

d. An employer required to provide paid vacation leave pursuant to this chapter who provides an employee with an amount of paid leave, including, but not limited to, paid time off or paid personal days, sufficient to meet the requirements of subdivision b of this section and who allows such paid leave to be used for the same purposes

and under the same conditions as paid vacation leave required pursuant to this chapter, is not required to provide additional paid vacation leave for such employee.

e. Employees who are not covered by the overtime requirements of New York state law or regulations, including the wage orders promulgated by the New York commissioner of labor pursuant to article 19 or 19-A of the labor law, shall be assumed to work forty hours in each work week for purposes of vacation leave accrual unless their regular work week is less than forty hours, in which case vacation leave accrues based upon that regular work week.

f. The provisions of this chapter do not apply to (i) work study programs under 42 U.S.C. section 2753, (ii) employees for the hours worked and compensated by or through qualified scholarships as defined in 26 U.S.C. section 117 and (iii) independent contractors who do not meet the definition of employee under section 190(2) of the labor law.

g. Unused vacation leave as provided pursuant to this chapter shall be carried over to the following calendar year, unless the employee is paid for any unused paid vacation leave at the end of the calendar year in which such leave was not used.

h. Nothing in this chapter shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement or other separation from employment for paid vacation leave that has not been used.

i. If an employee is transferred to a separate division, entity or location in the city of New York, but remains employed by the same employer, such employee is entitled to all paid vacation leave accrued at the prior division, entity or location and is entitled to retain or use all vacation leave as provided pursuant to the provisions of this chapter.

j. When there is a separation from employment and the employee is rehired within six months of separation by the same employer, previously accrued vacation leave that was not used shall be reinstated and such employee shall be entitled to use such accrued vacation leave at any time after such employee is rehired, provided that no employer shall be required to reinstate vacation leave to the extent the employee was paid for unused accrued vacation leave prior to separation and the employee agreed to accept such pay for such unused vacation leave.

§ 20-1402 **Compensation for vacation leave; requests for leave.** a. An employer must compensate an employee who uses vacation leave at the same rate of pay and with the same benefits, including employer-provided healthcare benefits, as the employee would have earned during the time leave is taken, except that in no case shall the paid vacation leave hourly rates be less than the hourly rate provided in section 652(1) of the labor law.

b. An employer may require reasonable notice for the use of vacation leave.

c. An employer shall not require an employee, as a condition of taking vacation leave, to search for or find a replacement worker to cover the hours during which such employee is utilizing vacation leave.

§ 20-1403 **Collective bargaining agreements.** The provisions of this chapter shall not apply to any employee covered by a valid collective bargaining agreement if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) such agreement provides for a comparable benefit for the employees covered by such agreement in the form of paid days off; such paid days off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, personal time, and holiday and Sunday time pay at premium rates.

§ 20-1404 **Retaliation and interference prohibited.** No employer shall engage in retaliation or threaten retaliation against an employee for exercising or attempting to exercise any right provided pursuant to this chapter, or interfere with any investigation, proceeding or hearing pursuant to this chapter. The protections of this chapter shall apply to any person who mistakenly but in good faith alleges a violation of this chapter. Rights under this chapter shall include, but not be limited to, the right to request and use vacation leave, file a complaint for alleged violations of this chapter with the department, communicate with any person about any violation of this chapter, participate in any administrative or judicial action regarding an alleged violation of this chapter, or inform any person of his or her potential rights under this chapter.

§ 20-1405 **Notice of rights.** a. An employer shall provide any new employee at the commencement of employment or any existing employee within thirty days of the effective date of this local law, with written notice of such employee's right to vacation leave pursuant to this chapter, including the accrual and use of vacation leave, the calendar year of the employer, and the right to be free from retaliation and to bring a complaint to the department. Such notice shall be in English and the primary language spoken by that employee, provided

that the department has made available a translation of such notice in such language pursuant to subdivision b of this section. Instead of providing each employee with such notice, an employer may instead conspicuously post such notice at such employer's place of business in an area accessible to employees.

b. The department shall create and make available notices that contain the information required pursuant to subdivision a of this section and such notices shall allow for the employer to fill in applicable dates for such employer's calendar year. Such notices shall be posted in a downloadable format on the department's website in Chinese, English, French-Creole, Italian, Korean, Russian, Spanish and any other language deemed appropriate by the department.

c. Any person or entity that willfully violates the notice requirements of this section shall be subject to a civil fine in an amount not to exceed fifty dollars for each employee who was not given appropriate notice pursuant to this section.

*§ 20-1406 **Employer records.** An employer shall retain records documenting such employer's compliance with the requirements of this chapter for a period of three years unless otherwise required pursuant to any other law, rule or regulation, and shall allow the department to access such records, with appropriate notice and at a mutually agreeable time of day, in furtherance of an investigation conducted pursuant to this chapter.*

*§ 20-1407 **Other legal requirements.** a. This chapter provides minimum requirements pertaining to vacation leave and shall not be construed to preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of paid vacation leave or otherwise extends protections to employees.*

b. Nothing in this chapter shall be construed as creating or imposing any requirement in conflict with any federal or state law, rule or regulation, nor shall anything in this chapter be construed to diminish or impair the rights of an employee or employer under any valid collective bargaining agreement.

*§ 20-1408 **Enforcement and penalties.** a. The department shall enforce the provisions of this chapter. In effectuating such enforcement, the department shall establish a system utilizing multiple means of communication to receive complaints regarding non-compliance with this chapter and investigate complaints received by the department in a timely manner.*

b. Any person alleging a violation of this chapter shall have the right to file a complaint with the department within two years of the date the person knew or should have known of the alleged violation. The department shall maintain confidential the identity of any complainant unless disclosure of such complainant's identity is necessary for resolution of the investigation or otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing his or her identity prior to such disclosure.

c. Upon receiving a complaint alleging a violation of this chapter, the department shall investigate such complaint and attempt to resolve it through mediation. The department shall keep complainants reasonably notified regarding the status of their complaint and any resultant investigation. If the department believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation. The commissioner shall prescribe the form and wording of such notices of violation. The notice of violation shall be returnable to the administrative tribunal authorized to adjudicate violations of this chapter.

d. The department shall have the power to impose penalties provided for in this chapter and to grant an employee or former employee all appropriate relief. Such relief shall include: (i) for each instance of vacation leave taken by an employee but unlawfully not compensated by the employer: three times the wages that should have been paid under this chapter or two hundred fifty dollars, whichever is greater; (ii) for each instance of vacation leave requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker, or for each instance an employer requires an employee to work additional hours without the mutual consent of such employer: five hundred dollars; (iii) for each instance of unlawful retaliation not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars and equitable relief as appropriate; and (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, two thousand five hundred dollars and equitable relief, including reinstatement, as appropriate.

e. Any entity or person found to be in violation of the provisions of sections 20-931, 20-932 or 20-934 of this chapter shall be liable for a civil penalty payable to the city not to exceed five hundred dollars for the first violation and, for subsequent violations that occur within two years of any previous violation, not to exceed seven hundred and fifty dollars for the second violation and not to exceed one thousand dollars for each

succeeding violation.

f. The department shall annually report on its website the number and nature of the complaints received pursuant to this chapter, the results of investigations undertaken pursuant to this chapter, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this chapter, and the average time for a complaint to be resolved pursuant to this chapter.

§ 4. This local law shall take effect 120 days after its enactment and the commissioner shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Civil Service and Labor.

Int. No. 801

By Council Member Williams

A Local Law in relation to requiring the placement of an informational sign near the intersection of Wall and Water Streets in Manhattan to mark the site of New York's first slave market

Be it enacted by the Council as follows:

Section 1. Section 1. The department of transportation shall construct and maintain a sign bearing the following inscription: "In 1711 New York's first slave market was established at the intersection of Water and Wall Streets. Also known as the 'Meal Market,' grain and other goods were bought and sold there. The market was created by the New York Common Council in order to regulate the commerce of slavery, which up to that time had been a somewhat informal system. Captive African slaves would arrive on slave ships along the East River and be brought to market on this site. Some ships came directly from Africa, but most came from the West Indies, leaving from ports in Cuba, Haiti, Jamaica and elsewhere. Native Americans were also sold as slaves here. New York's early economy was fueled by slavery. Slaves were used to clear the land to create Broadway and to build the first City Hall, Frances Tavern, and the wall for which Wall Street is named." Said sign shall be erected near the intersection of Wall Street and Water Street in Manhattan within ninety days of the effective date of this local law.

§2. This local law shall take effect immediately.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 802

By Council Members Williams and Brannan

A Local Law to amend the New York city charter, in relation to requiring the DOE to donate school meals that have not been consumed

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new section 530.2 to read as follows:

§ 530.2 *Education department, surplus food and reporting requirement.* a. *Definitions.* For the purposes of this section:

(1) "Department" shall mean the New York city department of education.

(2) "Food bank organization" shall mean any organization or corporation that works to end hunger and increase access to affordable nutritious food for low-income persons in the city.

(3) "School meal" shall mean a meal procured by the department for distribution to any student entitled to receive a free, reduced or full price meal at meal time.

(4) "Unconsumed" shall mean any school meal items that have been prepared for distribution and are safe for consumption but have not been consumed.

b. The New York city department of education shall develop a procedure whereby all unconsumed school meals at all public schools are donated to food bank organizations within New York city on a daily basis.

c. The department shall report to the council annually on or before the first of day of September information concerning the number of school meals donated pursuant to this section, including, but not limited to:

(1) The total amount spent annually by the department on school meals disaggregated by school.

(2) The name and location of each school and the number of pounds of food discarded by each such school during the prior school year.

(3) The name and location of each school and the number of pounds of food donated by each such school during the prior school year.

(4) The name and location of each food bank organization that received a food donation from the department.

5) Disaggregated by community school district and council district, the report shall also include the aggregate of the data required in paragraphs one through four of this subdivision.

d. The annual reports required pursuant to this section shall be made available on the department's website and to any member of the public upon request.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Education.

Int. No. 803

By Council Members Williams, Brannan and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to provide community notification

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 21-322 to read as follows:

§ 21-322 *Community notification. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Community board. The term "community board" means the group of persons that represent the interests of a community district as defined by section 2800 of the New York city charter.

Shelter. The term "shelter" means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. Whenever the department enters into a contract for the development of a shelter and a change to the contracted capacity or use of such shelter, including, but not limited to, a change in the population to be housed in the shelter, is sought through a contract modification, the department shall provide written notice of such change to all parties who originally received notice of the shelter including, but not limited to, the affected community board and council member within 10 days of the comptroller's registration of such contract modification.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 804

By Council Members Williams and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on crime statistics in 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 21-322 to read as follows:

§ 21-322 *Crime statistics in shelters. a. For the purposes of this section, the following terms have the following meanings:*

Adult. The term "adult" means any person who is 18 years of age or older.

Adult families. The term "adult families" means families comprised of adults and no children.

Children. The term "children" means any person 21 years of age or younger and part of a family with children.

Cluster site. The term "cluster site" means an individual unit, which is being utilized as shelter for a family with children, within a private building.

Critical incident. The term "critical incident" means occurrences in shelters tracked and designated by the department as such that shall include but not be limited to assault, sexual assault, domestic violence, child abuse or neglect, weapons possession, arson, and theft.

Families with children. The term "families with children" means families comprised of adults and children, couples including at least one pregnant person, single pregnant person, or parents or grandparents with a pregnant person.

Hotel. The term "hotel" means a building that historically operated as a hotel prior to its use as shelter and is currently used by the department as shelter or a building that continues to operate as a commercial hotel and also provides a number of units to the department for shelter residents.

Peace officer. The term "peace officer" means an individual as established by article 2 of chapter 11-a of the criminal procedure law working for the department charged with promoting security within department facilities.

Shelter. The term "shelter" means temporary emergency housing provided to homeless single adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

Single adult. The term "single adult" means an individual without an accompanying adult or child;

Tier II shelter. The term "tier II shelter" means a shelter facility subject to the provisions of part 900 of the codes, rules, and regulations of the state of New York which provides shelter and services to 10 or more homeless families including, at a minimum, private rooms, access to three nutritional meals a day, supervision, assessment services, permanent housing preparation services, recreational services, information and referral services, health services, and child-care services.

b. Beginning no later than July 31, 2018, and no later than every July 31 annually thereafter, the commissioner shall submit to the speaker of the council and post on the department's website an annual report containing information regarding critical incidents occurring in shelters. Each such report shall include but not be limited to: (i) the number of critical incidents occurring in shelters, disaggregated by the type of such incident; (ii) efforts to improve security measures in shelters; (iii) any agreements, made between the department and the New York city police department or any other law enforcement entities, for the purpose of enhancing security in shelters throughout the city; and (iv) the type of security present in shelters, including but not limited to the number of peace officers, private security guards, or whether a shelter has no security measures, disaggregated by individual shelters. Such data shall be disaggregated by the shelter population including single adults, adult families, and families with children, and shelters for families shall be further disaggregated by tier II shelters, cluster sites, and hotels.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of

information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 805

By Council Members Williams and Brannan

A Local Law in relation to the creation of a taskforce to study improving safety in homeless shelters

Be it enacted by the Council as follows:

Section 1. a. There shall be a task force to study, develop, and recommend changes to the laws, rules, regulations, and policies related to the department of homeless services, specifically in regard to the safety in department of homeless services shelters.

b. Such task force shall consist of nine members. Five members shall be appointed by the mayor, including the commissioner of the department of homeless services or their designee, who shall be the chairperson of such task force, and four members shall be appointed by the speaker of the council, provided that all appointees of such task force shall have backgrounds in homeless services or law enforcement. One of the appointees of the speaker shall be a current homeless shelter resident.

c. Each member shall serve for a term of one year to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve the unexpired portion of the term of the succeeded member. All members shall be appointed to the task force within 60 days of the enactment of this local law.

d. No member shall be removed from the task force except for cause and upon notice and hearing by the appropriate appointing official.

e. Members of the task force shall serve without compensation and shall meet no less often than on a quarterly basis.

f. Within one year of the formation of the task force, such task force shall submit a report of recommendations to improve safety in department of homeless services shelters to the mayor and the speaker of the council and post such report the department’s website.

g. The task force shall terminate upon issuance of the report.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 806

By Council Member Williams

A Local Law in relation to creating an interagency task force to be charged with studying the obstacles faced by children of incarcerated parents, from arrest to reunification

Be it enacted by the Council as follows:

Section 1. a. There shall be an interagency task force to study the obstacles faced by children of incarcerated parents, from arrest to reunification.

b. The task force shall consist of nine members that shall be:

- 1. the commissioner of the department of corrections, or their designee, who shall serve as chair;

2. the commissioner of children's services, or their designee;
 3. the commissioner of the police department, or their designee;
 4. three members appointed by the mayor with relevant expertise in the area of children of incarcerated parents; and
 5. three members appointed by the speaker of the city council with relevant expertise in the area of children of incarcerated parents.
- c. The task force shall invite representatives of the New York state office of children and family services, the New York state department of corrections, and any other relevant state agency or state elected official, as identified by the task force, to participate in the development of the task force report pursuant to subdivision g of this section.
- d. Members of such task force shall serve for a term of one year. Any vacancy shall be filled in the same manner as the original appointment. All members shall be appointed to the task force within 60 days of the enactment of this local law.
- e. Members of the task force shall serve without compensation and shall meet no less often than on a quarterly basis.
- f. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official.
- g. The task force shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than 12 months after the effective date of the local law that added this section. Such report shall include recommendations in areas including, but not limited to: (i) arrest protocols for custodial parents; (ii) child-centered visitations and facilities at incarceration facilities; (iii) mental health supports and services for children of incarcerated parents; and (iv) support services for incarcerated parents and their children upon reentry.
- h. The task force shall terminate upon the issuance of its final report.
- § 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 807

By Council Member Williams.

A Local Law to amend the New York city charter, in relation to the democratic election of the New York City police commissioner.

Be it enacted by the Council as follows:

Section 1. Section 431 of chapter eighteen of the New York city charter is amended to read as follows:

§ 431. Department; commissioner. a. There shall be a police department the head of which shall be the police commissioner who shall be [appointed by the mayor and shall, unless sooner removed, hold office for a term of five years] *elected by the electors of the city at the same time and for the same terms as in this charter prescribed for the mayor. A police commissioner who resigns or is removed from office prior to the completion of a full term shall be deemed to have held that office for a full term for purposes of section 1138 of the charter. The salary of the police commissioner shall be one hundred seventy-five thousand dollars a year.*

b. [Whenever in the judgment of the mayor or the governor the public interests shall so require, the commissioner may be removed from office by either, and shall be ineligible for reappointment thereto] *The police commissioner may be removed or suspended in the same manner as provided in this charter with respect to the mayor.*

c. [Whenever a vacancy shall occur in the office of police commissioner, a police commissioner shall be appointed by the mayor within ten days thereafter] *Any vacancy in the office of police commissioner shall be filled by popular election in the same manner as provided in this charter with respect to the mayor.*

§ 2. Subdivision a of section 1138 of chapter fifty of the New York city charter is amended to read as

follows:

a. Notwithstanding any provision to the contrary contained in this charter, no person shall be eligible to be elected to or serve in the office of mayor, public advocate, comptroller, *police commissioner*, borough president or council member if that person had previously held such office for two or more consecutive full terms, unless one full term or more has elapsed since that person last held such office.

§ 3. This local law shall become effective 90 days after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 808

By Council Member Williams.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a commission to study and make recommendations regarding the root causes of violence in the city

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.6 to read as follows:

§ 17-199.6 *Community violence commission. a. Short title. This section shall be known as and may be cited as the “community violence prevention law”.*

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

Assault. The term “assault” means the offenses of:

- 1. Assault in the first and second degree as such offenses are defined in article 120 of the penal law;*
- 2. Gang assault in the first and second degree as such offenses are defined in article 120 of the penal law;*
- 3. Assault on a peace officer, police officer, fireman or emergency medical services professional as such offense is defined in article 120 of the penal law;*
- 4. Assault on a judge as such offense is defined in article 120 of the penal law;*
- 5. Aggravated assault upon a police officer or a peace officer as such offense is defined in article 120 of the penal law;*
- 6. Aggravated assault upon a person less than 11 years old as such offense is defined in article 120 of the penal law; and*
- 7. Strangulation in the first and second degree as such offenses are defined in article 121 of the penal law.*

Commission. The term “commission” means the community violence commission created by this section.

Murder. The term “murder” means the offenses of aggravated manslaughter in the first and second degree, manslaughter in the first and second degree, aggravated murder, and murder in the first and second degree as such offenses are defined in article 125 of the penal law.

Rape. The term “rape” means the offenses of rape in the first, second and third degree as such offenses are defined in article 130 of the penal law.

Robbery. The term “robbery” means the offenses of robbery in the first, second and third degree as such offenses are defined in article 160 of the penal law.

c. Commission; creation, composition, election of chair, removal of members and compensation. 1. A commission is hereby established to study the root causes of violence in city neighborhoods with high rates of violent crime and to make recommendations on how the city may address such violence from a public health perspective. This commission shall be known as the community violence commission.

2. The commission shall consist of the following members:

(a) The commissioner of health and mental hygiene or a deputy commissioner designated by such commissioner;

(b) The commissioner of children’s services or a deputy commissioner designated by such commissioner;

(c) *The commissioner of social services/human resources administration or a deputy commissioner designated by such commissioner;*

(d) *The commissioner of youth and community development or a deputy commissioner designated by such commissioner;*

(e) *The chancellor of the city school district or a deputy chancellor designated by such chancellor;*

(f) *The director of probation or a deputy director designated by such director;*

(g) *The president of the New York city economic development corporation or a vice president designated by such president;*

(h) *Five persons, one residing in each borough and selected by a majority vote of the council delegation for each borough;*

(i) *One person, appointed by the mayor, who has a background in crime prevention, youth violence, victim support services, mental health or assisting the formerly incarcerated; and*

(j) *Two persons, appointed by the speaker of the council, who have a background in crime prevention, youth violence, victim support services, mental health or assisting the formerly incarcerated.*

3. *At its first meeting, the commission shall select a chair from among its members by majority vote.*

4. *No member of the commission may be removed except for cause and upon notice and hearing by the appropriate appointing or designating official or delegation. Any vacancy shall be filled in the same manner as the original appointment.*

5. *Members of the commission shall serve without compensation and shall meet no less than once a month during the period in which such commission is developing the one-year plans required by this section.*

d. *Commission objectives. 1. No later than March 1, 2018, and by each March 1 thereafter, the commission shall identify the 10 neighborhoods with the highest total number of complaints for assault, murder, rape and robbery during the two preceding calendar years.*

2. *For each neighborhood identified pursuant to paragraph 1 of this subdivision, the commission shall develop a specific one-year plan recommending measures the city should take to address violent crime in such neighborhood from a public-health perspective and other relevant perspectives. Each such plan shall include, but need not be limited to, (i) recommendations for health and mental health programs, anti-violence programs, education programs, job development and readiness programs, poverty reduction programs, and other similar programs, and (ii) an assessment of the effectiveness of any relevant programs overseen by the center for economic opportunity. No such plan shall require the allocation or reallocation of police department resources.*

3. *No later than 90 days after identifying neighborhoods with high rates of violent crime for each annual cycle pursuant to paragraph 1 of this subdivision, the commission shall issue to the mayor and the council a report outlining each one-year plan developed pursuant to paragraph 2 of this subdivision, and the commissioner of health and mental hygiene shall make those one-year plans available on the department's website.*

4. *No later than 90 days after the designated end date of each one-year plan, the commission shall issue to the mayor and the council a report that includes:*

(a) *An assessment of the extent to which each plan has been implemented; and*

(b) *The effect of each plan or parts thereof that have been implemented.*

5. *No later than January 31, 2019, and every January 31 thereafter, the commission shall issue to the mayor and the council a summary of its activities during the previous year. The commissioner of health and mental hygiene shall promptly make the commission's annual summary available on the department's website.*

6. *The commissioner of health and mental hygiene shall accept by e-mail and regular mail, and shall consider, public comments on the one-year plans and annual summaries created pursuant to this subdivision and shall promptly make all such comments publicly available on the department's website.*

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

Referred to the Committee on Health.

Int. No. 809

By Council Member Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a task force to assess safety risks at construction sites

Be it enacted by the Council as follows:

Section 1. Article 110 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-110.3 to read as follows:

§ 28-110.3 Task force on safety at construction sites. *There is hereby established a task force within the department to assess the effect of hazards posed to pedestrian, construction worker and vehicular safety by construction activity and to make specific recommendations to the mayor and council for the alleviation of such negative consequences resulting from such construction activity. Such task force shall:*

1. *Consist of the following individuals, or designees thereof:*
 - 1.1. *The commissioner, who shall be the chairperson;*
 - 1.2. *The chairperson of the city planning commission;*
 - 1.3. *The commissioner of environmental protection;*
 - 1.4. *The commissioner of health;*
 - 1.5. *The commissioner of housing preservation and development;*
 - 1.6. *The commissioner of transportation;*
 - 1.7. *The fire commissioner;*
 - 1.8. *The police commissioner; and*
 - 1.9. *Such other members as the commissioner shall designate;*
2. *Hold at least one meeting every six months;*
3. *Advise the mayor and council on new and planned building construction projects that may result in disrupting the use of sidewalks and streets by pedestrians, construction workers and motorists;*
4. *Study the safety record of construction companies that have been permitted to engage in construction activities within the last ten years and identify the instances where the activities of such construction companies have caused injury or harm to a pedestrian, construction worker or motorist in the vicinity of a permitted construction site;*
5. *Study the condition of sidewalks and streets in the vicinity of construction activity, where such construction activity may disrupt the use of sidewalks and streets by pedestrians, construction workers and motorists;*
6. *Identify the safety standards and practices used by construction companies that have been permitted to engage in construction activities within the last ten years, including whether such companies have consistently complied with site safety plan requirements pursuant to this article and chapter 33 of the New York city building code; and*
7. *By December 31 of each year, provide to the mayor and the council a report which shall include, but not be limited to, an evaluation of the sufficiency of the current regulatory framework in limiting safety hazards to pedestrians, construction workers and motorists at construction sites, recommendations to improve pedestrian, construction worker and motorist safety at construction sites, including proposed changes to laws, agency rules, agency enforcement practices and safety protocols of construction*

companies, a list of construction companies that have incurred repeated violations of chapter 33 of the New York city building code and a list of the locations where permitted construction activity has resulted in damage to city infrastructure, including sidewalks, streets, water mains and utility conduits, including the severity of such damage. Such report shall be made publicly available on the department's website within ten days after the release of such report.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 810

By Council Member Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring multiple dwelling owners to provide notice to their tenants prior to temporarily or permanently making building amenities unavailable

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 49 to read as follows:

49. A building amenity is any equipment, feature or space within a multiple dwelling that may be used in common by the lawful occupants of two or more dwelling units, including, but not limited to, entrances, elevators, freight elevators, laundry rooms, laundry equipment, exercise rooms, exercise equipment, basketball courts, tennis courts, ping-pong tables, billiard tables, foosball tables, air-hockey tables, swimming pools, changing areas, shower areas, lounge areas, roof terraces, outdoor areas, barbeque equipment, parking spaces, dog runs, dog cleaning facilities, storage units, wireless internet, screening rooms, game rooms or day care facilities.

§2. Section 27-2005 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. 1. The owner of a multiple dwelling shall post notice pursuant to this subdivision when making a building amenity under such owner's control unavailable to one or more lawful occupants of such multiple dwelling. Where the owner expects that such unavailability will last for twenty-four hours or more, excluding periods during which such amenity is normally unavailable, such notice shall be posted at least two weeks before making such amenity unavailable. Where the owner expects that such unavailability will last for less than twenty-four hours, notice need not be posted, provided that where such unavailability lasts for twenty-four hours or more, notice shall be posted as soon as practicable after the commencement of such unavailability. The notice required by this subdivision shall be posted in a prominent place within the public part of the multiple dwelling for the lesser of two weeks or the duration of the unavailability, shall identify the building amenity which is to be made unavailable and the expected duration of its unavailability and shall be updated as needed, provided that where the building amenity will be permanently unavailable, such notice shall remain posted for no fewer than thirty days following the first date of such unavailability. Such notice shall be in a form approved by the department and shall be posted in English, Spanish and, where the leases for fifty percent or more of the dwelling units within such multiple dwelling are provided in another language, such other language.

2. The provisions of this section shall not apply to building amenities made unavailable on an emergency basis. The department shall by rule determine what constitutes an emergency basis.

§3. This local law shall take effect 120 days after it becomes law, except that the department of housing preservation and development shall take such measures, including the promulgation of rules, as are necessary for its implementation prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 811

By Council Member Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring owners to notify tenants of unsafe conditions of exterior walls of buildings

Be it enacted by the Council as follows:

Section 1. Section 28-302.3 of chapter 3 of title 28 of the administrative code of the city of New York as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-302.3 Immediate notice of unsafe condition. Whenever a registered design professional learns of an unsafe condition through a critical examination of a building's exterior walls and appurtenances thereof, such person shall notify the owner and the department immediately in writing of such condition. *Upon such notification, the owner shall immediately notify the occupants of the building of any unsafe condition by affixing a notice describing each unsafe condition in a conspicuous location in the lobby area of the building, which notice shall remain in place until each unsafe condition is corrected. Notice shall also be given to occupants in at least one additional manner as established by the commissioner by rule.*

§2. This local law shall take effect 120 days after it becomes law, except that the commissioner of buildings shall promulgate any rules and perform all other actions necessary for the implementation of this local law prior to its effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 812

By Council Member Williams.

A Local Law to amend the administrative code of the city of New York, in relation to special rigger licensing requirements

Be it enacted by the Council as follows:

Section 1. Item 1 of section 28-404.3.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

1. Has at least [one year] *three years* of practical experience in the hoisting and rigging business within the [three] *five* years prior to application;

§ 2. This local law takes effect two years after it becomes law, except the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 813

By Council Member Williams

A Local Law to amend the New York city building code, in relation to drug and alcohol testing for construction workers

Be it enacted by the Council as follows:

Section 1. Chapter 33 of the New York City building code is amended by adding a new section 3321.3 to read as follows:

§ 3321.3 Drug and alcohol testing for construction and demolition workers. *Each permit holder at a building site for which a construction superintendent, site safety manager or site safety coordinator is required shall be responsible for the following:*

1. *Ensuring that, annually, no less than 25 percent of construction or demolition workers engaged at such site are subject to randomized drug testing before they enter such site;*
2. *Ensuring that, annually, no less than 10 percent of construction or demolition workers engaged at such site are subject to randomized alcohol screening before they enter such site.*

§ 2. This local law takes effect 120 days after it becomes law; except that the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 814

By Council Member Williams

A Local Law to amend the New York city building code, in relation to strengthening scaffolding requirements

Be it enacted by the Council as follows:

Section 1. Exception 2 of section 3314.4.1.1 of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

2. The installation and removal of a suspended scaffold may be supervised by a competent person designated by the scaffold permit holder, or where there is no scaffold permit holder, designated by the scaffold controlling entity, provided that such scaffold is installed and removed in conjunction with:

- 2.1. The construction of a new building;
- 2.2. The full demolition of an existing building; *or*
- 2.3. The vertical or horizontal enlargement of an existing building.[:]

[2.4. The alteration, maintenance, or repair of a façade of a major building where a site safety plan is required by Section 3310.3.]

§ 2. Exception 2 of section 3314.4.2.1 of the New York city building code, as added by local law number 141 for the year 2013, is amended to read as follows:

2. In lieu of direct and continuing supervision by a licensed rigger, the use of a suspended scaffold may be supervised by a competent person designated by the scaffold controlling entity, provided such scaffold is used in conjunction with:

- 2.1. The construction of a new building;

2.2. The full demolition of an existing building; *or*

2.3. The vertical or horizontal enlargement of an existing building.[:]

[2.4. The alteration, maintenance, or repair of a façade of a major building where a site safety plan is required by Section 3310.3.]

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 815

By Council Members Williams and Brannan

A Local Law to amend the administrative code of the city of New York, in relation to requiring that New York city police department vehicles be equipped with bulletproof glass.

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 10-179 to read as follows:

§ 10-179 *Bulletproof glass. a. All patrol vehicles utilized by the department shall be equipped with bulletproof glass.*

§2. This local law takes effect one year after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 816

By Council Member Williams

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to post quarterly reports on its website relating to the use of “seat belt holds” and “chokeholds.”

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-175 to read as follows:

§14-175. *Use of “seat belt holds” and “chokeholds”. a. Definitions. The following definitions are applicable to this section:*

1. *“Chokehold” shall mean to wrap an arm around or grip a person’s neck in a manner that may limit or cut off either the flow of air by compressing the windpipe, or the flow of blood through the carotid arteries on each side of the neck.*

2. "Seat belt hold" shall mean to wrap an arm over a person's shoulder with the other arm wrapped under the opposite armpit with hands clasped together in front of the body.

b. Use of "seat belt hold" and "chokehold" reports. The commissioner shall post a report on the department website within twenty days of the beginning of each fiscal year quarter containing information pertaining to the use of force for the prior quarter. Such quarterly report shall include: (1) the total number of "seat belt holds"; and (2) the total number of "seat belt holds" that were deemed failed and resulted in the use of a "chokehold."

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 817

By Council Member Williams

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting unauthorized surveillance by a global positioning system or similar technology

Be it enacted by the Council as follows:

Section 1. Chapter one of title ten of the administrative code of the city of New York is amended by adding a new section 10-179 to read as follows:

§ 10-179 *Unauthorized surveillance by global positioning system or similar technology.* a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

Moto vehicle. The term "motor vehicle" has the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

Tracking device. The term "tracking device" means a global positioning system or similar technology that utilizes electronic frequencies or other signal to determine the location of an object.

b. Except as otherwise provided in the provisions of this section, it shall be unlawful for any person to intentionally utilize a tracking device to monitor or determine the location of a motor vehicle without the knowledge or consent of the authorized operator of such motor vehicle or intentionally place in or on a motor vehicle a tracking device and thereby monitor or determine the location of such motor vehicle under circumstances where such authorized operator has a reasonable expectation of the privacy of such information. Such unlawful action shall be a misdemeanor punishable by a fine of not more than \$250, or imprisonment for not more than 30 days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than \$250 recoverable before the environmental control board. For purposes of this section, a "reasonable expectation of privacy" is not extinguished by the mere presence of a motor vehicle in a public place.

c. This section shall not apply to conduct by a law enforcement official pursuant to a warrant issued by an authorized court or that is authorized by lawful exception to the warrant requirement or to a person who is an owner of the vehicle in or on which the device was placed, when the operator of such vehicle is a minor.

d. It shall be an affirmative defense to subdivision b of this section that, under the circumstances, a person engaged in such conduct for a legitimate purpose and such authorized operator's reasonable expectation of privacy was minimal.

e. Nothing in this section shall be construed to diminish or enlarge any power of the courts, or any authority of law enforcement personnel engaged in the conduct of their authorized duties, with respect to the conduct described in this section.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 818

By Council Member Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to council reports relating to motor vehicle stops.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 14 of the administrative code of the city of New York is amended to add a new section 14-170, to read as follows:

§14-170. Motor vehicle stop report.

a. Definitions. For the purpose of this section "motor vehicle stop" means:

(1) any instance in which a police officer directs an operator of a motor vehicle of any type traveling on any highway or road to stop and in which the operator or passenger is detained for any period of time; and

(2) any instance in which a police officer for any reason detains for any period of time a person or persons in a motor vehicle, regardless of whether the vehicle was stopped at the direction of a police officer.

b. Reporting requirement. On a quarterly basis the department shall submit to the council a report indicating the total number of motor vehicle stops for each patrol precinct, housing police service area, and highway division. Such report shall be disaggregated by the race and gender of the operator of the motor vehicle that was stopped and shall indicate whether or not such stop resulted in an arrest or summons of such operator. For each motor vehicle stop listed in the report, the department shall also provide the factors leading up to each motor vehicle stop.

c. The reports prepared pursuant to this section shall be provided to the council within 30 days of the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later and shall be contemporaneously made available via the department's website.

§2. This local law shall take effect 30 days after its enactment into law.

Referred to the Committee on Public Safety.

Int. No. 819

By Council Members Williams, Yeger and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to the suspension of parking regulations during and after snowfalls

Be it enacted by the Council as follows:

Section 1. Section 19-163.1 of the administrative code of the city of New York is amended to read as follows:

§19-163.1 Suspension of parking, parking meter and muni-meter rules during and after snowfalls. All alternate side of the street parking rules shall be suspended during any snowfall that causes the department of sanitation to suspend its street sweeping operations, provided that the department may reinstate alternate side of the street parking rules after twenty-four hours if it determines, after consulting with the department of sanitation, that alternate side of the street parking is necessary to immediately commence curbside snow removal. Parking meter and muni-meter rules and all other parking regulations, except those regulations that would not permit parking or standing at any time, except for emergency vehicles at such location, shall be suspended for forty-eight hours following the falling of six inches of snow in any part of the city of New York based on the department of sanitation's measurements, provided that at the conclusion of such forty-eight hour period, the department may continue to suspend any and all such parking rules if, in the discretion of the commissioner, such suspension

remains necessary in order to facilitate the plowing or removal of snow. Such forty-eight period shall conclude at the end of the calendar day of the expiration of such forty-eight hours.

§2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 820

By Council Members Williams and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to removing certain convictions from consideration for suspension from certain city employment.

Be it enacted by the Council as follows:

Section 1. Subdivison a of section 16-106 of the administrative code of the city of New York is amended to read as follows:

a. The commissioner, in his or her discretion, shall have power to punish any member of the uniformed force who has been guilty of:

1. any legal or criminal offense, *except that conviction for the offenses defined in sections 221.05, 221.10, or 221.15 of the penal law may not be the sole factor in such punishment,*
2. neglect of duty,
3. violation of rules,
4. neglect or disobedience of orders,
5. incapacity,
6. absence without leave,
7. conduct injurious to the public peace or welfare,
8. immoral conduct, or
9. any breach of discipline,

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 821

By Council Members Williams, Ampry-Samuel and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to removing certain convictions from consideration for certain city-issued licenses.

Be it enacted by the Council as follows:

Section 1. Subdivison a of 19-512.1 of the administrative code of the city of New York is amended to read as follows.

a. The commission or successor agency may, for good cause shown relating to a direct and substantial threat to the public health or safety and prior to giving notice and an opportunity for a hearing, suspend a taxicab, for-hire vehicle license or a HAIL license issued pursuant to this chapter and, after notice and an opportunity for a hearing, suspend or revoke such license *except that any conviction for the offenses defined in sections 221.05, 221.10, or 221.15 of the penal law shall not be considered good cause for a revocation or suspension.* The commission or successor agency may also, without having suspended a taxicab, for-hire vehicle license or a HAIL license, issue a determination to seek suspension or revocation of such license and after notice and an

opportunity for a hearing, suspend or revoke such license. Notice of such suspension or of a determination by the commission or successor agency to seek suspension or revocation of a taxicab, for-hire vehicle license or a HAIL license shall be served on the licensee by personal delivery or by certified and regular mail within five calendar days of the pre-hearing suspension or of such determination. The licensee shall have an opportunity to request a hearing before an administrative tribunal of competent jurisdiction within ten calendar days after receipt of any such notification. Upon request such hearing shall be scheduled within ten calendar days, unless the commission or successor agency or other administrative tribunal of competent jurisdiction determines that such hearing would be prejudicial to an ongoing criminal or civil investigation. If the tenth day falls on a Saturday, Sunday or holiday, the hearing may be held on the next business day. A decision shall be made with respect to any such proceeding within sixty calendar days after the close of the hearing. In the event such decision is not made within that time period, the license or medallion which is the subject of the proceeding shall be returned by the commission or successor agency to the licensee and deemed to be in full force and effect until such determination is made, unless the commission or successor agency or other administrative tribunal of competent jurisdiction determines that the issuance of such determination would be prejudicial to an ongoing criminal or civil investigation.

§ 2. Subdivision h of section 19-530 of the administrative code of the city of New York is amended to read as follows:

h. An application for a license required by this section or the renewal thereof may be denied where the proprietor, any general partner, officer, director or any owner of ten percent or more of the outstanding stock of the applicant or the chief executive of the applicant as is appropriate, has been convicted of a crime which under article twenty-three-A of the correction law would provide a basis for the denial of such license or renewal, *except that any conviction for the offenses defined in sections 221.05, 221.10, or 221.15 of the penal law shall not be considered in such determination.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 822

By Council Members Williams and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to the timing of decisions for sales of cooperative apartments

Be it enacted by the Council as follows:

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 12, to read as follows:

*CHAPTER 12
COOPERATIVE CORPORATIONS: TIMING OF DECISIONS*

- § 8-1201 Definitions.*
- § 8-1202 Requirements for determination.*
- § 8-1203 Acknowledgment of receipt of materials.*
- § 8-1204 Time for decision.*
- § 8-1205 Extensions of time.*
- § 8-1206 Remedies.*
- § 8-1207 Powers of the commission.*
- § 8-1208 Construction.*

§ 8-1201 Definitions. When used in this chapter:

Application. The term “application” means the set of documents utilized by a cooperative corporation to facilitate a prospective purchaser’s acquisition of certificates of stock, a proprietary lease, or other evidence of an ownership interest in such cooperative corporation.

Commission. The term “commission” means the New York city commission on human rights.

Cooperative corporation. The term “cooperative corporation” means any corporation governed by the requirements of the state cooperative corporation law or general business law that, among other things, grants persons the right to reside in a cooperative apartment, that right existing by such person’s ownership of certificates of stock, proprietary lease, or other evidence of ownership of an interest in such entity but shall not include either a cooperative corporation organized pursuant to the private housing finance law for which a purchase is subject to review and approval by a state or city agency or to a cooperative corporation containing less than 10 dwelling units.

Proprietary lease. The term “proprietary lease” means the lease or occupancy agreement by which a cooperative corporation permits a person to occupy an apartment in the premises owned by the cooperative corporation.

Prospective purchaser. The term “prospective purchaser” means a person who has entered into a contract of sale to purchase the proprietary lease and the ownership interest in a cooperative corporation from a prospective seller.

Prospective seller. The term “prospective seller” means a person who has a proprietary lease and an ownership interest in a cooperative corporation and who has entered into a contract of sale to sell the person’s proprietary lease and ownership interest in a cooperative corporation to a prospective purchaser.

Sale. The term “sale” means the transfer of a person’s ownership interest in a cooperative corporation and that person’s proprietary lease to another person.

§ 8-1202 Requirements for determination. *a.* The board of directors or managing agent of each cooperative corporation shall maintain a standardized application and list of requirements for all cooperative apartments subject to the by-laws or proprietary lease of such corporation.

b. The board of directors or managing agent of any cooperative corporation shall provide the corporation’s standardized application and list of requirements to any prospective purchasers and prospective sellers, promptly upon request, and shall include instructions as to where and how to submit the required materials.

§ 8-1203 Acknowledgement of receipt of materials. *a.* Within ten days of receiving a materials from a prospective purchaser, a cooperative corporation shall provide to a prospective purchaser a written acknowledgement of materials received. The requirements of this paragraph apply both to a prospective purchaser’s initial submission and to any subsequent submissions the prospective purchaser may make.

b. An acknowledgement shall not be construed to represent any determination that the materials submitted satisfy the requirements set forth in the written list that a cooperative corporation must maintain pursuant to paragraph *a* of section 8-1202 of this chapter, or that a subsequent submission has met the requirements set forth in any notice described in section 8-1205 of this section.

§8-1204 Time for determination. *a.* Within 45 days after the cooperative corporation first receives any of the information or documents contained in the list required to be maintained and provided pursuant to section 8-1202 of this chapter, a cooperative corporation shall inform a prospective purchaser whether its consent to a sale is granted unconditionally, whether its consent to a sale is granted conditionally, or whether its consent to a sale is denied.

b. Such time for determination may be extended at any time after a completed application is submitted with the consent of the prospective purchaser, provided that such extension shall not exceed fourteen days.

c. Where the cooperative corporation board of directors has placed in its bylaws a statement that such board does not ordinarily meet in the months of July and August, such board of directors or managing agent shall be entitled to an extension not to exceed fourteen days, provided that such board of directors notifies a prospective purchaser of such statement with the acknowledgment of receipt of an application.

d. In addition to any other remedies provided by this chapter, a prospective purchaser may treat a failure to comply with paragraph *a* of this section as a denial of consent by the cooperative corporation.

§ 8-1205 Tolling of time. *a.* The time period set forth in paragraph *a* of section 8-1204 shall be tolled as follows, provided that such time period may not be tolled more than three times:

1. beginning when a prospective purchaser receives written notice from a cooperative corporation that sets out with specificity the ways in which the prospective purchaser’s initial submission of materials did not comply

with the list of requirements maintained and provided by the cooperative corporation pursuant to section 8-1202 of this chapter, and concluding when the cooperative corporation receives additional materials from the prospective purchaser;

2. beginning when a prospective purchaser receives written notice from a cooperative corporation that a submission of the prospective purchaser in response to a notice sent pursuant to paragraph 1 of this section is considered by the cooperative corporation to be incomplete, and concluding when the cooperative corporation receives additional materials from the prospective purchaser.

b. Any period described by paragraph 1 or 2 of subdivision a of this section shall not be deemed to commence unless the notice from a cooperative corporation sets forth with specificity the way or ways previously submitted materials failed to comply with either the cooperative corporation's list of requirements maintained and provided by the cooperative corporation pursuant to section 8-1202 of this chapter, or failed to comply with a previous notice sent pursuant to paragraphs 2 or 3 of subdivision a of this section.

c. Nothing in this section shall be construed to prohibit a cooperative corporation from lawfully denying its consent to a sale at any time.

§ 8-1206 Remedies. a. A prospective purchaser or a prospective seller claiming to be aggrieved by a violation of this chapter may commence an action in a court of competent jurisdiction to determine whether a violation has occurred.

b. For each violation of a provision of this chapter the court shall assess statutory damages as follows:

1. \$1000 in the event of a violation of subdivision b of section 8-1202 of this chapter or a violation of subdivision a of section 8-1203 of this chapter;

2. \$5000 in the event of a violation of subdivision a of section 8-1202 of this chapter; and

3. \$10,000 in the event of a violation of subdivision a of section 8-1204 of this chapter.

c. Where a cooperative corporation has been found to have violated a provision of this chapter, the court shall award compensatory damages and attorney's fees to the prospective purchaser, and may order appropriate equitable relief; provided, however, that such equitable relief shall not be permitted to include an order deeming the cooperative corporation to have consented to the sale.

§ 8-1207 Powers of the commission. The commission may initiate investigations in connection with a violation of this chapter. In the event that the commission determines that a violation occurred, it may award civil penalties in an amount no less than one thousand dollars and no more than \$25,000 thousand dollars.

§ 8-1208 Construction. Nothing in this chapter shall be construed or interpreted to limit or restrict the rights and remedies granted by any other chapter of this title or by any other civil rights or human rights law.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of the commission on human rights may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Res. No. 295

Resolution recognizing June as Gun Violence Awareness Month in New York City.

By Council Members Williams and Miller.

Whereas, Gun violence is a national and local problem affecting many Americans and New Yorkers on a daily basis; and

Whereas, According to the Gun Violence Archive, there were 58,019 incidents of gun violence in the United States in 2017, resulting in 14,635 deaths and 29,669 injuries; and

Whereas, National attention is often drawn to large scale tragedies, yet there are gun violence injuries occurring every day throughout many American cities; and

Whereas, In New York City, the number of murders dropped to 335 in 2016, a decrease from 352 in 2015, and the number of shootings slightly decreased from 1,138 in 2015 to 998 in 2016; and

Whereas, While the number of shootings in NYC reached a historical low in 2016, gun violence disproportionately impacts certain neighborhoods and populations in the City; and

Whereas, In 2016, 1,181 people were victims of gun violence, haven been struck by a bullet; and

Whereas, Of shooting victims in 2016, 75.2% were Black and 23.3% were Hispanic; and

Whereas, It is therefore clear that gun violence is a serious problem in our communities that must be addressed; and

Whereas, Furthermore, gun violence and the resulting injuries and deaths typically increase substantially in the summer months; and

Whereas, It is important for the City of New York to once again work to increase public awareness about guns and the severity of their impact on our communities; and

Whereas, Recognition of the month of June as Gun Violence Awareness Month by local and state officials will increase efforts to protect all New Yorkers, especially those who are disproportionately affected by such violence, by furthering the dialogue with our local, state and federal partners to help examine the causes of gun violence and create meaningful solutions in an effort to prevent the violence from peaking again in the summer; now, therefore, be it

Resolved, That the Council of the City of New York recognizes June as Gun Violence Awareness Month in New York City.

Referred to the Committee on Public Safety.

Res. No. 296

Resolution calling on the New York City Housing Authority (NYCHA) to add unlawful possession of marijuana and criminal possession of marijuana in the fourth and fifth degrees to its list of “overlooked offenses,” and stop considering these offenses as grounds for termination of tenancy

By Council Members Williams, Ampry-Samuel and Reynoso.

Whereas, Scientific and medical studies have shown that marijuana is less harmful than legal substances such as alcohol and tobacco; and

Whereas, A 2015 study published in *Scientific Reports* found that marijuana is 114 times less deadly than alcohol; and

Whereas, That study also found that marijuana presented the lowest mortality risk of the drugs it examined, which also included tobacco, cocaine, heroin, ecstasy, and methamphetamines; and

Whereas, Marijuana has a well-documented history of health benefits; and

Whereas, In January of 2017, the United States National Academies of Science, Engineering, and Medicine released a report that analyzed more than 10,000 studies and found strong evidence that marijuana lessened chronic pain in adults as well as various side effects of multiple sclerosis and chemotherapy; and

Whereas, Moreover, experimentation with cannabis has become common in the United States; and

Whereas, A Marist poll released in January found that 52 percent of American adults have tried marijuana and that 56 percent believed the drug to be “socially acceptable;” and

Whereas, Even though cannabis poses no unique harms, offers medical benefits, and has been used by millions, prospective residents of public housing in New York City can face up to three years of ineligibility if they are convicted of misdemeanor marijuana possession, under federal law and Housing and Urban Development (HUD) regulations; and

Whereas, These directives also burden the relatives of those who have been convicted, as NYCHA can deny admission to family members of individuals convicted of Class A or B misdemeanors; and

Whereas, In recent years, both federal and local agencies have sought to mitigate these collateral consequences; and

Whereas, In June of 2011, HUD Secretary Shaun Donovan advised executive directors of public housing authorities across the country to consider “second chances,” and examine “all factors that might suggest favorable future conduct” in reviewing applications from potential tenants; and

Whereas, In November of 2014, the New York Police Department (NYPD) announced that it would stop arresting those found to be in possession of up to 25 grams of marijuana, and begin issuing court summonses and fines instead; and

Whereas, It is worth noting that New York is one of sixteen states that does not ban individuals from receiving public assistance due to a prior drug conviction; and

Whereas, New York state law still treats possession of marijuana in a public place, which can include transportation facilities, parks, and places of amusement, as a crime, for which one can spend as many as three months in jail; and

Whereas, This means that an applicant for public housing who was found in possession of a small amount of marijuana in a public park, a class B misdemeanor, could not only spend time in jail but also make his or her family ineligible for public housing for three years; and

Whereas, NYCHA has the discretion to determine which offenses it overlooks and which it considers for prospective applicants; and

Whereas, In accordance with existing medical consensus, and consistent with prior federal and local policy shifts, adding fourth and fifth degree marijuana possession to NYCHA’s list of overlooked offenses would not only preserve access to public housing for thousands but also prevent families from adverse circumstances in the event of a minor drug infraction; now, therefore, be it

Resolved, That the Council of the City of New York calls upon NYCHA to add unlawful possession of marijuana and criminal possession of marijuana in the fourth and fifth degrees to its list of “overlooked offenses,” and stop considering these offenses as grounds for termination of tenancy

Referred to the Committee on Public Safety.

L.U. No. 60

By Council Member Salamanca:

Application No. 20185176 TCQ pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Piatto LLC d/b/a/ Piatto, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1-50 50th Avenue, Borough of Queens, Community Board 2, Council District 26. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 61

By Council Member Salamanca:

Application No. C 180209 ZMQ submitted by the New York City Department of Citywide Administrative Services and the New York City Police Department pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 19b and 19d, establishing

within an existing R3-2 District a C1-3 District bounded by a line perpendicular to the southerly street line of North Conduit Avenue distant 230 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of North Conduit Avenue and the northeasterly street line of Francis Lewis Boulevard; North Conduit Avenue; a line 750 feet easterly of the first-named course; and the centerline of the Long Island Railroad right-of-way (Montauk Division), Borough of Queens, Community District 13, Council District 31.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 62

By Council Member Salamanca:

Application No. C 180210 PSQ submitted by the New York City Police Department and the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located on North Conduit Avenue, at the foot of 243rd Street (Block 13265, Lot 30) for use as a police precinct stationhouse, Borough of Queens, Community District 13, Council District 31.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 63

By Council Members Salamanca and Adams:

Application No. C 150253 POK submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 4917 Fourth Avenue (Block 783, Lot 1) for continued use as a child care center, Borough of Brooklyn, Community District 7, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 64

By Council Member Salamanca:

Application No. 20185268 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an amendment to a previously approved urban development action area project and disposition of city-owned property and pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1699, Lots 33 and 34 (Tentative Lot 33); 36, 38, and 137 (Tentative Lot 36); and 35, 39, and 43; Borough of Brooklyn, Community District 3, Council District 36.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 65

By Council Member Salamanca:

Application No. N 180153 HAX submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of properties located at 1490 Southern Boulevard (Block 2981, Lot 14), as an Urban Development Action Area; and an Urban Development Action Area Project for such area, Borough of the Bronx, Community District 3, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 66

By Council Member Salamanca:

Application No. 20185269 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2713, p/o Lot 2 (Tentative Lot 20), Borough of the Bronx, Community District 2, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 67

By Council Member Salamanca:

Application No. 20185270 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 1904, Lot 61 and Block 1925, Lot 36; termination of the prior exemption, and dissolution of the current owner, Borough of Manhattan, Community District 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 68

By Council Member Salamanca:

Application No. 20185271 HAM submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a new real property tax exemption for property located at Block 2047, Lots 7 and 10, Borough of Manhattan, Community District 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 69

By Council Member Salamanca:

Application No. 20185272 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption for property located at Block 10209, Lot 115, Borough of Queens, Community District 12, Council District 27.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

A N N O U N C E M E N T S

Thursday, April 12, 2018

[Committee on Environmental Protection](#)

Costa Constantinides, Chairperson

Oversight – The Mission, Work and Accomplishments of The Mayor’s Office of Sustainability and The Office of Recovery and Resiliency.

Committee Room – 250 Broadway, 16th Floor..... 1:00 p.m.

[Committee on Higher Education](#) jointly with the

Inez Barron, Chairperson

[Committee on Civil Service and Labor](#)

I. Daneek Miller, Chairperson

Oversight - The CUNY School of Labor and Urban Studies.

Res 190 - By Council Members Torres, Miller, Lander, Rivera and Dromm - **Resolution** calling on the United State Supreme Court to protect public sector collective bargaining in *Janus v. American Federation of State, County and Municipal Employees (AFSCME)*.

Res 240 - By Council Member Miller - **Resolution** acknowledging workers’ gains through the American labor movement.

Committee Room – 250 Broadway, 14th Floor..... 1:00 p.m.

Monday, April 16, 2018

[Deferred](#)

[Committee on Civil & Human Rights](#)

Mathieu Eugene, Chairperson

Int 752 - By Council Member Cumbo - **A Local Law** to amend the New York city charter, in relation to creating an office of diversity and inclusion within the department of citywide administrative services.

Int 755 - By Council Member Eugene - **A Local Law** in relation to requiring the equal employment practices commission to analyze and report annually on citywide racial and ethnic classification underutilization and adverse impact.

Int 756 - By Council Member Eugene - **A Local Law** to amend the New York city charter, in relation to requiring the department of citywide administrative services to review and report annually on the city’s efforts to collect racial and ethnic demographic information, including a review of racial classification categories and employee response rates.

Committee Room – 250 Broadway, 16th Floor..... 10:00 a.m.

[Committee on Health](#) jointly with the
[Committee on Parks and Recreation](#)

Mark Levine, Chairperson
Barry Grodenchik, Chairperson

Int 189 - By Council Members Matteo and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring defibrillators at softball fields where youth leagues play.
Committee Room – City Hall.....10:00 a.m.

☐ *Deferred*

[Committee on Fire and Emergency Management](#)

Joseph Borelli, Chairperson

Oversight - Evaluating Emergency Service Needs in Response to Population Shifts.

Int 744 - By Council Members Borelli, Ampry-Samuel and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the fire department to report on emergency medical services supervisor to battalion staffing ratios.

Int 745 - By Council Members Borelli and Cabrera - **A Local Law** in relation to requiring the fire department to report on the effect of rezonings between 2002 and 2013 on department resources.

Int 746 - By Council Members Borelli and Maisel - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on its new needs based on rezoning that occurred during the previous year.

Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

[Committee on Justice System](#)

Rory Lancman, Chairperson

Oversight - Investigations and Prosecutions of Low Wage Theft.

Committee Room – City Hall.....1:00 p.m.

Tuesday, April 17, 2018

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor.....9:30 a.m.

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)

Adrienne Adams, Chairperson

Int 212-A - By Council Member Miller - **A Local Law** to amend the administrative code of the city of New York, in relation to approval of cemetery uses on land acquired in Queens before 1973.

Int 368 - By Council Member Salamanca - **A Local Law** to amend the administrative code of the city of New York, in relation to authorizing the landmarks preservation commission to administer a historic preservation grant program.

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor.....12:00 p.m.

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#)

James Van Bramer, Chairperson

Oversight - #MeToo and Culture & the Arts.

Council Chambers - City Hall.....1:00 p.m.

[Subcommittee on Planning, Dispositions & Concessions](#)

Ben Kallos, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor.....2:00 p.m.

Wednesday, April 18, 2018

[Committee on Education](#) jointly with the
[Committee on Finance](#) and the
[Committee on Land Use](#)

Mark Treyger, Chairperson
Daniel Dromm, Chairperson
Rafael Salamanca, Jr., Chairperson

Oversight - Reviewing Recent City Council Report - Planning to Learn: The School Building Challenge.

Int 449 - By Council Members Dromm and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to post subdistrict maps online.

Int 461 - By Council Member Dromm and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to notify the department of education and the school construction authority when city-owned or leased property of an adequate size is determined to have no current use.

Int 729 - By Council Members Kallos and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to post methodology and data for determining identified seat need.

Int 757 - By Council Member Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a school siting task force.

Int 759 - By Council Member Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to identifying applications to the department of city planning and the department of buildings related to parcels suitable for school sitings.

Res 286 - By Council Members Torres and Diaz - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City, and any public authorities or public benefit corporations operating therein, broad authority to utilize the design-build delivery method for capital projects.

Res 289 - By Council Member Vallone - **Resolution** calling on the New York City School Construction Authority to more clearly communicate to the general public how city residents can submit potential school sites and the guidelines used by the School Construction Authority in considering whether a suggested school site meets the evaluation standards used by the authority.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Council Chambers – City Hall.....10:00 a.m.

[Committee on Economic Development](#)

Paul Vallone, Chairperson

Oversight - Modifying Helicopter Routes to Reduce Noise over Residential Neighborhoods and Other Related Business.

Preconsidered Int ____ - By Council Members Menchaca and Vallone - **A Local Law** to amend the New York city charter, in relation to an annual helicopter sightseeing plan.

Res 178 - By Council Members Vallone and Constantinides - **Resolution** calling on the Federal Aviation Administration to amend the North Shore helicopter route to extend further west to cover Northeast Queens.

Committee Room – City Hall.....10:00 a.m.

[Committee on Juvenile Justice](#) jointly with the
[Committee on Justice System](#)

Andy King, Chairperson
Rory Lancman, Chairperson

Oversight - NYC’s Preparedness to Raise the Age.

Committee Room – City Hall.....1:00 p.m.

[Committee on Technology](#)

Peter Koo, Chairperson

Oversight – Update on LinkNYC.

Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

Thursday, April 19, 2018

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.....11:00 a.m.

Monday, April 23, 2018

Committee on Criminal Justice

Keith Powers, Chairperson

Oversight - Safety and Security in DOC Facilities.

Int 447 - By Council Member Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on the rate of lockdowns.

Int 741 - By The Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting fees for telephone calls from inmates in city jails.

Int 779 - By Council Members Richards and Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on use by department staff of any device designed to incapacitate a person through the use of an electric shock.

Committee Room – City Hall.....10:00 a.m.

Committee on Small Business

Mark Gjonaj, Chairperson

Oversight - Small Business First Initiative.

Committee Room – 250 Broadway, 16th Floor.....10:00 a.m.

Committee on Aging

Margaret Chin, Chairperson

Oversight - Social Adult Day Care.

Proposed Int 399-A - By Council Members Vallone, Brannan, Salamanca, Rosenthal, Kallos, Reynoso and Van Brammer - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of the aging to report on senior centers.

Int 411 - By Council Members Chin, Levine, Rosenthal and Adams - **A Local Law** to amend the administrative code of the city of New York, in relation to inspections for social adult day cares and senior centers and reporting.
Council Chambers – City Hall10:30 a.m.

Committee on Civil & Human Rights

Mathieu Eugene, Chairperson

Int 752 - By Council Member Cumbo - **A Local Law** to amend the New York city charter, in relation to creating an office of diversity and inclusion within the department of citywide administrative services.

Int 755 - By Council Member Eugene - **A Local Law** in relation to requiring the equal employment practices commission to analyze and report annually on citywide racial and ethnic classification underutilization and adverse impact.

Int 756 - By Council Member Eugene - **A Local Law** to amend the New York city charter, in relation to requiring the department of citywide administrative services to review and report annually on the city’s efforts to collect racial and ethnic demographic information, including a review of racial classification categories and employee response rates.

Council Chambers – City Hall1:00 p.m.

Committee on Environmental Protection

Costa Constantinides, Chairperson

Oversight - Threats to Jamaica Bay: A Case Study of Flooding and Sea Level Rise in New York City.

Int 628 - By Council Member Constantinides, Richards, Miller, Adams and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a study on areas most susceptible to increased precipitation in the future.

Int 749 - By Council Member Constantinides - **A Local Law** to amend the administrative code of the city of New York, in relation to developing a geothermal pilot program for institutional use in the groundwater supply service area.

Int 750 - By Council Members Constantinides, Richards, Adams and Miller - **A Local Law** to amend the administrative code of the city of New York, in relation to creation of a Jamaica Bay task force, which would oversee the cleanup of Jamaica Bay, the process by which combined sewer overflows are managed, and the effects of climate change on the bay.
Committee Room – City Hall.....1:00 p.m.

Committee on Civil Service and Labor

I. Daneek Miller, Chairperson

Int 633 - By Council Members Cumbo, the Public Advocate (Ms. James) and Miller - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting of pay and employment equity data.
Committee Room – 250 Broadway, 16th Floor1:00 p.m.

Tuesday, April 24, 2018

Committee on Health

Mark Levine, Chairperson

Oversight - Animal Care Centers: Update on the Status of NYC’s Animal Shelter System.

Int 401 - By Council Members Vallone, Brannan and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to animal shelters.
Committee Room – City Hall.....10:00 a.m.

Committee on Public Housing

Alicka Ampry-Samuel, Chairperson

Oversight - Property Management in NYCHA.

Council Chambers – City Hall.....10:00 a.m.

Committee on Sanitation and Solid Waste Management

Antonio Reynoso, Chairperson

Oversight - Review of DSNY’s Waste Characterization Study.

Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

Committee on Consumer Affairs & Business Licensing

Rafael L. Espinal, Chairperson

Proposed Int 289-A - By Council Members Rodriguez, Brannan and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring double decker sight-seeing buses to have at least one employee present on the upper level at all times when passengers are present.

Int 723 - By the Speaker (Council Member Johnson) and Council Member Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring sight-seeing bus operators to submit operating plans to the department of transportation.

Int 725 - By Council Members Chin and Menchaca (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to limiting the number of sightseeing bus licenses.

Int 727 - By Council Members Espinal and Menchaca - **A Local Law** to amend the administrative code of the city of New York, in relation to strengthening the licensing requirements in the sight-seeing bus industry.
Committee Room – City Hall.....1:00 p.m.

Committee on General Welfare

Stephen Levin, Chairperson

Oversight - Update on the NYC 15/15 Initiative.

Int 147 - By Council Members Levin and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on supportive housing.
Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

Committee on Immigration

Carlos Menchaca, Chairperson

Oversight - How Does NYC Support Immigrant Parents of Children Ages 0-5 years?

Council Chambers - City Hall.....1:00 p.m.

Wednesday, April 25, 2018

Stated Council Meeting

Ceremonial Tributes – 1:00 p.m.

Agenda – 1:30 p.m.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged the departure of three members of the Council’s central staff: Robin Levine, Annie Decker, and Deepa Ambekar. Communications Director Robin Levine rose through the ranks of the City Hall Press Officer and worked under Speakers Quinn, Mark-Viverito, and Johnson. Ms. Levine is leaving the Council to assume the position of Chief Communications Officer at the New York Housing Authority. Legislative attorney Annie Decker headed the bill drafting unit from its inception in 2014. The Speaker (Council Member Johnson) noted that she had made enormous progress in improving the Council’s training and professional development curriculum. Ms. Decker is moving to Chicago to pursue her future endeavors. Legislative attorney Deepa Ambekar had come to the Council after working for two years at a private firm and seven years as a Legal Aid public defender. Ms. Ambekar was recently appointed to serve as an interim Civil Court judge by Mayor de Blasio. The Speaker (Council Member Johnson) also congratulated Ms. Ambekar on the January birth of her daughter Uma.

The Speaker (Council Member Johnson) congratulated Ms. Levine, Ms. Decker, and Ms. Ambekar on the next chapter of their careers and thanked them for their service as those assembled in the Chambers applauded.

Whereupon on motion of the Speaker (Council Member Johnson), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, April 25, 2018.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int. No. 600-A, adopted by the Council at the March 22, 2018 Stated Meeting, was signed into law by the Mayor on March 27, 2018 as Local Law No. 85 of 2018.

Int. Nos.410-A, 490-A, and 556-A, all adopted at the March 7, 2018 Stated Meeting, were returned unsigned by the Mayor on April 10, 2018. These items had become law on April 7, 2018 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Law Nos. 86, 87, and 88 of 2018, respectively.

