

## THE COUNCIL

---

*Minutes of the Proceedings for the  
STATED MEETING  
of  
Tuesday, July 28, 2020, 1:41 p.m.  
held remotely via video-conference*

*The Majority Leader (Council Member Cumbo)  
presiding as the Acting President Pro Tempore*

### Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Member Constantinides.

At the time of this virtual Stated Meeting, there was one vacant seat on the Council in the 37th District (Brooklyn) pending the swearing-in of the certified winner of a November 3, 2020 General Election.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual proceedings. Following the gaveling-in of the Meeting and the recitation of the Pledge of Allegiance, the Roll Call for Attendance was called by the City Clerk and the Clerk of the Council (Mr. McSweeney).

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader and Acting President Pro Tempore (Council Member Cumbo).

*There were 49 Council Members marked present at this Stated Meeting held remotely.*

### INVOCATION

The Invocation was delivered by Monsignor James J. Kelly, spiritual leader at St. Brigid's Church located at 409 Linden Street, Brooklyn, NY 11237.

Good afternoon.

My name is Father Kelly  
 at St. Brigid's is located in Bushwick  
 but we also serve Ridgewood.  
 So I was supposed to do  
 an Invocation for St. Patrick's Day but it had been postponed.  
 And so, it is my privilege and my honor  
 to lead you in prayer this afternoon  
 because we are in the midst of a pandemic, as you know.  
 We used to call it a plague or we used the word pestilence.  
 This is not something new;  
 from Biblical times, the human race  
 has been the victim of epidemics, viruses, and pandemics.  
 Now, Ireland where I come from, was not spared  
 and is currently suffering from COVID-19.  
 In 1649, Cromwell came to Ireland  
 while Italy was recovering from the plague of 1630  
 described dramatically  
 in Manzoni's famous novel *The Betrothed*  
 (in Italian, *Promessi Sposi*).

So, this afternoon, I want to lead you in prayer  
 for the grace of healing and protection.

Lord Jesus Christ,  
 You traveled through towns and villages  
 curing every disease and illness;  
 at Your command, the sick were made well.  
 Come to our aid now  
 in the midst of the global spread of the coronavirus  
 that we may experience your healing love.  
 Heal those who are sick with the virus  
 may they regain their health and strength.  
 Heal us from our fear  
 which prevents neighbors from helping one another.  
 Heal us from our pride  
 which can make us claim invulnerability  
 to a disease that knows no borders.  
 Good Lord, Healer of all,  
 stay by our side in this time of uncertainty and sorrow.  
 May those who have died from the virus

rest in peace and rise in glory.  
Lift the families of those who are sick or have died  
as they worry and grieve,  
defend them from illness and despair.  
Be with the doctors, nurses, researchers,  
and medical professionals  
who seek to heal and help those affected  
and to put themselves at risk in the process.  
May they know Your protection and peace.  
Be with the leaders of all nations  
Be with the leaders of this Council  
and the members of this Council.  
Give them all the foresight to act with prudence and charity  
for the well-being of the people they are meant to serve.  
Amen.

Council Member Dromm 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) acknowledged that New York City had successfully moved through the first three phases of reopening and was entering what he hoped would be a successful phase 4. He reiterated that he was proud of the work collectively accomplished by New Yorkers to flatten the curve. The Speaker (Council Member Johnson) again emphasized the importance of masks and social distancing. He asked all New Yorkers to continue using their power to save lives and to protect one another.

The Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths and probable deaths in New York had reached 23,500 as of July 27, 2020. He asked everyone to remember that these numbers represent actual New Yorkers – individuals who were loved, who had families, friends and colleagues, and who would forever be missed. On behalf of the Council, he offered his thoughts and prayers to those who had lost loved ones to this virus and to those who were battling the disease.

The Speaker (Council Member Johnson) acknowledged the death of three more first responders to 9/11-related illnesses: retired FDNY EMS member Desire Jimenez who passed away on July 18, 2020; NYPD Sergeant Emanuele Alongi who passed away on June 27, 2020; and NYPD Lieutenant John C. Zonneveld who passed away on July 10, 2020.

The Speaker (Council Member Johnson) acknowledged the death of another New Yorker who died during the course of his employment: Mario Salas, 59, a construction worker who was killed on July 16, 2020 while working under a store building facade in Manhattan. On behalf of the Council, he offered his thoughts and prayers to Mr. Salas's family and his loved ones.

The Speaker (Council Member Johnson) acknowledged the death of one year old Davell Gardner who was shot and killed while in his stroller at a cookout on July 12, 2020. He noted that young Davell was one of the many victims of gun violence in the five boroughs during this very difficult summer. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to Davell's family during this painful time.

The Speaker (Council Member Johnson) acknowledged the death of two legendary figures from the civil rights movement: Congress Member John Lewis of Georgia and Reverend C.T. Vivian. Congress Member Lewis, 80, and Reverend Vivian, 95, both died on July 17, 2020. The Speaker noted that both Congress Member Lewis and Reverend Vivian had made the fight against hatred and injustice their life's work. He also added that

the Council would be voting on a resolution to honor the legacy of these two civil rights icons at this Stated Meeting (Editor's Note: please see the voice-vote Resolutions section for Res. No. 1371 printed in these Minutes). On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to the families of Congress Member Lewis and Reverend Vivian.

At this point, a Moment of Silence was observed.

\* \* \*

### ADOPTION OF MINUTES

Council Member Cohen moved that the Minutes of the Stated Meeting of June 25, 2020 be adopted as printed.

### MESSAGES & PAPERS FROM THE MAYOR

M-246

**Communication from the Mayor - Submitting amended certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2021 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 (16) of the New York City Charter.**

June 30, 2020

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller

Honorable Ruben Diaz, Jr., Bronx Borough President

Honorable Eric L. Adams, Brooklyn Borough President

Honorable Gale A. Brewer, Manhattan Borough President

Honorable Sharon Lee, Acting Queens Borough President

Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission Ladies and Gentlemen:

This certificate amends my previous certificate submitted to you, dated April 16, 2020. I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2021 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2021	\$9,923	Million
2022	11,524	Million
2023	13,148	Million
2024	13,811	Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2021 — 2024:

2021	\$7,902	Million
2022	9,513	Million
2023	11,199	Million
2024	11,794	Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2021 — 2024:

2021	\$2,021	Million
2022	2,011	Million
2023	1,949	Million
2024	2,017	Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2021, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2021	\$10,521	Million
2022	13,211	Million
2023	15,514	Million
2024	14,350	Million

Sincerely,

Bill de Blasio  
Mayor

Received, Ordered, Printed and Filed.

M-247

**Communication from the Mayor - Appointing Deborah Levine as a member of the HIV/AIDS Services Administration Advisory Board effective as of July 21, 2020, and is for the remainder of a two-year term expiring on July 20, 2022.**

July 21, 2020

Ms. Deborah Levine

Dear Ms. Levine:

Pursuant to the authority vested in me as Mayor by Section 21-128 of the New York City Administrative Code, I am pleased to appoint you as a member of the HIV/AIDS Services Administration (HASA) Advisory Board. Your appointment is effective as of July 21, 2020, and is for the remainder of a two-year term expiring on July 20, 2022.

On behalf of the people of the City of New York, I extend my thanks and appreciation to you for making this commitment to public service.

Sincerely,

Bill de Blasio  
Mayor  
BDB:ml

cc: Raul Perea-Henze, Deputy Mayor for Health and Human Services  
Steven Banks, Commissioner, New York City Human Resources Administration  
Corey Johnson, Speaker, New York City Council  
Guillermo Chacon, Chair, HIV/AIDS Services Administration Board

Received, Ordered, Printed and Filed.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-248

**Communication from the Office of Management and Budget – Submitting the Declaration of Capital Financing Need, pursuant to Section 2799-ff of the New York City Transitional Finance Authority Act.**

July 13, 2020

Hon. Bill de Blasio  
Mayor  
City Hall  
New York, NY 10007  
Via [email: BdeBlasio@cityhall.nyc.gov](mailto:BdeBlasio@cityhall.nyc.gov)

Hon. Corey Johnson  
Speaker of the Council  
City Hall  
New York, NY 10007  
Via  
[email: Corey.Johnson@council.nyc.gov](mailto:Corey.Johnson@council.nyc.gov)

Hon. James L. Seward  
Ranking Minority Member  
Senate Finance Committee  
The Capitol  
Albany, NY 12247  
Via [email: seward@nysenate.gov](mailto:seward@nysenate.gov)

Hon. Liz Krueger  
Chair, Senate Finance Committee  
428 Capitol  
Albany, NY 12248  
Via [email: lkrueger@nysenate.gov](mailto:lkrueger@nysenate.gov)

Hon. Thomas P. DiNapoli  
Comptroller  
Gov. A.E. Smith Office Bldg.  
Albany, NY 12236  
Via [email: contactus@osc.ny.gov](mailto:contactus@osc.ny.gov)

Hon. Andrew Cuomo  
Governor  
The Executive Chamber, Capitol  
Albany, NY 12224  
Via [email: gov.cuomo@chamber.state.ny.us](mailto:gov.cuomo@chamber.state.ny.us)

Hon. Scott Stringer  
Comptroller  
Municipal Bldg., 1 Centre St.  
New York, NY 10007  
Via [email: action@comptroller.nyc.gov](mailto:action@comptroller.nyc.gov)

Hon. Edward P. Ra  
Ranking Minority Member  
Assembly Ways and Means Committee  
The Capitol  
Albany, NY 12248  
Via [email: rae@nyassembly.gov](mailto:rae@nyassembly.gov)

Hon. Helene Weinstein  
Chair, Assembly Ways and Means Committee  
The Capitol, LOB 923  
Albany, NY 12248  
Via [email: weinsth@nyassembly.gov](mailto:weinsth@nyassembly.gov)

Mr. Jeffrey Sommer  
Executive Director, NYS Financial Control Board  
80 Maiden Lane, Suite 402  
New York, NY 10038-3833  
Via [Email: nysfcb@fcb.state.ny.us](mailto:nysfcb@fcb.state.ny.us)

Re: Declaration of Need

Dear Sirs and Madams:

Enclosed, please find the declaration of capital financing need, pursuant to Section 2799-ff of the New York City Transitional Finance Authority Act.

Very truly yours,

Melanie Hartzog

Received, Ordered, Printed and Filed.

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Consumer Affairs and Business Licensing

Report for Int. No. 1609-A

**Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the charter and administrative code of the city of New York, in relation to changing the name of the Department of Consumer Affairs to the Department of Consumer and Worker Protection, and to repeal the following provisions of the New York city charter: section 20-a in relation to the office of labor standards; section 2204, in relation to the consumers council; and also to repeal the following provisions of the administrative code of the city of New York: subdivision b of section 20-9016 of chapter 1 of title 20-A in relation to hearings concerning shipboard gambling; subchapter 4 of chapter 2 of title 20 of the administrative code of the city of New York in relation to licenses for maintaining a billiard or pocket billiard room; section 20-526 of chapter 2 of title 20 in relation to the tow advisory board and other incidental technical amendments.**

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on June 13, 2019 (Minutes, page 2231), respectfully

### REPORTS:

#### I. INTRODUCTION

On July 28, 2020, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Andrew Cohen, held a remote vote on Proposed Introduction Bill Number 1609-A (Int. 1609-A), in relation to changing the name of the Department of Consumer Affairs to the Department of Consumer and Worker Protection, and to repeal the following provisions of the New York City Charter: section 20-a in relation to the Office of Labor Standards; section 2204, in relation to the Consumers Council; and also to repeal the following provisions of the Administrative Code of the City of New York: subdivision b of section 20-9016 of chapter 1 of title 20-A in relation to hearings concerning shipboard gambling; subchapter 4 of chapter 2 of title 20 in relation to licenses for maintaining a billiard or pocket billiard room; section 20-526 of chapter 2 of title 20 in relation to the Tow Advisory Board and other incidental technical amendments. The Committee previously heard testimony from the Department of Consumer Affairs (DCA), worker and trade groups, business associations, and other interested stakeholders, and this feedback informed the final version of the bill. The bill passed with six votes in the affirmative, one in the negative, and zero abstentions.

#### II. BACKGROUND

In response to concerns over rising food prices, price-fixing, and the passing of the federal Fair Packaging and Labeling Act of 1966, New York City Mayor John Lindsay created a NYC Consumer Council in 1967. The Consumer Council became the centralized agency for New Yorkers seeking information regarding consumer protections. Empowered to both receive suggestions from and act as a liaison to various consumer protection groups, it was comprised of ten members from various city agencies.<sup>1</sup> Two years later the City enacted the Consumer Protection Law that codified a centralized agency dedicated to consumer protection by merging the Department of Markets and the Department of Licensing, into one Department of Consumer Affairs (DCA).<sup>2</sup>

---

<sup>1</sup> Seth S. King “City sets up new agency for consumer protection”, *New York Times*, April 23, 1967, available at: <https://www.nytimes.com/1967/04/23/archives/city-sets-up-new-agency-for-consumer-protection-lindsay-establishes.html>.

<sup>2</sup> NYC Department of Consumer Affairs “History of the Department”, available at: [https://www1.nyc.gov/site/dca/about/overview\\_page](https://www1.nyc.gov/site/dca/about/overview_page), last accessed December 5, 2019.

### Worker Protections

Since this time, the role of DCA has expanded significantly. In addition to its mandate to protect consumers from deceptive business practices, the agency is responsible for: licensing more than 75,000 businesses across 50 different industries; educating businesses on their various obligations as well as informing workers and consumers of their rights; offering financial advice and guidance to NYC residents through its Office of Financial Empowerment; and, most recently, enforcing the various City-implemented labor laws.

In 2015, the City Council enacted LL 104 to establish the Office of Labor Standards. Under the provisions of the legislation, the Mayor was responsible for determining which agency should house the Office. In 2016, the Mayor announced that the new Office of Labor Policy and Standards (OLPS) would be housed in DCA.<sup>3</sup> Currently OLPS oversees the City's:

- Paid Safe and Sick Leave Law
- Fair Workweek and Fast Food Deductions Laws
- Freelance Isn't Free Act
- Commuter Benefits Law
- Grocery Workers Retention Act
- Living and Prevailing Wage Laws
- Temporary Schedule Change Law<sup>4</sup>

All employees in New York City are now required to receive at least \$15 per hour for their work.<sup>5</sup> Due to this change, the City now has one of the highest minimum wages in the Country.<sup>6</sup> Despite the improving salaries and various worker protection laws at the federal, state and city level, workers in New York City are still vulnerable to wage theft, poor working conditions and unfair treatment by their employers.

A 2014 report from the federal Department of Labor, for instance, indicated that workers in New York State experienced 339,000 labor violations per month, which resulted in a total of \$20.1 million in lost weekly income.<sup>7</sup> A similar study from April 2019 estimated that wage theft impacted more than two million workers in the State, and equated to a loss of more than \$3 billion each year.<sup>8</sup>

The City's enactment of various labor laws and its creation of OLPS is a serious attempt to mitigate the negative effects and frequency of various labor violations, and there have been many successes for NYC workers due to this effort. For example, in the 2019 fiscal year, OLPS identified 6,691 New York City employees who were entitled to some form of restitution after their employers violated the City's Paid Safe and Sick Leave law.<sup>9</sup> These workers' total entitled restitution was assessed at more than \$1.5 million.<sup>10</sup> In early 2019, with the assistance of DCA, one worker was awarded more than \$172,000 after being wrongly fired for taking leave for

---

<sup>3</sup> NYC Office of the Mayor "Mayor de Blasio appoints Lorelei Salas as Commissioner of the Department of Consumer Affairs", May 20, 2016, available at: <https://www1.nyc.gov/office-of-the-mayor/news/474-16/mayor-de-blasio-appoints-lorelei-salas-commissioner-the-department-consumer-affairs>.

<sup>4</sup> NYC Department of Consumer Affairs "Worker rights", available at: <https://www1.nyc.gov/site/dca/workers/worker-rights.page>, last accessed December 6, 2019.

<sup>5</sup> NYC Business "Minimum wage", available at: <https://www1.nyc.gov/nycbusiness/description/wage-regulations-in-new-york-state>, last accessed December 6, 2019.

<sup>6</sup> Justin Cupler "U.S. cities with the highest minimum wage", *Work + Money*, November 21, 2018, available at: <https://www.workandmoney.com/s/cities-highest-minimum-wage-c9c1d887078c4282>.

<sup>7</sup> US Department of Labor "The social and economic effects of wage violations: Estimates for California and New York", December 2014, available at: <https://www.dol.gov/sites/dolgov/files/OASP/legacy/files/WageViolationsReportDecember2014.pdf>, p. ES-3.

<sup>8</sup> Center for Popular Democracy "Coming up short: The state of wage theft enforcement in New York", April 2019, available at: [https://maketheroadny.org/wp-content/uploads/2019/04/Coming-Up-Short\\_-The-State-of-Wage-Theft-Enforcement-in-NY-4\\_8\\_19.pdf](https://maketheroadny.org/wp-content/uploads/2019/04/Coming-Up-Short_-The-State-of-Wage-Theft-Enforcement-in-NY-4_8_19.pdf), p. 3.

<sup>9</sup> NYC Mayor's Office of Operations "Fiscal 2019 Mayor's Management Report: Department of Consumer Affairs", 2019, available at: <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/dca.pdf>, p. 139.

<sup>10</sup> NYC Mayor's Office of Operations "Fiscal 2019 Mayor's Management Report: Department of Consumer Affairs", 2019, available at: <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/dca.pdf>, p. 139.

medical appointments.<sup>11</sup> Meanwhile, in September of that year, DCA also filed a \$1 million suit against Chipotle, accusing the food-chain of violating the City's Fair Workweek law.<sup>12</sup>

### **III. BILL ANALYSIS**

#### Int. 1609-A

Section one of the bill, along with the vast majority of the bill's sections, amends the name of the Department of Consumer Affairs to the Department of Consumer and Worker Protection (DCWP). Section three of the bill repeals section 20-a of chapter 1 of the City Charter, which created the Office of Labor Standards. Section 11 of the bill amends Chapter 64 of the City Charter to transfer the Office of Labor Standards to what will now be known as DCWP. In addition, this section of the bill clarifies the DCWP Commissioner's powers to include the following:

- Enforcement of municipal labor laws and other labor laws the commissioner is empowered to enforce;
- Making recommendations, disseminating information, conducting research and developing programs for worker education, safety and protection, in consultation with other agencies and industry;
- Providing education and outreach to employers, employees, and the general public;
- Collecting and analyzing federal, state and local data on the city's workforce to identify gaps and prioritize areas for improvement of working conditions and enforcement of laws;
- Making recommendations to improve workplace equity for women, communities of color, immigrants and refugees, and other vulnerable workers;
- Mediating disputes, receiving and evaluating complaints, conducting investigations in response to complaints and taking appropriate action, including referral to a federal or state agency;
- Establishing a Division of Paid Care, which is separate and distinct from the Office of Labor Standards;
- Adopting, reversing, modifying or remanding decisions of the Trials Division of the Office of Administrative Trials and Hearings (OATH); and
- Ordering restitution, money damages and other forms of equitable relief.

Section 12 of the bill clarifies that all powers granted to the Commissioner of Consumer Affairs, the Commissioner of Consumer and Worker Protection, or the Director of the Office of Labor Standards in the Charter, the Administrative Code or any other general, special or local law shall be deemed transferred to the Commissioner of DCWP or a designee. The purpose of this provision is to clarify any potential inconsistencies that could arise from the name change.

Section 13 of the bill repeals section 2204 of the City Charter, which created the Consumers Council in 1967. As the Consumers Council was replaced shortly thereafter by DCA, this provision of the City Charter is no longer needed.

Sections 19, 21, 22, 30, 45, 57, 58 and 72 clarify that proceedings to recover civil penalties issued by DCWP are returnable to a tribunal of OATH, which since 2016 has taken over the adjudication of violations from DCA.

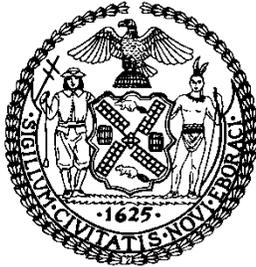
To reflect the fact that the Office of Labor Standards is now housed within DCWP, section 76 of the bill repeals the definitions of "director" and "office" in section 20-927 of the Administrative Code and replaces them with the terms "commissioner" and "department." Similarly, sections 77 to 104 of the bill replace the terms "director" and "office" with "commissioner" and "department" respectively throughout Chapters 10 ("Freelance Workers"), 12 ("Fair Work Practices") and 13 ("Pay Deductions for Contributions to Not-for-Profit Organizations") of Title 20 of the Administrative Code. To reflect the fact that the Paid Care Division will now be housed within DCWP, sections 122 and 123 of the bill amend Title 32 of the Administrative Code by repealing the term "director" and replacing it with the term "commissioner," and amending the definition of "division."

<sup>11</sup> NYC Department of Consumer Affairs "Department of Consumer and Worker Protection announces decision awarding \$172k to worker who was retaliated against for asserting paid safe and sick leave rights", July 2019, available at: <https://www1.nyc.gov/site/dca/media/pr071119-DCWP-Announces-Decision-Awarding-172K-to-Worker.page>.

<sup>12</sup> Michael Gold "Workers accuse Chipotle, the 'food with integrity' company, of abuses", *New York Times*, September 10, 2019, available at: <https://www.nytimes.com/2019/09/10/nyregion/chipotle-lawsuit-workers.html>.

If passed, this bill would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1609-A:)**



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

**PROPOSED INTRO NO. 1609-A**

**COMMITTEE: Consumer Affairs and Business  
Licensing**

**TITLE:** A Local Law to amend the charter and administrative code of the city of New York, in relation to changing the name of the Department of Consumer Affairs to the Department of Consumer and Worker Protection, and to repeal the following provisions of the New York city charter: section 20-a, in relation to the office of labor standards; section 2204, in relation to the consumers council; and also to repeal the following provisions of the administrative code of the city of New York; subdivision b of section 20-9016 of chapter 1 of title 20-A in relation to hearings concerning shipboard gambling; subchapter 4 of chapter 2 of title 20 of the administrative code of the city of New York in relation to licenses for maintaining a billiard or pocket billiard room; section 20-526 of chapter 2 of title 20 in relation to the tow advisory board and other incidental technical amendments.

**SPONSORS:** Council Members Torres, Brannan, Lander, Chin, Ayala, Koslowitz, Adams, Louis, Levine, Powers, Rosenthal, Cabrera, Richards, Gibson, and Salamanca (by request of the Mayor).

**SUMMARY OF LEGISLATION:** This bill amends the New York City Charter and Administrative Code to change the name of the Department of Consumer Affairs to the Department of Consumer and Worker Protection, establish the Office of Labor Standards and the Division of Paid Care as offices within the Department, and update references to these offices and other agency nomenclature. The bill also clarifies the Department's powers to seek restitution on behalf of consumers and workers related to any law within its jurisdiction. It also designates the Office of Administrative Trials and Hearing as the tribunal in which the Department may begin proceedings to recover civil penalties and grants the Commissioner the power to adopt, reverse, modify, or remand decisions of the Trials Division at OATH for additional proceedings. Finally, the bill repeals the Consumers Council established under §2204 of the New York City Charter and the Tow Advisory Board.

**EFFECTIVE DATE:** This local law would take effect immediately; provided that the amendments to sections 20-1301 through 20-1304, and sections 20-1307 through 20-1310 of the administrative code of the city of New York made by sections 101 through 108 of this local law, would not affect the expiration of such sections pursuant to local law 98 for the year 2017 and would expire therewith.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCES OF INFORMATION:** New York City Council Finance Division  
 Mayor’s Office of Legislative Affairs  
 Department of Consumer Affairs

**ESTIMATE PREPARED BY:** Sebastian Palacio Bacchi, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
 John Russell, Unit Head  
 Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1609 on June 13, 2019 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on December 16, 2019, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. 1609-A, will be considered by the Committee on July 28, 2020. Upon a successful vote by the Committee, Proposed Int. 1609-A will be submitted to the full Council for a vote on July 28, 2020.

**DATE PREPARED:** July 21, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1609-A:)**

Int. No. 1609-A

By Council Members Torres, Brannan, Lander, Chin, Ayala, Koslowitz, Adams, Louis, Levine, Powers, Rosenthal, Cabrera, Richards, Gibson, Salamanca, Kallos, Vallone and Barron (by request of the Mayor).

**A Local Law to amend the charter and administrative code of the city of New York, in relation to changing the name of the Department of Consumer Affairs to the Department of Consumer and Worker Protection, and to repeal the following provisions of the New York city charter: section 20-a in relation to the office of labor standards; section 2204, in relation to the consumers council; and also to repeal the following provisions of the administrative code of the city of New York: subdivision b of section 20-9016 of chapter 1 of title 20-A in relation to hearings concerning shipboard gambling; subchapter 4 of chapter 2 of title 20 of the administrative code of the city of New York in relation to licenses for**

**maintaining a billiard or pocket billiard room; section 20-526 of chapter 2 of title 20 in relation to the tow advisory board and other incidental technical amendments**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision g of section 15 of chapter 1 of the New York city charter, as separately amended by local law numbers 65 and 67 for the year 2015, is amended to read as follows:

1. The office of operations shall develop a standardized customer service training curriculum to be used, to the extent practicable, by relevant agencies for training agency inspectors. Such training shall be reviewed annually and updated as needed, taking into account feedback received through the customer service survey created and maintained by the office on the city's website pursuant to subdivision h of this section. Such training shall include specific protocols for such inspectors to follow when interacting with non-English speakers to ensure that such inspectors provide language translation services during inspections. Such training shall also include culturally competent instruction on communicating effectively with immigrants and non-English speakers during inspections. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer [affairs] *and worker protection*, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the bureau of fire prevention of the fire department.

§ 2. Paragraph 2 of subdivision i of section 20 of chapter 1 of the New York city charter, as added by local law number 5 for the year 2010, is amended to read as follows:

2. The interagency green team shall include as members the commissioners of buildings, environmental protection, transportation, design and construction, health and mental hygiene and the chairperson of the city planning commission, or their respective designees, and such other members as the director shall designate. The director shall also designate members from among the fire commissioner and the commissioners of parks and recreation, consumer [affairs] *and worker protection*, emergency management, housing preservation and development, sanitation, and the chairperson of the landmarks preservation commission, or their respective designees, with respect to specific matters being considered by the interagency green team where the director determines it appropriate to do so.

§ 3. Section 20-a of chapter 1 of the New York city charter is hereby REPEALED.

§ 4. Paragraph 2 of subdivision c of section 20-d of chapter 1 of the charter of the New York city charter, as added by local law number 178 for the year 2017, is amended to read as follows:

2. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to nightlife establishments including, but not limited to, the department of consumer [affairs] *and worker protection*, the police department, the fire department, the department of health and mental hygiene, the department of city planning, the department of buildings and the department of small business services, on issues relating to the nightlife industry;

§ 5. The opening paragraph of section 1057-a of chapter 46 of the New York city charter, as amended by local law number 139 for the year 2016, is amended to read as follows:

§ 1057-a. Agency based voter registration. Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, the business integrity commission, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department of small business services, the department for the aging, the department of citywide administrative services, the department of city planning, the department of consumer [affairs] *and worker protection*, the department of correction, the department of cultural affairs, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department of probation, the department of records and information services, the taxi and limousine commission, the department of transportation, the department of youth and community development, the fire department, and the human resources administration. Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to

all persons together with written applications for services, renewal or recertification for services and change of address relating to such services, in the same language as such application, renewal, recertification or change of address form where practicable; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies shall provide assistance to applicants in completing voter registration forms, including the section of the form allowing for registration to become an organ donor, and in cases in which such an agency would provide assistance with its own form, such agency shall provide the same degree of assistance with regard to the voter registration and organ donor forms as is provided with regard to the completion of its own form, if so requested. Such agencies shall also receive and transmit the completed application form from any applicants who request to have such form transmitted to the board of elections for the city of New York.

§ 6. The opening paragraph of section 1057-a of chapter 46 of the New York city charter, as amended by local law number 11 for the year 2019, is amended to read as follows:

§ 1057-a. Agency based voter registration. Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, the business integrity commission, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department of small business services, the department for the aging, the department of citywide administrative services, the department of city planning, the department of consumer [affairs] *and worker protection*, the department of correction, the department of cultural affairs, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department of probation, the department of records and information services, the taxi and limousine commission, the department of transportation, the department of youth and community development, the fire department, and the human resources administration. Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services, in the same language as such application, renewal, recertification or change of address form where practicable; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies shall provide assistance to applicants in completing voter registration forms, including the section of the form allowing for registration to become an organ donor, and in cases in which such an agency would provide assistance with its own form, such agency shall provide the same degree of assistance with regard to the voter registration and organ donor forms as is provided with regard to the completion of its own form, if so requested. As part of such assistance, such agencies shall also, upon request by an applicant who identifies himself or herself as being on parole and when practically feasible, check publicly available information to inform such applicant if a restoration of their right to vote has been granted, provided that such assistance may be provided by a person other than the person to whom the request was made and further provided that such assistance shall not be considered an endorsement of the accuracy of any publicly available information not maintained by the city. Such agencies shall also receive and transmit the completed application form from any applicants who request to have such form transmitted to the board of elections for the city of New York.

§ 7. Subdivision b of section 1307 of chapter 56 of the New York city charter, as added by local law number 66 for the year 2015, is amended to read as follows:

b. The department shall conduct outreach and education targeted to small business owners and the general public related to the duties of such dedicated small business advocates and their role as a central point of contact for businesses seeking assistance from city agencies. Information indicating how to contact the small business advocates established pursuant to subdivision a of this section shall be prominently posted on the websites of relevant agencies. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer [affairs] *and worker protection*, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the bureau of fire prevention of the fire department and the department of small business services.

§ 8. Subdivision a of section 2100 of chapter 63 of the New York city charter, as amended by local law number 34 for the year 2002, is amended to read as follows:

a. There shall be a business integrity commission, which shall consist of a full-time chairperson appointed by the mayor and of the commissioners of the department of small business services, the department of consumer [affairs] *and worker protection*, the department of investigation, the police department and the department of sanitation, or their designees.

§ 9. The title of chapter 64 of the New York city charter is amended to read as follows:

Chapter 64: Department of Consumer [Affairs] *and Worker Protection*

§ 10. Sections 2201 and 2202 of chapter 64 of the New York city charter, as added by local law number 68 for the year 1968, are amended to read as follows:

§ 2201. Department; commissioner. There shall be a department of consumer [affairs] *and worker protection*, the head of which shall be the commissioner of consumer [affairs] *and worker protection*.

§ 2202. Deputies. The commissioner may appoint [two] *such* deputies *as he or she deems necessary for the discharge of his or her duties*.

§ 11. Subdivisions d, e, f and paragraph 1 of subdivision h of section 2203 of chapter 64 of the New York city charter, subdivision d as added by local law number 68 for the year 1968, subdivision e as amended by local law number 11 for the year 2016, subdivision f and paragraph 1 of subdivision h as relettered and amended by local law number 46 for the year 2013, are amended to read as follows:

(d) The commissioner shall enforce all laws relating to the advertising and offering for sale and the sale of all commodities, goods, wares and services[; in addition he shall receive and evaluate complaints and initiate his own investigations relating to these matters and take appropriate action, including referral to a federal or state agency].

(e) [The commissioner shall have all powers as set forth in:] *The office of labor standards shall be established within the department. Such office shall be headed by a director who shall be appointed by the commissioner.*

(1) [chapter 8 of title 20 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding earned sick time, and the power to conduct investigations regarding violation of such chapter upon his or her own initiative; and] *The commissioner shall:*

(i) *enforce municipal labor laws and other labor laws the commissioner is empowered to enforce;*

(ii) *plan, make recommendations, conduct research and develop programs for worker education, worker safety and worker protection;*

(iii) *facilitate the exchange and dissemination of information in consultation with city agencies, federal and state officials, businesses, employees, independent contractors, labor unions and nonprofit organizations working in the field of worker education, safety, and protection;*

(iv) *provide educational materials to employers and develop programs, including administrative support, to assist employers with compliance with labor laws;*

(v) *implement public education campaigns to heighten awareness of employee and independent contractor rights under federal, state, and local law;*

(vi) *collect and analyze available federal, state, and local data on the city's workforce and workplaces and coordinate with federal and worker protection and state officials and other city agencies to identify gaps and prioritize areas for the improvement of working conditions and practices for employees and independent contractors in the city and within particular industries, and to promote the implementation and enforcement of laws, rules and regulations designed to improve such working conditions and practices; and*

(vii) *recommend efforts to achieve workplace equity for women, communities of color, immigrants and refugees, and other vulnerable workers.*

(2) [section 22-507 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding the retention of grocery workers, and the power to conduct investigations regarding violations of such section upon his or her own initiative.] *Division of paid care. The commissioner shall establish a division of paid care within the office of labor standards and shall appoint the division head, who shall be distinct from the director of the office of labor standards.*

(f) The commissioner, in the performance of said functions, [including those functions pursuant to subdivision e of this section, ]shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, *mediate disputes, receive and evaluate complaints, conduct*

*investigations in response to complaints or upon his or her own initiative, and take appropriate action, including referral to a federal or state agency, and to receive, administer, pay over and distribute monies collected in and as a result of actions brought for violations of laws relating to deceptive or unconscionable trade practices, labor standards, or of related laws, and to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department.*

(h) (1) *The department shall have the power to render decisions and orders.* Notwithstanding any inconsistent provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for, *and to order restitution or other forms of equitable relief for and payment of monetary damages in connection with,* 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. Where the *department has delegated any adjudicatory powers to the office of administrative trials and hearings, for all cases heard by the adjudicatory body authorized to conduct trials in such office, the office of administrative trials and hearings shall issue a recommended decision which the commissioner may adopt, reverse, modify, or remand in whole or in part for additional proceedings.* [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 8 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.

§ 12. Section 2203 of chapter 64 of the New York city charter is amended by adding a new subdivision i to read as follows:

(i) *All powers granted to the commissioner of consumer affairs, the commissioner of consumer and worker protection, or the director of the office of labor standards by this charter, the administrative code, or any other general, special, or local law shall be deemed to be granted to the commissioner or his or her designee.*

§ 13. Section 2204 of chapter 64 of the New York city charter is hereby REPEALED.

§ 14. Subdivision a of section 3-114 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 34 for the year 2013, is amended to read as follows:

a. The chief business operations officer, or other representative of the office of the mayor designated by the mayor, shall ensure that each relevant agency designates an employee or employees to serve as agency liaison(s) to such agency's regulated community or communities, including but not limited to relevant chambers of commerce and industry groups. Each liaison shall report to the chief business operations officer, or other representative of the office of the mayor designated by the mayor. Each liaison shall, to the extent practicable, meet regularly with such liaison's agency's regulated community or communities. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer [affairs] *and worker protection*, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the fire department.

§ 15. Subdivision b of section 3-116 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 23 for the year 2015, is amended to read as follows:

b. The mayor's office of operations shall report in writing to the director of the office of veterans' affairs, the veterans' advisory board, and the council the following data for the prior calendar year, to the extent practicable, disaggregated by borough: (1) the total number of Mitchell-Lama housing applications received from veterans or their surviving spouses who have identified themselves as the head of household on such applications; (2) the total number of Mitchell-Lama housing applications approved by the department of housing preservation and development for veterans or their surviving spouses who have identified themselves as the head of household on such application; (3) the total number of fee-exempt mobile food vending licenses and food vending permits issued by the department of health and mental hygiene to veterans, (4) the number of general vending licenses issued by the department of consumer [affairs] *and worker protection* to veterans; (5) the total number of veterans who submitted an application to the department of consumer [affairs] *and worker protection* for a general vending license; (6) the total number of veterans residing in the city who utilized a HUD-VASH voucher; and (7) the total number of civil service examination applications received by the department of citywide

administrative services for which the applicant claimed a veterans credit as provided for in section 85 of the civil service law.

§ 16. Section 3-140 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 104 for the year 2015, is amended to read as follows:

§ 3-140 Office of Labor Standards.

a. For purposes of this section, “[director] *commissioner*” means the [director of the office of labor standards] *commissioner of consumer and worker protection*.

b. No later than February 15, 2017, and no later than every February fifteenth thereafter, the [director] *commissioner* shall post on the office’s website the following information for the prior calendar year regarding enforcement of chapter 9 of title 20 of the code:

- i. the number of complaints against employers filed with the office;
- ii. the number of investigations conducted by the [director] *commissioner*;
- iii. the results of each enforcement action undertaken by the [director] *commissioner*; and
- iv. such other information as the [director] *commissioner* may deem appropriate.

§ 17. Subdivision h of section 10-117 of chapter 1 of title 10 of the administrative code of the city of New York, as added by chapter 311 of the laws of 1992, is amended to read as follows:

h. In addition to police officers, officers and employees of the department of consumer [affairs] *and worker protection*, sanitation, environmental protection and transportation shall have the power to enforce the provisions of this section and may issue notices of violation, appearance tickets or summonses for violations thereof.

§ 18. Paragraph 1 of subdivision b of section 10-131 of chapter 1 of title 10 of the administrative code of the city of New York is amended to read as follows:

1. It shall be unlawful for any person to sell, offer to sell or have in such person's possession any air pistol or air rifle or similar instrument in which the propelling force is a spring or air, except that the sale of such instruments if accompanied by delivery to a point without the city, and possession for such purpose, shall not be unlawful if such person shall have secured an annual license from the police commissioner of the city authorizing such sale and possession. The sale and delivery of such instruments within the city from one licensee to another licensee, and the use of such instruments in connection with an amusement licensed by the department of consumer [affairs] *and worker protection* or at rifle or pistol ranges duly authorized by law shall not be considered a violation of this subdivision.

§ 19. Subparagraphs (a) and (d) of paragraph 3 of subdivision g of section 10-131 of chapter 1 of title 10 of the administrative code of the city of New York, subparagraph (a) as amended by local law number 83 for the year 2009 and subparagraph (d) as added by local law number 83 for the year 2009, are amended to read as follows:

(a) Authorized agents and employees of the department of consumer [affairs] *and worker protection*, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of this subdivision. A proceeding to recover any civil penalty pursuant to this subdivision shall be commenced by service of a notice of hearing that shall be returnable to [the administrative tribunal of the department of consumer affairs] *a tribunal of the office of administrative trials and hearings*. [The administrative] *Such* tribunal [of such department] shall have the power to impose civil penalties for a violation of this subdivision of not less than one thousand dollars (\$1000) nor more than five thousand dollars (\$5000) for the first offense and not less than three thousand dollars (\$3000) nor more than eight thousand dollars (\$8000) for each succeeding offense occurring within two years of the first offense, without regard to whether the first offense involved a toy or imitation firearm of the same model involved in any succeeding offense. For the purposes of this subdivision, selling, offering for sale, possessing, using or attempting to use or give away any single toy or imitation firearm in violation of this subdivision shall be considered a single violation.

(d) For purposes of this paragraph:

- (i) the term "department" shall refer to the department of consumer [affairs] *and worker protection*;
- (ii) the term "commissioner" shall refer to the commissioner of [the department of] consumer [affairs] *and worker protection*;
- (iii) the term "premises" shall refer to land and improvements or appurtenances or any part thereof; and
- (iv) companies shall be deemed "related" if an officer, principal, director, or stockholder owning more than ten percent of the outstanding stock of the corporation of one company is or has been an officer, principal,

director, or stockholder owning more than ten percent of the outstanding stock of the other, but companies shall not be deemed related solely because they share employees other than officers, principals, or directors.

§ 20. Subdivisions c and g of section 10-134.2 of chapter 1 of title 10 of the administrative code of the city of New York, as added by local law number 58 for the year 1998, are amended to read as follows:

c. No person who sells or offers for sale laser pointers shall place such laser pointers on open display so that such laser pointers are accessible to the public without the assistance of such seller, or his or her employee or other agent, offering such laser pointers for sale, unless: (1) such laser pointers on open display are clearly and fully visible from a place of payment for goods or services or customer information at which such seller or an employee or other agent of such seller is usually present during hours when the public is invited or (2) such laser pointers are in a package, box or other container provided by the manufacturer, importer or packager that is larger than forty-one square inches. Further, it shall be unlawful to display laser pointers in any manner or to post a sign advertising the availability of laser pointers unless a notice has been posted, in a form and manner prescribed by rule of the department of consumer [affairs] *and worker protection*, indicating that the sale or giving of laser pointers to persons eighteen years of age or younger is a misdemeanor.

g. Authorized agents and employees of the department of consumer [affairs] *and worker protection*, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of subdivisions b and c of this section. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of hearing that shall be returnable to the administrative tribunal of the department of consumer [affairs] *and worker protection*. The administrative tribunal of the department shall have the power to impose civil penalties for a violation of subdivision b or c of this section as follows: not more than three hundred dollars for the first violation; not more than five hundred dollars for the [section] *second* violation by the same person within a two-year period; and not more than one thousand dollars for the third and all subsequent violations by the same person within a two-year period. For purposes of determining whether a violation of subdivision b or subdivision c of this section should be adjudicated as a second, third or subsequent violation, violations of subdivision b and violations of subdivision c of this section by the same person within a two-year period shall be aggregated.

§ 21. Subdivisions e and f of section 10-137 of chapter 1 of title 10 of the administrative code of the city of New York, as added by local law number 43 for the year 2004, are amended to read as follows:

e. The provisions of this section shall be enforced by the police department and the department of consumer [affairs] *and worker protection*.

f. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of hearing that shall be returnable to [the] *an* administrative tribunal of the [department of consumer affairs] *office of administrative trials and hearings*.

§ 22. Subdivisions b, d, e, and g of section 10-160 of chapter 1 of title 10 of the administrative code of the city of New York, as added by local law number 70 for the year 1992, are amended to read as follows:

b. Security measures. A bank shall maintain the following security measures with respect to each of its automated teller machine facilities:

(1) a surveillance camera or cameras, which shall view and record all persons entering, exiting, and moving within or about an automated teller machine facility located within the interior of a building, or which shall view and record all activity occurring within a minimum of three feet in front of an automated teller machine located on an exterior wall of a building open to the outdoor air. Such camera or cameras need not view and record banking transactions made at the automated teller machine. The recordings made by such cameras shall be preserved by the bank for at least thirty days;

(2) within six months after the submission of the report of the temporary task force required by subdivision c of this section, entry doors equipped with locking devices which permit entry to such facility only to persons using an automated teller machine card or access code issued by a bank for that purpose. Provided, however, that any automated teller machine facility located within the interior of a building that is not equipped with such entry door locking devices within six months after the submission of such report shall thereafter have at least one security guard stationed therein during the period of time after regular banking hours when such automated teller machine facility is available to banking customers;

(3) entry doors equipped with fire exit bolts pursuant to paragraph two of subdivision k of section 27-371 of the code;

(4) adequate lighting;

(5) at least one exterior wall made substantially of untinted glass or other untinted, transparent material, which provides an unobstructed view of the automated teller machine or machines within the automated teller machine facility;

(6) reflective mirrors or surfaces at each automated teller machine which provide the user a rear view;

(7) a reflective mirror or mirrors placed in a manner which permits a person present in the automated teller machine facility to view areas within such facility which are otherwise concealed from plain view; and

(8) a clearly visible sign, which at a minimum, states:

(i) the activity within the automated teller machine facility is being recorded by surveillance camera;

(ii) customers should close the entry door completely upon entering if the automated teller machine facility is located within the interior of a building;

(iii) customers should not permit entrance to any unknown person at any time after regular banking hours when an automated teller machine facility located within the interior of a building is available to banking customers;

(iv) customers should place withdrawn cash securely upon their person before exiting the automated teller machine facility; and

(v) complaints concerning security in the automated teller machine facility should be directed to the bank's security department or to the department of consumer [affairs] *and worker protection*, together with telephone numbers for such complaints. Where emergency assistance is needed due to criminal activity or medical emergency, call 911 at the nearest available public telephone. Paragraphs two, three, five and seven of this subdivision shall not apply to any automated teller machine facility located on an exterior wall of a building open to the outdoor air. Paragraph five of this subdivision shall not apply to any automated teller machine facility located in (i) a landmark building or within an historic district, if compliance with paragraph five would require the approval of the landmarks preservation commission, and such approval has been sought and denied; or (ii) any building, if compliance with paragraph five would require the removal of a load-bearing wall as defined in section 27-232 of the code.

d. *List of facilities.* Any bank which operates an automated teller machine facility shall file a list of such facilities with the police department, the department of consumer [affairs] *and worker protection*, and the department of buildings, including the street addresses, intersecting streets, hours of operation, method of security, and method of surveillance at each facility, and the telephone number of the bank's security department. The police department shall distribute to each police precinct a list of all automated teller machine facilities in the precinct which are available to banking customers.

e. *Violations and penalties.*

(1) A bank found to be in violation of any provision of subdivision b of this section shall be subject to a civil penalty of not more than two hundred fifty dollars. Each violation of any provision of subdivision b of this section with respect to a particular automated teller machine facility shall be considered a separate violation thereof.

(2) Any bank found to be in violation of any provision of subdivision b of this section shall correct the violation within three days after such finding. Failure to correct the violation within three days after such finding shall subject the bank to a civil penalty of not less than five hundred dollars or more than one thousand dollars and an additional civil penalty of two hundred fifty dollars per day for each day such violation continues.

(3) Any bank found to be in violation of subdivision h of this section shall be liable for a civil penalty of not more than one thousand dollars for each automated teller machine facility for which a report has not been filed. Any bank which makes a material false statement or material omission in any report filed pursuant to subdivision h of this section shall be liable for a civil penalty of not more than five thousand dollars for each report.

(4) A proceeding to recover any civil penalty authorized to be imposed pursuant to this section shall be commenced by the service of a notice of violation which shall be returnable to [the commissioner of consumer affairs] *any tribunal established within the office of administrative trials and hearings*. Such commissioner, after due notice and an opportunity for a hearing, shall be authorized to impose the civil penalties prescribed by this section.

g. *Enforcement; statistics.*

(1) The police department, the department of consumer [affairs] *and worker protection*, and the department of buildings shall be authorized to enforce this section.

(2) Statistics of crimes associated with the use of automated teller machines compiled and maintained by the police department shall be made available upon the request of any bank.

(3) Notwithstanding the provisions of section six hundred sixty-six of the charter, a notice of violation issued by the department of buildings pursuant to this section shall not be subject to review by the board of standards and appeals.

§ 23. Subdivision a of section 11-139 of chapter 1 of title 11 of the administrative code of the city of New York, as added by local law number 10 for the year 2017, is amended to read as follows:

a. Each agency designated as a participating agency under the provisions of this section shall, in coordination with the department of finance, implement and administer a program of distribution of information about the senior citizen rent increase exemption program pursuant to the provisions of this section. The following offices are hereby designated as participating agencies: the department for the aging, the city clerk, community boards, the department of consumer [affairs] *and worker protection*, the commission on human rights, the department of housing preservation and development, the department of health and mental hygiene, the human resources administration/department of social services, and the department of parks and recreation; provided, however, that the department of finance, as it deems appropriate, may designate additional agencies to be participating agencies. The department of finance shall further make such information available to city hospitals and public libraries.

§ 24. Subdivision c of section 11-245.8 of chapter 2 of title 11 of the administrative code of the city of New York, as added by local law number 4 for the year 2017, is amended to read as follows:

c. The notice that is required, pursuant to this section, to be provided by the commissioner of finance or his or her designee no later than October thirty-first of each year shall include contact information for the office of financial empowerment at the department of consumer [affairs] *and worker protection*.

§ 25. Subdivisions b, c, and d of section 11-1303 of chapter 13 of title 11 of the administrative code of the city of New York, subdivisions b and d as amended by local law number 145 for the year 2017 and subdivision c as amended by local law number 2 for the year 2000, are amended to read as follows:

b. *Application for license.*

1. *Wholesale tobacco license.* In order to obtain a license to engage in business as a wholesale dealer, a person shall file application with the commissioner of finance for one license for each place of business that he or she desires to have for the sale of cigarettes or tobacco products in the city. Every application for a wholesale tobacco license shall be made upon a form prescribed and prepared by the commissioner of finance and shall set forth such information as the commissioner shall require. The commissioner of finance may, for cause, refuse to issue a wholesale tobacco license. Upon approval of the application, the commissioner of finance shall grant and issue to the applicant a wholesale tobacco license for each place of business within the city set forth in the application. Wholesale tobacco licenses shall not be assignable and shall be valid only for the persons in whose names such licenses have been issued and for the transaction of business in the places designated therein and shall at all times be conspicuously displayed at the places for which issued.

2. *Retail tobacco license.* In order to obtain a license to engage in business as a retail dealer, a person shall file an application with the commissioner of consumer [affairs] *and worker protection* in accordance with the provisions of section 20-202.

c. *Duplicate licenses.* Whenever any license issued by the commissioner of finance under the provisions of this section is defaced, destroyed or lost, the commissioner of finance shall issue a duplicate license to the holder of the defaced, destroyed or lost license upon the payment of a fee of fifteen dollars. A duplicate retail dealer license may be obtained from the commissioner of consumer [affairs] *and worker protection* as provided in section 20-204 of this code.

d. *Suspension or revocation of licenses.*

1. After a hearing, the commissioner of finance may suspend or revoke a wholesale tobacco license and the commissioner of consumer [affairs] *and worker protection*, upon notice from the commissioner of finance, may suspend or revoke a retail tobacco license whenever the commissioner of finance finds that the holder thereof has failed to comply with any of the provisions of this chapter or any rules of the commissioner of finance prescribed, adopted and promulgated under this chapter.

2. The commissioner of finance may also suspend or revoke a wholesale tobacco license in accordance with the requirements of any other sections of this code or any rules promulgated thereunder which authorizes the suspension or revocation of a wholesale tobacco license.

3. The commissioner of consumer [affairs] *and worker protection* may also suspend or revoke a retail tobacco license in accordance with the requirements of any other section of this code or any rules promulgated thereunder that authorize suspension or revocation of a retail tobacco license.

4. Upon suspending or revoking any wholesale tobacco license, the commissioner of finance shall direct the holder thereof to surrender to the commissioner of finance immediately all wholesale tobacco licenses or duplicates thereof issued to such holder and the holder shall surrender promptly all such licenses to the commissioner of finance as directed. Before the commissioner of finance suspends or revokes a wholesale tobacco license or notifies the commissioner of consumer [affairs] *and worker protection* of a finding of a violation of this chapter with respect to a retail tobacco license pursuant to paragraph (1) of this subdivision, the commissioner of finance shall notify the holder and the holder shall be entitled to a hearing, if desired, if the holder, within ninety days from the date of such notification, or if the commissioner of finance has established a conciliation procedure pursuant to section 11-124 and the taxpayer has requested a conciliation conference in accordance therewith within ninety days from the mailing of a conciliation decision or the date of the commissioner's confirmation of the discontinuance of the conciliation proceeding, both (A) serves a petition upon the commissioner of finance and (B) files a petition with the tax appeals tribunal for a hearing. After such hearing, the commissioner of finance, good cause appearing therefor, may suspend or revoke the wholesale tobacco license, and, in the case of a retail tobacco license, notify the commissioner of consumer [affairs] *and worker protection* of a violation of this chapter or any rules promulgated thereunder. Upon such notification, the commissioner of consumer [affairs] *and worker protection* may suspend or revoke a retail tobacco license as provided in subdivision b of section 20-206. The commissioner of finance may, by rule, provide for granting a similar hearing to an applicant who has been refused a wholesale tobacco license by the commissioner of finance.

§ 26. Subdivision d of section 11-1307 of chapter 13 of title 11 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

d. Without limiting the powers granted the commissioner of consumer [affairs] *and worker protection* pursuant to title 20 and any rules promulgated thereunder, the commissioner of finance or the commissioner's duly authorized representatives are hereby authorized to examine the books, papers, invoices and other records, and stock of cigarettes or tobacco products in and upon any premises where the same are placed, stored and sold, and equipment of any such agent or dealer pertaining to the sale and delivery of cigarettes or tobacco products taxable under this chapter. To verify the accuracy of the tax imposed and assessed by this chapter, each such person is hereby directed and required to give to the commissioner of finance or the commissioner's duly authorized representatives, the means, facilities and opportunity for such examinations as are herein provided for and required.

§ 27. Paragraph 2 of subdivision b of section 15-205 of chapter 2 of title 15 of the administrative code of the city of New York, as amended by local law number 149 for the year 2016, is amended to read as follows:

2. No newsstand may be located within ten feet from either side of a fire hydrant, except that this prohibition shall not apply to any newsstand which was first licensed by the department of consumer [affairs] *and worker protection* before August 1, 1979, where the person who held the license for such newsstand on August 1, 1991 continues to be the licensee for such newsstand; provided, however, that where a newsstand which was first licensed before August 1, 1979 is reconstructed in its entirety or in substantial part, which reconstruction was commenced on or after August 1, 1991, such newsstand shall be subject to such prohibition.

§ 28. Subdivision a of section 16-205 of chapter 2 of title 16 of the administrative code of the city of New York, as added by local law number 39 for the year 1986, is amended to read as follows:

a. There shall be in the department a solid waste management board consisting of the commissioner, the commissioner of consumer [affairs] *and worker protection* and the executive director of the office for economic development, all of whom shall serve on the board without compensation and all of whom shall have the power to exercise or delegate any of their functions, powers and duties as members of the board. Such board may grant variances from a regulation or modify assignments or rates of the commissioner involving the transportation, storage, processing or disposal of solid waste when such board finds that such regulation or order would impose unreasonable economic hardship. The specific terms of any variance granted shall be determined by such board on a case by case basis. Any person seeking a variance shall do so by filing with such board a petition for variance in a form prescribed by such board. Such forms shall document the need for a variance.

§ 29. Subdivisions e and f of section 16-306.1 of chapter 3 of title 16 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, are amended to read as follows:

e. The provisions of this section relating to private carters shall be enforced by the business integrity commission. The provisions of this section relating to covered establishments shall be enforced by the department, the department of health and mental hygiene, and the department of consumer [affairs] *and worker protection*.

f. The department, the business integrity commission, the department of health and mental hygiene, and the department of consumer [affairs] *and worker protection* may promulgate any rules necessary to implement this section, including, but not limited to, rules establishing reporting requirements sufficient to demonstrate compliance with this chapter.

§ 30. Subdivisions e and f of section 16-324 of chapter 3 of title 16 of the administrative code of the city of New York, subdivision e as added by local law number 146 for the year 2013 and subdivision f as added by local law number 142 of 2013, are amended to read as follows:

e. (1) Any covered establishment that violates section 16-306.1 of this chapter or rules of the department, the department of health and mental hygiene, or the department of consumer [affairs] *and worker protection* promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or the commissioner of health and mental hygiene, or the commissioner of consumer [affairs] *and worker protection*, or in a proceeding returnable before [the environmental control board, the health tribunal at] *any tribunal established within* the office of administrative trials and hearings[, or the administrative tribunal of the department of consumer affairs,] in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer [affairs] *and worker protection* shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

(2) Any transfer station that violates section 16-306.1 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

(3) Any private carter that violates section 16-306.1 of this chapter or rules of the business integrity commission promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the chair of the business integrity commission, or in a proceeding brought by the chair of the business integrity commission held in accordance with title 16-A of this code, except that the chair of the business integrity commission shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

f. Any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer [affairs] *and worker protection*, or in a proceeding before the environmental control board, [the health] *or any tribunal [at] established within* the office of administrative trials and hearings[, or the administrative tribunal of the department of consumer affairs,] in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer [affairs] *and worker protection* shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before January first, two thousand sixteen.

§ 31. Subdivisions f and g of section 16-329 of chapter 3 of title 16 of the administrative code of the city of New York, as added by local law number 142 for the year 2013, are amended to read as follows:

f. On and after January first, two thousand fifteen, the department shall provide outreach and education as follows:

(1) if expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, the department, in consultation with the department of health and mental hygiene and the department of consumer [affairs] *and worker protection*, shall conduct outreach and education to food service establishments, mobile food commissaries, and stores to inform them of the provisions of this section and provide assistance with identifying replacement material, and such outreach and education shall be offered in multiple languages; and

(2) if expanded polystyrene single service articles are designated as a recyclable material pursuant to subdivision b of this section, the department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, for the purpose of improving compliance with such new recycling designation.

g. The department, the department of health and mental hygiene and the department of consumer [affairs] *and worker protection* shall have the authority to enforce the provisions of this section.

§ 32. Subdivision a of section 16-427 of chapter 4-A of title 16 of the administrative code of the city of New York, as added by local law number 13 for the year 2008, is amended to read as follows:

a. The department and the department of consumer [affairs] *and worker protection* shall have the authority to enforce the provisions of this chapter. Any notice of violation charging a violation of any provision of this chapter shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided herein.

§ 33. Subdivision h of section 16-455 of chapter 4-B of title 16 of the administrative code of the city of New York, as added by local law number 1 for the year 2008, is amended to read as follows:

h. The department shall have the authority to enforce all provisions of this chapter. The department of consumer [affairs] *and worker protection* also shall have the authority to enforce paragraphs one, two and five of subdivision a of section 16-453 of this chapter.

§ 34. Subdivision a section 16-463 of chapter 4-C of title 16 of the administrative code of the city of New York, as added by local law number 56 for the year 2013, is amended to read as follows:

a. 1. Notwithstanding any other provision of law, the commissioners of sanitation and consumer [affairs] *and worker protection*, and the chairperson of the business integrity commission, shall be authorized to adopt rules providing for the licensing or registration, supervision and inspection of the operation and activities relating to the purchase and sale, acceptance and storage of recyclable material, including but not limited to scrap metal facilities located within the city of New York. This paragraph shall not apply to a redemption center, dealer or distributor as defined in section 27-1003 of the environmental conservation law.

§ 35. Subdivision h of section 16-464 of chapter 4-C of title 16 of the administrative code of the city of New York, as added by local law number 56 for the year 2013, is amended to read as follows:

h. The provisions of this chapter may be enforced by the department, the police department, the department of consumer [affairs] *and worker protection* and the business integrity commission.

§ 36. Subdivision e of section 16-476 of chapter 4-D of title 16 of the administrative code of the city of New York, as added by local law number 57 for the year 2013, is amended to read as follows:

e. The provisions of this chapter may be enforced by the department, the police department, the department of consumer [affairs] *and worker protection* and the business integrity commission.

§ 37. Section 16-502 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-502. New York city trade waste commission.

There is hereby created a New York city trade waste commission. Such commission shall consist of the commissioner of investigation, the commissioner of *small* business services, the commissioner of consumer [affairs] *and worker protection*, the commissioner of sanitation, and one member who shall be appointed by the mayor and shall serve as chair with compensation therefor; provided that if the chair holds other city office or employment, no additional compensation shall be received. The chair shall have charge of the organization of the commission and have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of this chapter.

§ 38. Subdivision e of section 16-504 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

e. To appoint, within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein. In addition to such employees appointed by the commission, the commissioners of *small* business services, investigation, consumer [affairs] *and worker protection*, transportation, sanitation, health, finance, environmental protection and police may, at the request of the chair, provide staff and other assistance to the commission in all matters under its jurisdiction;

§ 39. Subdivision a of section 16-505 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. It shall be unlawful for any person to operate a business for the purpose of the collection of trade waste from the premises of a commercial establishment required to provide for the removal of such waste pursuant to the provisions of section 16-116 of this code, or the removal or disposal of trade waste from such premises, or to engage in, conduct or cause the operation of such a business, without having first obtained a license therefor from the commission pursuant to the provisions of this chapter. Notwithstanding the provisions of this subdivision, a business solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation shall be exempt from the licensing provisions of this subdivision where, except in regard to the principals of a business solely in either or both of the class seven or the class three category of licensees as defined in rules previously promulgated by the commissioner of consumer [affairs] *and worker protection* pursuant to subchapter eighteen of chapter two of title twenty of this code, no principal of such applicant is a principal of a business or a former business required to be licensed pursuant to this chapter or such former subchapter eighteen. Grant of such exemption shall be made by the commission upon its review of an exemption application, which shall be in the form and contain the information prescribed by rule of the commission and shall be accompanied by a statement by the applicant describing the nature of the applicant's business and listing all principals of such business.

§ 40. Subdivision a of section 16-513 of chapter 1 of title 16-A of the administrative code of the city of New York, as amended by local law number 56 for the year 2015, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents:

(i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto;

(ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the transportation and disposal of waste containing asbestos;

(iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof;

(iv) has failed to pay, within the time specified by a court, the department of consumer [affairs] *and worker protection* or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto;

(v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer [affairs] *and worker protection* pursuant to section 16-306 or former subchapter eighteen of title twenty of this code;

(vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the handling of trade waste, or any laws prohibiting deceptive, unfair, or unconscionable trade practices;

(vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant as a trade waste broker lacks good character, honesty and integrity;

(viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based;

(ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration,

or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known;

(x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; or

(xi) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto.

§ 41. Subdivisions a, b, and c of section 16-515 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, are amended to read as follows:

a. Except as otherwise provided in subdivision b or subdivision c of this section, any person who violates any provision of this chapter or any of the rules promulgated thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action or may be returnable to the department of consumer [affairs] *and worker protection* or other administrative tribunal of competent jurisdiction;

b. (i) Any person who violates subdivision a of section 16-505 or section 16-524 of this chapter shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to the department of consumer [affairs] *and worker protection* or other administrative tribunal of competent jurisdiction; and

c. Any person who violates subdivision b of section 16-505 of this chapter or any rule pertaining thereto shall, upon conviction thereof, be punished by a civil penalty not to exceed one thousand dollars for each such violation to be recovered in a civil action or returnable to the department of consumer [affairs] *and worker protection* or other administrative tribunal of competent jurisdiction.

§ 42. Section 16-517 of chapter 1 of title 16-A of the administrative code of the city of New York, as amended by local law number 34 for the year 2002, is amended to read as follows:

§ 16-517. Enforcement.

Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by authorized employees or agents of the commission. In addition, such notices of violation may be issued by the police department, and, at the request of the commission and with the consent of the appropriate commissioner, by authorized employees and agents of the department of consumer [affairs] *and worker protection*, the department of small business services, the department of transportation, and the department of sanitation.

§ 43. Subdivision b of section 16-518 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

b. Notwithstanding the provisions of subdivision a of this section, the commission may provide by rule that hearings or specified categories of hearings pursuant to this chapter may be conducted by the department of consumer [affairs] *and worker protection*. Where the department of consumer [affairs] *and worker protection* conducts such hearings, the commissioner of consumer [affairs] *and worker protection* shall make the final determination.

§ 44. Subdivision e of section 17-177 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 67 for the year 1990, is amended to read as follows:

e. *Enforcement.* The department shall enforce the provisions of this section. In addition, designated enforcement employees of the department of buildings, the department of consumer [affairs] *and worker protection*, the department of environmental protection, the fire department and the department of sanitation shall have the power to enforce the provisions of this section.

§ 45. Subdivision d of section 17-189 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 49 for the year 2005, is amended to read as follows:

d. *Enforcement.* The department and the department of consumer [affairs] *and worker protection* shall enforce the provisions of this section. A proceeding to recover any civil penalty authorized pursuant to subdivision c of this section shall be commenced by the service of a notice of violation returnable to the administrative tribunal established by the board of health where the department issues such a notice or, *where*

*the department of consumer and worker protection issues such a notice*, to [the adjudication division of the department of consumer affairs] *any tribunal established within the office of administrative trials and hearings* [where such department issues such a notice]. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. The administrative tribunal of the board of health and [the adjudication division of the department of consumer affairs] *tribunals established within the office of administrative trials and hearings* shall have the power to render decisions and to impose the remedies and penalties provided for in subdivision c of this section, 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.

§ 46. Subparagraph (b) of paragraph 3 of subdivision b of section 17-307 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

(b) Preferences shall be given in the issuance of permits pursuant to this paragraph and in the placement on such waiting list to the following categories of persons in the following order:

(i) Veterans who on August second, nineteen hundred ninety-one held a valid general vendor's license issued by the department of consumer [affairs] *and worker protection* pursuant to subchapter twenty-seven of chapter two of title twenty of the code by virtue of having claimed a disability.

(ii) Disabled veterans.

(iii) Disabled persons.

(iv) Veterans.

§ 47. Subdivision d of section 17-327 of chapter 3 of title 17 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

d. Application for a license or the renewal of a license shall be made to the department of health and mental hygiene. Such application shall contain the name and address of the owner of the horse and of the owner of the rental horse business in which such horse is to be used if such person is not the owner of the horse, the age, sex, color, markings and any other identifying marks such as brands or tattoos of the horse, the location of the stable where the horse is to be kept and any other information which the commissioner of health and mental hygiene may require. An application with respect to a horse which is used in the operation of a "horse drawn cab" as defined in subchapter twenty-one of chapter two of title twenty of this code shall include the identification number required to be inscribed on such horses hoof pursuant to the rules and regulations of the department of consumer [affairs] *and worker protection*. The application shall be accompanied by the license or renewal fee.

§ 48. Subdivision b of section 17-328 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

b. The certificate of license shall at all times remain at the stable where the horse is kept and shall be available for inspection by any police officer, agent of the department and the ASPCA, or to veterinarians employed or retained by the department or the ASPCA or employees of the department of consumer [affairs] *and worker protection* or any persons designated by the commissioner to enforce this subchapter.

§ 49. Subdivision j of section 17-330 of chapter 3 of title 17 of the administrative code of the city of New York, as repealed and added by local law number 2 for the year 1994, is amended to read as follows:

j. Stables in which horses used in a rental horse business are kept shall be open for inspection by authorized officers, veterinarians and employees of the department, and any persons designated by the commissioner to enforce the provisions of this subchapter, agents of the ASPCA, police officers, and employees of the department of consumer [affairs] *and worker protection*.

§ 50. Subdivision a of section 17-334 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

a. The provisions of this subchapter shall not be construed to supersede or affect any of the provisions of subchapter twenty-one of chapter two of title twenty of the code relating to a "horse drawn cab" as defined therein or any of the regulations of the commissioner of consumer [affairs] *and worker protection* promulgated thereunder.

§ 51. Subdivision h of section 17-504 of chapter 5 of title 17 of the administrative code of the city of New York, as amended by local law number 152 for the year 2013, is amended to read as follows:

h. A copy of the smoking and electronic cigarette use policy shall be provided to the department, the department of buildings, the department of consumer [affairs] *and worker protection*, the department of environmental protection, the fire department and the department of sanitation upon request.

§ 52. Subdivision a of section 17-507 of chapter 5 of title 17 of the administrative code of the city of New York, as added by local law number 2 for the year 1988, is amended to read as follows:

a. The department shall enforce the provisions of this chapter. In addition, designated enforcement employees of the department of buildings, the department of consumer [affairs] *and worker protection*, the department of environmental protection, the fire department and the department of sanitation shall have the power to enforce the provisions of this chapter.

§ 53. Section 17-709 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

§ 17-709. Enforcement.

The department of health and mental hygiene and the department of finance shall enforce the provisions of this subchapter. The department of consumer [affairs] *and worker protection* shall enforce sections 17-703, 17-703.1, 17-704, 17-704.1, 17-705 and 17-706. In addition, designated enforcement employees of any authorizing agency shall have the power to enforce the provisions of this subchapter.

§ 54. Subdivision b of section 17-710 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-704.1, 17-705 or 17-706 shall be commenced by the service of a notice of violation which shall be returnable to the office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter where the department of health and mental hygiene issues such notice, the office of administrative trials and hearings acting pursuant to section 2203 and subdivision 2 of section 1048 of the charter where the department of consumer [affairs] *and worker protection* or a designated employee of any authorizing agency issues such notice, or an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. Such notice shall contain a statement that any hearing for a second violation or subsequent violation of any of the provisions described in paragraph (5) of subdivision a of this section at the same place of business within a three-year period shall also constitute a hearing for the revocation of a retail dealer's tobacco license where the retail dealer is found to be in violation of any such sections. The department of health and mental hygiene, the department of consumer [affairs] *and worker protection* and the department of finance shall notify each other within thirty days of a final determination that a retail dealer has been found to be in violation of section 17-703, 17-703.2, 17-704, 17-704.1, 17-705 or subdivision a or b of section 17-706. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-708 shall be returnable to the office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter. Such tribunal shall have the power to impose the civil penalties prescribed by subdivision a of this section. The office of administrative trials and hearings acting pursuant to section 558 or section 2203 of the charter, in addition to subdivision 2 of section 1048 of the charter and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to impose the civil penalties prescribed by subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-704.1, 17-705 or 17-706.

§ 55. Section 17-717 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 146 for the year 2017, is amended to read as follows:

§ 17-717. Enforcement.

The department, the department of consumer [affairs] *and worker protection* and the department of finance shall enforce the provisions of this subchapter. A proceeding to recover any civil penalty authorized pursuant to section 17-716 shall be commenced by the service of a notice of violation returnable to the office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter where the department issues such a notice or to the office of administrative trials and hearings acting pursuant to section 2203 and subdivision 2 of section 1048 of the charter where the department of consumer [affairs] *and worker protection* issues such a notice or to an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. The notice of violation or copy thereof when filed in and served shall constitute notice of the violation charged. Such notice shall contain a statement that any hearing for a third violation or subsequent violation of section 17-715 at the same place of business within a three-year period shall also constitute a hearing for the

suspension of a retail dealer's license where the retail dealer is found to be in violation of such section. The office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter, the office of administrative trials and hearings acting pursuant to section 2203 and subdivision 2 of section 1048 of the charter and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to render decisions and to impose the remedies and penalties provided for in section 17-716, 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. The department, the department of consumer [affairs] *and worker protection* and the department of finance shall notify each other within 30 days of finding that a retail dealer has been found liable for any section of this subchapter.

§ 56. Section 17-718 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

§ 17-718. Rules.

The commissioner of the department, the commissioner of consumer [affairs] *and worker protection* and the commissioner of finance shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subchapter.

§ 57. Subdivisions a and b of section 17-1103 of chapter 11 of title 17 of the administrative code of the city of New York, as added by local law 36 for the year 2005, are amended to read as follows:

b. Pursuant to section 33-1004 of the environmental conservation law, the department of consumer [affairs] *and worker protection* shall have concurrent authority with the department, the department of environmental protection and the state of New York to enforce the provisions of subdivision a of section 17-1102 of this chapter, provided that all penalties, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in section 17-1104 of this chapter and shall be payable to and deposited with New York city.

c. A proceeding to recover any civil penalty authorized pursuant to section 17-1104 shall be commenced by the service of a notice of violation returnable to the administrative tribunal established by the board of health pursuant to section 558 of the charter of the city of New York where the department issues such notice, the environmental control board established pursuant to section 1049-a of the charter of the city of New York where the department of environmental protection issues such notice, or the adjudication division of the department of consumer [affairs] *and worker protection* established pursuant to section 20-104(e) of the administrative code of the city of New York where that department issues such notice. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. The administrative tribunal of the board of health, the environmental control board and the [adjudication division] *tribunal* of the department of consumer [affairs] *and worker protection at the office of administrative trials and hearings* shall have the power to render decisions and orders and to impose the remedies and penalties provided for in section 17-1104, 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.

§ 58. Section 17-1409 of chapter 14 of title 17 of the administrative code of the city of New York, as added by local law number 2 for the year 2012, is amended to read as follows:

§ 17-1409. Enforcement and penalties.

The provisions of this chapter shall be enforced by the department and the department of consumer [affairs] *and worker protection*. Any person found to be in violation of section 17-1402 or 17-1403 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than five hundred dollars for each violation. Any person found to be in violation of section 17-1405 or 17-1407 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than two hundred fifty dollars for each violation. Such civil penalties may be recovered in proceedings before the environmental control board or [the administrative tribunal of the department of consumer affairs and worker protection] *any tribunal established within the office of administrative trials and hearings* or in an action in any court of appropriate jurisdiction. Notices of violation returnable to such board or tribunal may be served by officers and employees of the department and the department of consumer [affairs] *and worker protection*. In any proceeding it shall be an affirmative defense that the respondent is a laborer in the employ of the carpet business to do the physical work of installing the carpet and that he or she has no ownership interest in or control

of the business or in any corporation, partnership or other legal entity that owns or controls the business and that he or she has no managerial or supervisory responsibility.

§ 59. Subdivisions a and c of section 19-124 of chapter 1 of title 19 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, are amended to read as follows:

a. *Permit required.* It shall be unlawful to erect or maintain a canopy over the sidewalk without a permit granted by the commissioner, and unless such canopy is erected and maintained in accordance with this section and the rules of the department. Such canopies may be erected and maintained: 1. In connection with the entrance to a building or place of business within a building by or with the consent of the owner of the building. 2. In connection with a sidewalk cafe licensed by the commissioner of consumer [affairs] *and worker protection*. Such canopies shall be constructed of a noncombustible frame, covered with flameproof canvas or cloth, approved slow-burning plastic, sheet metal or other equivalent material, securely fastened to the face of the building and supported by posts in the ground or in the sidewalk, located between the building line and the curb line, and not less than eight feet above the sidewalk.

c. *Permit fees.* Prior to the issuance of such permit, each applicant shall pay to the commissioner an annual fee as set forth in the rules of the department, except that the fee for a permit for a canopy in connection with a sidewalk cafe licensed by the commissioner of consumer [affairs] *and worker protection* shall be twenty-five dollars.

§ 60. Subdivision h and paragraph 4 of subdivision j of section 19-136 of chapter 1 of title 19 of the administrative code of the city of New York, subdivision h as amended by local law number 22 for the year 2002 and subdivision j as amended by local law number 78 for the year 2001, are amended to read as follows:

h. In addition to police officers, officers and authorized employees of the department, the department of consumer [affairs] *and worker protection*, the department of health and mental hygiene, and the department of sanitation shall have the power to enforce the provisions of this section, other than subdivision j of this section, relating to the sale and display of goods, wares or merchandise in the public space.

4. If a fixed stand coin operated ride is placed on the sidewalk in violation of the provisions of this subdivision, any authorized officer or employee of the department or the department of consumer [affairs] *and worker protection*, or member of the police department, is authorized to provide for the removal of such fixed stand coin operated ride to any garage, automobile pound or other place of safety, and such ride may be subject to forfeiture upon notice and judicial determination. If a forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such ride may be charged with reasonable costs for removal and storage payable prior to the release of such device; provided, however, that a fixed stand coin operated ride that is not claimed within thirty days after its removal shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund or such unclaimed fixed stand coin operated ride may be used or converted for use by the department or by another city agency or by a not-for-profit corporation.

§ 61. Subdivision b of section 19-169 of chapter 1 of title 19 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

b. Where the owner of such property, or his or her lessee, requests a police officer to arrange for removal of any such unlawfully parked vehicle, such vehicle shall be removed at the direction of the police department by the next available towing company participating in the rotation tow program established pursuant to section 20-519 of the code. Nothing in this section shall be construed to preclude an owner of such property, or his or her lessee, acting pursuant to this section, from arranging for the removal of such unlawfully parked vehicle by a tow operator of such person's choice. The commissioner of consumer [affairs] *and worker protection* shall promulgate a regulation establishing performance standards for licensees in order to insure that vehicles summonsed under this section are towed as expeditiously as possible.

§ 62. Subdivisions l and m of section 19-169.1 of chapter 1 of title 19 of the administrative code of the city of New York, as added by local law number 94 for the year 1997, are amended to read as follows:

l. Authorized officers and employees of the department and the department of consumer [affairs] *and worker protection* and members of the police department shall have the power to enforce the provisions of this section and any rules promulgated hereunder.

m. The commissioner of consumer [affairs] *and worker protection* is authorized to promulgate such rules as the commissioner deems necessary to effectuate the provisions of this section.

§ 63. Subdivisions b, c, f, j, and k of section 19-169.2 of chapter 1 of title 19 of the administrative code of the city of New York, subdivisions b, f, j, and k as added by local law number 24 for the year 1995, paragraph 1 of subdivision c as amended by local law number 90 for the year 1997, and paragraphs 4 and 5 of subdivision c as added by local law number 88 for the year 1997, are amended to read as follows:

b. Except as provided in paragraph two of subdivision a of section 20-531 of this code, no person shall engage in booting unless such person is licensed by the department of consumer [affairs] *and worker protection* pursuant to subchapter 32 of chapter 2 of title 20 of this code and any rules promulgated pursuant thereto.

c. 1. No motor vehicle may be booted unless a sufficient number of signs is conspicuously posted and maintained by the owner of the property in the form, manner and location prescribed by rule of the commissioner of consumer [affairs] *and worker protection* and this subdivision. Such signs shall contain such information as the commissioner of consumer [affairs] *and worker protection* shall prescribe in such rule including, but not limited to, the word "warning," the name, business address, business telephone number and license number of the person authorized by the property owner to boot the vehicle, the hours during which and the circumstances under which vehicles are prohibited from parking on such property and are subject to booting or towing, if applicable, the fees to be charged for booting and the telephone number of the office within the department of consumer [affairs] *and worker protection* responsible for receiving complaints regarding booting. The word "warning" on such signs shall be in letters not less than five inches high and shall be in the color red and the lettering on such signs stating the hours during which and the circumstances under which vehicles are prohibited from parking on such property and are subject to booting shall be not less than two inches high. The lettering on such signs which provides the name, business address, business telephone number, and license number of the person authorized to boot the vehicle, the fees to be charged for booting and the department of consumer [affairs] *and worker protection* telephone complaint number, shall be not less than three-fourths of an inch high.

4. No motor vehicle shall be booted by a person licensed by the department of consumer [affairs] *and worker protection* pursuant to subchapter thirty-two of chapter two of title twenty of this code and any rule promulgated pursuant thereto unless such licensee has been authorized to boot such motor vehicle pursuant to a written contract between such licensee and the owner, lessee, managing agent or other person in control of the property on which such motor vehicle is parked. Such contract shall also provide that such owner, lessee, managing agent or other person in control of the property shall be liable for any violation by such licensee or his or her employees or agents of any of the provisions of this section or of subchapter thirty-two of chapter two of title twenty of this code or of any rules promulgated pursuant to this section or such subchapter.

5. An owner, lessee, managing agent or other person in control of property who has entered into a written contract with a person licensed by the department of consumer [affairs] *and worker protection* pursuant to subchapter thirty-two of chapter two of title twenty of this code authorizing such licensee to boot motor vehicles parked on such property shall be liable for any violation by such licensee or such licensee's employees or agents of the provisions of this section, of subchapter thirty-two of chapter two of title twenty of this code or of any rules promulgated pursuant to this section or such subchapter.

f. No release or waiver of any kind purporting to limit or avoid liability for damages to a vehicle that has been booted shall be valid. In addition, any person who booted a vehicle, or other person authorized to accept payment of any charges for such booting, shall provide a signed receipt to the individual paying the booting charges at the time such charges are paid. Such receipt shall state the name, business address, business telephone number and license number of the person who has booted such vehicle as such information appears on the license to engage in booting, and such receipt shall also include a telephone number for the office within the department of consumer [affairs] *and worker protection* responsible for receiving complaints with respect to booting.

j. Authorized employees of the department, or the department of consumer [affairs] *and worker protection*, or any police officer, shall have the power to enforce the provisions of this section and any rules promulgated pursuant thereto and the department of consumer [affairs] *and worker protection* shall be authorized to impose the civil penalties provided for in this section, may arrange for the redress of any injuries caused by violations of this section and may otherwise provide for compliance with the provisions and purposes of this section.

k. The commissioner of consumer [affairs] *and worker protection* is authorized to promulgate such rules as the commissioner deems necessary to effectuate the provisions of this section.

§ 64. Section 19-551 of chapter 5 of title 19 of the administrative code of the city of New York, subdivision a as added by local law number 220 for the year 2018 and subdivision b as added by local law number 218 for the year 2018, is amended to read as follows:

§ 19-551. Driver Assistance.

a. Driver assistance services. The commission, in consultation with the department of consumer [affairs] *and worker protection*, the department of small business services and any other agencies designated by the mayor, shall provide services and information to assist drivers, or owners of vehicles, licensed by the commission including but not limited to financial counseling, mental health services and referrals to non-profit organizations or other entities that may provide additional assistance to such drivers or owners. The commission may provide such services and information through the unit that issues licenses, the website of the commission, or such other means as the commission deems appropriate.

b. Financial education for drivers. The commission, in consultation with the department of consumer [affairs] *and worker protection* and any other agencies designated by the mayor, shall engage in outreach and education efforts that are intended to inform individuals who are considering whether to enter into purchase, rental, lease or loan agreements for the purpose of obtaining vehicles for use as for-hire vehicles, and individuals who are considering whether to purchase, refinance or lease a taxicab license, about the costs and benefits of entering into such arrangements and transactions. Such outreach and education efforts may include written materials describing the common terms of such arrangements and transactions and identifying resources intended to help an individual understand the terms of such arrangements and transactions. The commission shall make any materials designed for the purposes of conducting such outreach and education available in English and in the six languages most commonly spoken by drivers, as those languages are determined by the commission, and in any other languages the commission determines to be appropriate. The commission shall make such materials available on the commission's website.

§ 65. The title of title 20 of the administrative code of the city of New York is amended to read as follows:  
Title 20. Consumer [Affairs] *and Worker Protection*.

§ 66. Section 20-101 of chapter 1 of title 20 of the administrative code of the city of New York is amended to read as follows:

§ 20-101. Legislative intent.

The council finds that for the protection and relief of the public from deceptive, unfair and unconscionable practices, for the maintenance of standards of integrity, honesty and fair dealing among persons and organizations engaging in licensed activities, for the protection of the health and safety of the people of New York city and for other purposes requisite to promoting the general welfare, licensing by the department of consumer [affairs] *and worker protection* is a necessary and proper mode of regulation with respect to certain trades, businesses and industries. The council finds further that, in order to secure the above-mentioned purposes, and generally to carry out responsibilities for supervising and regulating licensed activities, trades, businesses and industries, the commissioner of consumer [affairs] *and worker protection* requires powers, remedies and sanctions which are equitable, flexible and efficient. Finally, the council finds that sanctions and penalties applied by the commissioner and by the courts for the violation of laws and regulations by individuals and organizations engaging in various licensed activities, trades, businesses and industries, must be sufficient to achieve these above-mentioned purposes of licensing.

§ 67. Section 20-102 of chapter 1 of title 20 of the administrative code of the city of New York is amended to read as follows:

§ 20-102. Definitions.

Wherever used in this title:

- a. "Commissioner" shall mean the commissioner of consumer [affairs] *and worker protection*.
- b. "Department" shall mean the department of consumer [affairs] *and worker protection*.
- c. "License" shall mean an authorization by the department of consumer [affairs] *and worker protection* to carry on various activities within its jurisdiction, which may take the form of a license, permit, registration, certification or such other form as is designated under law, regulation or rule.
- d. "Organization" shall mean a business entity, including but not limited to a corporation, trust, estate, partnership, cooperative, association, firm, club or society.
- e. "Person" shall mean a natural person or an organization.
- f. "Trade name" shall mean that name under which an organization or person solicits, engages in, conducts or transacts a business or activity.

§ 68. Subdivision b of section 20-105 of the administrative code of the city of New York is amended to read as follows:

b. In addition to the enforcement procedures set forth in section 20-106 of this chapter *and chapter two of this title* the commissioner [after] *upon due* notice and [a] hearing shall be authorized:

1. to impose fines upon any person in violation of subdivision a of this section of one hundred dollars per day for each and every day during which such person violates such subdivision, *with each day constituting a distinct and independent violation. Except as otherwise expressly provided in chapter two of this title, fines imposed pursuant to this paragraph shall be in addition to, and shall not be offset or modified by, any fines or civil penalties prescribed by chapter two of this title.*

2. to order any person in violation of subdivision a of this section immediately to discontinue such activity at the premises on which such activity is occurring.

3. to order that such premises on which such activity is occurring be sealed, provided that such premises are primarily used for such activity.

4. to order that any devices, items or goods sold, offered for sale available for public use or utilized in the operation of a business and relating to such activity for which a license is required but has not been obtained pursuant to the provisions of chapter two shall be removed, sealed or otherwise made inoperable.

§ 69. Subchapter 4 of chapter 2 of title 20 of the administrative code of the city of New York is hereby **REPEALED**.

§ 70. Paragraph 1 of subdivision h of section 20-231 of chapter 2 of title 20 of the administrative code of the city of New York, as repealed and added by local law number 64 of 2003, is amended to read as follows:

1. After November first, nineteen hundred seventy-nine, no newsstand may be operated unless its design has been approved by the art commission. The art commission shall evaluate newsstand designs in conformity with guidelines to be established by the department [of consumer affairs]. Approval or disapproval of a design submission shall be issued within thirty days of filing an application with the commission.

§ 71. Subdivisions f and g of section 20-259 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, are amended to read as follows:

f. If there are exceptional circumstances, the police commissioner, in consultation with the commissioners of the departments of consumer [affairs] *and worker protection* and transportation, shall be authorized, upon notice, to restrict or prohibit any pedicab driver from operating his or her pedicab on any street, avenue or other location for a specified period of time. Such specified period of time shall not exceed fourteen days except, during the period that commences November 12 and concludes January 7 of the following year, in and around the area of Manhattan bound on the north by Fifty-ninth Street, on the south by Thirty-ninth Street, on the east by Lexington Avenue and on the west by Eighth Avenue, the fourteen day time limit shall not be in effect.

1. For the purposes of this subdivision, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, a parade, demonstration or other such event or occurrence at or near such location.

g. Every affected community board may, at any time subsequent to enactment of this local law, conduct public hearings hereon and submit written recommendations to the department [of consumer affairs], the department of transportation, the police department and the council. Such recommendations may include, but not be limited to, methods to address any impact this law may have on such community with respect to pedestrian and vehicle traffic flow.

§ 72. Paragraph 1 of subdivision c of section 20-260 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 59 for the year 2012, is amended to read as follows:

1. The department shall create a pedicab information card in a size and style to be determined by the commissioner that states in substance: (i) all pedicabs shall display a sign disclosing the price to be charged per minute per ride on the exterior of the pedicab and the rear of the bike seat of the pedicab; (ii) drivers are not permitted to charge tax; (iii) gratuity is not required; (iv) it shall be unlawful for a pedicab driver to charge any added fee, including fees for additional passengers; (v) passengers may call 311 if they have a complaint regarding a pedicab driver or business; and (vi) such additional information as required by the commissioner. Each such document shall include an area where each pedicab driver shall insert: (i) his or her name and pedicab driver's license number, which shall be clearly identified as a [New York city] department [of consumer affairs] license number; (ii) the pedicab business name, address, telephone number and pedicab business license number, which shall be clearly identified as a [New York city] department [of consumer affairs] license number; (iii) the rate per ride as indicated on the exterior of the pedicab and the rear of the bike seat of the pedicab pursuant to

paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter; (iv) the date; (v) the total number of minutes and/or fraction of a minute of the pedicab ride; and (vi) the total charge of the pedicab ride.

§ 73. Subdivision c of section 20-509 of chapter 2 of title 20 of the administrative code of the city of New York, as amended by local law number 21 for the year 1991, is amended to read as follows:

c. The commissioner may, by rule, authorize such additional charges for services necessary to prepare a vehicle for towing, including but not limited to charges for additional labor necessary for positioning a vehicle for towing, which in the judgment of the commissioner shall be fair and reasonable. [In promulgating a rule pursuant to this subdivision, the commissioner shall consult with the tow advisory board.]

§ 74. Section 20-526 of chapter 2 of title 20 of the administrative code of the city of New York is hereby REPEALED.

§ 75. Section 20-529 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 41 for the year 2011, is amended to read as follows:

§ 20-529. Reporting on industry compliance.

Beginning on November 15, 2011 and annually on that date thereafter, the [New York city] department [of consumer affairs] shall submit a report to the council concerning violations issued to tow truck licensees. Such annual report shall contain data from the preceding twelve months that includes but is not limited to: (a) the total number of violations issued, disaggregated by section of the administrative code violated; (b) the total number of violations issued to each licensee; (c) the number of license suspensions, disaggregated by licensee; and (d) the number of license revocations, disaggregated by licensee; and (e) the total number of meetings of the tow advisory board].

§ 76. Section 20-779.1 of chapter 5 of title 20 of the administrative code of the city of New York, as renumbered and amended by local law number 63 for the year 2017, is amended to read as follows: § 20-779.1. Penalties.

a. (1) Criminal Penalties. Any provider who violates any provision of this subchapter shall be guilty of a class A misdemeanor.

(2) Civil Penalties. Any provider of immigration assistance services who violates any provision of this subchapter or any rule or regulation promulgated hereunder shall be liable for a civil penalty of not less than five hundred dollars nor more than five thousand dollars for the first violation and for each succeeding violation a civil penalty of not less than one thousand dollars nor more than ten thousand dollars.

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation that shall be returnable to [the administrative tribunal of the department of consumer affairs] *any tribunal established within the office of administrative trials and hearings.*

§ 77. Section 20-782 of chapter 5 of title 20 of the administrative code of the city of New York, as added by local law number 15 for the year 2005, is amended to read as follows:

§ 20-782. Consumer information.

Not later than the first day of February of the year two thousand and five and on a quarterly basis thereafter, not later than February first, May first, August first, and November first of each year, any person offering, providing, or facilitating a payday loan in New York city shall submit to the department [of consumer affairs] and the council the residential zipcode of each consumer who lives within the city boundaries and has entered into a payday loan during the immediately preceding quarter.

§ 78. The definitions of “commissioner” and “department” in section 20-912 of chapter 8 of title 20 of the administrative code of the city of New York, as added by local law number 199 for the year 2017, are amended to read as follows:

"Commissioner" shall mean the [head of such office or agency as the mayor shall designate pursuant to section 20-a of the charter] *commissioner of consumer and worker protection.*

"Department" shall mean [such office or agency as the mayor shall designate pursuant to section 20-a of the charter] *the department of consumer and worker protection.*

§ 79. Subdivision e of section 20-926 of chapter 9 of title 20 of the administrative code of the city of New York, as added by local law number 104 for the year 2015, is amended to read as follows:

e. For the purposes of this chapter, “department” shall mean [such office or agency as the mayor shall designate pursuant to section 20-a of the charter] *the department of consumer and worker protection* and “commissioner” shall mean [the head of such office or agency] *the commissioner of consumer and worker protection.*

§ 80. The definitions of “director” and “office” in section 20-927 of the administrative code of the city of New York are REPEALED and such section is amended by adding new definitions of “commissioner” and “department” in alphabetical order to read as follows:

*Commissioner.* The term “commissioner” means the commissioner of consumer and worker protection.

*Department.* The term “department” means the department of consumer and worker protection.

§ 81. Subdivision c of section 20-928 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

c. The [director] *commissioner* may by rule require additional terms to ensure that the freelance worker and the hiring party understand their obligations under the contract.

§ 82. Section 20-931 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

§ 20-931 Complaint procedure; jurisdiction of [director] *commissioner*.

a. *Complaint.* A freelance worker who is aggrieved by a violation of this chapter may file a complaint with the [director] *commissioner* within two years after the acts alleged to have violated this chapter occurred. The [director] *commissioner* shall prescribe the form of the complaint, which shall include, at a minimum:

1. The name and mailing address of the freelance worker and of the hiring party alleged to have violated this chapter;

2. A statement detailing the terms of the freelance contract, including a copy of such contract if available;

3. The freelance worker's occupation;

4. A statement detailing the alleged violations of this chapter; and

5. A signed affirmation that all facts alleged in the complaint are true.

b. *Referral to navigation program.* At the time the [director] *commissioner* receives a complaint alleging a violation of this chapter, the [director] *commissioner* shall refer the freelance worker to the navigation program identified in section 20-932.

c. *Jurisdiction.*

1. The [director] *commissioner* does not have jurisdiction over a complaint if:

(a) Either party to the contract has initiated a civil action in a court of competent jurisdiction alleging a violation of this chapter or a breach of contract arising out of the contract that is the subject of the complaint filed under subdivision a of this section, unless such civil action has been dismissed without prejudice to future claims; or

(b) Either party to the contract has filed a claim or complaint before any administrative agency under any local, state or federal law alleging a breach of contract that is the subject of the complaint filed under subdivision a of this section, unless the administrative claim or complaint has been withdrawn or dismissed without prejudice to future claims.

2. Where the [director] *commissioner* lacks jurisdiction over a complaint, the [director] *commissioner* shall notify the following, in writing, within 10 days of discovering the lack of jurisdiction:

(a) The freelance worker; and

(b) The hiring party, if the [director] *commissioner* discovered the lack of jurisdiction after sending a notice to the hiring party pursuant to subdivision d of this section.

d. *Notice to hiring party.* Within 20 days of receiving a complaint alleging a violation of this chapter, the [director] *commissioner* shall send the hiring party named in the complaint a written notice of complaint. Such notice shall inform the hiring party that a complaint has been filed alleging violations of this chapter, detail the remedies available to a freelance worker for violations of this chapter by a hiring party and include a copy of the complaint and notice that failure to respond to the complaint creates a rebuttable presumption in any civil action commenced pursuant to this chapter that the hiring party committed the violations alleged in the complaint. The [director] *commissioner* shall send such notice by certified mail and shall bear the cost of sending such notice.

e. *Response.*

1. Within 20 days of receiving the notice of complaint, the hiring party identified in the complaint shall send the [director] *commissioner* one of the following:

(a) A written statement that the freelance worker has been paid in full and proof of such payment; or

(b) A written statement that the freelance worker has not been paid in full and the reasons for the failure to provide such payment.

2. Within 20 days of receiving the written response, the [director] *commissioner* shall send the freelance worker a copy of:

- (a) The response;
- (b) Any enclosures submitted to the [director] *commissioner* with the response;
- (c) Materials informing the freelance worker that he or she may bring an action in a court of competent jurisdiction;
- (d) Any other information about the status of the complaint; and
- (e) Information about the navigation program described in section 20-932.

3. If the [director] *commissioner* receives no response to the notice of complaint within the time provided by paragraph 1 of this subdivision, the [director] *commissioner* shall mail a notice of non-response to both the freelance worker and the hiring party by regular mail and shall include with such notice proof that the [director] *commissioner* previously mailed the notice of complaint to the hiring party by certified mail. Upon satisfying the requirements of this paragraph, the [director] *commissioner* may close the case.

§ 83. Section 20-932 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

§ 20-932 Navigation program.

a. The [director] *commissioner* shall establish a navigation program that provides information and assistance, as set forth in subdivision c of this section, relating to the provisions of this chapter. Such program shall include assistance by a natural person by phone and e-mail and shall also include online information.

b. The [director] *commissioner* shall make available model contracts on the website of the [office] *department* for use by the general public at no cost. Such model contracts shall be made available in English and in the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning.

c. The navigation program shall provide the following:

- 1. General court information and information about procedures under this chapter;
- 2. Information about available templates and relevant court forms;
- 3. General information about classifying persons as employees or independent contractors;
- 4. Information about obtaining translation and interpretation services and other courtroom services;
- 5. A list of organizations that can be used for the identification of attorneys; and
- 6. Other information, as determined by the [director] *commissioner*, related to the submission of a complaint by a freelance worker or the commencement of a civil action pursuant to this chapter by a freelance worker.

d. The navigation program shall include outreach and education to the public on the provisions of this chapter.

e. The navigation program shall not provide legal advice.

§ 84. Paragraph 4 of subdivision a of section 20-933 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

4. Within 10 days after having commenced a civil action pursuant to subdivision a of this section, a plaintiff shall serve a copy of the complaint upon an authorized representative of the [director] *commissioner*. Failure to so serve a complaint does not adversely affect any plaintiff's cause of action.

§ 85. Subparagraph b of paragraph 3 of subdivision a of section 20-934 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

(b) The [director] *commissioner* from sending a notice of complaint pursuant to section 20-931, unless otherwise barred from doing so.

§ 86. Section 20-936 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

§ 20-936 Follow-up; data collection; reporting.

a. No later than six months after the [director] *commissioner* sends to a freelance worker either a hiring party's response and accompanying materials or a notice of non-response pursuant to paragraph 2 or 3 of subdivision e of section 20-931, the [director] *commissioner* shall send the freelance worker a survey requesting additional information about the resolution of the freelance worker's claims. Such survey shall ask whether or not the freelance worker pursued any such claims in court or through an alternative dispute resolution process

and whether or not the hiring party ultimately paid any or all of the compensation the freelance worker alleged was due or if the matter was resolved in a different manner. Such survey shall state clearly that response to the survey is voluntary.

b. The [director] *commissioner* shall collect and track information about complaints alleging violations of this chapter. The information collected shall include, at minimum:

1. The identity of the hiring party alleged to have violated this chapter;
2. The freelance worker's occupation;
3. The section of this chapter that was alleged to have been violated;
4. The value of the contract;
5. The response or non-response from the hiring party; and
6. Information from a completed survey identified in subdivision a of this section.

c. One year after the effective date of the local law that added this chapter, and every fifth year thereafter on November 1, the [director] *commissioner* shall submit to the council and publish on its website a report regarding the effectiveness of this chapter at improving freelance contracting and payment practices. That report shall include, at a minimum:

1. The number of complaints the [director] *commissioner* has received pursuant to this chapter;
2. The value of the contracts disaggregated into ranges of \$500 and by section of this chapter alleged to have been violated;
3. The numbers of responses and non-responses received by the [director] *commissioner* disaggregated by contract value into ranges of \$500 and by section of this chapter alleged to have been violated;
4. The proportion of surveys received from freelance workers that indicate that they pursued their claims in court and the proportion of surveys received from freelance workers that indicate that they pursued their claims through an alternative dispute resolution process and a summary of the outcomes of such cases; and
5. Legislative recommendations for this chapter, including consideration of whether certain occupations should be exempted from the scope of the definition of freelance worker in section 20-927.

§ 87. The definitions of "director" and "office" in section 20-1201 of the administrative code of the city of New York are REPEALED and such section is amended by adding new definitions of "commissioner" and "department" in alphabetical order to read as follows:

***Commissioner.** The term "commissioner" means the commissioner of consumer and worker protection.*

***Department.** The term "department" means the department of consumer and worker protection.*

§ 88. Section 20-1202 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1202 Outreach and education.

The [director] *commissioner* shall conduct outreach and education about the provisions of this chapter. Such outreach and education shall be provided to employers, employees and members of the public who are likely to be affected by this law.

§ 89. The opening paragraph of section 20-1203 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1203 Reporting.

The [director] *commissioner* shall report annually on the city's website, without revealing identifying information about any non-public matter or complaint, on the effectiveness of its enforcement activities under this chapter. The report shall include the following information:

§ 90. Section 20-1205 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1205 Notice and posting of rights.

a. The [director] *commissioner* shall publish and make available notices for employers to post in the workplace or at any job site informing employees of their rights protected under each subchapter of this chapter before the effective date of the local law that added each corresponding subchapter. Such notices shall be made available in a downloadable format on the city's website in accordance with the requirements for language access

as described in chapter 11 of title 23. The [director] *commissioner* shall update such notices if any changes are made to the requirements of this chapter or as otherwise deemed appropriate by the director.

b. In accordance with the rules of the [office] *department*, every employer shall conspicuously post at any workplace or job site where any employee works the notices described in subdivision a of this section that are applicable to the particular workplace or job site. Such notices shall be in English and any language spoken as a primary language by at least five percent of employees at that location if the [director] *commissioner* has made the notice available in that language.

§ 91. Section 20-1206 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1206 Recordkeeping

a. Employers shall retain records documenting their compliance with the applicable requirements of this chapter for a period of three years and shall allow the [office] *department* to access such records and other information, *consistent with applicable law and in accordance with rules of the department* and with appropriate notice, in furtherance of an investigation conducted pursuant to this chapter.

b. An employer's failure to maintain, retain or produce a record or other information required to be maintained by this chapter and requested by the [office] *department* in furtherance of an investigation conducted pursuant to this chapter that is relevant to a material fact alleged by the [office] *department* in a notice of violation issued pursuant to this subchapter creates a rebuttable presumption that such fact is true.

§ 92. Section 20-1207 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1207 Administrative enforcement; jurisdiction and complaint procedures.

a. *Jurisdiction*. The [director] *commissioner* shall enforce the provisions of this chapter.

b. *Complaints and investigations*.

1. Any person, including any organization, alleging a violation of this chapter may file a complaint with the [office] *department* within two years of the date the person knew or should have known of the alleged violation.

2. Upon receiving such a complaint, the [office] *department* shall investigate it.

3. The [office] *department* may open an investigation on its own initiative.

4. A person or entity under investigation shall, in accordance with applicable law, provide the [office] *department* with information or evidence that the [office] *department* requests pursuant to the investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the [office] *department* believes that a violation of this chapter has occurred, the [office] *department* may attempt to resolve it through any action authorized by [section 20-a] *chapter 64* of the charter. Adjudicatory powers pursuant to this subchapter may be exercised by the [director] *commissioner* or by the office of administrative trials and hearings pursuant to [section 20-a] *chapter 64* of the charter.

5. The [office] *department* shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law. The [office] *department* shall, to the extent practicable, notify such complainant that the [office] *department* will be disclosing the complainant's identity before such disclosure.

§ 93. Subdivision a of section 20-1208 of chapter 12 of title 20 of the administrative code of the city of New York, as amended by local law number 69 for the year 2018, is amended to read as follows:

a. For violations of this chapter, the [office] *department* may grant the following relief to employees or former employees:

1. All compensatory damages and other relief required to make the employee or former employee whole;

2. An order directing compliance with the notice and posting of rights and recordkeeping requirements set forth in sections 20-1205 and 20-1206; and

3. For each violation of:

(a) Section 20-1204,

(1) Rescission of any discipline issued, reinstatement of any employee terminated and payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;

(2) \$500 for each violation not involving termination; and

(3) \$2,500 for each violation involving termination;

- (b) Section 20-1221, \$200 and an order directing compliance with section 20-1221;
- (c) Section 20-1222, payment of schedule change premiums withheld in violation of section 20-1222 and \$300;
- (d) Section 20-1231, payment as required under section 20-1231, \$500 and an order directing compliance with section 20-1231;
- (e) Section 20-1241, \$300 and an order directing compliance with section 20-1241;
- (f) Subdivision a of section 20-1251, the greater of \$500 or such employee's actual damages;
- (g) Subdivisions a and b of section 20-1252, \$300; and
- (h) Subdivision a or b of section 20-1262, \$500 and an order directing compliance with such subdivision, provided, however, that an employer who fails to provide an employee with the written response required by subdivision a of section 20-1262 may cure the violation without a penalty being imposed by presenting proof to the satisfaction of the [office] *department* that it provided the employee with the required written response within seven days of the [office] *department* notifying the employer of the opportunity to cure.

§ 94. Section 20-1210 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1210 Enforcement by the corporation counsel.

The corporation counsel or such other persons designated by the corporation counsel on behalf of the [office] *department* may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1207 through 20-1209, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter or such other relief as may be appropriate.

§ 95. Subdivision d of section 20-1211 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

d. *Relationship to [office] department action.*

1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the [office] *department*. Failure to so serve a notice does not adversely affect any plaintiff's cause of action.

2. An employee need not file a complaint with the [office] *department* pursuant to subdivision b of section 20-1207 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the [office] *department* unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the [office] *department* after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by an employee does not preclude the [office] *department* from investigating the employer or commencing, prosecuting or settling a case against the employer based on some or all of the same violations.

§ 96. Paragraph 4 of subdivision a of section 20-1212 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

4. Nothing in this section prohibits (i) the [office] *department* from exercising its authority under section 20-1207 through 20-1209, or (ii) a person alleging a violation of this chapter from filing a complaint pursuant to section 20-1207 or a civil action pursuant to section 20-1211 based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.

§ 97. Paragraphs 1 and 3 of subdivision c of section 20-1221 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, are amended to read as follows:

1. Provide fast food employees with written notice of the work schedule as required by subdivision b of this section by (i) posting the schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees and (ii) transmitting the work schedule to each fast food employee, including by electronic means, if such means are regularly used to communicate scheduling information. The [office] *department* may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees in connection with such posting and transmittal;

3. Upon request by any fast food employee, and in accordance with the rules of the [office] *department*, provide such employee with (i) such employee's work schedule in writing for any previous week worked for the

past three years and (ii) the most current version of work schedules of all fast food employees who work at the same fast food establishment as the requesting employee, whether or not changes to the work schedule have been posted.

§ 98. Subdivisions b and j of section 20-1241 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 106 for the year 2017, are amended to read as follows:

b. When shifts become available that must be offered to current fast food employees pursuant to subdivision a, a fast food employer shall post a notice that states the number of shifts being offered; the schedule of the shifts; whether the shifts will occur at the same time each week; the length of time such fast food employer anticipates requiring coverage of the shifts; the number of fast food employees needed to cover the shifts; the process, date and time by which fast food employees may notify such fast food employer of their desire to work the shifts; the criteria such fast food employer will use for the distribution of the shifts; an advisement that a fast food employee may accept a subset of the shifts offered but that shifts will be distributed according to the criteria described in the notice; and an advisement that while fast food employees working at all locations owned by the fast food employer may accept offered shifts immediately, shifts will be distributed first to fast food employees currently employed at the location where the shifts will be worked. The fast food employer shall post such notice for three consecutive calendar days in a conspicuous and accessible location where notices to fast food employees are customarily posted, unless a shorter posting period is necessary in order for the work to be timely performed as may be prescribed by the rules of the [director] *commissioner*. The fast food employer shall also provide the notice in writing directly to each fast food employee electronically.

j. The [director] *commissioner* may promulgate rules regarding how and to which fast food employees offers of shifts pursuant to subdivision g shall be made by fast food employers that own at least 50 fast food establishments in the city based on the geographic distribution of such establishments.

§ 99. Subdivision b of section 20-1252 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 99 for the year 2017, is amended to read as follows:

b. A retail employer shall conspicuously post in a location that is accessible and visible to all retail employees at the work location the work schedule of all the retail employees at that work location at least 72 hours before the beginning of the scheduled hours of work and shall update the schedule and directly notify affected retail employees after making changes to the work schedule. Retail employers shall also transmit the work schedule by electronic means, if such means are regularly used to communicate scheduling information. The [office] *department* may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees.

§ 100. Subdivision b of section 20-1262 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 69 for the year 2018, is amended to read as follows:

b. An employee may request, and in so doing is protected by the provisions of subchapter 1 of this chapter, and an employer may grant or deny, a change to a work schedule other than the temporary changes an employer is required to grant under subdivision a of this section. An employee request for such other change to a work schedule and an employer response to such a request shall follow the procedure in paragraphs 2 and 3 of subdivision a of this section to the extent applicable and as set forth in rules promulgated by the [director] *commissioner*.

§ 101. The definitions of “director” and “office” in section 20-1301 of chapter 13 of title 20 of the administrative code of the city of New York are REPEALED and the definitions of “commissioner” and “department” in such section, as added by local law number 98 for the year 2017, are amended to read as follows:

§ 20-1301 Definitions.

**Commissioner.** *The term “commissioner” means the commissioner of consumer and worker protection.*

**Department.** *The term “department” means the department of consumer and worker protection.*

§ 102. Subdivisions a, c, g, and h of section 20-1302 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, are amended to read as follows:

§ 20-1302 Requirement to deduct and remit voluntary contributions to not-for-profits.

a. A fast food employer shall, upon authorization from a fast food employee and upon receipt of a registration letter as provided in subdivision b of section 20-1303 pertaining to the relevant not-for-profit, deduct voluntary contributions from such fast food employee's paycheck and remit them to the not-for-profit designated by such fast food employee. An authorization shall be written, whether on paper or by an electronic or other method prescribed by the [director] *commissioner*, and shall include:

c. An authorization is in effect until the fast food employee revokes the authorization in writing, whether on paper or by an electronic or other method prescribed by the [director] *commissioner*, to the not-for-profit. The not-for-profit shall transmit the revocation to the fast food employer.

g. *Processing fee.* Upon request by a fast food employer, the not-for-profit shall reimburse the fast food employer for the costs associated with deduction and remittance, as calculated pursuant to rules of the [office] *department*.

h. *Written notice of rights and obligations.* A fast food employer shall provide written notice to its fast food employees of their rights and of the fast food employer's obligations under this section on a form provided by the [office] *department*. Such notice shall be posted in a conspicuous place in the fast food establishment. Such notice shall include a statement that labor organizations as defined by the national labor relations act, employee organizations as defined by subdivision 5 of section 201 of the civil service law, and labor organizations as defined in subdivision 5 of section 701 of the labor law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310.

§ 103. Section 20-1303 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

§ 20-1303 Registration by not-for-profits required.

a. Before it may accept deductions pursuant to this chapter, a not-for-profit shall register with the [office] *department* by providing the following in the manner prescribed by the [office] *department*:

b. The [office] *department* shall issue a registration letter to the registered not-for-profit confirming that it has met the conditions required to trigger the requirements of this chapter. A not-for-profit or fast food employee seeking to have a fast food employer make payroll deductions pursuant to this chapter must provide a copy of the [office's] *department's* registration letter to the relevant fast food employer along with the request for such deductions authorization.

§ 104. Paragraph 4 of subdivision a of section 20-1304 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

4. When prescribed by the [director] *commissioner*, a list of the not-for-profit's employees;

§ 105. Section 20-1307 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

§ 20-1307 Enforcement.

a. The [office] *department* shall investigate potential violations and enforce the provisions of this chapter consistent with section[s 20-a and] 2203 of the charter and with all powers and duties described therein and according to rules and policies of the [office] *department*.

b. *Violations by fast food employers.*

1. Except as provided in subdivision c of this section, an aggrieved fast food employee or duly authorized representative thereof or an aggrieved not-for-profit may file a complaint with the [office] *department* regarding violations of this chapter by a fast food employer. Except for an allegation of retaliation in violation of section 20-1306, the [office] *department* shall only investigate such a complaint if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter.

2. Except as otherwise provided in subdivision c of this section, if a fast food employer is found to have violated this chapter, including by retaliation, the [office] *department* may award any of the following, in addition to any other remedy provided in the charter or other law:

(a) Deductions and remittances as authorized by the fast food employee and the payment of interest to the not-for-profit from the date of the failure to deduct or remit based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year; and

(b) Payment of a further sum as a civil penalty in an amount not exceeding \$500 for each violation of this chapter. However, in cases where a final disposition has been entered against a fast food employer twice within

any consecutive three-year period determining that such fast food employer has willfully failed to deduct or remit funds in accordance with this chapter, or has retaliated against a fast food employee in violation of section 20-1306, the [office] *department* may impose a civil penalty in an amount not exceeding \$1,000 for each violation of this chapter.

(c) Reinstatement, back pay and other appropriate relief for any fast food employee found to have been subject to retaliation in violation of section 20-1306.

3. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, and the good faith of the fast food employer. No procedure or remedy set forth in this section is exclusive of or a prerequisite for asserting a claim for relief to enforce any rights under this chapter in a court of competent jurisdiction.

c. *Failure to honor a revocation.* A fast food employer or a not-for-profit that the [office] *department* finds has failed to honor the revocation of a fast food employee of voluntary deductions and instead has retained contributions after revocation shall refund the fast food employee the amount of the contribution wrongfully retained. If the refund to the fast food employee is not made within 60 days of receipt of the revocation by the party that retained the contribution, the [office] *department* may require the payment of interest on the amount of the refund owed based on the rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year.

d. *False or misleading disclosures to fast food employees.* It is a violation of this chapter for a not-for-profit intentionally to make materially false or misleading disclosures to fast food employees under subdivision a of section 20-1304, and as set forth in rules prescribed by the [director] *commissioner*. Where a violation is established, such not-for-profit shall cure the false or misleading statements to fast food employees within 30 days. Upon establishing a second such violation within two years of a previous violation, the [director] *commissioner* shall revoke any previously issued letter of registration as set forth in subdivision b of section 20-1303.

e. The [office] *department* shall make rules establishing a process for such interested parties as the [office] *department* may identify by rule to petition the [director] *commissioner* to re-examine or revoke a not-for-profit's registration pursuant to this chapter.

f. Any party with rights under this chapter may bring an action pursuant to article 78 of the civil practice law and rules to enforce, vacate or modify an order, determination or other disposition of the [office] *department*, the office of administrative trials and hearings or other relevant tribunal.

§ 106. Subdivisions a and b of section 20-1308 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, are amended to read as follows:

a. Except as otherwise provided by law, any person claiming to be aggrieved by a fast food employer's violation of this chapter has a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter from the [office] *department* unless such person has filed a complaint with the [office] *department* with respect to such claim. If the court finds in favor of the plaintiff, it shall award such person, in addition to other relief, reasonable attorney's fees and costs.

b. Notwithstanding any inconsistent provision of subdivision a of this section, if the [office] *department* dismisses a complaint or the complaint is withdrawn, an aggrieved person maintains all rights to commence a civil action pursuant to this section.

1. An employee need not file a complaint with the [office] *department* before bringing a civil action; however, no person shall file a civil action after filing a complaint with the [office] *department* unless such complaint has been withdrawn or dismissed without prejudice to further action.

2. No person shall file a complaint with the [office] *department* after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

§ 107. Section 20-1309 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

§ 20-1309 Limitations period.

The [office] *department* shall not investigate violations of this chapter committed more than two years before the filing of a complaint or the commencement of such investigation, whichever is earlier. Each failure to comply

with this chapter constitutes a separate violation; a pattern of such violations is a continuing violation for purposes of assessing the limitations period.

§ 108. Subdivision c of section 20-1310 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

c. The [office] *department* shall promulgate rules necessary to ensure that this law will be applied in a manner consistent with federal or state labor law and will not affect the relationship among workers or employees and employers, and the entities described in subdivision b, except as specifically provided in this chapter.

§ 109. Subdivisions a and b of section 20-9011 of chapter 1 of title 20-A of the administrative code of the city of New York, as renumbered and amended by local law number 107 for the year 2017, are amended to read as follows:

a. Except as otherwise provided in subdivision b of this section, any person who violates any provision of this chapter or any of the rules promulgated thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action or may be returnable to [the department of consumer affairs or other] *another* administrative tribunal of competent jurisdiction;

b. Any person who violates subdivision a of section 20-9004 shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to [the department of consumer affairs or other] *another* administrative tribunal of competent jurisdiction; and

§ 110. Section 20-9013 of chapter 1 of title 20-A of the administrative code of the city of New York, as renumbered and amended by local law number 107 for the year 2017, is amended to read as follows:

§ 20-9013 Enforcement.

Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by authorized employees or agents of the commission or the police department. In addition, such notices of violation may, at the request of the commission and with the consent of the appropriate commissioner, be issued by authorized employees and agents of the department of consumer [affairs] *and worker protection* or the department of investigation.

§ 111. Subdivision b of section 20-9016 of chapter 1 of title 20-A of the administrative code of the city of New York is hereby REPEALED.

§ 112. The definition of "department" in subdivision a of section 22-507 of chapter 5 of title 22 of the administrative code of the city of New York, as added by local law number 11 for the year 2016, is amended to read as follows:

Department. The term "department" means the department of consumer [affairs] *and worker protection* or any other agency or office designated by the mayor.

§ 113. Subdivisions e and g of section 24-163.6 of chapter 1 of title 24 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, are amended to read as follows:

e. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered sight-seeing bus where the department of consumer [affairs] *and worker protection* makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such bus, in which case the owner or operator of such bus shall be required to use the technology for reducing the emission of pollutants that would be the next best available retrofit technology and that is available for purchase for such bus. Any waiver issued pursuant to this subdivision shall expire after three years. The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.

g. Not later than January 1, 2008, and not later than January 1 of each year thereafter, the commissioner shall submit a report to the comptroller and the speaker of the council regarding, among other things, the use of the best available retrofit technology by diesel fuel-powered sight-seeing buses during the immediately preceding fiscal year. This report shall include, but not be limited to: (i) the total number of diesel fuel-powered sight-seeing buses licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative code; (ii) the number of such buses that utilized the best available retrofit technology, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iii) the number of such buses that utilized other authorized technology in accordance with this section, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iv) the number of such buses that are equipped with an

engine certified to the applicable United States environmental protection agency standard for particulate matter in accordance with subdivision f of this section; (v) the locations where such buses that utilized the best available retrofit technology, utilized such other authorized technology in accordance with this section or were equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter were used; (vi) the age of the engine with which each bus that did not utilize the best available retrofit technology is equipped; and (vii) all waivers issued pursuant to subdivision e of this section, which shall include, but not be limited to, all findings and specific information submitted by the department of consumer [affairs] *and worker protection* or the owner or operator of a diesel fuel-powered sight-seeing bus upon which such waivers are based and the type of other authorized technology utilized in accordance with this section in relation to each waiver, instead of the best available retrofit technology.

§ 114. Subdivision b of section 24-529 of chapter 5 of title 24 of the administrative code of the city of New York, as added by local law number 62 for the year 2015, is amended to read as follows:

b. Prior to filing an application for a license or renewal of a license to operate a car wash pursuant to subchapter 33 of chapter 2 of title 20 of this code, an applicant shall certify to the commissioner that the following information, in a form and method prescribed by the commissioner, will be maintained by the applicant at its principal place of business for a minimum of three years, and such information shall be made available to the department or the department of consumer [affairs] *and worker protection* upon request:

1. The source from which the applicant draws or will draw its water, whether from the public water supply, well water or other source;
2. For renewal applicants, the amount of water drawn from public sources each month since the applicant last filed an application;
3. Construction drawings and as-built plans, meaning the final set of drawings produced at the completion of construction, of any oil/water separator system or sand interceptor, attesting to the volume of the system and to the maximum flow of wastewater that the system can filter and otherwise clarify efficiently;
4. Written certification that the applicant has regularly removed, in accordance with the respective manufacturer's specifications, oil, sediment and other residues that may be regulated by the commissioner pursuant to department rules regarding sewer use from its oil/water separator system and sand interceptor, as well as the method or methods used to remove and dispose of such oil, sediment and other residues, and for renewal applicants, the frequency of such removal and disposal since the applicant last filed an application;
5. Written certification that the applicant has complied with the rules of the department regarding testing and reporting with respect to all backflow prevention devices;
6. A logbook of monitoring and inspection results and repair and maintenance activities with regard to oil/water separators, sand interceptors and other pretreatment devices or systems, and backflow prevention devices, since the applicant last filed an application, provided that an applicant for a new car wash shall begin maintaining such information between sixty and ninety days of commencement of operations after receiving a license from the department of consumer [affairs] *and worker protection* pursuant to section 20-541 of this code; and
7. Material safety data sheets or safety data sheets that indicate the chemicals used in the operation of the car wash, where such material safety data sheets or safety data sheets are required by federal, state or local law, rule or regulation.

§ 115. Subdivision h of section 27-525.1 of chapter 1 of title 27 of the administrative code of the city of New York, as added by local law number 35 for the year 2006, is amended to read as follows:

h. In addition to employees of the department, employees of the police department and the department of consumer [affairs] *and worker protection* shall have the authority to enforce the provisions of this section regarding security guards.

§ 116. Paragraph 3 of subdivision b of section 27-848.04 of chapter 1 of title 27 of the administrative code of the city of New York, as added by local law number 80 for the year 1989, is amended to read as follows:

(3) For retrofit installations in occupied residential dwellings, the installer shall have a home improvement contractor's license from the department of consumer [affairs] *and worker protection*.

§ 117. Section 28-103.1.3 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 5 for the year 2010, is amended to read as follows:

§ 28-103.1.3 Innovation review board.

There is hereby established within the department an innovation review board which shall include as members in addition to the commissioner, the commissioners of environmental protection, health and mental hygiene and design and construction and the chairperson of the city planning commission, or their respective designees. The commissioner shall also designate members from among the fire commissioner and the commissioners of transportation, parks and recreation, consumer [affairs] *and worker protection*, emergency management, housing preservation and development and sanitation and the chairperson of the landmarks preservation commission, and non-governmental organizations and individuals, or their respective designees, with respect to specific matters being considered by the board where the commissioner determines it appropriate to do so.

§ 118. Section 28-103.22 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 75 for the year 2009, is amended to read as follows:

The commissioner shall, through or in cooperation with the department of small business services, the department of consumer [affairs] *and worker protection*, and other city agencies deemed appropriate, develop an outreach program to manufacturers and installers of security grilles, business improvement districts, local development corporations, chambers of commerce and community boards to alert these groups and the businesses that utilize security grilles of the permit requirements and the requirements of this section, the penalties associated with violation thereof and the availability of any business loans, grants or tax subsidies related to the installation or use of such security grilles.

§ 119. Section 28-103.32 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 190 for the year 2018, is amended to read as follows:

The department, in conjunction with (i) the mayor's office of immigrant affairs, (ii) the commission on human rights, (iii) the department of consumer [affairs] *and worker protection*, (iv) the department of health and mental hygiene, (v) the department of small business services, (vi) the department of citywide administrative services and (vii) any other office or agency designated by the mayor, shall conduct education and outreach to increase awareness of sections 403.2.1 and 403.4 of the New York city plumbing code, regarding single-occupant toilet room requirements. Such education and outreach shall be tailored to business owners, and shall, at a minimum, include educational materials concerning such single-occupant toilet room requirements and the related posting and signage requirements, including samples of acceptable signage. Such materials and sample signage shall be available in the designated citywide languages as defined in section 23-1101. Information concerning such requirements shall also be made available on the department's website.

§ 120. Section 28-117.4.3 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 8 for the year 2008, is amended to read as follows:

In addition to employees of the department, employees of the police department and the department of consumer [affairs] *and worker protection* shall have the authority to enforce the provisions of this article regarding security guards.

§ 121. Section BC 3111.1 of the New York city building code, as renumbered by local law 141 for the year 2013, is amended to read as follows:

3111.1 General.

Sidewalk cafes provided beyond the building line shall comply with the requirements of this section, the New York City Zoning Resolution, the Commissioners of the Department of Consumer [Affairs] *and Worker Protection* and Department of Transportation, and with the projection limitations of Chapter 32 of this code.

§ 122. Section BC 3111.3 of the New York city building code, as renumbered by local law number 141 for the year 2013, is amended to read as follows:

3111.3. Awnings.

Awnings supported entirely from the building may be placed over unenclosed sidewalk cafes provided they are at least 8 feet (2438 mm) clear above the sidewalk and within the limits specified by the Commissioner of the Department of Consumer [Affairs] *and Worker Protection*. Such awnings shall be in compliance with Section 3105 of this code.

§ 123. Section BC 3202.2.1.4.7 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3202.2.1.4.7 Other agency approvals

An applicant wishing to erect a marquee shall provide proof that the Commissioners of the Departments of Transportation, Consumer [Affairs] *and Worker Protection*, and Environmental Protection have not permitted

the use of a space or structure on or under the sidewalk beneath the proposed marquee in such a manner that the construction of the proposed marquee shall interfere with the removal or repair of any such permitted use or structure. § 124. Section BC 3202.4.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3202.4.1 Sidewalk cafes

Enclosures for sidewalk cafes, where permitted by the Commissioner of the Department of Consumer [Affairs] *and Worker Protection* pursuant to applicable law and constructed in compliance with Section 3111, may be constructed beyond the street line.

§ 125. Section FC 316.4.1 of the New York city fire code, as added by local law number 26 for the year 2008, is amended to read as follows:

316.4.1 Licensing.

Department permits and other approvals shall be issued to an automotive salvage and wrecking facility only if such facility is licensed and maintained in accordance with requirements of the New York State Department of Motor Vehicles and the New York City Department of Consumer [Affairs] *and Worker Protection*.

§ 126. The definition of “director” in section 32-201 of chapter 2 of title 32 of the administrative code of the city of New York, is REPEALED, the definition of “division” in such section, as added by local law number 98 for the year 2016, is amended, and such section is amended by adding a new definition of “commissioner” in alphabetical order to read as follows:

*Commissioner.* The term “commissioner” means the commissioner of consumer and worker protection.

*Division.* The term “division” means the division of paid care established pursuant to subdivision [h] *e* of section [20-a] 2203 of the charter.

§ 127. Subdivision a of section 32-202 of chapter 2 of title 32 of the administrative code of the city of New York, as added by local law number 98 for the year 2016, is amended to read as follows:

a. The division shall assist the [director] *commissioner* in developing policies and programs that apply to paid care workers.

§ 128. Any reference to the department of consumer affairs, in any format or context, shall be deemed to be a reference to the department of consumer and worker protection.

§ 129. This local law takes effect immediately; provided that the amendments to sections 20-1301 through 20-1304, and sections 20-1307 through 20-1310 of the administrative code of the city of New York made by sections 101 through 108 of this local law, shall not affect the expiration of such sections pursuant to local law 98 for the year 2017 and shall expire therewith.

ANDREW COHEN., *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, JUSTIN BRANNAN; Committee on Consumer Affairs and Business Licensing, July 28, 2020 (Remote Hearing).

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 Cultural Affairs, Libraries and International Intergroup Relations

Report for Int. No. 1967-A

### Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of cultural affairs to publish information on COVID-19 reopening plans and resources for art and cultural institutions in New York city.

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed proposed amended local law was referred on June 18, 2020 (Minutes, page 1077), respectfully

#### REPORTS:

##### I. INTRODUCTION

On Tuesday, July 28, 2020, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member Jimmy Van Bramer, held a hearing to consider Introduction No. 1967-A, sponsored by Council Member Cumbo, related to requiring the department of cultural affairs to publish information on COVID-19 reopening plans and resources for art and cultural institutions in New York city. The first hearing on this legislation was held on Monday, June 22, 2020. Representatives of the Department of Cultural Affairs (DCLA) testified, in addition to advocacy groups, various arts and cultural organizations, and other interested stakeholders.

#### Update

On Tuesday, July 28, 2020, the Committee on Cultural Affairs, Libraries and International Intergroup Relations adopted this local law by a vote of five in the affirmative, zero in the negative, and zero abstentions.

##### II. BACKGROUND

###### *COVID-19*

On February 11, 2020, the World Health Organization (WHO) announced an official name for the disease that is causing the current novel coronavirus outbreak: coronavirus disease 2019, abbreviated as COVID-19.<sup>1</sup> The first confirmed case in New York State (NYS) was identified on March 1, 2020, in the borough of Manhattan in New York City (NYC).<sup>2</sup> According to data provided by the NYS Department of Health, as of June 4, 2020, there have been a total of 374,085 positive cases<sup>3</sup> in NYS and 24,079 fatalities in NYS since the onset of the

<sup>1</sup> United States Centers for Disease Control and Prevention (hereinafter "CDC"), *Frequently Asked Questions*, available at <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Coronavirus-Disease-2019-Basics> (explaining that the disease originated in Wuhan, China and that scientists believe that COVID-19 is spread from human to human through the respiratory tract when a person coughs or sneezes).

<sup>2</sup> Melanie West, First Case of Coronavirus Confirmed in New York State, *Wall Street Journal* (Mar. 1, 2020), available at <https://www.wsj.com/articles/first-case-of-coronavirus-confirmed-in-new-york-state-11583111692>.

<sup>3</sup> See New York State Department of Health COVID-19 Tracker, available at <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>.

pandemic.<sup>4</sup> On March 7, 2020, New York's Governor Andrew M. Cuomo issued Executive Order Number 202, declaring a state disaster emergency for the entire state.<sup>5</sup>

### *Closing Cultural Institutions*

On March 12, 2020, in response to COVID-19 and in an effort to curb the spread of the disease, Governor Cuomo barred gatherings of more than 500 people and placed restrictions on other gatherings,<sup>6</sup> prompting Broadway to close all 31 of its current shows and NYC's cultural institutions—including the Metropolitan Museum of Art (The Met), the Museum of Modern Art (MoMA), the Whitney Museum of American Art, the Guggenheim, the Metropolitan Opera, Carnegie Hall and the NY Philharmonic—which shut their doors and postponed all programming.<sup>7</sup> In a press conference the same day, NYC Mayor Bill de Blasio stressed the importance of the restrictions, which he conveyed as “difficult but necessary.”<sup>8</sup>

While many performance spaces had already closed in Asia and Europe,<sup>9</sup> also due to COVID-19, venues across the United States followed NYC's lead—with theaters from Los Angeles's famed Center Theater Group<sup>10</sup> to the Kennedy Center<sup>11</sup> in Washington, DC<sup>12</sup>—and large concert organizers like Live Nation Entertainment and AEG Presents suspending all national tour engagements, including the California music festival Coachella.<sup>13</sup> On March 20, 2020, Governor Cuomo announced an executive order creating "New York State on PAUSE" restrictions, an effort assure uniform safety for the state.<sup>14</sup> This 10-point policy plan<sup>15</sup> included a new directive that all non-essential businesses statewide close in-office personnel functions, and temporarily banned all non-essential gatherings of individuals of any size for any reason, resulting in a de-facto shelter in place order.<sup>16</sup> At the same time, museums began pivoting to provide programming, materials and concerts online,<sup>17</sup> with artists,

<sup>4</sup> See New York State Department of Health COVID-19 Fatality Tracker, available at <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>.

<sup>5</sup> See No. 202.31: Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency (May 14, 2020), available at <https://www.governor.ny.gov/news/no-20231-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

<sup>6</sup> Jesse McKinley and Michael Gold, *Ban on Large Gatherings in N.Y. as Coronavirus Cases Rise Sharply* (Mar. 12, 2020), available at <https://www.nytimes.com/2020/03/12/nyregion/coronavirus-nyc-event-ban.html>; See Executive Order 202.31 (May 14, 2020), available at <https://www.governor.ny.gov/news/no-20231-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency> (describing previous orders); Michael Paulson, *Broadway, Symbol of New York Resilience, Shuts Down Amid Virus Threat* (Mar. 12, 2020), available at <https://www.nytimes.com/2020/03/12/theater/coronavirus-broadway-shutdown.html>.

<sup>7</sup> Robin Pogrebin and Michael Cooper, *New York's Major Cultural Institutions Close in Response to Coronavirus* (Mar. 12, 2020), available at <https://www.nytimes.com/2020/03/12/arts/design/met-museum-opera-carnegie-hall-close-coronavirus.html>.

<sup>8</sup> Transcript: Mayor de Blasio Holds Media Availability on COVID-19 (Mar. 12, 2020), available at <https://www1.nyc.gov/office-of-the-mayor/news/137-20/transcript-mayor-de-blasio-holds-media-availability-covid-19> (“That’s really, really painful for the many, many people who work in that field, let alone so many New Yorkers and people all over the country who really look forward to these events, these concerts, these sports events, and it’s really going to be kind of a hole in our lives and it’s painful,” he said. “It’s not something we would ever want to do but it’s something we have to do.”); Michael Paulson, *Broadway, Symbol of New York Resilience, Shuts Down Amid Virus Threat* (Mar. 12, 2020), available at <https://www.nytimes.com/2020/03/12/theater/coronavirus-broadway-shutdown.html>.

<sup>9</sup> Ben Sisario, *Coachella, Influential Music Festival, Is Postponed Amid Virus Fears* (Mar. 10, 2020), available at <https://www.nytimes.com/2020/03/10/arts/music/coronavirus-coachella-postponed.html>.

<sup>10</sup> BWW News Desk, *All CTGLA Theatre Closed* (Mar. 12, 2020), available at <https://www.broadwayworld.com/article/All-CTGLA-Theatre-Closed-Over-COVID19-Concerns-20200312>.

<sup>11</sup> Jane Recker, *The Kennedy Center is Closing Through March 31* (Mar. 12, 2020), available at <https://www.washingtonian.com/2020/03/12/the-kennedy-center-is-closing-through-march-31/>.

<sup>12</sup> Michael Paulson, *Broadway, Symbol of New York Resilience, Shuts Down Amid Virus Threat* (Mar. 12, 2020), available at <https://www.nytimes.com/2020/03/12/theater/coronavirus-broadway-shutdown.html>.

<sup>13</sup> Ben Sisario, *Coachella, Influential Music Festival, Is Postponed Amid Virus Fears* (Mar. 10, 2020), available at <https://www.nytimes.com/2020/03/10/arts/music/coronavirus-coachella-postponed.html>.

<sup>14</sup> Governor Cuomo Signs the ‘New York State on PAUSE’ Executive Order (Mar. 20, 2020), available at <https://www.governor.ny.gov/news/governor-cuomo-signs-new-york-state-pause-executive-order>.

<sup>15</sup> See New York State on Pause, available at <https://coronavirus.health.ny.gov/new-york-state-pause>

<sup>16</sup> Governor Cuomo Signs the ‘New York State on PAUSE’ Executive Order (mar. 20, 2020), available at <https://www.governor.ny.gov/news/governor-cuomo-signs-new-york-state-pause-executive-order>.

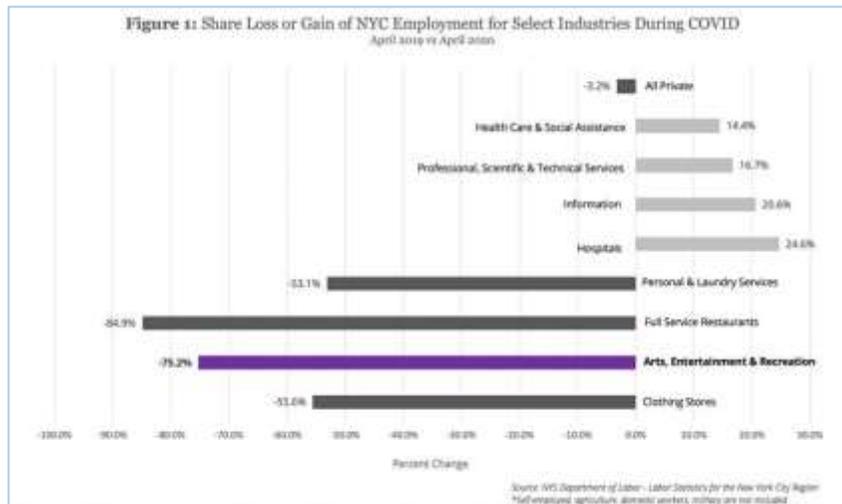
<sup>17</sup> Information shared during the daily “Culture @3” call, hosted by the CIG; See NYC City & Co., *VirtualNYC* (n.d.), available at <https://www.nycgo.com/virtual-nyc/>.

institutions, cultural groups and galleries exploring creative ways to keep people engaged with art, culture and commerce while observing safety precautions.<sup>18</sup>

### *The Economic Impact of Cultural Closures and Uncertainty Around Returning from PAUSE*

The cultural sector in NYC is one of the largest industries in NYC,<sup>19</sup> employing nearly 400,000 workers, paying them \$31 billion in wages and generating \$110 billion in economic activity.<sup>20</sup> Last year the theater industry in NYC alone grossed \$1.8 billion and drew 14.8 million patrons,<sup>21</sup> while the dance sector contributed over \$300 million to the City's economy.<sup>22</sup> In NYS, the cultural sector as a whole contributes more than \$120 billion to the economy annually.<sup>23</sup>

The economic impact of this mandatory shutdown has been unlike any in recent history.<sup>24</sup> The pandemic also has not hit all industries equally (see Figure 1).



As seen in Figures 2 and 3, the arts and cultural communities, in particular, have been disproportionately and negatively impacted by the COVID-19 pandemic, as compared with other sectors. In fact, recent **data**

<sup>18</sup> Information shared during the daily “Culture @3” call, hosted by the CIG; See Judd Grossman, Michael Straus, Catherine K. B. Lucas and Sarah E. Schuster, *What Legal Rights Do Artists and Galleries Have During a Pandemic?* (May 13, 2020), available at <https://www.artnews.com/art-news/news/artists-galleries-legal-rights-coronavirus-1202687028/>.

<sup>19</sup> NYC Comptroller Scott Stringer, *The Creative Economy: Art, Culture and Creativity in New York City* (Oct. 25, 2019), available at <https://comptroller.nyc.gov/reports/the-creative-economy/>.

<sup>20</sup> NYC Comptroller Scott M. Stringer, *New York by the Numbers: Weekly Economic and Fiscal Outlook* (May 26, 2020), available at <https://comptroller.nyc.gov/newsroom/new-york-by-the-numbers-weekly-economic-and-fiscal-outlook-no-2-may-26-2020/>.

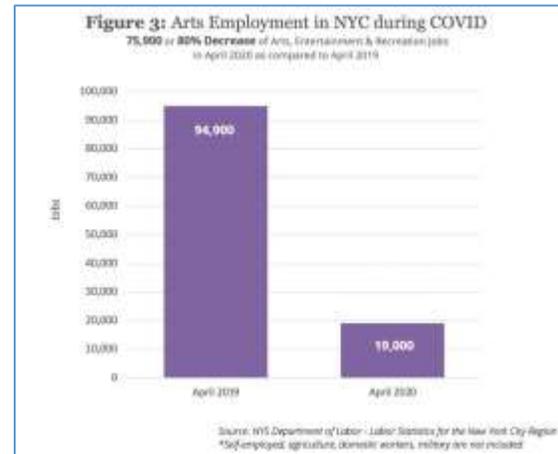
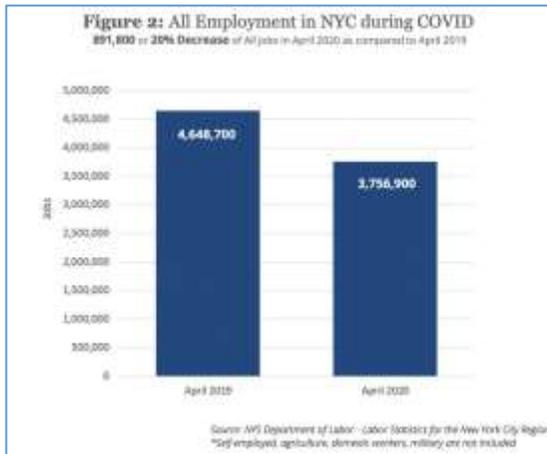
<sup>21</sup> Broadway’s Box Office Keeps Booming. Now Attendance is Surging, Too. (May 29, 2019), available at <https://www.nytimes.com/2019/05/29/theater/broadway-box-office.html>.

<sup>22</sup> Dance NYC and New York City Dance Makers and Organizations, *Letter to Mayor Bill de Blasio RE: Advisory Council on Arts, Culture, and Tourism* (May 13, 2020), available at <https://www.dance.nyc/news/2020/05/Letter-to-Mayor-Bill-de-Blasio-Re-Advisory-Council-on-Arts-Culture-and-Tourism/>.

<sup>23</sup> National Assembly of Art Organizations, *Creative Economy State Profiles: New York* (n.d.), available at [https://nasaa-arts.org/nasaa\\_research/creative-economy-state-profiles/](https://nasaa-arts.org/nasaa_research/creative-economy-state-profiles/); National Endowment for the Arts, *State-Level Estimates of the Arts’ Economic Value and Employment (2001-2017)* (Mar. 2020), available at <https://www.arts.gov/artistic-fields/research-analysis/arts-data-profiles/arts-data-profile-25>.

<sup>24</sup> Abigail Savitch-Lew, Eli Dvorkin, and Laird Gallagher, *Art in the Time of Coronavirus: NYC’s Small Arts Organizations Fighting for Survival* (April 2020), available at <https://nycfuture.org/research/art-in-the-time-of-coronavirus>.

suggests that the arts and cultural sector in NYC has been the second hardest hit industry with regard to job loss, after restaurants, losing 67,200 jobs in April alone.<sup>25</sup>



Further, early financial loss projections for the sector were projected to be over \$600 million,<sup>26</sup> a number that has likely grown.

When cultural institutions closed their doors in March 2020, the City’s artists, actors, musicians, stagehands and freelancers suddenly found themselves unemployed and severed from their communities and livelihoods.<sup>27</sup> No institution or employer was immune.<sup>28</sup> On March 19th, the Metropolitan Opera laid off all of its union employees<sup>29</sup> and on March 31st, The Met announced it would look at its \$3.6 billion endowment to cover costs and maintain employees, something the museum had not previously done, even during World Wars, 9/11 or Hurricane Sandy.<sup>30</sup> By early April, the Queens Museum had laid off 30 employees, the Whitney Museum of Art laid off 20 percent of its staff and other institutions expressed they may have to lay off staff – in some cases by up to 68 percent.<sup>31</sup> Further, while some institutions have asked staff to take pay cuts to postpone lay-offs,<sup>32</sup> cultural organizations of all types and sizes have expressed the difficulty of planning given the uncertain timeframe and effects of the pandemic.<sup>33</sup> In fact, while culture was one of the first sectors to

<sup>25</sup> NYC Comptroller Scott M. Stringer, *New York by the Numbers: Weekly Economic and Fiscal Outlook* (May 26, 2020), available at <https://comptroller.nyc.gov/newsroom/new-york-by-the-numbers-weekly-economic-and-fiscal-outlook-no-2-may-26-2020/> (explaining that “private employers in New York City shed 823,500 jobs in April – one in every five private sector jobs; dine-in restaurants were the hardest hit, dropping by 119,000 jobs – an 85% decline in a single month; and the arts, entertainment and recreation sector saw the largest decline after restaurants, losing 67,200 jobs, or 78%”).

<sup>26</sup> Information shared during the daily “Culture @3” call, hosted by the CIG; See New Yorkers for Culture and Arts, *Impact of COVID19 on NYC Art and Culture - Impact Survey Results* (Mar. 17, 2020), available at <https://drive.google.com/file/d/1NleKgGanBWNq2mB1mXUt83rcBesDUFgX/view>; Sarah Cascone, *In a Surprise Move, the Metropolitan Museum of Art Is Looking to Its \$3.6 Billion Endowment to Cover Costs* (Mar. 31, 2020), available at <https://news.artnet.com/art-world/met-endowment-paying-staff-1820772>.

<sup>27</sup> Information shared during the daily “Culture @3” call, hosted by the CIG.

<sup>28</sup> See, e.g., Peter Marks and Geoff Edgers, *New York is one of the world’s great cities for the arts — but the damage from the pandemic is proving to be catastrophic* (Mar. 31, 2020), available at [https://www.washingtonpost.com/entertainment/theater\\_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d\\_story.html](https://www.washingtonpost.com/entertainment/theater_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d_story.html).

<sup>29</sup> Anastasia Tsioulcas for NPR, Tweet: <https://twitter.com/anastasiat/status/1240645951309701120?s=21>.

<sup>30</sup> Sarah Cascone, *In a Surprise Move, the Metropolitan Museum of Art Is Looking to Its \$3.6 Billion Endowment to Cover Costs* (Mar. 31, 2020), available at <https://news.artnet.com/art-world/met-endowment-paying-staff-1820772>.

<sup>31</sup> Information shared during the daily “Culture @3” call, hosted by the CIG.

<sup>32</sup> Information shared during the daily “Culture @3” call, hosted by the CIG.

<sup>33</sup> *Id.*

close,<sup>34</sup> cultural institutions are currently not slated to re-open until the final phase of the State's reopening plan,<sup>35</sup> or Phase 4.<sup>36</sup>

It also remains unclear how groups within the arts and cultural community will need to adapt to safety precautions,<sup>37</sup> including with regard to adhering to social-distancing procedures in theaters, which some institutions have said creates a possibility that some groups will never recover.<sup>38</sup> Additionally, while NYC and NYS are considering plans for reopening, there is currently a lack of representation from sections of the cultural community. Both the City's *Advisory Council on Arts, Culture and Tourism*,<sup>39</sup> formed by Mayor de Blasio to consider a sector recovery plan,<sup>40</sup> as well as the State-level "New York Forward" advisory board do not include comprehensive representation.<sup>41</sup>

### *Strategies for Re-Opening and Assistance from DCLA and Other Sources*

During this time of uncertainty, federal, state, and local government have provided some, albeit limited, support to struggling institutions, while cultural groups have come together to support each other in unprecedented ways.<sup>42</sup> On March 27, 2020, Congress passed a \$2.2 trillion emergency relief package designed to support the U.S. economy and to help communities contend with the COVID-19 outbreak.<sup>43</sup> Recognizing that the arts community is struggling, the federal relief package appropriated \$75 million to the National Endowment for the Arts, of which 40 percent is directed to state and regional arts organizations.<sup>44</sup> Other provisions within the bill that could benefit cultural organizations include loan forgiveness for companies that retain workers and

<sup>34</sup> Robin Pogrebin and Michael Cooper, *New York's Major Cultural Institutions Close in Response to Coronavirus* (Mar. 12, 2020), available at <https://www.nytimes.com/2020/03/12/arts/design/met-museum-opera-carnegie-hall-close-coronavirus.html?action=click&module=RelatedLinks&pgtype=Article>.

<sup>35</sup> According to April 2020 research by the Center for an Urban Future (CUF), nearly "all small and mid-sized arts organizations [in NYC] are facing slashed budgets and reduced staffing, and many are teetering on the brink of insolvency." Abigail Savitch-Lew, Eli Dvorkin, and Laird Gallagher, *Art in the Time of Coronavirus: NYC's Small Arts Organizations Fighting for Survival* (April 2020), available at <https://nycfuture.org/research/art-in-the-time-of-coronavirus>.

<sup>36</sup> New York Forward: A Guide to Re-Opening New York & Building Back Better (May 2020), available at <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYForwardReopeningGuide.pdf>.

<sup>37</sup> See, e.g., Julia Jacobs, *Poll Shows One Hurdle to Reopening Broadway: Fear of Jerks* (May 26, 2020), available at <https://www.nytimes.com/2020/05/26/theater/broadway-coronavirus-poll.html>.

<sup>38</sup> Abigail Savitch-Lew, Eli Dvorkin, and Laird Gallagher, *Art in the Time of Coronavirus: NYC's Small Arts Organizations Fighting for Survival* (April 2020), available at <https://nycfuture.org/research/art-in-the-time-of-coronavirus>; Peter Marks and Geoff Edgers, *New York is one of the world's great cities for the arts — but the damage from the pandemic is proving to be catastrophic* (Mar. 31, 2020), available at [https://www.washingtonpost.com/entertainment/theater\\_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d\\_story.html](https://www.washingtonpost.com/entertainment/theater_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d_story.html).

<sup>39</sup> See Letter to Mayor Bill de Blasio, Re: Advisory Council on Arts, Culture, and Tourism, available at <https://www.dance.nyc/news/2020/05/Letter-to-Mayor-Bill-de-Blasio-Re-Advisory-Council-on-Arts-Culture-and-Tourism/>.

<sup>40</sup> This includes any representation from the dance community. See Alejandra O'Connell-Domenech, *Mayor announces more sector advisory councils to help reopening and recovery from COVID-19 pandemic* (May 2020), available at <https://www.amny.com/coronavirus/mayor-announces-more-sector-advisory-councils-to-help-reopening-and-recovery-from-covid-19-pandemic/>.

<sup>41</sup> Governor Cuomo released the names of over 100 individuals who will serve on an advisory board that will help shape the state's reopening policy. Advocates have noted the absence of cultural organizations and leaders from the New York Forward Committee. See New York Forward Advisory Board: <https://forward.ny.gov/ny-forward-advisory-board>; See, e.g., Nicole Goodkind, *Governor Andrew Cuomo is relying on the advice of CEOs and billionaires to reopen New York* (May 12, 2020), available at <https://fortune.com/2020/05/12/governor-andrew-cuomo-is-relying-on-the-advice-of-ceos-and-billionaires-to-reopen-new-york/>.

<sup>42</sup> Judd Grossman, Michael Straus, Catherine K. B. Lucas and Sarah E. Schuster, *What Legal Rights Do Artists and Galleries Have During a Pandemic?* (May 13, 2020), available at <https://www.artnews.com/art-news/news/artists-galleries-legal-rights-coronavirus-1202687028/>.

<sup>43</sup> Jacob Pramuk, *Trump Signs \$2 Trillion Coronavirus Relief Bill as the US Tries to Prevent Economic Devastation* (Mar. 27, 2020), available at <https://www.cnbc.com/2020/03/27/house-passes-2-trillion-coronavirus-stimulus-bill-sends-it-to-trump.html>; Judd Grossman, Michael Straus, Catherine K. B. Lucas and Sarah E. Schuster, *What Legal Rights Do Artists and Galleries Have During a Pandemic?* (May 13, 2020), available at <https://www.artnews.com/art-news/news/artists-galleries-legal-rights-coronavirus-1202687028/>.

<sup>44</sup> Judd Grossman, Michael Straus, Catherine K. B. Lucas and Sarah E. Schuster, *What Legal Rights Do Artists and Galleries Have During a Pandemic?* (May 13, 2020), available at <https://www.artnews.com/art-news/news/artists-galleries-legal-rights-coronavirus-1202687028/>.

an expansion of unemployment benefits.<sup>45</sup> In addition, NYS<sup>46</sup> and various philanthropic organizations have also provided funding opportunities, while others have compiled comprehensive lists of COVID-19 resources for members of the arts and cultural community.<sup>47</sup>

On March 13, 2020, DCLA and the leaders of the Cultural Institutions Group (CIG)<sup>48</sup> began convening daily calls to discuss concerns and responses to the COVID-19 crisis.<sup>49</sup> The calls, hosted by CIG representatives, were quickly opened to the wider cultural community and now consist of over 200 individuals and organizations that meet daily.<sup>50</sup> The group continues to discuss funding, advocacy and ongoing issues related to issues like insurance and technical support.<sup>51</sup> This daily “Culture @3” group has also created volunteer working groups, within the larger group of regular attendees, which track and provide regular updates on various issues areas, including those related to: (1) city & state advocacy, (2) federal advocacy, (3) communications and messaging, (4) data collection, (5) employment / HR, (6) corporate and foundation support, (7) insurance, (8) online programming, (9) diversity and (10) re-opening plans.<sup>52</sup> Despite this community engagement and aid, cultural leaders and advocates have expressed concern related to financial uncertainty and the unprecedented nature of this period, stressing that the field will likely face challenges beyond the end of the pandemic.<sup>53</sup>

### III. Int. No. 1967-A

Int. No. 1967-A would require the Department of Cultural Affairs (DCLA) to publish information and resources related to art and cultural institutions affected by COVID-19 on its website, including information related to: federal/state/city/union requirements and guidelines related to COVID-19; guidance on where to direct questions about guidelines; resources known to the department related to financial support; guidance and resources relating to alternative uses for space that art and cultural institutions will not utilize when reopening; strategies for the development and continuation of digital platforms and remote programming; sample reopening plans; and any other information deemed by the department to be relevant.

<sup>45</sup> Judd Grossman, Michael Straus, Catherine K. B. Lucas and Sarah E. Schuster, *What Legal Rights Do Artists and Galleries Have During a Pandemic?* (May 13, 2020), available at <https://www.artnews.com/art-news/news/artists-galleries-legal-rights-coronavirus-1202687028/>.

<sup>46</sup> See New York State Council on the Arts, *COVID-19 and the Arts* (n.d.), available at <https://arts.ny.gov>.

<sup>47</sup> Judd Grossman, Michael Straus, Catherine K. B. Lucas and Sarah E. Schuster, *What Legal Rights Do Artists and Galleries Have During a Pandemic?* (May 13, 2020), available at <https://www.artnews.com/art-news/news/artists-galleries-legal-rights-coronavirus-1202687028/>.

<sup>48</sup> The Cultural Institutions Group (CIG) is a group of 34 institutions throughout the five boroughs that including The Met, MoMA, the Botanic Gardens and the Zoos, that receive 75% of DCLA’s annual operating budget. See NYC Department of Cultural Affairs, Cultural Institutions Group (CIG) (n.d.), available at <https://www1.nyc.gov/site/dcla/cultural-funding/city-owned-institutions.page>.

<sup>49</sup> Peter Marks and Geoff Edgers, *New York is one of the world’s great cities for the arts — but the damage from the pandemic is proving to be catastrophic* (Mar. 31, 2020), available at [https://www.washingtonpost.com/entertainment/theater\\_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d\\_story.html](https://www.washingtonpost.com/entertainment/theater_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d_story.html); Robin Pogrebin and Michawel Paulson, *The Daily Call that 200 Arts Groups Hope Will Help Them Survive* (May 12, 2020), available at <https://www.nytimes.com/2020/05/12/arts/coronavirus-new-york-culture.html>.

<sup>50</sup> Peter Marks and Geoff Edgers, *New York is one of the world’s great cities for the arts — but the damage from the pandemic is proving to be catastrophic* (Mar. 31, 2020), available at [https://www.washingtonpost.com/entertainment/theater\\_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d\\_story.html](https://www.washingtonpost.com/entertainment/theater_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d_story.html); Robin Pogrebin and Michawel Paulson, *The Daily Call that 200 Arts Groups Hope Will Help Them Survive* (May 12, 2020), available at <https://www.nytimes.com/2020/05/12/arts/coronavirus-new-york-culture.html>.

<sup>51</sup> Peter Marks and Geoff Edgers, *New York is one of the world’s great cities for the arts — but the damage from the pandemic is proving to be catastrophic* (Mar. 31, 2020), available at [https://www.washingtonpost.com/entertainment/theater\\_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d\\_story.html](https://www.washingtonpost.com/entertainment/theater_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d_story.html); Robin Pogrebin and Michawel Paulson, *The Daily Call that 200 Arts Groups Hope Will Help Them Survive* (May 12, 2020), available at <https://www.nytimes.com/2020/05/12/arts/coronavirus-new-york-culture.html>.

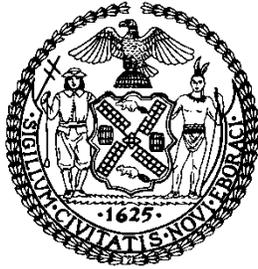
<sup>52</sup> Information shared during the daily “Culture @3” call, hosted by the CIG; Peter Marks and Geoff Edgers, *New York is one of the world’s great cities for the arts — but the damage from the pandemic is proving to be catastrophic* (Mar. 31, 2020), available at [https://www.washingtonpost.com/entertainment/theater\\_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d\\_story.html](https://www.washingtonpost.com/entertainment/theater_dance/new-york-is-one-of-the-worlds-great-cities-for-the-arts-but-the-damage-from-the-pandemic-is-proving-to-be-catastrophic/2020/03/31/b0f300f4-71e5-11ea-85cb-8670579b863d_story.html); Robin Pogrebin and Michawel Paulson, *The Daily Call that 200 Arts Groups Hope Will Help Them Survive* (May 12, 2020), available at <https://www.nytimes.com/2020/05/12/arts/coronavirus-new-york-culture.html>.

<sup>53</sup> Information shared during the daily “Culture @3” call, hosted by the CIG.

Section two of Int. No. 1967-A would provide that the local law take effect immediately after it becomes law, except that the commissioner of cultural affairs may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Since introduction, Int. No. 1967-A was amended to clarify several definitions, required DCLA to post information and resources online, rather than issue a one-time report on reopening plans, and to change the enactment date of the legislation from 60 days from the effective date of the local law to immediately. The legislation was also amended to change the information and resources that DCLA must provide under the requirements of the proposed law, including: (1) that rather than providing information related to steps institutions should take for reopening and on how guidelines should be incorporated into reopening plans, DCLA would be required to provide COVID-19-related guidelines at different levels and information on where to find more guidance on conflicts between various guidelines; (2) to clarify that the resources and information does not only relate to a post-COVID-19 setting but to guidance during the pandemic; (3) that strategies related to digital platforms and remote programming should relate to both continuing but also developing remote digital programming; and (4) that DCLA would not be required to create sample plans and would only endeavor to include at least plans from certain categories.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1967-A:)**



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

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 1967-A**

**COMMITTEE:** Cultural Affairs, Libraries and  
 International Intergroup Relations

**TITLE:** A Local Law in relation to requiring the department of cultural affairs to publish information on COVID-19 reopening plans and resources for art and cultural institutions in New York city.

**Sponsors:** By Council Members Cumbo, Van Bramer, Kallos, Brannan, Perkins, Ayala, Rose, Gibson, Louis and Barron.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1967-A would require the New York City Department of Cultural Affairs (DCLA) to publish information for art and cultural institutions affected by COVID-19 on its website, related to: federal/state/city/union requirements and guidelines related to COVID-19; guidance on where to direct questions about guidelines; resources known to DCLA related to financial support; guidance and resources relating to alternative uses for space that art and cultural institutions will not utilize when reopening; strategies for the development and continuation of digital platforms and remote programming; sample reopening plans; and any other information deemed by DCLA to be relevant to reopening plans for art and cultural institutions.

**EFFECTIVE DATE:** This local law takes effect immediately, except that the commissioner of cultural affairs may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 estimated that there would be no fiscal impact on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

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

**ESTIMATE PREPARED BY:** Aliya Ali, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Stephanie Ruiz, Assistant Counsel  
Nathan Toth, Deputy Director  
Crielhien Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on June 18, 2020 as Int. No. 1967, and was referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations (Committee). A hearing was held by the Committee on June 22, 2020, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1967-A, will be voted on by the Committee at a hearing on July 28, 2020. Upon successful vote by the Committee on Cultural Affairs, Libraries and International Intergroup Relations, Proposed Int. No. 1967-A will be submitted to the full Council for a vote on July 28, 2020.

**DATE PREPARED:** July 21, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1967-A:)**

Int. No. 1967-A

By Council Members Cumbo, Van Bramer, Kallos, Brannan, Perkins, Ayala, Rose, Gibson, Louis, Barron, Chin, Vallone and Rivera.

**A Local Law in relation to requiring the department of cultural affairs to publish information on COVID-19 reopening plans and resources for art and cultural institutions in New York city**

*Be it enacted by the Council as follows:*

Section 1. Posting of COVID-19 reopening plans and resources for art and cultural institutions. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Art and cultural institution. The term “art and cultural institution” means any not-for-profit art or cultural group, organization, gallery, venue or institution within the city of New York that receives funding from the department.

Commissioner. The term “commissioner” means the commissioner of cultural affairs.

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Department. The term “department” means the department of cultural affairs.

Reopening plans. The term “reopening plans” means plans or protocols related to the opening of art and cultural institutions that were ordered closed due to the state disaster emergency declared by the governor of the state of New York in executive order number 202, dated March 7, 2020, as amended and extended.

Close high-risk interactive exhibit. The term “close high-risk interactive exhibit” means an exhibit within an art and cultural institution that encourages patrons or visitors to touch or wear objects.

b. The department shall post on its website information related to reopening plans and other resources for art and cultural institutions affected by COVID-19. Such information shall include, but not be limited to:

1. Information on federal, state, city and union requirements and guidelines related to preventing the spread of COVID-19, including information on where art and cultural institutions can direct questions relating to such requirements and guidelines;

2. Resources known to the department relating to federal, state and city financial support available to art and cultural institutions affected by COVID-19, including, but not limited to, funding sources and rent-relief programs;

3. Guidance and resources relating to alternative uses for space that art and cultural institutions will not utilize when reopening;

4. Information on strategies for the development and continuation of digital platforms and remote programming;

5. Any sample reopening plans made available to the department by the New York state department of health or any art and cultural institution, provided that the department shall redact any identifying information of such institution, unless such institution has made such reopening plan publicly available or consents to publication by the department without such redaction. The department shall endeavor to include a reopening plan for at least each of the following types of art and cultural institutions: (i) museum, (ii) museum with one or more close high-risk interactive exhibits, including children’s museums or science museums; (iii) arts education organization; (iv) theater or performance venue; (v) dance organization; (vi) garden or outdoor venue; and (vii) historical site. Any such reopening plans shall take into account relevant differences between such types of institutions, including size; and

6. Any other information deemed by the department to be relevant to reopening plans for art and cultural institutions.

§ 2. This local law takes effect immediately, except that the commissioner of cultural affairs may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

JAMES G. VAN BRAMER, *Chairperson*; LAURIE A. CUMBO; MARK GJONAJ, FRANCISCO P. MOYA; JOSEPH C. BORELLI. Committee on Cultural Affairs, Libraries and International Intergroup Relations, July 28, 2020 (Remote Hearing).

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. 1091-A

**Report of the Committee on Governmental Operations 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 posting of machine readable executive orders.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on August 29, 2018 (Minutes, page 3305), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 1872-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1091-A:*



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

**PROPOSED INTRO NO. 1091-A**

**COMMITTEE: Governmental Operations**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the posting of machine readable executive orders. **SPONSORS:** Council Members Koo, Yeger, and Kallos.

**SUMMARY OF LEGISLATION:** This bill would require the Corporation Counsel to make available a searchable, machine readable compilation of all mayoral executive orders issued from 1974 to present, updated with all new mayoral executive orders within five business days from the date of execution.

**EFFECTIVE DATE:** This local law would take effect two years after the expiration or termination of the state disaster emergency declared by the governor of the state of New York in executive order number 202, dated March 7, 2020, as extended.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Sebastian Palacio Bacchi, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1091 on August 29, 2018 and was referred to the Committee on Governmental Operations (Committee). The Committee heard the legislation on February 12, 2020, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. 1091-A, will be considered by the Committee on July 27, 2020. Upon a successful vote by the Committee, Proposed Int. 1091-A will be submitted to the full Council for a vote on July 28, 2020.

**DATE PREPARED:** July 21, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1091-A:)**

Int. No. 1091-A

By Council Members Koo, Yeager, Kallos, Vallone, Louis, Barron and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to the posting of machine readable executive orders**

*Be it enacted by the Council as follows:*

Section 1. Section 3-113 of the administrative code of the city of New York, as added by local law number 40 for the year 2011, is renumbered section 3-113.1 and subdivisions a and c of such section are amended to read as follows:

a. (1) [All mayoral executive orders issued on or after January 1, 1974 shall be posted on the city's website] *The corporation counsel shall make available on a single page on the city's website a true and complete compilation of all mayoral executive orders issued on or after January 1, 1974. Such compilation shall be published in a searchable, machine-readable format or formats that are capable of being downloaded in bulk, and which are chosen for the purpose of making such compilation available to the greatest number of users and for the greatest number of applications. Such compilation shall indicate any mayoral executive order that has been explicitly superseded or amended by a later mayoral executive order with an annotation to the superseded or amended executive order.*

(2) All mayoral executive orders issued on or after July 1, 2011 shall be provided to the council and [posted] *made available* on the city's website *in accordance with paragraph (1) of this subdivision* within five business days from the date of execution.

c. Where the length of a memorandum of understanding or similar agreement is excessive, an agency may comply with [this] subdivision *b* by posting an excerpt and a brief summary of such memorandum or agreement on the city's website, provided that the full version of such memorandum of understanding or similar agreement shall be made available upon request at no charge.

§ 2. This local law takes effect 2 years after the expiration or termination of the state disaster emergency declared by the governor of the state of New York in executive order number 202, dated March 7, 2020, as extended.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, June 27, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Cumbo and Koo.*

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. 1872-A

**Report of the Committee on Governmental Operations 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 online publication of unconsolidated local laws.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on February 11, 2020 (Minutes, page 253), respectfully

**REPORTS:**

**I. INTRODUCTION**

On July 27, 2020, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, held a second hearing and a vote on: Int. No. 1872-A, sponsored by Council Member Fernando Cabrera, in relation to the online publication of unconsolidated local laws; Int. No. 1879-A, sponsored by Council Member Keith Powers, in relation to the designation of administering offices or agencies; Int. No. 1091-A, sponsored by Council Member Peter A. Koo, in relation to the posting of machine readable executive orders; and Preconsidered Res. No. 1371, sponsored by Council Member Laurie A. Cumbo, a resolution calling for passage of the Voting Rights Advancement Act of 2019 (H.R. 4). The bills and resolution were approved by the Committee with seven votes in the affirmative, zero in the negative.

**II. LEGISLATIVE ANALYSIS FOR INT. NO. 1872-A**

Int. No. 1872-A would require publication of unconsolidated laws enacted by the Council. Unlike consolidated provisions of local law, unconsolidated provisions are not codified in either the Administrative Code or Charter.<sup>1</sup> Unconsolidated provisions nevertheless carry the force of law.<sup>2</sup> Unconsolidated laws are

<sup>1</sup> See New York City Bill Drafting Manual, Second Edition (2018) at 1.3.1, available at <https://council.nyc.gov/legislation/wp-content/uploads/sites/55/2018/04/BDM-Final-2018-Version.pdf> (describing unconsolidated laws); see also N.Y.C. Admin. Code § 7-111 (requiring publication of the Administrative Code and Charter).

<sup>2</sup> *Id.*

commonly used where the law is meant to apply for a limited duration, for example, a local law requiring a report, plan, pilot program, task force or advisory board, that will meet for a finite period and then dissolve.<sup>3</sup>

Local laws passed by the Council may also include both consolidated and unconsolidated sections. Such unconsolidated sections may, for example, outline legislative intent,<sup>4</sup> define a local law's applicability,<sup>5</sup> direct City agencies to take certain actions to implement a local law or report on its implementation,<sup>6</sup> or be severability clauses.<sup>7</sup>

Advocates have expressed confusion in the past when trying to find unconsolidated laws. Unconsolidated portions of enacted local laws are included as annotations to the Administrative Code and Charter as published by subscription-based databases such as Westlaw. However, members of the public without access to such resources may not be able to find these unconsolidated provisions.

Int. No. 1872-A would require the Corporation Counsel to make available through the City's website a true and complete compilation of unconsolidated local laws enacted after January 1, 1985 that remain in effect, except such compilation shall not include any unconsolidated provision of local law that relates solely to the effective date of such local law or that solely establishes as severable any part or provision of such local law. Unconsolidated portions of local laws enacted after January 1, 1985 must be presented as annotations to the relevant amended sections of the Charter or Administrative Code.

Int. No. 1872-A would take effect two years after the expiration or termination of the state disaster emergency declared by the governor of the state of New York in executive order number 202, dated March 7, 2020, as extended.

### **III. LEGISLATIVE ANALYSIS FOR INT. NO. 1879-A**

Int. No. 1879-A requires the Mayor to take certain steps when designating an agency to administer provisions of law. Local laws passed by the Council often give the Mayor discretion in designating an agency responsible for administering the requirements of the law. However, the Mayoral administration is not uniformly required to notify the public or the Council when an agency designation is made. Instead, that information might only be disclosed when Council members or staff specifically ask, which can lead to regulatory uncertainty for members of the public.

Int. No. 1879-A would standardize the process by which the Mayor designates administering office and agencies. It would require that the Mayor publish online, and notify the Speaker, of every designation of an administering office or agency within 10 days. The Mayor would also be required to publish past designations online and submit them to the Speaker.

Int. No. 1879-A would take effect immediately upon enactment, except that in the case of laws that (i) took effect before the effective date of Proposed Int. No. 1879-A, (ii) remain in effect and (iii) require or authorize the mayor to designate one or more offices or agencies to administer or enforce any provision of the charter or administrative code; the mayor would make such designation in writing and publish and submit a copy of such designation as prescribed in Int. No. 1879-A, no later than July 1, 2021.

---

<sup>3</sup> *Id.*

<sup>4</sup> *See e.g.* N.Y.C. Admin. Code § 3-703 / Local Laws 21 of 2001, 12 of 2003 and, 58-60 of 2004.

<sup>5</sup> *See e.g.* N.Y.C. Admin. Code § 3-1101 / Local Law 48 of 2019 § 2 (explaining the local law applies to legal defense trusts established after the local law's effective date); N.Y.C. Admin. Code § 23-503 / Local Law 109 of 2015 § 2 (instructions for requests for particular datasets received prior to enactment).

<sup>6</sup> *See e.g.* N.Y.C. Admin. Code § 3-702 / Local Law 34 of 2007 §§ 36 and 38 (directing agency support in creation of the City's Doing Business Database and requiring the Campaign Finance Board to report on the status of the database as part of its 2009 post-election report); N.Y.C. Admin. Code § 23-1101 / Local Law 30 of 2017 § 6 (requiring the office of language services coordination make a preliminary assessment of the ten languages likely to be designated citywide languages); N.Y.C. Admin. Code § 23-505 / Local Law 108 of 2015 § 2 (requiring the creation of a working group).

<sup>7</sup> *See e.g.* N.Y.C. Admin. Code § 3-702 / Local Law 17 of 2006 § 2; N.Y.C. Admin. Code § 3-703 / Local Law 58 of 2004 § 20.

#### **IV. LEGISLATIVE ANALYSIS FOR INT. NO. 1091-A**

Int. No. 1091-A would require the creation of a compilation of executive orders issued by New York City mayors. As the City’s chief executive officer, the Mayor has the authority to issue orders to executive branch agencies, offices, divisions and bureaus.<sup>8</sup> Generally, executive orders concern the implementation of laws and mayoral policies.<sup>9</sup> Executive orders may be amended, modified or repealed by subsequent executive orders.<sup>10</sup>

Currently, the City makes executive orders available online in two places. First, DORIS maintains a website with all executive orders from 1974 to 2013, separated into pages for Mayors Abraham D. Beame (1974 - 1977), Edward I. Koch (1978 - 1989), David N. Dinkins (1990 - 1993), Rudolph W. Giuliani (1994 - 2001) and Michael R. Bloomberg (2002 - 2013).<sup>11</sup> Separately, executive orders issued by current Mayor Bill de Blasio are posted to the “News” page of the Office of the Mayor.<sup>12</sup> To find executive orders, one must filter by type to separate them from press releases, statements, public schedules and other media hosted on the website.

Executive orders on both DORIS’ and Mayor de Blasio’s websites are posted in portable document format (“PDF”). Not every PDF enables readers to search within the executive order, but instead may present the document as a fixed image. Some executive orders include handwritten notes, such as DORIS’ publication of Executive Order No. 40 (1975), upon which is a handwritten annotation that it was amended by a subsequent executive order.<sup>13</sup> Neither DORIS’ nor Mayor de Blasio’s websites allow one to search the text of multiple executive orders at once.

Int. No. 1091-A would require the Corporation Counsel, head of the Law Department, to make available on a single page on the City’s website a compilation of all executive orders issued by mayors from 1974 to the present. Such compilation shall be published in a searchable, machine-readable format, or formats that are capable of being downloaded in bulk. This compilation must indicate any executive order that has been explicitly superseded or amended by a later executive order with an annotation to the superseded or amended executive order.

Int. No. 1091-A would take effect two years after the expiration or termination of the state disaster emergency declared by the governor of the state of New York in executive order number 202, dated March 7, 2020, as extended.

#### **V. LEGISLATIVE ANALYSIS FOR PRECONSIDERED RESOLUTION NO. 1371**

Preconsidered Res. No. 1371 calls upon Congress to pass, and the President to sign, the Voting Rights Advancement Act of 2019 (H.R. 4.), which would revise and modernize portions of the Voting Rights Act of 1965 struck down in the Supreme Court decision *Shelby County v. Holder*.

In the June 2013 decision in *Shelby County v. Holder*, the U.S. Supreme Court invalidated crucial portions of the Voting Rights Act of 1965 (“VRA”), which had been a cornerstone and major victory in the Civil Rights Movement.<sup>14</sup> The VRA established criteria to determine whether states or other jurisdictions had a history of discriminatory voting practices and disparately low voter turnout, and if so, required them to obtain clearance by the U.S. Department of Justice or a federal judge before enacting voting changes, a system known as “preclearance.”<sup>15</sup> In *Shelby County*, the Court struck down section 4(b) of the VRA, which outlined the criteria used to determine whether jurisdictions required federal preclearance to enact changes to voting procedures, thereby abolishing the preclearance requirement.<sup>16</sup>

<sup>8</sup> See N.Y.C. Charter § 8 (providing that the mayor may by executive order create positions within his or her executive office and delegate to or withdraw from any member of such office specified functions, powers and duties); N.Y.C. DEP’T OF REC. AND INFO. SERV., EXECUTIVE ORDERS, <https://www1.nyc.gov/site/records/historical-records/executive-orders.page> (last visited Jan. 29, 2020).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*; See e.g. Exec. Order No. 1 (Jan. 1, 2014), available at [https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2014/eo\\_1.pdf](https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2014/eo_1.pdf) (Mayor de Blasio executive order providing that executive orders in effect on Dec. 31, 2013 are continued unless specifically revoked, revised or superseded by a subsequently-issued executive order).

<sup>11</sup> EXECUTIVE ORDERS, *supra* note 8.

<sup>12</sup> OFF. OF THE MAYOR (N.Y.C.), NEWS, <https://www1.nyc.gov/office-of-the-mayor/news.page> (last visited Jan. 29, 2020).

<sup>13</sup> Exec. Order No. 40 (Sept. 25, 1975), available at [https://www1.nyc.gov/assets/records/pdf/executive\\_orders/1975EO040.PDF](https://www1.nyc.gov/assets/records/pdf/executive_orders/1975EO040.PDF).

<sup>14</sup> *Shelby County, Alabama v. Holder, Attorney General, et al.*, 570 U.S. \_\_\_ (2013)

<sup>15</sup> See *id.*

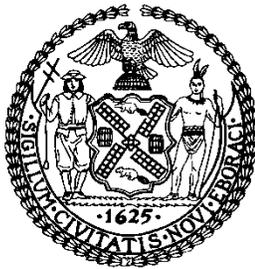
<sup>16</sup> See *id.*

This ruling severely fractured the Voting Rights Act, at a time when attempts to suppress minority voting were and are still prevalent. Since *Shelby County*, at least 23 states have enacted newly restrictive statewide voter laws, implementing changes like strict voter ID requirements, proof of citizenship, purging voter rolls, reducing polling locations and decreasing options for early voting.<sup>17</sup>

In February 2019, Representative Terri Sewell (AL – 07) introduced H.R. 4, termed the “Voting Rights Advancement Act of 2019 (VRAA),” to revise and modernize the preclearance criteria struck down in *Shelby County*.<sup>18</sup> Among other things, the VRAA would establish new criteria for invoking preclearance requirements based on a finding of repeated voting rights violations over the past 25 years, specify practices that have historically been used to discriminate against voters that would require preclearance, and increase transparency by requiring reasonable notice of any jurisdiction’s changes to voting procedures, regardless of whether they required preclearance.<sup>19</sup> In addition, it would expand the circumstances under which the Department of Justice may assign election observers and revise the preliminary injunction standard for voting rights actions, to recognize cases where there is a need for immediate preliminary relief.<sup>20</sup> The VRAA passed the House in December 2019.<sup>21</sup>

Congressman John Lewis, a bastion of the Civil Rights Movement who repeatedly risked life and limb in his nonviolent fight for voting rights, passed away on July 17, 2020. He was a proud co-sponsor and strident supporter of the VRAA.<sup>22</sup> Its passage would honor his legacy and ensure voting rights are protected for all Americans in the upcoming presidential election and beyond.

(The following is the text of the Fiscal Impact Statement for Int. No. 1872-A:)



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

PROPOSED INTRO NO. 1872-A

COMMITTEE: Governmental Operations

---

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the online publication of unconsolidated local laws. **SPONSORS:** Council Members Cabrera, Kallos, and Yeger.

**SUMMARY OF LEGISLATION:** This bill would require the Corporation Counsel to make available through the City’s website a complete compilation of unconsolidated local laws enacted after January 1, 1985 that remain in effect, except that such compilation need not include any unconsolidated provision of local law that relate solely to the effective date of such local law or that solely establishes as severable any part of provision of such local law. Such compilation would include as annotations to relevant sections of the Charter or Administrative Code any unconsolidated portions of local laws.

---

<sup>17</sup> United States Commission on Civil Rights, *An Assessment of Minority Voting Rights Access in the United States*, September 2018, available at [https://www.usccr.gov/pubs/2018/Minority\\_Voting\\_Access\\_2018.pdf](https://www.usccr.gov/pubs/2018/Minority_Voting_Access_2018.pdf)

<sup>18</sup> H.R.4 – Voting Rights Advancement Act of 2019, available at <https://www.congress.gov/bill/116th-congress/house-bill/4>

<sup>19</sup> *See id.*

<sup>20</sup> *See id.*

<sup>21</sup> *See id.*

<sup>22</sup> *See id.*

**EFFECTIVE DATE:** This local law would take effect two years after the expiration or termination of the state disaster emergency declared by the governor of the state of New York in executive order number 202, dated March 7, 2020, as extended.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Sebastian Palacio Bacchi, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1872 on February 11, 2020 and was referred to the Committee on Governmental Operations (Committee). The Committee heard the legislation on February 12, 2020, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. 1872-A, will be considered by the Committee on July 27, 2020. Upon a successful vote by the Committee, Proposed Int. 1872-A will be submitted to the full Council for a vote on July 28, 2020.

**DATE PREPARED:** July 21, 2020.

**(For text of Int. Nos. 1091-A and 1879-A and their Fiscal Impact Statements, please see the Report of the Committee on Governmental Operations for Int. Nos. 1091-A and 1879-A, respectively, printed in these Minutes; for text of preconsidered Res. No. 1371, please see the Report of the Committee on Governmental Operations for Res. No. 1371 in the voice-vote Resolutions section of these Minutes; for text of Int. No. 1872-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. No. 1091-A, 1872-A, 1879-A, and preconsidered Res. No. 1371.*

**(The following is the text of Int. No. 1872-A:)**

## Int. No. 1872-A

Council Members Cabrera, Kallos, Yeager, Vallone, Louis, Barron and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to the online publication of unconsolidated local laws**

*Be it enacted by the Council as follows:*

Section 1. Section 7-111 of the administrative code of the city of New York, as added by local law number 37 for the year 2014, is amended to read as follows:

§ 7-111 Online publication of city laws *and rules*. a. The corporation counsel shall make available through the city's website a true and complete compilation of:

1. The charter, the administrative code, and the rules of the city of [new york] *New York; and*
2. *Unconsolidated local laws enacted after January 1, 1985 that remain in effect, except such compilation shall not include any unconsolidated provision of local law that relates solely to the effective date of such local law or that solely establishes as severable any part or provision of such local law.*

*b. Such compilation shall include as annotations to relevant sections of the charter and administrative code any unconsolidated portions of local laws enacted after January 1, 1985 that amended such sections.*

*c. Such compilation shall be published in a searchable, machine-readable format or formats that are capable of being downloaded in bulk, and which are chosen for the purpose of making such compilations available to the greatest number of users and for the greatest number of applications. Such compilation shall be updated to reflect changes to such compilation no later than four weeks after such changes are made.*

§ 2. This local law takes effect 2 years after the expiration or termination of the state disaster emergency declared by the governor of the state of New York in executive order number 202, dated March 7, 2020, as extended.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, June 27, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Cumbo and Koo.*

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. 1879-A

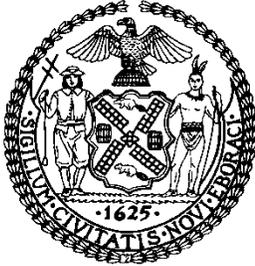
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the designation of administering offices or agencies.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on February 11, 2020 (Minutes, page 263), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 1872-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1879-A:*



**THE COUNCIL OF THE CITY OF NEW YORK**

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO NO. 1879-A**

**COMMITTEE:** Governmental Operations

---

**TITLE:** A Local Law to amend the New York city charter, in relation to the designation of administering offices or agencies. **SPONSORS:** Council Members Powers and Kallos.

**SUMMARY OF LEGISLATION:** This bill would provide that any designation by the Mayor of one or more offices or agencies to administer or enforce any provision of the Charter or Administrative Code made pursuant to a law that requires or authorizes the Mayor to make such a designation, and any change to any such designation, shall be made in writing. Within 10 days of such designation or change, a copy of such writing shall be published on the City's website and on the website of such agency or office, and shall be electronically submitted to the Speaker.

**EFFECTIVE DATE:** This local law takes effect immediately, except that with respect to any law that (i) took effect before the effective date of this local law, (ii) remains in effect and (iii) requires or authorizes the mayor to designate one or more offices or agencies to administer or enforce any provision of the charter or administrative code, the mayor shall make such designation in writing and publish and submit a copy of such designation, as described in section 1 of this local law, by no later than July 1, 2021.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

---

**FISCAL IMPACT STATEMENT:**

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs  
Office of Management and Budget

**ESTIMATE PREPARED BY:** Sebastian Palacio Bacchi, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1879 on February 11, 2020 and was referred to the Committee on Governmental Operations (Committee). The Committee heard the legislation on February 12, 2020, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. 1879-A, will be considered by the Committee on July 27, 2020. Upon a successful vote by the Committee, Proposed Int. 1879-A will be submitted to the full Council for a vote on July 28, 2020.

**DATE PREPARED:** July 21, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**The following is the text of Int. No. 1879-A:)**

Int. No. 1879-A

By Council Members Powers, Kallos, Ayala, Vallone, Louis, Barron and Rivera.

**A Local Law to amend the New York city charter, in relation to the designation of administering offices or agencies**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 11-a to read as follows:

§ 11-a. *Designation of administering offices or agencies. Any designation by the mayor of one or more offices or agencies to administer or enforce any provision of the charter or administrative code made pursuant to a law that requires or authorizes the mayor to make such a designation, and any change to any such designation, shall be made in writing. Within 10 days of such designation or change, a copy of such writing shall be published on the city's website and on the website of any office or agency that is the subject of such designation or change, and shall be electronically submitted to the speaker of the council.*

§ 2. This local law takes effect immediately, except that with respect to any law that (i) took effect before the effective date of this local law, (ii) remains in effect and (iii) requires or authorizes the mayor to designate one or more offices or agencies to administer or enforce any provision of the charter or administrative code, the mayor shall make such designation in writing and publish and submit a copy of such designation, as described in section 1 of this local law, by no later than July 1, 2021.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, June 27, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Cumbo and Koo.*

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 Health

Report for Int. No. 1945-A

### Report of the Committee on Health 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 annual reporting of heat vulnerability and heat-related deaths.

The Committee on Health, to which the annexed proposed amended local law was referred on May 28, 2020 (Minutes, page 1003), respectfully

#### REPORTS:

#### INTRODUCTION

On July 28, 2020, the Committee on Health, chaired by Council Member Mark Levine, held a hearing on Introduction 1945-A, a Local Law to amend the administrative code of the city of New York, in relation to annual reporting of heat vulnerability and heat-related deaths, sponsored by Council Member Brannan, Introduction 1960-A, a Local Law to amend the administrative code of the city of New York, in relation to a comprehensive cooling and communication plan, sponsored by Council Member Salamanca, and Resolution 637-A, resolution calling on the United States Department of Health and Human Services and the New York State Department of Health to create a special commission to address health emergencies and infectious diseases, sponsored by Council Member Eugene. The introductions were originally heard at a hearing of this Committee on May 26, 2020, at which the Committee received testimony from representatives from Con Ed, City agencies, consumer and environmental justice advocates, and other stakeholders. The resolution was originally heard at a hearing of this Committee on September 9, 2019, at which the Committee received testimony from representatives from the New York City Department of Health and Mental Hygiene, advocates, and other stakeholders. On July 28, 2020, the Committee passed this legislation by a vote of seven in the affirmative, zero in the negative, and zero abstentions.

#### I. BACKGROUND

On March 7, 2020 Governor Andrew Cuomo declared a state of emergency in response to the spread of a novel coronavirus known as COVID-19. On March 20, the Governor ordered all non-essential businesses to close and residents to remain at home. With summer approaching and the COVID-19 crisis now forcing people to work from home, there are serious concerns that the City may not be sufficiently prepared to address the cooling needs of residents. Many of those most vulnerable to COVID-19, namely the elderly and those with underlying health conditions, are likewise prone to heat related illnesses and deaths.

In March, prior to the closure of non-essential businesses, the Speaker of the City Council released a policy paper, *Securing Our Future: Strategies For New York City in the Fight Against Climate Change*.<sup>1</sup> As part of the policy paper's analysis on the many impacts of climate change was a discussion on protecting the public health by mitigating and adapting to rising temperatures. As discussed in greater detail there, the majority of heat-related deaths in New York City are likely not direct and are instead deaths where heat was a contributing factor for individuals already weakened or with an underlying condition.<sup>2</sup> Additionally, heat-related deaths are not distributed evenly among the City's population. Black people were disproportionately represented, making up almost half of all heat-related deaths.<sup>3</sup> Poverty may also be a contributing factor to heat-related deaths, particularly for persons who either do not have an air conditioner or who cannot afford the utility costs of its

---

<sup>1</sup> *Securing Our Future: Strategies for New York City in the Fight Against Climate Change*, available at: [http://council.nyc.gov/data/wp-content/uploads/sites/73/2020/03/Securing-our-Future\\_Report-2020.r4.pdf](http://council.nyc.gov/data/wp-content/uploads/sites/73/2020/03/Securing-our-Future_Report-2020.r4.pdf)

<sup>2</sup> *Id.* at 47.

<sup>3</sup> *Id.*

operation.<sup>4</sup> Among the policy paper's strategies were recommendations to develop a comprehensive cooling plan, to improve how the City measures deaths where heat is a contributing factor, and to increase cooling assistance, such as by funding air conditioner installation and operation for vulnerable populations.<sup>5</sup> These strategies have since taken on greater importance, as cooling centers and public spaces may either be closed or restricted due to the need for social distancing, making the need for cooling assistance even greater.

Compounding these concerns, such cooling assistance requires a reliable electric grid. Yet, in the summer of 2019, New York City experienced numerous blackouts across the five boroughs despite assurances from Con Ed that it was prepared to handle the increased summer power demands. Another weather concern is that experts are predicting an active hurricane season this year, with projections significantly above normal. Experts forecast 16 named tropical storms,<sup>6</sup> eight of which are expected to reach hurricane status with winds greater than 74 mph.<sup>7</sup> An active storm season, coupled with rising temperatures, raises the specter that power outages this summer could pose even greater challenges for vulnerable New Yorkers.

## II. RECENT POWER OUTAGES AND FAILURES

In July 2019, the United States and multiple countries in Europe experienced record temperatures, becoming the hottest month ever recorded in human history.<sup>8</sup> On the weekend of July 20, a heat wave advisory was issued affecting numerous regions in the United States, including New York City.<sup>9</sup> At least six deaths were attributed to the heatwave in other states.<sup>10</sup>

Prior to the heat wave, Con Ed assured residents that it was prepared. The President of Con Ed, Tim Cawley, told reporters that Con Ed was “ready for what the heat will bring,” stating that Con Ed “[spent] a full year preparing for the high demand that summer brings,” and that they invested \$1.5 billion in their energy-delivery systems.<sup>11</sup> However, despite such assurances, the City experienced a number of serious power outages attributed to the heat, equipment failures and storm activity.

The first major outage hit the Upper West Side of Manhattan on July 13. The blackout affected at least 73,000 customers.<sup>12</sup> On July 21, 2019, temperatures rose to 102 degrees Fahrenheit and parts of New York City began losing power, including Flushing and Richmond Hill in Queens, Park Slope, Flatbush and Brighton Beach in Brooklyn, and Lincoln Square in Manhattan. Smaller outages were also recorded in parts of the Bronx and Staten Island.<sup>13</sup> In total, approximately 10,000 customers were affected across the five boroughs.<sup>14</sup>

To cope with the increased demand, attend to repairs and prevent further outages, Con Ed intentionally cut power to certain Brooklyn neighborhoods and reduced the power output in others. On the hottest day of the year, Con Ed cut power to 30,000 customers in Canarsie, Mill Basin and Flatbush, and reduced voltage in Prospect

---

<sup>4</sup> Id.

<sup>5</sup> Id. at 50-51.

<sup>6</sup> Some projections put the number at 17 named tropical storms. See: Judson Jones, “Experts Agree this Hurricane Season will be Above-Average, Maybe Even Extremely Active,” *CNN*, May 8, 2020, available at: <https://www.cnn.com/2020/05/08/weather/hurricane-season-2020-forecast-above-average/index.html>.

<sup>7</sup> Jeff Berardelli, “‘Above normal’ 2020 Atlantic hurricane season on tap, researchers forecast,” *CBS News*, April 2, 2020, available at: <https://www.cbsnews.com/news/2020-atlantic-hurricane-season-colorado-state-university-forecast-released-today-2020-04-02/>.

<sup>8</sup> Brady Dennis and Andrew Freedman “Here’s how the hottest month in recorded history unfolded around the world”, *Washington Post*, August 5, 2019, available at: <https://www.washingtonpost.com/climate-environment/2019/08/05/heres-how-hottest-month-recorded-history-unfolded-around-globe/>.

<sup>9</sup> Katie Reilly and Josiah Bates “An ‘extremely dangerous’ heat wave will hit 195 million Americans this weekend. Here’s how to stay safe”, *Time*, July 19, 2019, available at: <https://time.com/5628121/united-states-heat-wave-july/>.

<sup>10</sup> Justin Carissimo “Massive heat wave blamed for at least 6 deaths”, *CBS News*, July 21, 2019, available at: <https://www.cbsnews.com/live-news/heat-wave-2019-extreme-heat-advisory-warning-deaths-latest-weather-forecast-us-nyc-2019-07-20/>.

<sup>11</sup> Tim Cawley as quoted by: Maura Grunlund “Con Ed is ready for NYC heat wave that ‘will rival’ top weekend demand for electricity”, *SI Live*, July 19, 2019, available at: <https://www.silive.com/news/2019/07/con-ed-is-ready-for-nyc-heat-wave-that-will-rival-top-weekend-demand-for-electricity.html>.

<sup>12</sup> James Barron and Mihir Zaveri “Power restored to Manhattan’s West Side after major blackout”, *New York Times*, July 13, 2019, available at: <https://www.nytimes.com/2019/07/13/nyregion/nyc-power-outage.html>.

<sup>13</sup> Max Jaeger “10,000 New Yorkers lose power at height of Sunday heat”, *NY Post*, July 21, 2019, available at: <https://nypost.com/2019/07/21/10000-new-yorkers-lose-power-at-height-of-sunday-heat/>.

<sup>14</sup> Id.

Lefferts Gardens, Prospect Heights, Flatlands, Bergen Beach and Georgetown.<sup>15</sup> According to the New York Times, this was due to cable failures at the substation serving the area. Five of the 19 cables failed, leaving 14 to handle a heavier-than-normal electricity flow, possibly resulting in a system-wide failure affecting the entire area.<sup>16</sup> No explanation for the failure was given, other than the cuts being “necessary to prevent longer outages.”<sup>17</sup>

In response, the City Council held an oversight hearing last fall to question Con Ed executives on the blackouts. When questioned over whether, in hindsight, Con Ed maintained they were prepared for the heatwave, David DeSanti, Vice President of Brooklyn and Queens Electric Operations for Con Ed replied “the outcomes are the outcomes.”<sup>18</sup> Furthermore, when asked how Con Ed will prepare for increased demand, given that some of the blackouts occurred during non-peak times, Con Ed indicated that smart meters were their main solution. These meters would allow Con Ed to structure their pricing to encourage less use during peak demands.<sup>19</sup> However, not all households will have the luxury of reducing their use of air conditioners, particularly now that most New Yorkers are confined to their homes due to the COVID-19 crisis.

a. Pattern of outages and infrastructure failures

The power outages experienced by New Yorkers in the summer of 2019 were, unfortunately, not a unique experience. Con Ed has a history of failing to meet the City’s demand for electricity, due to a raft of systemic failures. In 1999, hundreds of thousands of Con Ed’s customers lost power during a heat wave.<sup>20</sup> The Attorney General’s office conducted an investigation and determined that Con Ed customers lost power because numerous elements of Con Ed’s electricity supply system failed and that their preparations for the heat wave were inadequate.<sup>21</sup>

In 2003, an outage hit the whole City and lasted 29 hours. In 2006, there was another outage, which mainly hit Queens, and lasted eight days. In 2012, after Superstorm Sandy, numerous parts of the City experienced outages for days or weeks.<sup>22</sup> Like the 1999 and 2019 outages, all of the blackouts in between were deemed to have been caused by various types of equipment failures.<sup>23</sup>

Although Con Ed claims to have spent \$1.5 billion in 2018 to upgrade its transformers and replace underground feeder cables, experts claim that such upgrades are routine maintenance projects that utilities need to conduct to ensure that the grid keeps functioning.<sup>24</sup> Furthermore, Con Ed’s prioritization of projects and focus on replacing equipment appears insufficient to respond to the City’s increasing energy demands. In their testimony in the recent rate case before the Public Service Commission, witnesses testifying on behalf of the City expressed concern that Con Ed’s focus on replacing equipment was shortsighted, and called for a paradigm shift in the Company’s approach. Rather than focus on mere maintenance and equipment replacement, they testified that the Company must “examine opportunities to invest in research and development, demonstration projects and alternative solutions such as [non wire solutions or NWS] to replacing failed equipment.”<sup>25</sup>

<sup>15</sup> Chris Perez “ConEd taking 30K people off power for repairs, says de Blasio”, *NY Post*, July 21, 2019, available at: <https://nypost.com/2019/07/21/con-ed-taking-30k-people-off-power-for-repairs-says-de-blasio/>.

<sup>16</sup> Michael Gold and Patrick McGeehan “Con Edison points to record-breaking power usage to explain shutdown”, *New York Times*, July 22, 2019, available at: <https://www.nytimes.com/2019/07/22/nyregion/brooklyn-power-outage-nyc.html>.

<sup>17</sup> Con Ed “Re: Southeast Brooklyn outages”, July 22, 2019, available at: <https://www.coned.com/en/about-us/media-center/news/20190722/con-edison-statement>.

<sup>18</sup> David DeSanti in “Transcript of the minutes of the Committee on Consumer Affairs and Business Licensing jointly with Committee on Resiliency and Waterfronts and Committee on Environmental Protection”, September 4, 2019, available at: <https://nyc.legistar.com/View.ashx?M=F&ID=7705192&GUID=D2927BC3-354A-49D3-B8F1-4821DBOC03A5>, p. 35.

<sup>19</sup> Id, p. 88.

<sup>20</sup> Office of the Attorney General “Con Edison’s July 1999 Electric Service Outages: A Report to the People of the State of New York” March 9, 2000, available at: <https://www.ag.ny.gov/sites/default/files/press-releases/archived/coned.pdf>, p. 1.

<sup>21</sup> Id, p. 7.

<sup>22</sup> Lauren Cook “A brief history of blackouts in New York City”, *AM New York*, July 15, 2019, available at: <https://www.amny.com/news/blackouts-nyc-1.33881190>.

<sup>23</sup> Id.

<sup>24</sup> Gwynne Hogan “‘They dragged their feet’: Con Ed’s plan for heat waves is years behind schedule”, *Gothamist*, July 24, 2019, available at: [https://gothamist.com/2019/07/24/con\\_ed\\_heat\\_wave\\_plan\\_years\\_late.php](https://gothamist.com/2019/07/24/con_ed_heat_wave_plan_years_late.php).

<sup>25</sup> Ke Wei, John Marczewski, P.E. and Alex Boutsoulis, P.E. , on behalf of the City of New York, Testimony to the NYS Department of Public Service on Consolidated Edison of New York rate cases 19-E-0065 and 19-G-0066, filed May 24, 2019, available at: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={9D8B94B8-7698-463B-AE0A-5B645CE6461F}>.

b. Con Ed's Responses to the 2020 COVID-19 Emergency

To date, Con Ed's COVID-19 response has primarily focused on assisting customers facing financial distress during this crisis. For instance, they have issued a moratorium on shut-offs so that no customer will have their power cut for a lack of payment.<sup>26</sup> Additionally, Con Ed has said that they will waive all new late-payment fees and are offering customers an opportunity to negotiate payment extension plans.<sup>27</sup> However, unlike other utilities,<sup>28</sup> Con Ed has not announced that it is suspending its rate increase, which was recently approved by the Public Service Commission, increasing residential customer bills on average by \$6.37 per month.<sup>29</sup>

During this hearing, the committees look forward to examining how Con Ed plans to address the troubling weather forecasts for this summer, and particularly how it intends to ensure that vulnerable customers, such as the elderly and those with underlying medical conditions, will not face power shutoffs during this unprecedented time of need.

### III. CLIMATE CHANGE AND COVID-19

Temperatures have been rising more rapidly over the last century, and one in ten Americans are currently living in rapidly heating regions, including New York City.<sup>30</sup> Heatwaves in the City are exacerbated by the Urban Heat Island (UHI) effect, a phenomenon in which urban areas experience higher temperatures than surrounding suburban and rural areas, largely because of heat-retaining concrete and asphalt, less vegetation and more industrial functions.<sup>31</sup> According to a study by the University of Maryland published last year, temperatures in New York City will be up to 5°C warmer, with a climate similar to Jonesboro, Arkansas by 2080.<sup>32</sup>

Urban areas can be up to 5.4 degrees Fahrenheit warmer during the day and up to 22 degrees Fahrenheit hotter at night than surrounding rural and suburban areas, affecting City residents' quality of life and the City's infrastructure.<sup>33</sup> For example, buildings retain heat overnight, which prevents people from sleeping well, air pollution can be worse on hotter days and that may lead to respiratory problems, and warmer conditions may also lead to heavy rainfall causing flooding.<sup>34</sup>

Over the last decade, the City has experienced some of its hottest summer months ever recorded,<sup>35</sup> and heat

<sup>26</sup> Con Edison "Help during Coronavirus", April 22, 2020, available at: <https://www.coned.com/en/about-us/media-center/news/coronavirus/updates>.

<sup>27</sup> Con Edison "Help during Coronavirus", April 22, 2020, available at: <https://www.coned.com/en/about-us/media-center/news/coronavirus/updates>.

<sup>28</sup> Public Service Commission "PSC Chair approves orders suspending rate increases in response to COVID-19", March 25, 2020, available at: [http://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/ArticlesByCategory/EFCBF3CC9E94E9268525853500649D06/\\$File/pr20033.pdf?OpenElement](http://www3.dps.ny.gov/pscweb/WebFileRoom.nsf/ArticlesByCategory/EFCBF3CC9E94E9268525853500649D06/$File/pr20033.pdf?OpenElement).

<sup>29</sup> Bernadette Hogan, "State commission approves Con Edison rate hikes on city electric and gas", *NY Post*, Jan. 16, 2020, available at: [https://nypost.com/2020/01/16/state-commission-approves-con-edison-rate-hikes-on-city-electric-and-gas/?utm\\_source=First+Read+Newsletters&utm\\_campaign=a97b03ad75-EMAIL\\_CAMPAIGN\\_2020\\_01\\_17\\_10\\_58&utm\\_medium=email&utm\\_term=0\\_252d27c7d1-a97b03ad75-34707812&mc\\_cid=a97b03ad75&mc\\_eid=8dd499739f](https://nypost.com/2020/01/16/state-commission-approves-con-edison-rate-hikes-on-city-electric-and-gas/?utm_source=First+Read+Newsletters&utm_campaign=a97b03ad75-EMAIL_CAMPAIGN_2020_01_17_10_58&utm_medium=email&utm_term=0_252d27c7d1-a97b03ad75-34707812&mc_cid=a97b03ad75&mc_eid=8dd499739f).

<sup>30</sup> Steven Mufson, Chris Mooney, Juliet Eilperin and John Muyskens, "2°C: Beyond The Limit, Extreme Climate Change has Arrived in America," *The Washington Post*, August 13, 2019, available at: <https://www.washingtonpost.com/graphics/2019/national/climate-environment/climate-change-america/>.

<sup>31</sup> *Id.*

<sup>32</sup> Pam Radtke "Death, blackouts, melting asphalt: ways the climate crisis will change how we live," *The Guardian*, August 20, 2019, available at: [https://www.theguardian.com/cities/2019/aug/20/death-blackouts-melting-asphalt-ways-the-climate-crisis-will-change-how-we-live?utm\\_campaign=citylab-daily-newsletter&utm\\_medium=email&silverid=%25%25RECIPIENT\\_ID%25%25&utm\\_source=newsletter](https://www.theguardian.com/cities/2019/aug/20/death-blackouts-melting-asphalt-ways-the-climate-crisis-will-change-how-we-live?utm_campaign=citylab-daily-newsletter&utm_medium=email&silverid=%25%25RECIPIENT_ID%25%25&utm_source=newsletter).

<sup>33</sup> See: "Cool Neighborhoods NYC: A Comprehensive Approach to Keep Communities Safe in Extreme Heat," June 2017, available at: [https://www1.nyc.gov/assets/orr/pdf/Cool\\_Neighborhoods\\_NYC\\_Report\\_FINAL.pdf](https://www1.nyc.gov/assets/orr/pdf/Cool_Neighborhoods_NYC_Report_FINAL.pdf)

<sup>34</sup> Pam Radtke "Death, blackouts, melting asphalt: ways the climate crisis will change how we live," *The Guardian*, August 20, 2019, available at: [https://www.theguardian.com/cities/2019/aug/20/death-blackouts-melting-asphalt-ways-the-climate-crisis-will-change-how-we-live?utm\\_campaign=citylab-daily-newsletter&utm\\_medium=email&silverid=%25%25RECIPIENT\\_ID%25%25&utm\\_source=newsletter](https://www.theguardian.com/cities/2019/aug/20/death-blackouts-melting-asphalt-ways-the-climate-crisis-will-change-how-we-live?utm_campaign=citylab-daily-newsletter&utm_medium=email&silverid=%25%25RECIPIENT_ID%25%25&utm_source=newsletter).

<sup>35</sup> Jeff Coltin, "Bracing for Heat Waves and Hurricanes During a Pandemic," *City & State New York*, May 6, 2020 available at: <https://www.cityandstateny.com/articles/policy/small-business/coronavirus-adjusts-plans-future-emergencies.html>.

waves like the one that hit the City in July 2019 are expected to become more frequent. The New York City Panel on Climate Change (NPCC) predicts that heat waves, which are defined as three or more days with temperatures at or above 90 degrees Fahrenheit, will be longer, hotter and more frequent especially in areas where the UHI effect is present, like many areas in the City.<sup>36</sup> NPCC also predicts for the 2020s that the City will experience two to four heat waves per year, with each heat wave lasting four to six days.<sup>37</sup> By 2050, the frequency of heat waves and the number of days above 90 degrees Fahrenheit is expected to nearly triple.<sup>38</sup>

According to the Center for Disease Control and Prevention, an average of 13 City residents died each year from heat-related illnesses between 2000 and 2011. These deaths were primarily among people from poorer neighborhoods and with underlying health conditions.<sup>39</sup> However, some studies indicate that this number may be much lower than the actual number of heat-related deaths because of how a “hot day” is defined.<sup>40</sup> The City also reports an average of 115 excess heat-related deaths, 150 heat-related hospitalizations, and 450 heat-related emergency department visits each year.<sup>41</sup> With rising temperatures because of climate change, the risk of extreme heat waves will become more acute each year.<sup>42</sup>

#### a. Predictions for NYC’s 2020 Summer and COVID-19

Public health experts are warning that COVID-19 could make heat waves much deadlier, and disproportionately affect elderly and low-income residents, many of whom are less likely to have or use air conditioning units.<sup>43</sup> The elderly and those with underlying health conditions are being urged to stay at home because of COVID-19. However, “the people who need to stay home the most are in the greatest danger of dying there during a heat wave.”<sup>44</sup> In recent years, over 80 percent of heat-related deaths occurred in homes without air conditioning in New York City.<sup>45</sup> Furthermore, new data released on the number of cases and deaths by zip code show a worrying overlap between the neighborhoods most affected by COVID-19 and those that lost power in the summer of 2019.<sup>46</sup>

<sup>36</sup> New York City Panel on Climate Change” 2019 Report, Chapter 2: New Methods for Assessing Extreme Temperatures, Heavy Downpours, and Drought, section 2.3 ‘Extreme temperature and humidity.’, (March, 2019, available at: <https://nyaspubs.onlinelibrary.wiley.com/doi/10.1111/nyas.14007#nyas14007-bib-0047>).

<sup>37</sup> New York City Panel on Climate Change “2019 Report, Chapter 2: New Methods for Assessing Extreme Temperatures, Heavy Downpours, and Drought, section 2.3.2 ‘New methods for projected changes in heat waves’” 2019 , available at: <https://nyaspubs.onlinelibrary.wiley.com/doi/10.1111/nyas.14007#nyas14007-bib-0047> (last visited Feb. 26, 2020).

<sup>38</sup> New York City Panel on Climate Change “2019 Report, Chapter 2: New Methods for Assessing Extreme Temperatures, Heavy Downpours, and Drought, Table 2.2 ‘Results from new projection methods for future assessments of heat wave across 52-member ensemble (26 models, RCPs 4.5 and 8.5) for New York City’” 2019, available at: <https://nyaspubs.onlinelibrary.wiley.com/doi/10.1111/nyas.14007#nyas14007-bib-0047> (last visited May. 20, 2020).

<sup>39</sup> Kay Dervishi, “Vulnerable New Yorkers hit hardest by COVID-19 – and heat waves”, *City & State*, May 12, 2020, available at: <https://www.cityandstateny.com/articles/politics/new-york-city/vulnerable-new-yorkers-hit-hardest-covid-19—and-heat-waves.html>.

<sup>40</sup> Kay Dervishi, “Vulnerable New Yorkers hit hardest by COVID-19 – and heat waves”, *City & State*, May 12, 2020, available at: <https://www.cityandstateny.com/articles/politics/new-york-city/vulnerable-new-yorkers-hit-hardest-covid-19—and-heat-waves.html>.

<sup>41</sup> New York City Environmental Justice Alliance, NYC Climate Justice Agenda, “Midway to 2030: Building Resiliency and Equity for a Just Transition”, April 2018, available at: <https://www.nyc-eja.org/wp-content/uploads/2018/04/NYC-Climate-Justice-Agenda-Final-042018-1.pdf>.

<sup>42</sup> Kay Dervishi, “Vulnerable New Yorkers hit hardest by COVID-19 – and heat waves”, *City & State*, May 12, 2020, available at: <https://www.cityandstateny.com/articles/politics/new-york-city/vulnerable-new-yorkers-hit-hardest-covid-19—and-heat-waves.html>.

<sup>43</sup> Anna M. Phillips and Tony Barboza, “Summer heat waves could be deadlier because of COVID-19, health officials warn”, *Los Angeles Times*, May 6, 2020, available at: <https://www.chicagotribune.com/coronavirus/ct-nw-coronavirus-summer-heat-waves-20200506-2wzd2rkrura7hjdwb3bcb2vcy-story.html>.

<sup>44</sup> Anna M. Phillips and Tony Barboza, “Summer heat waves could be deadlier because of COVID-19, health officials warn”, *Los Angeles Times*, May 6, 2020, available at: <https://www.chicagotribune.com/coronavirus/ct-nw-coronavirus-summer-heat-waves-20200506-2wzd2rkrura7hjdwb3bcb2vcy-story.html>.

<sup>45</sup> See: NYC Health Website available at: <https://www1.nyc.gov/site/doh/health/emergency-preparedness/emergencies-extreme-weather-heat.page>.

<sup>46</sup> Michael Schwartz and Lindsey Rogers Cook, “These N.Y.C. Neighborhoods Have the Highest Rates of Virus Deaths,” *New York Times*, May 18, 2020, available at: <https://www.nytimes.com/2020/05/18/nyregion/coronavirus-deaths-nyc.html?action=click&module=Top%20Stories&pgtype=Homepage>.

Typically, New Yorkers visit the City's many pools, parks, beaches and cooling centers, to stay cool on hot days during the summer months.<sup>47</sup> The Department of Parks and Recreation (DPR) operates and maintains over 60 public pools and approximately 14 miles of beaches.<sup>48</sup> Beaches and pools are typically open for swimming from Memorial Day weekend through the week after Labor Day.<sup>49</sup> City beaches host millions of visitors per year. It was reported that in 2018, approximately 16 million people visited DPR beaches, including 7.4 million visitors at Coney Island beaches and 5.5 million visitors in Rockaway beaches.<sup>50</sup> In April 2020, the Mayor announced that all of the City's pools will be closed for the summer because of COVID-19,<sup>51</sup> and currently, there are no plans to open the City's beaches this summer.<sup>52</sup> DPR has also closed playgrounds, recreation centers, nature centers, the High Line, amusement parks and skate parks, and other places many residents seek refuge throughout the summer.<sup>53</sup> However, the City Council is exploring ways to keep beaches open while maintaining social distancing.<sup>54</sup> Speaker Corey Johnson stated that with the closure of playgrounds and pools, City residents will need a place to go during the summer months. Social distancing enforcement would be a difficult task, but the City is exploring limiting the number of people allowed on a beach at a time.<sup>55</sup>

It is also unclear whether cooling centers will be open this summer. Cooling centers are facilities set up around the City, such as senior centers, libraries and community centers where people can stay cool during a heat emergency.<sup>56</sup> Mayor de Blasio announced in mid-May 2020 that they would look to establish "non-traditional cooling centers"<sup>57</sup> in spaces such as school classrooms, auditoriums and sporting venues.<sup>58</sup> However, social distancing may become challenging even in these larger spaces. There are also concerns about air conditioners increasing the risk of spreading coronavirus amongst groups of people.<sup>59</sup> Mayor de Blasio also announced that the City is creating a \$55 million program to provide over 74,000 air conditioners to certain New Yorkers without air conditioning units, with approximately 22,000 of such units being distributed to NYCHA residents.<sup>60</sup>

With State and City coffers taking a huge hit because of COVID-19, and budget cuts looming, securing funding to support the City's various cooling initiatives is vital. The federal government provided the State with \$28.8 million in stimulus money to provide low-income New Yorkers with assistance for their energy bills.<sup>61</sup> New York City officials are now lobbying to ensure a "significant portion" of this funding can be used "for expanded cooling assistance this summer," according to a letter to Governor Cuomo obtained by Politico.<sup>62</sup> The signatories to this letter argue that the COVID-19 crisis "will create enormous new need for cooling assistance

<sup>47</sup> See: NYC Health Website available at: <https://www1.nyc.gov/site/doh/health/emergency-preparedness/emergencies-extreme-weather-heat.page>.

<sup>48</sup> Department of Parks and Recreation Website, About the New York City Department of Parks & Recreation, <https://www.nycgovparks.org/about>.

<sup>49</sup> See, Department of Parks and Recreation Website, available at: <http://www.nycgovparks.org/facilities/beaches>.

<sup>50</sup> Lisa L. Colangelo, "City Beaches Saw Their Best Numbers in Three Years, According to the Parks Department," *AM New York*, October 22, 2018, available at <https://www.amny.com/news/nyc-beach-pool-attendance-1.22232998>.

<sup>51</sup> Isabelle Bousquette, "New York City Outdoor Pools Closed During Summer 2020, the Fate of Beaches Still Unclear," available at: <https://www.newyorkfamily.com/new-york-city-outdoor-pools-closed-during-summer-2020-the-fate-of-beaches-still-unclear/>.

<sup>52</sup> Caroline Spivak, "Should NYC's beaches open for the summer?" *Curbed New York*, April 20, 2020, available at: <https://ny.curbed.com/2020/4/20/21228274/nyc-beaches-closed-summer-coronavirus-pandemic>.

<sup>53</sup> See, Department of Parks and Recreation Website, available at: <https://www.nycgovparks.org/about/health-and-safety-guide/coronavirus>.

<sup>54</sup> See Spectrum News Website available at: <https://www.ny1.com/nyc/all-boroughs/politics/2020/04/28/the-city-council-is-looking-into-ways-to-keep-city-beaches-open->

<sup>55</sup> See Spectrum News Website available at: <https://www.ny1.com/nyc/all-boroughs/politics/2020/04/28/the-city-council-is-looking-into-ways-to-keep-city-beaches-open->

<sup>56</sup> See: NYC Emergency Management Website available at: <https://maps.nyc.gov/oem/cc/inactive.html>.

<sup>57</sup> Caroline Spivack "Here's how NYC plans to keep New Yorkers cool this summer", *Curbed New York*, May 15, 2020, available at: [https://ny.curbed.com/2020/5/15/21259952/new-york-city-summer-beaches-parks-air-coronavirus?mc\\_cid=c966480a64&mc\\_eid=812115127a](https://ny.curbed.com/2020/5/15/21259952/new-york-city-summer-beaches-parks-air-coronavirus?mc_cid=c966480a64&mc_eid=812115127a).

<sup>58</sup> Reuven Blau "NYC eyes schools as social distance-friendly cooling centers", *The City*, May 18, 2020, available at: [https://thecity.nyc/2020/05/nyc-eyes-schools-as-social-distance-friendly-cooling-centers.html?mc\\_cid=4c58901ed2&mc\\_eid=8dd499739f](https://thecity.nyc/2020/05/nyc-eyes-schools-as-social-distance-friendly-cooling-centers.html?mc_cid=4c58901ed2&mc_eid=8dd499739f).

<sup>59</sup> Jianyun Lu, et. al., COVID-19 Outbreak Associated with Air Conditioning in Restaurant, Guangzhou, China, 2020, The Centers for Disease Control and Prevention, available at [https://wwwnc.cdc.gov/eid/article/26/7/20-0764\\_article](https://wwwnc.cdc.gov/eid/article/26/7/20-0764_article)

<sup>60</sup> Mayor de Blasio Announces COVID-19 Heat Wave Plan to Protect Vulnerable New Yorkers, May 15, 2020, available at: <https://www1.nyc.gov/office-of-the-mayor/news/350-20/mayor-de-blasio-covid-19-heat-wave-plan-protect-vulnerable-new-yorkers>.

<sup>61</sup> Danielle Muoio "City pushing for more funding from state to keep residents cool", *Politico*, May 18, 2020.

<sup>62</sup> Id.

this summer” and thus the City requires adequate funding to address these needs.<sup>63</sup>

#### IV. CONCLUSION

History has shown that despite numerous inquiries, commitments, investments and increased rates, Con Ed has failed to address the significant flaws within its delivery system so that it can reliably meet the City’s electricity needs. With people now working from home during the COVID-19 emergency, the demand for air-conditioning over the summer will only increase. Pair this with rising temperatures, increased humidity and the urban heat island effect, and New York City’s grid is particularly vulnerable. Unfortunately, it is still unclear whether the utility has made the required adjustments to address these needs and ensure that New Yorkers have reliable and constant power through the upcoming summer months. It is also unclear whether the Mayor’s cooling plans will provide adequate protection for vulnerable New Yorkers most affected by the COVID-19 pandemic.

#### V. BILL ANALYSIS

##### a. Introduction 1945-A, in relation to annual reporting of heat vulnerability and heat-related deaths

This legislation would require DOHMH to annually report on neighborhood heat vulnerability and the number of heat-related deaths, including direct heat stress deaths, and estimated indirect heat exacerbated deaths, a description of the methods used to derive heat vulnerability and estimate heat exacerbated deaths, a description of social and environmental factors used to determine heat vulnerability, and aggregate demographic information of heat stress deaths, including, but not limited to, the age, gender, neighborhood tabulation area and the race or ethnicity of the decedents. The legislation would also require DOHMH to utilize alternative modeling to address the potential undercounting of heat exacerbated deaths. Since the legislation was heard, technical changes were made to the definitions, and some of the deadlines were changed.

This bill would take effect immediately.

##### b. Introduction 1960-A, in relation to a comprehensive cooling and communication plan

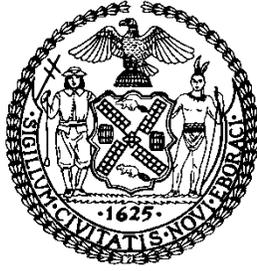
This bill would require the Office of Emergency Management, in consultation with the Department of Health and Mental Hygiene and the Office of Long-Term Planning and Sustainability, to prepare and submit an annual plan beginning on May 15, 2021, describing how the city would inform residents on the dangers of heat exposure, provide access to cooling, including cooling centers, and how vulnerable populations can stay cool during heat-related emergencies. The plan would also include measures for large office buildings to reduce stress on the electric grid during the summer months. The plan would be updated annually. Since the legislation was heard, some of the deadlines were changed and technical edits were made.

This bill would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1945-A:)**

---

<sup>63</sup> Id.



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

**PROPOSED INTRO. NO:** 1945-A

**COMMITTEE:** Health

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to annual reporting of heat vulnerability and heat-related deaths.

**SPONSORS:** Council Members Brannan, Ampry-Samuel, Lander, Kallos, Chin and Constantinides.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1945-A would require the Department of Health and Mental Hygiene to annually report on neighborhood heat vulnerability and the number of heat-related deaths, including the number of heat stress deaths, the estimation of heat exacerbated deaths, a description of the methods used to derive heat vulnerability and estimate heat exacerbated deaths, a description of social and environmental factors used to determine heat vulnerability, and aggregate demographic information of heat stress deaths, including, but not limited to, the age, gender, neighborhood tabulation area and the race or ethnicity of the decedents.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. No. 1945-A as the agency would utilize existing resources to comply with the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirilhen R. Francisco, Unit Head, NYC Council Finance Division  
Stephanie Ruiz, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was first considered by the Committee on Health at a hearing held jointly with the Committee on Environmental Protection, the Committee on Resiliency and Waterfronts, and the

Committee on Consumer Affairs and Business Licensing, as a Preconsidered Introduction on May 26, 2020 and the bill was laid over. Proposed Intro. No. 1945 was introduced to the full Council on May 28, 2020 and was referred to the Committee on Health. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1945-A, will be considered by the Committee on Health on July 28, 2020. Upon successful vote by the Committee on Health, Proposed Intro. No. 1945-A will be submitted to the full Council for a vote on July 28, 2020.

**DATE PREPARED:** July 21, 2020.

**(For text of Int. No. 1960-A and its Fiscal Impact Statement, please see the Report of the Committee on Health for Int. No. 1960-A printed in these Minutes; for text of Res. No. 637-A, please see the Report of the Committee of Health for Res. No. 637-A printed in the voice-vote Resolutions section of these Minutes; for text of Int. No. 1945-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 1945-A, 1960-A, and Res. No. 637-A.*

**(The following is the text of Int. No. 1945-A:)**

Int. No. 1945-A

By Council Members Brannan, Ampry-Samuel, Lander, Kallos, Chin, Constantinides, Ayala, Vallone, Louis, Barron and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to annual reporting of heat vulnerability and heat-related deaths**

*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 17-199.14 to read as follows:

*§ 17-199.14 Report on heat vulnerability and heat-related deaths. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

*Heat exacerbated death. The term “heat exacerbated death” means a natural cause death estimated by the department to have resulted from an existing health condition exacerbated by extreme, or near extreme, heat. Such estimation should be determined by the use of one or more statistical models by the department. Beginning with the report due pursuant to subdivision b no later than June 15, 2022, and continuing thereafter, at least one such model shall utilize sensitive statistical methods that assess daily temperature as a continuous variable in relation to daily mortality to estimate heat-exacerbated death, without the use of a qualifying temperature threshold.*

*Heat stress death. The term “heat stress death” means a death directly attributed to heat on a death certificate, or with an underlying or contributing cause of i) excessive natural heat or ii) effects of heat and light, as such conditions are described in the International Classification of Diseases Version 10 coding system.*

*Heat vulnerability. The term “heat vulnerability” means the estimated risk of heat stress deaths and heat exacerbated deaths occurring in a geographical area based on social and environmental factors identified by the department.*

*b. No later than June 15 of each year beginning in 2021, the commissioner shall submit to the mayor and the speaker of the council, and shall post conspicuously on the department’s website, an annual report of the most recent available data on the total number of heat stress deaths and heat exacerbated deaths in the city.*

*c. The annual report required by subdivision b of this section shall include:*

*1. the number of heat stress deaths in the most recent year available;*

2. *the estimation of past heat exacerbated deaths based on the most recent available years of data and the smallest interval of time that yields a reliable estimate;*
  3. *a description of the relative heat vulnerability of each neighborhood tabulation area;*
  4. *a description of reported data;*
  5. *a description of social and environmental factors assessed by the department to determine heat vulnerability;*
  6. *a description of methods used to derive heat vulnerability and estimate heat exacerbated deaths; and*
  7. *aggregate demographic information of heat stress deaths, including, but not limited to, the age, gender, neighborhood tabulation area and the race or ethnicity of the decedents.*
- d. Except as otherwise provided in this section, no report required by subdivision b of this section shall contain personal identifying information.*
- e. The commissioner may promulgate such rules as may be necessary to implement the provisions of this section.*
- f. No later than April 15 of 2022, the department shall report to the mayor and the speaker of the council on its findings or progress regarding the development or adoption for use of any models for estimating the number of heat exacerbated deaths pursuant to the definition of such term in subdivision a.*

§ 2. This local law takes effect immediately.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, INEZ D. BARRON ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS; Committee on Health, July 28, 2020 (Remote Hearing). *Other Council Members Attending: Council Member Yeger.*

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. 1960-A

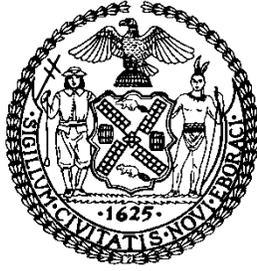
**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a comprehensive cooling and communication plan.**

The Committee on Health, to which the annexed proposed amended local law was referred on May 28, 2020 (Minutes, page 1021), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Health for Int. No. 1945-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1960-A:*



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

**PROPOSED INTRO. NO:** 1960-A

**COMMITTEE:** Health

---

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to a comprehensive cooling and communication plan. **SPONSORS:** Council Members Salamanca, Ampry-Samuel, Kallos, Chin, Koslowitz and Constantinides.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1960-A would require the Office of Emergency Management, in consultation with the Department of Health and Mental Hygiene, to prepare and submit an annual plan beginning May 15, 2021, describing how the city would inform residents on the dangers of heat exposure, access to cooling, including cooling centers, and how vulnerable populations can stay cool during heat-related emergencies. The plan would also include measures for large office buildings to reduce stress on the electric grid during the summer months. The plan would be updated annually.

**EFFECTIVE DATE:** This local law would take effect immediately after being law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

---

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro No. 1960-A as the agency would utilize existing resource to comply with the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirilhen R. Francisco, Unit Head, NYC Council Finance Division  
Stephanie Ruiz, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was first considered by the Committee on Health at a hearing held jointly with the Committee on Environmental Protection, the Committee on Resiliency and Waterfronts, and the Committee on Consumer Affairs and Business Licensing, as a Preconsidered Introduction on May 26, 2020 and

the bill was laid over. Proposed Intro. No. 1960 was introduced to the full Council on May 28, 2020 and was referred to the Committee on Health. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1960-A, will be considered by the Committee on Health on July 28, 2020. Upon successful vote by the Committee on Health, Proposed Intro. No. 1960-A will be submitted to the full Council for a vote on July 28, 2020.

**DATE PREPARED:** July 21, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1960-A:)**

Int. No. 1960-A

By Council Members Salamanca, Ampry-Samuel, Kallos, Chin, Koslowitz, Constantinides, Ayala, Vallone, Louis, Barron and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to a comprehensive cooling and communication plan**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-116 to read as follows:

*§ 30-116 Comprehensive cooling and communication plan. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Cooling center. The term “cooling center” means any facility that is designated by the city to provide air-conditioned relief to the public whenever a National Weather Service heat advisory triggers a citywide emergency response.*

*Heat index. The term “heat index” means a measurement of the combined air temperature and relative humidity that estimates the human-perceived equivalent temperature.*

*Heat-related emergency. The term “heat-related emergency” means a circumstance during which the National Weather Service issues its heat advisory products, or during which the level of the heat index is deemed to be unsafe or unhealthy for vulnerable populations, as determined by the commissioner of health and mental hygiene.*

*Urban heat island effect. The term “urban heat island effect” means the increase in urban air temperature as compared to surrounding suburban and rural temperature.*

*Vulnerable population. The term “vulnerable population” means any group of persons at a greater risk of harm from a heat-related emergency than a person in the general population, as determined by the department of health and mental hygiene.*

*b. On or before every May 15, beginning in 2021, the commissioner of emergency management in consultation with the commissioner of health and mental hygiene, the director of long-term planning and sustainability and any other office or agency they deem relevant, shall submit to the council and make available to the public on the city’s website a plan describing how the city will provide individuals with information on the dangers of heat exposure, access to cooling, including the city’s cooling centers, and how vulnerable populations can stay cool during heat-related emergencies. Such plan shall include, but not be limited to, the following:*

*1. a mechanism to assess the city’s cooling needs generally and the cooling needs of vulnerable populations during heat-related emergencies;*

2. a description of how the commissioner of emergency management and the commissioner of health and mental hygiene will communicate to residents the dangers of heat exposure, including information about the urban heat island effect, the heat index, heat-related emergencies and other relevant information pursuant to this section;

3. a description of the temperature, heat index and other conditions under which the city will make cooling centers and other heat relief mechanisms available to the public;

4. information regarding access to cooling centers and other heat relief mechanisms including: (a) whether such cooling centers can be safely opened; (b) the feasibility of infection and disease control in such centers, including a description of any necessary procedures to promote infection and disease control and any appropriate cleaning, if applicable; (c) a list of potential locations of cooling centers by street address, cross streets, and ZIP code; (d) the potential hours of operations, maximum capacity, and accessibility for individuals with disabilities for each such center; (e) the link to the cooling center finder which also includes notation of which cooling centers are accessible; and (f) other citywide operational strategies for cooling such as spray caps and homeless outreach;

5. a description of how the commissioner of emergency management and the commissioner of health and mental hygiene will communicate the information in paragraphs 3 and 4 of this subdivision to residents on or before June 1 of each year;

6. if cooling centers are not expected to be open or if they will be insufficient to serve the needs of vulnerable populations, a description of how the city will provide such vulnerable populations with cooling during a heat-related emergency, including but not limited to the direct provision of, and support for, residential cooling mechanisms, and a description of how the commissioner of emergency management will communicate this information to vulnerable populations;

7. a description of how the commissioner of emergency management and the commissioner of health and mental hygiene, or any other office or agency they deem relevant, will provide public communications, written or otherwise, in the designated citywide languages, as defined in section 23-1101, and whether communications in any additional languages are needed based on the demographics of current or anticipated vulnerable populations;

8. an evaluation of the measures taken to reduce the impact of heat-related emergencies and the number of heat-related deaths during the previous summer seasons and a description of the measures the commissioner of emergency management and the commissioner of health and mental hygiene will take to further reduce the impact of heat-related emergencies and the number of heat-related deaths in the upcoming summer season; and

9. a plan for office buildings to set thermostats at or above a specific temperature to reduce stress on the electric grid, including a description of the heat conditions during which such a plan would be recommended, a recommendation on the temperature or temperatures to which such thermostats should be set, and a description of how to promote compliance with such plan when recommended.

c. The commissioner of emergency management and the commissioner of health and mental hygiene shall update the plan described in subdivision b of this section by May 15 of each year.

§ 2. This local law takes effect immediately.

MARK D. LEVINE, Chairperson; MATHIEU EUGENE; ANDREW COHEN, INEZ D. BARRON ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS; Committee on Health, July 28, 2020 (Remote Hearing). Other Council Members Attending: Council Member Yeger.

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 Housing and Buildings

Report for Int. No. 1783-A

### **Report of the Committee on Housing and Buildings 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 excluding certain cooperatives from the housing portal.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on October 30, 2019 (Minutes, page 3621), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On July 28, 2020, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., held a hearing on Int. No. 1783-A, in relation to excluding certain cooperatives from the housing portal, which was first heard on January 13, 2020. More information about this bill, along with the materials for that hearing, can be found at <https://go.usa.gov/xfXcq>.

#### **Int. No. 1783-A**

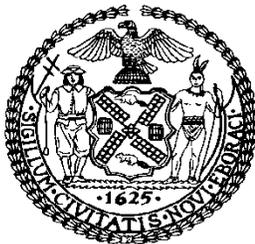
Int. No. 1783-A would amend Local Law number 64 for the year 2018 by amending the definition of the term “affordable unit” to exclude affordable cooperative apartment units incorporated pursuant to article ii, iv, v or xi of the private housing finance law. It would also remove references to affordable cooperative apartments for sale throughout the chapter.

This legislation would take effect immediately.

#### **Update**

On Tuesday, July 28, 2020, the Committee adopted Int. No. 1783-A by a vote of 10 in the affirmative, zero in the negative, and zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1783-A:)**



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

**PROPOSED INTRO. NO: 1783-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to excluding cooperatives from the housing portal.

**SPONSORS:** By Council Members Levine, Kallos, Cornegy, Rosenthal, Rivera, Rodriguez, Cohen, Chin, Yeger and Louis.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1783-A would amend Local Law 64 of 2018 so that dwelling units in certain buildings that are incorporated as cooperatives are exempt from the requirements of the housing portal. Under the bill, the definition of an affordable unit would exclude units owned in the form of shares in cooperatives incorporated under Articles II, IV, V, or XI of the Private Housing Finance Law. As a result, these cooperatives, including properties under the Mitchell-Lama Housing Program, Limited Dividend Housing Companies, Redevelopment Companies, and HDFC cooperatives, would not be required to market available units through the housing portal.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

---

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated 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 expenditures resulting from the enactment of this legislation because existing resources would be used by HPD to implement the provisions of this local law.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Sarah Gastelum, Principal Financial Analyst

**ESTIMATED REVIEWED BY:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 1783 on October 30, 2019 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 13, 2020, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1783-A, will be considered by the Committee on July 28, 2020. Following a successful vote by the Committee, Proposed Intro. No. 1783-A will be submitted to the full Council for a vote on July 28, 2020.

**DATE PREPARED:** July 21, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1783-A:)**

Int. No. 1783-A

By Council Members Levine, Kallos, Cornegy, Rosenthal, Rivera, Rodriguez, Cohen, Chin, Yeger, Louis, Vallone, Gibson and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to excluding certain cooperatives from the housing portal**

*Be it enacted by the Council as follows:*

Section 1. Chapter 18 of title 26 of the administrative code of the city of New York, as added by local law number 64 for the year 2018, is amended to read as follows:

CHAPTER 18  
HOUSING PORTAL

§ 26-1801 Definitions. As used in this chapter:

Affordable unit. The term “affordable unit” means a dwelling unit for which occupancy or initial occupancy is required to be restricted based on the income of the occupant or prospective occupant thereof as a condition of (i) a loan, grant, tax exemption or conveyance of property from the department pursuant to the private housing finance law, other than article viii-b of such law, or the general municipal law, (ii) a tax exemption pursuant to section 420-c, 421-a or 489 of the real property tax law or (iii) generating a floor area bonus for the provision of affordable inclusionary housing or providing mandatory inclusionary housing pursuant to the New York city zoning resolution[.]; provided that (i) such dwelling unit is not subject to federal or state requirements the department determines would be inconsistent with the provisions of this chapter and not filled by direct referral by a governmental agency or instrumentality, (ii) *such dwelling unit is not owned in the form of shares in a cooperative corporation that is incorporated pursuant to article ii, iv, v or xi of the private housing finance law*, and [provided further that] (iii) such dwelling unit satisfies the additional conditions of paragraph 1 and 2:

1. Before July 1, 2021, such unit satisfies the conditions of subparagraph (a) or, on or after such date, such unit satisfies the conditions of subparagraph (a) or subparagraph (b):

(a) The issuance or renewal of such loan, grant or tax exemption, conveyance of such property or generation of such floor area bonus or effective date of such mandatory inclusionary housing requirement occurs or is executed or renewed, as determined by the department, on or after January 1, 2018.

(b) For the purposes of a requirement imposed pursuant to this chapter, such unit is deemed to have satisfied the conditions of this paragraph unless such unit is subject to a regulatory agreement with the department, such agreement was executed before January 1, 2018 and has not been thereafter renewed and the department determines that such agreement is inconsistent with such requirement; provided that, where the department determines that one or more dwelling units are exempt from one or more requirements imposed pursuant to this chapter because of a regulatory agreement that satisfies the foregoing conditions, the department shall electronically submit each year to the mayor and the speaker of the council a report identifying the number of such units, disaggregated by the affordable housing program to which such agreements apply; and

2. On or after July 1, 2020, such unit is offered by the owner for lease or sale[, or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are offered by the owner for sale].

Department. The term “department” means the department of housing preservation and development.

Dwelling unit. The term “dwelling unit” means a dwelling unit as defined in the housing maintenance code.

Housing portal. The term “housing portal” means the website created pursuant to section 26-1802.

Information, full unit. The term “full unit information” means, with respect to a dwelling unit, the following information:

1. Street address of the building containing such unit;
2. Apartment or unit number of such unit;
3. Floor area of such unit in square feet, unless such unit satisfies criteria the department establishes to determine whether collection or disclosure of such information would be impracticable;
4. Number of bedrooms in such unit;
5. Contact information for the owner of such unit or a person managing such unit on behalf of such owner;
6. A statement as to whether such unit is occupied;

7. A statement as to whether such unit is an affordable unit and, if such unit is an affordable unit, (i) a description of each affordable housing program for which such unit is serving as an affordable unit, (ii) the maximum lawful rent for such unit and (iii) the actual rent being charged for such unit, if any; and

8. Such other information as the department may specify by rule.

Information, limited unit. The term “limited unit information” means, with respect to a dwelling unit, the full unit information for such unit excluding the information described by paragraphs 2, 6, and 7 of the definition of full unit information; and

2. Any information described by paragraph 8 of such definition that the department specifies by rule.

Information, offered unit. The term “offered unit information” means, with respect to a dwelling unit that is being offered for rent or sale [or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease that are being offered for sale], the following information:

1. If such unit is being offered for rent:

(a) The proposed monthly rent for such unit and, if a temporary reduction in such rent is being offered, including but not limited to a certain number of months in occupancy without rent, the net effective rent for such unit and the period that such net effective rent will apply; and

(b) The amount and a description of each fee, if any, that occupants of such unit will be required to pay in addition to monthly rent for such unit;

2. If such unit is being offered for sale [or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are being offered for sale]:

(a) The proposed sale price of such unit [or such shares]; and

(b) The estimated annual property tax payments owed for such unit; and

3. Whether the owner will be responsible for payment of utility services for such unit and for which utility services the owner is responsible;

4. Unless such unit satisfies criteria the department establishes to determine whether disclosure of the following information would be impracticable, provided that disclosure of such information shall not be deemed impracticable if such unit is (i) in a newly constructed project and (ii) being rented or sold[, or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are being offered for sale,] for the first time after such unit becomes or is due to become an affordable unit, in a manner determined by the department: a floor plan for such unit, including measurements for each room in such unit, or a floor plan of a dwelling unit that is located in the building that contains such unit and substantially identical to such unit, together with a statement indicating that such floor plan is of a dwelling unit that is located within such building and that is substantially identical to such unit;

5. Unless such unit satisfies criteria the department establishes to determine whether disclosure of the following information would be impracticable, provided that disclosure of such information shall not be deemed impracticable if such unit is (i) in a newly constructed project and (ii) being rented or sold[, or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are being offered for sale,] for the first time after such unit becomes or is due to become an affordable unit, in a manner determined by the department: photographs of each room in such unit or photographs of each room in a dwelling unit that is located in the building that contains such unit and substantially identical to such unit, together with a statement indicating that such photographs are of a dwelling unit that is located within such building and that is substantially identical to such unit;

6. The number of floors in the building where such unit is located and a statement as to whether such unit has elevator access;

7. A description of the pet policy for such unit;

8. A statement as to whether the following amenities or services will be available to the occupant of such unit and whether such occupant will be required to pay a fee for using such amenities or services:

(a) Air conditioning;

(b) A gymnasium or pool located in or on the premises of such building;

(c) A security guard, watch person or a person with similar responsibilities is routinely in or on the premises of such building;

(d) A person responsible for accepting deliveries on behalf of such occupant is routinely in or on the premises of such building; and

(e) An intercommunication device that such occupant can use to allow entry into such unit or such building;

9. A description of the process to apply for occupancy of such unit, including:

(a) Whether any deposits, application fees or other charges are required to be paid before an applicant will be considered for occupancy of such unit and a statement as to which, if any, of such deposits, fees or charges are refundable;

(b) A listing of the qualifications, if any, that an applicant must possess to be considered for occupancy of such unit; and

(c) At the time such information is submitted, a statement indicating the status of the application process applicable to such unit in a manner established by the department; and

10. The contact information of a person that may be contacted for additional information relating to such unit.

Listed unit. The term “listed unit” means a dwelling unit for which full unit information and, where applicable, offered unit information has been provided to the department.

§ 26-1802 Housing portal. a. By no later than July 1, 2020, the department shall, with the cooperation of all other relevant agencies, create and thereafter maintain a website that:

1. Allows an owner of an affordable unit or a person acting on behalf of such owner to use such website to offer such unit for rent or sale [or to offer shares of a cooperative corporation for sale that would entitle the shareholder to occupancy of such unit under a proprietary lease] and accept applications for occupancy of such unit, if such person provides the department with full unit information and offered unit information for such unit in a time and manner established by department rule, provided further that the department shall, by no later than July 1, 2021, electronically submit to the mayor and the speaker of the council recommendations relating to allowing owners of dwelling units other than affordable units to use such website to offer such units for rent or sale and accept applications for occupancy of such units, provided further that nothing in this chapter shall be construed to prohibit (i) offering such units on a building-wide or project-wide basis in a manner established by the department or (ii) offering occupied affordable units which subsequently become vacant in accordance with department requirements; and

2. Allows a user of such website to:

(a) View limited unit information and offered unit information for listed units;

(b) View full unit information for a listed unit if such user verifies, in a manner established by department rule, that such user is a lawful leaseholder or owner of such unit, [or is a lawful owner of shares of a cooperative corporation that entitle the shareholder to occupancy of such unit under a proprietary lease,] provided that this functionality (i) shall only be required on and after January 1, 2021, but may be implemented earlier than such date, and (ii) may be implemented through a system other than the housing portal;

(c) View a selection of listed units based on search criteria entered by such user;

(d) Apply for occupancy of each listed unit for which the owner thereof is accepting applications for occupancy through such website and for which such user appears to be eligible;

(e) Track the progress of applications submitted by such user through such website, including such user’s position on waiting lists for listed units;

(f) Automatically populate applications for occupancy of listed units with information provided by such user;

(g) Receive notifications by electronic mail and text message when a new listed unit is posted that matches criteria specified by such user or posted information changes for a listed unit specified by such user;

(h) Obtain limited unit information for listed units in a non-proprietary format that permits automated processing; and

(i) Indicate in such website whether such user is interested in being considered for an affordable unit that subsequently becomes vacant, provided that consideration of users for such units may be carried out in a manner determined by the department, users shall only be considered for such units that satisfy their indicated preferences and such website may require users at regular intervals to review and update their relevant profile information.

b. Commencing in 2020, the owner of a dwelling unit, excluding dwelling units owned and operated by the New York city housing authority, shall:

1. If the dwelling unit (i) is an affordable unit or (ii) satisfies the criteria to be deemed an affordable unit except that such unit does not satisfy the additional conditions set forth in paragraph 1 and 2 the definition of

affordable unit, annually provide the department with full unit information for such unit in a time and manner established by department rule; and

2. If the dwelling unit is an affordable unit and is available for rent or sale [or if shares of a cooperative corporation are available for sale that would entitle the shareholder to occupancy of such unit under a proprietary lease], provide the department with offered unit information for such unit in a time and manner established by department rule.

c. An owner of a dwelling unit that satisfies the criteria to be deemed an affordable unit except that such unit does not satisfy the additional conditions set forth in paragraphs 1 and 2 of the definition of affordable unit may make such unit that becomes vacant available through the portal, provided that such owner provides the department with offered unit information for such unit in a time and manner established by department rule. Notwithstanding any provision of this chapter to the contrary, any such unit that is required to be made available through the portal in accordance with department requirements must do so in accordance with this chapter.

d. The department shall conduct outreach to owners of units described in subdivision c to encourage them to offer their occupied affordable units that subsequently become vacant via the portal.

e. When information entered by a user in the portal indicates that the user has an income below 80 percent of area median income for such user's household size, the department shall notify such user with a link to the website for the New York city housing authority.

f. 1. Nothing in this chapter shall be construed to require the provision to the department or the disclosure of information about any dwelling unit where the department determines that such disclosure could result in an unwarranted invasion of personal privacy of an occupant of or applicant for such unit.

2. The city does not warranty the completeness, accuracy, content or fitness for any particular purpose of any information made available on the housing portal, nor are any such warranties to be implied or inferred with respect to the information furnished therein.

3. The city is not liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of information provided by any third party and made available on the housing portal.

4. This chapter shall not be construed to create a private right of action to enforce its provisions. Failure to comply with this chapter shall not result in liability to an agency.

§ 26-1803 Violations. a. An owner who fails to provide information with respect to a dwelling unit pursuant to subdivision b of section 26-1802 shall be subject to a civil penalty for each month as follows until such violation is corrected, except that (i) for a violation that occurs within the first six months that such unit is subject to the requirements of such subdivision, the department may, in lieu of imposing such a penalty, provide the owner of such unit with a written warning and (ii) the department may by rule establish alternative civil penalties relating to any dwelling unit in a building that contains four or fewer dwelling units, any dwelling unit in a building that is owner-occupied and contains six or fewer dwelling units or any dwelling unit in a building that is owned by a housing development fund company, as such term is defined in article 11 of the private housing finance law, and contains ten or fewer dwelling units, provided that such alternative civil penalties do not exceed the civil penalties that could be imposed in accordance with paragraphs 1 through 4 and subdivision b:

1. For the first six-month period, \$100 per month;
2. For the second six-month period, \$250 per month;
3. For the third six month-period, \$1,000 per month; and
4. For the fourth six month-period and for each month thereafter, \$2,000 per month.

b. For a second or subsequent violation of this chapter involving the same dwelling unit, the department may impose and recover a civil penalty that is twice the amount specified in subdivision a, as applicable.

c. The department may recover civil penalties pursuant to this section in an action in a court of appropriate jurisdiction or in a proceeding before the office of administrative trials and hearings acting pursuant to section 1049-a of the New York city charter.

d. Upon receipt of a credible complaint alleging that an owner has violated any provision of this chapter with respect to an affordable unit, the department shall investigate and, upon verifying such allegation in a manner to be determined by department rules, such owner shall be subject to a civil penalty in accordance with this section. The department shall by rule establish criteria for determining whether such a complaint is credible.

§ 2. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, July 28, 2020 (Remote Hearing).

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 Technology**

Report for Int. No. 1154-A

### **Report of the Committee on Technology 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 encrypting website exchanges or transfers.**

The Committee on Technology, to which the annexed proposed amended local law was referred on October 17, 2018 (Minutes, page 3881), respectfully

## **REPORTS:**

### **INTRODUCTION**

On Tuesday, July 28, 2020, the Committee on Technology, chaired by Council Member Robert Holden, will hold a hearing to consider Int. No. 1154-A. The committee previously heard the original version of the bill, Int. No. 1154, on December 13, 2018. More information on Int. No. 1154-A and materials from the previous hearing can be accessed online at <https://go.usa.gov/xfRfS>.

### **I. BACKGROUND**

As cybersecurity becomes the new arms race between hacker and system, or illegitimate versus legitimate user, governments and private entities alike must develop resilient policies to address an insufficiency of laws and regulations.<sup>1</sup> Cyber threats can result in data breaches and can significantly affect critical infrastructure.

Website encryption is one measure toward secured communications. Generally, encryption allows for secure communications between parties over the internet, which is important given the open structure of the internet.<sup>2</sup> In the most basic sense, encryption is a method of taking readable data (called “plaintext”) and “scrambling” it into a text that is unreadable (generically known as ciphertext). Encryption requires a “key,” which effectively tells the encryption process how to “scramble” or “unscramble” the data.<sup>3</sup>

With respect to websites, “encryption — most easily represented with an ‘HTTPS’ rather than ‘HTTP’ in front of a site’s web address — is the practice of encoding data traveling between a website and its visitor so

<sup>1</sup> John P. Dever, Captain James A. Dever, *A Democracy of Users*, 6 JL & CYBER WARFARE 8, 9 [2017].

<sup>2</sup> Dustin Taylor Vandenberg, *Encryption Served Three Ways: Disruptiveness As the Key to Exceptional Access*, 32 Berkeley Tech LJ 531, 551-52 [2017].

<sup>3</sup> *Id.* at 532-33.

that any third parties who are able to peek into the data don't know what's happening."<sup>4</sup> With encryption, users can reasonably expect that their connection is private. Without it, bad actors can do things like steal information and change a web page's content without the user realizing it.<sup>5</sup>

As some websites maintained by New York City agencies handle licensing and permitting, take credit card payments and may provide people with sensitive information, it is essential that all of the websites maintained by the City have enhanced security to help protect the privacy of City residents and other entities that do business with the City to ensure trust.

Int. No. 1154-A would require the encryption of data transfers and the web content of websites maintained by or on behalf of the City through the HTTPS protocol adoption. It would ultimately ensure that transferring data between a web browser and a City web server would be subject to this protection.

## **II. ANALYSIS OF INT. NO. 1154-A**

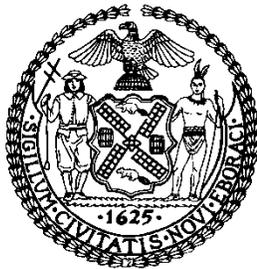
Int. No. 1154-A would amend the Administrative Code of the City of New York in relation to websites maintained by or on behalf of the City. This bill would require the encryption of exchanges or transfers of web content from websites maintained by or on behalf of the City.

The bill would take effect 6 months after it becomes law.

### **Update**

On Tuesday, July 28, 2020, the Committee adopted Int. No. 1154-A by a vote of five in the affirmative, zero in the negative, and zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1154-A:)**



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

**PROPOSED INTRO. NO: 1154-A**

**COMMITTEE: TECHNOLOGY**

---

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to encrypting website exchanges or transfers. **SPONSOR(S):** Council Members Koslowitz, Gjonaj, Holden, and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Int. 1154-A would require the encryption of data transfers and the web content of websites maintained by or on behalf of the City through the HTTPS protocol adoption. It would ensure that transferring data between a web browser and a City web server would be subject to this protection.

---

<sup>4</sup> Ben Miller, *More Government Websites Encrypt as Google Chrome Warns Users Non-HTTPS Sites Are 'Not Secure'*, GOVTECH, August 9, 2018, <http://www.govtech.com/security/More-Government-Websites-Encrypt-as-Google-Chrome-Warns-Users-Non-HTTPS-Sites-are-Not-Secure.html>.

<sup>5</sup> See *id.*

**EFFECTIVE DATE:** This local law would take effect six months after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
 Mayor’s Office of Legislative Affairs  
 Department of Information Technology and Telecommunications

**ESTIMATE PREPARED BY:** Florentine Kabore, Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
 John Russell, Unit Head  
 Rebecca Chasan, Senior Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1154 on October 17, 2018 and was referred to the Committee on Technology (Committee). The Committee heard the legislation on December 13, 2018, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. 1154-A, will be considered by the Committee on July 28, 2020. Upon a successful vote by the Committee, Proposed Int. 1154-A will be submitted to the full Council for a vote on July 28, 2020.

**DATE PREPARED:** July 24, 2020.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 1154-A:)**

Int. No. 1154-A

By Council Members Koslowitz, Gjonaj, Holden, Kallos, Yeger, Vallone, Louis, Barron and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to encrypting website exchanges or transfers**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 23 of the administrative code of the city of New York is amended to add a new section 23-805, to read as follows:

§ 23-805 *Website encryption. Every website maintained by or on behalf of the city or a city agency shall encrypt all exchanges and transfers between a web server, maintained by or on behalf of the city or a city agency, and a web browser: (i) of hypertext; or (ii) of electronic information, and require web browsers to request such encrypted exchange or transfer at all times for such websites, provided that such encryption shall not be required if such exchanges or transfers are conducted in a manner that provides at least an equivalent level of confidentiality, data integrity and authentication.*

§ 2. This local law takes effect six months after it becomes law.

ROBERT F. HOLDEN, *Chairperson*; PETER A. KOO, BRADFORD S. LANDER, PAUL A. VALLONE, KALMAN YEGER; Committee on Technology, July 28, 2020 (Remote Hearing).

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**

*There were no additional items listed on the General Order Calendar.*

**ROLL CALL ON GENERAL ORDERS FOR THE DAY**  
**(Items Coupled on General Order Calendar)**

- |     |                     |  |
|-----|---------------------|--|
| (1) | <b>Int 1091-A -</b> | The posting of machine readable executive orders.  |
| (2) | <b>Int 1154-A -</b> | To encrypting website exchanges or transfers.  |
| (3) | <b>Int 1609-A -</b> | Changing the name of the Department of Consumer Affairs to the Department of Consumer and Worker Protection. |
| (4) | <b>Int 1783-A -</b> | To excluding certain cooperatives from the housing portal.   |
| (5) | <b>Int 1872-A -</b> | Online publication of unconsolidated local laws.   |
| (6) | <b>Int 1879-A -</b> | Designation of administering offices or agencies.  |
| (7) | <b>Int 1945-A -</b> | Annual reporting of heat vulnerability and heat-related deaths.  |
| (8) | <b>Int 1960-A -</b> | A comprehensive cooling and communication plan.  |
| (9) | <b>Int 1967-A -</b> | COVID-19 reopening plans and resources for art and cultural institutions in New York city.                   |

The Majority Leader and Acting President Pro Tempore (Council Member Cumbo) 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, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

**The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 1609-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Cornegy, Diaz, Dromm, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

**Negative** – Deutsch, Gjonaj, and Yeger – **3**.

The following was the vote recorded for **Int. No. 1967-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Cornegy, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

**Negative** – Deutsch and Yeger – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:*

*Int. Nos. 1091-A, 1154-A, 1609-A, 1783-A, 1872-A, 1879-A, 1945-A, 1960-A, and 1967-A.*

## 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. 637-A

**Report of the Committee on Health in favor of approving, as amended, a Resolution calling on the United States Department of Health and Human Services and the New York State Department of Health to create a special commission to address health emergencies and infectious diseases.**

The Committee on Health, to which the annexed amended resolution was referred on November 28, 2018 (Minutes, page 4551), respectfully

### REPORTS:

**(For text of report, please see the Report of the Committee on Health for Int. No. 1945-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res. No. 637-A:)**

Res. No. 637-A

**Resolution calling on the United States Department of Health and Human Services and the New York State Department of Health to create a special commission to address health emergencies and infectious diseases.**

By Council Members Eugene, Ayala, Vallone, Louis, Barron and Rivera.

**Whereas**, Diseases know no borders, and a health crisis in one country could easily spread to several countries in the blink of an eye; and

**Whereas**, In 2014, an Ebola Virus epidemic in Africa spread across the world over the course of the year, with 10 patients being treated in the United States; and

**Whereas**, New York State was monitoring the spread of Ebola and had months to make preparations, yet many isolation units were still not prepared when Ebola struck New York; and

**Whereas**, In recent years, the United States has seen potentially dangerous strains of avian flu and multidrug-resistant strains of tuberculosis take root in other countries; and

**Whereas**, Middle East respiratory syndrome, or MERS, is a contagious disease first reported in 2012 in Saudi Arabia that has killed many, though little is known about it; and

**Whereas**, In recent years, the U.S. experienced measles outbreaks, including large outbreaks in New York City; and

**Whereas**, A novel coronavirus, called SARS-CoV-2, first emerged in late 2019 and spread rapidly around the world; and

**Whereas**, The virus has greatly impacted New York City, which was the epicenter of the pandemic for months; and

**Whereas**, As of July 19, 2020, 218,159 residents of New York City had tested positive for the disease caused by SARS-CoV-2, called COVID-19, with over 55,000 hospitalized for treatment; and

**Whereas,** Over 23,000 residents of New York City have died from COVID-19, with the virus disproportionately impacting New Yorkers who are Black, Latinx, and older; and

**Whereas,** New diseases are constantly emerging and old ones adapt to resist current treatments; and

**Whereas,** The next outbreak could develop unexpectedly and the United States and New York State need to be prepared to quickly identify, treat and contain infectious diseases and other health emergencies; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the United States Department of Health and Human Services and the New York State Department of Health to create a special commission to address health emergencies and infectious diseases.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ANDREW COHEN, INEZ D. BARRON ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS; Committee on Health, July 28, 2020 (Remote Hearing). *Other Council Members Attending: Council Member Yeger.*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on Governmental Operations and had been favorably reported for adoption.

Report for voice-vote item Res. No. 1371

**Report of the Committee on Governmental Operations in favor of approving a Resolution calling upon Congress to pass, and the President to sign, the Voting Rights Advancement Act of 2019 (H.R. 4.), which would revise and modernize portions of the Voting Rights Act of 1965 struck down in the Supreme Court decision *Shelby County v. Holder*.**

The Committee on Governmental Operations, to which the annexed preconsidered resolution was referred on July 28, 2020, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 1872-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res. No. 1371:)**

Preconsidered Res. No. 1371

**Resolution calling upon Congress to pass, and the President to sign, the Voting Rights Advancement Act of 2019 (H.R. 4.), which would revise and modernize portions of the Voting Rights Act of 1965 struck down in the Supreme Court decision *Shelby County v. Holder*.**

By Council Members Cumbo, Ayala, Louis, Barron, Rivera and Miller.

**Whereas,** The right to vote is the bedrock of democracy; and

**Whereas,** The right to vote was historically denied to Black Americans through various discriminatory laws and practices, intimidation, and violence, even after passage of the Fifteenth Amendment of the Constitution; and

**Whereas,** One of the most significant legislative achievements of the Civil Rights Movement was the passage of the Voting Rights Act of 1965 (VRA), which protected Americans from racial and ethnic discrimination in voting; and

**Whereas,** The VRA established criteria to determine whether states or other jurisdictions had a history of discriminatory voting practices and disparately low voter turnout, and if so, required them to obtain clearance by the U.S. Department of Justice or a federal judge before enacting voting changes, a system known as “preclearance;” and

**Whereas,** According to a 1968 report by the U.S. Civil Rights Commission, after the passage of the VRA, Black voter registration rates rose dramatically in Southern states, increasing to over 50 percent of the voting age Black population in 11 former Confederate states, and increasing the pre-VRA Black registration rate in Mississippi by over 800 percent; and

**Whereas,** Congress reauthorized the VRA four times between 1970 and 2006 with large bipartisan support, including a unanimous Senate vote in 2006; and

**Whereas,** Bronx, Kings, and New York Counties were all subject to preclearance under the VRA, beginning in 1968; and

**Whereas,** According to a 2014 report by the Leadership Conference on Civil and Human Rights, between 2000 and 2013, 148 separate violations of the VRA were documented nationwide, including eight in New York State, with some instances impacting hundreds of thousands of voters; and

**Whereas,** In June of 2013, in the decision *Shelby County v. Holder*, the U.S. Supreme Court invalidated important portions of the VRA, striking down the section outlining the criteria used to determine which jurisdictions required federal preclearance to enact changes to voting procedures and thereby abolishing the preclearance requirement; and

**Whereas,** According to a 2018 report by the U.S. Civil Rights Commission, an independent bipartisan federal agency, since the *Shelby County v. Holder* decision, at least 23 states have enacted newly restrictive statewide voter laws; and

**Whereas,** According to the same report, recently enacted voting procedure changes that likely would not have received federal preclearance approval include strict voter ID requirements, purged voter rolls, reduced polling locations, required documentary proof of citizenship to register to vote, and cuts to early voting, all of which, based on the specific facts in those states, operated to suppress minority voting access in ways that likely would have violated the pre-*Shelby County* VRA; and

**Whereas,** In February 2019, Representative Terri Sewell (AL – 07) introduced the Voting Rights Advancement Act of 2019 (VRAA), to revise and modernize the preclearance criteria struck down in *Shelby County v. Holder*; and

**Whereas,** The VRAA would establish new criteria for determining which states and jurisdictions require federal preclearance before making voting changes based on a finding of repeated voting rights violations over the past 25 years; and

**Whereas,** The VRAA would specify practices that have historically been used to discriminate against voters that would require preclearance; and

**Whereas,** The VRAA would increase transparency by requiring any state or other jurisdiction to notify the public of changes to voting procedures that affect a federal office, regardless of whether they require preclearance; and

**Whereas,** The VRAA would expand the circumstances under which the Department of Justice may assign election observers; and

**Whereas,** The VRAA would revise the preliminary injunction standard for voting rights actions to recognize cases where there is a need for immediate preliminary relief; and

**Whereas,** On December 6, 2019, the House of Representatives passed the VRAA 228 – 187; and

**Whereas**, Congressman John Lewis, a bastion of the Civil Right Movement who repeatedly risked life and limb in his nonviolent fight for voting rights, passed away on July 17, 2020; and

**Whereas**, John Lewis proudly co-sponsored the VRAA, saying in a press release, “We must repair what the Supreme Court damaged. We must pass this bill to ensure that every American has equal freedom to participate in our democracy;” and

**Whereas**, Passing the VRAA would honor John Lewis’ legacy and ensure that the voting rights of all Americans are protected in the upcoming presidential election and beyond; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Congress to pass, and the President to sign, the Voting Rights Advancement Act of 2019 (H.R. 4.), which would revise and modernize portions of the Voting Rights Act of 1965 struck down in the Supreme Court decision *Shelby County v. Holder*.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, June 27, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Cumbo and Koo.*

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 2 Council Members formally noted their intention to vote negative on this item:  
Council Members Borelli and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 1994

By Council Members Ampry-Samuel, Kallos, Yeger, Dromm, Van Bramer, Reynoso, Powers, Chin, Barron, Louis, Ayala, Levin, Constantinides, Rosenthal, Lander and Adams.

### **A Local Law in relation to a voter education campaign regarding ranked choice voting**

*Be it enacted by the Council as follows:*

Section 1. a. By no later than November 15, 2020, the campaign finance board shall create and thereafter maintain a website with information regarding ranked choice voting in primary and special elections pursuant to section 1057-g of the charter. Materials on such website shall be available in designated citywide languages as such term is defined in section 23-1101 of the code. Such website shall include, but need not be limited to, the following materials:

1. A brief video explaining how ranked choice voting works;
2. A factsheet explaining how ranked choice voting works; and
3. An example of how a ranked choice ballot could look.

b. By no later than November 15, 2020, the campaign finance board and the voter assistance advisory committee shall include ranked choice voting information on print and digital educational materials provided to the public, including but not limited to materials provided as part of NYC Votes youth and community voter outreach and engagement programs.

c. In the years 2021 and 2023, the voter guide published by the campaign finance board pursuant to subdivision b of section 1052 of the New York city charter shall include two pages dedicated to explaining how ranked choice voting works in primary and special elections, including explaining that a voter may rank as many or as few candidates as a ballot allows, and further including an example of how a ranked choice ballot could look. For years following 2023, the voter guide shall include not fewer than one page dedicated to explaining ranked choice voting and including an example of how a ranked choice ballot could look.

d. By no later than November 15, 2020, the campaign finance board shall produce educational materials regarding ranked choice voting and distribute such materials to each agency designated as a participating voter registration agency pursuant to section 1057-a of the charter. The board shall consult with agencies to produce educational materials tailored to populations such agencies serve. Educational materials shall be available in designated citywide languages as such term is defined in section 23-1101 of the code. Such educational materials shall include, but need not be limited to, the following:

1. Fact sheets explaining how ranked choice voting works, including an example of how a ranked choice ballot could look;
2. Printed promotional signage;
3. Language suitable for use in print and digital communications explaining how ranked choice voting works;
4. A brief video suitable for use on websites and social media explaining how ranked choice voting works; and
5. Explanatory graphics suitable for use in print and digital communications and on LinkNYC kiosks, and digital buttons and banners suitable for use on websites and social media, explaining how ranked choice voting works and directing the public to the campaign finance board website created pursuant to subdivision a.

e. Each agency receiving materials pursuant to subdivision d shall, as part of its program of distribution of voter registration forms, distribute such educational materials. Each designated participating voter registration agency required to submit semi-annual reports on their implementation of section 1057-a of the charter shall report the number of printed educational materials it distributed, and the mayor's office of operations shall include this information in its report required by section 1057-a of the charter.

f. The campaign finance board shall establish training programs for employees of agencies designated as participating voter registration agencies pursuant to section 1057-a of the charter, and employees of such

agencies' contracted service providers, to receive guidance on how to incorporate ranked choice voting awareness into employees' interactions with the public.

g. From January 1, 2021 until June 22, 2021 and from January 1, 2023 until June 27, 2023, every agency receiving education materials pursuant to subdivision d shall:

1. Identify physical locations occupied or controlled by such agency or community board, or by contracted service providers, where educational materials regarding ranked choice voting produced by the campaign finance board pursuant to subdivision d may be made available and where campaign finance board staff or volunteers can educate the public about ranked choice voting; and

2. Using educational materials regarding ranked choice voting produced by the campaign finance board pursuant to subdivision d:

(a) Prominently display digital education materials on such agency or community board's websites, including a button directing the public to the campaign finance board website created pursuant to subdivision a;

(b) Prominently display educational materials at all physical locations occupied or controlled by such agency or community board, including making printed educational materials available to the public, and displaying digital materials on electronic screens controlled by each such agency or community board and visible to the public;

(c) Include educational materials in all print and electronic communications such agency or community board distributes to the public; and

(d) Distribute educational materials to employees of such agency or community board.

h. The civic engagement commission shall include ranked choice voting education as part its poll site language interpreter training established pursuant to subparagraph (g) of paragraph 4 of subdivision a of section 3202 of the charter.

§ 2. This local law takes effect immediately and is deemed repealed 6 years after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 1995

By Council Members Ayala, Moya, Richards, Levine, Rivera, Kallos, Reynoso, Lander, Powers, Lancman, Van Bramer, Vallone, Chin, Gibson, Brannan, Adams, Salamanca, Koslowitz, Cabrera, Ampry-Samuel, Rosenthal, Holden, Gjonaj, Louis, Menchaca, Cohen, Constantinides and Grodenchik.

**A Local Law to amend the administrative code of the city of New York, in relation to shelter security guard trainings**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-109.2 to read as follows

*§ 6-109.2 Security guard training requirements. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Commissioner. The term "commissioner" means the commissioner of homeless services.*

*Comptroller. The term "comptroller" means the comptroller of the city.*

*Department. The term "department" means the department of homeless services.*

*Security guard. The term "security guard" means an unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law, authorizing such individual to perform security services in the state of New York.*

*Security guard company. The term "security guard company" means a company licensed to provide security guards under contract to other entities pursuant to article 7 of the general business law, and that is engaged by*

*a shelter operator to provide security guards to perform security services at a shelter pursuant to a shelter contract.*

*Security guard training school. The term “security guard training school” means an entity which has been approved as a security guard training school by the commissioner of the division of criminal justice services or his or her designee pursuant to article 7-A of general business law and is approved to provide a security guard training course or courses.*

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

*Shelter. The term “shelter” means temporary emergency housing provided to homeless individuals by a shelter operator pursuant to a shelter contract.*

*Shelter contract. The term “shelter contract” means any written agreement whereby the department is committed to expend and does expend funds and the principle purpose of such agreement is to operate a shelter. The term “shelter contract” does not include contracts awarded pursuant to the emergency procurement procedure as set forth in section 315 of the charter.*

*Shelter operator. The term “shelter operator” means any entity that enters into a shelter contract with the department.*

*b. The shelter operator shall ensure that all security guards providing security services at a shelter shall receive 40 hours of training after they are hired, of which at least 10 hours must be shelter-specific training. Following the initial training each security guard shall be provided annually with an eight-hour refresher training of which at least two hours must be shelter-specific training. The 40- hour post hire training and the eight-hour refresher training shall be in addition to the minimum training required under article 7-A of the general business law. Such trainings must be provided by a security guard training school and by instructors with at least three years of security guard or law enforcement experience via classroom based interactive sessions or, if a declared public health emergency prohibits classroom-based instruction, via synchronous instruction delivered by a live instructor. Trainings must occur within 120 days of hire or 120 days after the effective date of the local law that added this section for existing security guards. Security guards shall be compensated at their regular hourly rate for the time spent participating in such trainings, and a shelter operator shall be reimbursed by the department for the training after it demonstrates that the training has been provided.*

*c. The commissioner shall determine the content to include in the shelter-specific training, except that trainings will include at a minimum one-hour length sessions on sexual harassment prevention specific to interactions with populations shelter security guards will encounter during the course of their work and de-escalation techniques for interactions with individuals experiencing a mental health emergency or crisis.*

*d. The shelter operator shall provide the department with an annual certification to verify compliance with the training requirements of subdivision b of this section. Such certification shall include:*

- 1. A list of all security guards and when they were hired,*
- 2. A list of all security guards who have completed the initial training and the refresher training,*
- 3. The security guard training school at which the training was received; and*
- 4. Curricula of the training received.*

*e. A shelter operator that has entered into a contract with a security guard company may obtain records from the security guard company verifying compliance with the training requirements of subdivision b of this section.*

*f. Failure to provide training from a security guard training school during the time frame required under this subdivision shall be considered a violation of this subdivision. Each failure to train shall be considered a separate violation. The department shall provide notice and opportunity to be heard and after making a final determination finding that the training requirements have not been provided by the department shall against a shelter operator or a security guard company:*

- 1. Upon the first offense issue a warning or a fine not to exceed \$500;*
- 2. Upon the second offense issue a fine not less than \$500 and not more than \$1,000; and*
- 3. Upon the third or subsequent offense issue a fine not less than \$1,000 and not more than \$2,000.*

*g. The commissioner shall promulgate implementing rules and regulations as appropriate and consistent with this section.*

*h. Severability. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.*

*i. Application to existing shelter contracts. No later than 30 days after the effective date of the local law that added this section, the commissioner shall provide notice of the provisions of this section to existing shelter operators. To the extent permitted under a shelter contract between the department and a shelter operator executed prior to the effective date of the local law that added this section, the commissioner shall commence to renegotiate such existing shelter contract to include the provisions of this section and shall terminate such existing shelter contract if the shelter operator does not accept the new terms within 90 days of receiving notice of the provisions of this section. The commissioner shall provide sufficient funding for shelter operators to fulfill the additional requirements imposed under this section.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of homeless services may promulgate any rules necessary for implementation of this local law and take any other measures as are necessary for its implementation, prior to such date.

Referred to the Committee on General Welfare.

Res. No. 1367

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.10350A/S.8270A, in support of establishing requirements for residential healthcare facilities to protect and maintain the health and safety of residents and staff in a state of emergency during an outbreak of disease.**

Council Members Brannan and Chin.

**Whereas**, As of June 30, 2020, New York state reported 397,684 cases of COVID-19 and 31,143 deaths; and

**Whereas**, On behalf of Heath and Human Services (HHS), the entity charged with enforcing compliance requirements, solving complaints and conducting proactive compliance audits, the Center for Medicare & Medicaid Services (CMS) confirmed nursing homes have been severely impacted by COVID-19 with outbreaks causing high rates of infection, morbidity and mortality; and

**Whereas**, The high incidence of death in nursing home and long-term care facilities has been attributed to the virus being lethal to aging and immune-compromised individuals; and

**Whereas**, At the onset of the pandemic, insufficient training and a lack of COVID-19 testing and shortages of personnel protective equipment (PPE) may have hastened the viral spread among workers, many of whom had multiple jobs in congregate care settings, which put them at risk of contracting and spreading the virus from one location to another; and

**Whereas**, Vulnerabilities inherent in nursing home settings include residents living in close proximity to one another with shared dining and recreational areas; and

**Whereas**, In an effort to free up hospital beds during the peak of the pandemic on March 25, 2020 the New York State Department of Health notified nursing homes they must accept coronavirus patients deemed medically stable for discharge from hospitals who were still in need of convalescent care; and

**Whereas**, In the absence of testing upon admission to congregate care facilities by newly discharged nursing home residents, COVID-19 claimed the life of a reported 6,000 people—six percent of New York state's 100,000 nursing home residents; and

**Whereas**, Federal lawmakers have expressed concern that despite CMS's broad authority, failure to provide PPE, testing and oversight of nursing homes and long-term care facilities as was left to state and local officials contributed to the high number of confirmed cases and subsequent nursing home deaths; and

**Whereas,** In New York state 21 percent—or nearly one in four—COVID-19 related deaths have occurred in long-term health care facilities with the majority being directly linked to adult care and assisted living facilities; and

**Whereas,** In an effort to better prepare and equip New York congregate care facilities from additional negative impacts for current and future challenges from COVID-19; now, therefore, be it

**Resolved,** That the Council of the City of New York call on the New York State Legislature to pass, and the Governor to sign, A.10350A/S.8270A, in support of establishing requirements for residential healthcare facilities to protect and maintain the health and safety of residents and staff in a state of emergency during an outbreak of disease.

Referred to the Committee on Health.

Res. No. 1368

**Resolution calling on New York State to create a \$500 tax credit for qualifying volunteer firefighters and ambulance workers when filing New York City income tax.**

By Council Members Brannan and Yeger.

**Whereas,** The New York City Fire Department (“FDNY”) along with its Bureau of Emergency Medical Services (“EMS”) responds to a wide variety of emergency incidents including structural fires, public safety emergencies, both medical and non-medical emergencies, natural disasters, and terrorist acts; and

**Whereas,** During Fiscal Year 2019, the FDNY responded to 26,207 structural fires and 12,291 non-structural fires; and

**Whereas,** During Fiscal Year 2019, there were approximately 4,400 EMS personnel on staff who were charged with responding to more than 1.5 million medical emergencies including nearly 569,000 life-threatening incidents; and

**Whereas,** The bravery of these men and women was highlighted during our City’s response to the COVID-19 pandemic; and

**Whereas,** At the peak of the COVID-19 outbreak, as many as 7,000 emergency calls were placed in a single day, a level not seen since September 11, 2001; including the highest three-day call volume in FDNY history; and

**Whereas,** These calls were not only answered by FDNY personnel but also volunteer firefighters and ambulance workers; and

**Whereas,** Volunteer firefighters and ambulance workers arguably do not receive just compensation for the vital civic duty they provide to our City; and

**Whereas,** According to New York State’s Department of Taxation and Finance, volunteer firefighter’s and ambulance workers currently receive an annual State tax credit of only \$200; and

**Whereas,** Volunteer firefighters and ambulance workers often spend personal money on professional gear, while navigating the high cost of living in New York City; and

**Whereas,** These volunteers should be afforded an increased a tax credit of \$500 to help offset the financial burdens they experience; and

**Whereas,** This tax credit could help retain current volunteers, as well as bolster recruiting of new volunteers; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on New York State to create a \$500 tax credit for qualifying volunteer firefighters and ambulance workers can claim when filing New York City income tax.

Referred to the Committee on Fire and Emergency Management.

Res. No. 1369

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.10670/S.8616, prohibiting bank fees for the usage of a state-issued electronic benefit transfer card.**

By Council Members Cabrera, Yeger and Chin.

**Whereas**, Unemployment insurance is temporary income for eligible workers who have lost their jobs; and

**Whereas**, According to the New York State Department of Labor, as of May 2020, approximately 1,632,000 individuals receive unemployment insurance from New York State, of which 738,500 live in New York City; and

**Whereas**, Unbanked recipients of unemployment insurance funds living in New York State must access these funds through a state-issued debit card; and

**Whereas**, New York State partners with Key Bank through Key Bank's Key2Benefits program, providing Key2Benefits debit cards to those individuals who require a state-issued debit card to access their unemployment insurance funds; and

**Whereas**, Roughly 500,000 people in New York State currently receive unemployment benefits on a Key2Benefits debit card; and

**Whereas**, The Key2Benefits debit card can be used at Key Bank branches and the Allpoint ATM network without a service fee, but incurs service fees at all other ATMs; and

**Whereas**, There is only one Key Bank branch in Manhattan at which individuals can use a Key Bank ATM, and there are no branches located in Brooklyn, Queens, Staten Island, or the Bronx; and

**Whereas**, There are multiple Allpoint ATMs in each of the five boroughs of New York City, but these ATMs impose a withdrawal limit varying from \$200-\$400 per transaction, according to Key Bank; and

**Whereas**, This limit requires many individuals in New York City to use the sole Key Bank ATM to access the necessary amount of funds to pay bills and cover living expenses; and

**Whereas**, According to a June 5, 2020 article in the *New York Times*, high unemployment caused by the COVID-19 pandemic have led to exorbitantly long lines for the one Key Bank ATM; and

**Whereas**, The same article reports that individuals can have to stand in these lines for several hours to access their funds, endangering their health at a time when crowded areas can facilitate the transmission of COVID-19; and

**Whereas**, S.8616, sponsored by State Senator Brad Hoylman, and its companion bill A.10670, sponsored by Assemblywoman Latoya Joyner, would prohibit banks from charging ATM fees for the usage of an electronic benefits transfer card, such as the Key2Benefits debit card; and

**Whereas**, ATM fees for the usage of an electronic benefit transfer card impose additional costs on unemployed individuals, reducing the total amount of benefits they receive; and

**Whereas**, Permanently eliminating ATM fees for use of the Key2Benefits debit card to access unemployment insurance funds would also allow recipients of these funds to use any ATM that is near to them, preventing long lines and wait times; and

**Whereas**, According to a 2017 survey conducted by the Federal Deposit Insurance Corporation, 18.2 percent of Black households and 16.2 percent of Latinx households ("Latino," according to the study) are unbanked, compared with 3 percent of White households and 2.5 percent of Asian households; and

**Whereas**, These stark inequities demonstrate that the burden of ATM fees when accessing unemployment funds disproportionately affects Black and Latinx individuals; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.10670/S.8616, prohibiting bank fees for the usage of a state-issued electronic benefit transfer card.

Referred to the Committee on Civil Service and Labor.

## Res. No. 1370

**Resolution calling upon the New York State Legislature to adopt and the Governor to sign legislation to enact a new version of the State and the City's Earned Income Tax Credit to enable taxpayers with an individual taxpayer identification number to qualify for and claim the tax credit.**

By Council Member Cabrera.

**Whereas**, According to a 2013 report of the Economic Policy Institute, *The Earned Income Tax Credit and the Child Tax Credit History, Purpose, Goals, and Effectiveness*, the federal earned income tax credit, or EITC, was enacted by the Tax Reduction Act of 1975 and was targeted to low- and moderate-income taxpayers as a means of incentivizing work and to significantly reduce taxes on those families with children; and

**Whereas**, The EITC is a refundable personal income tax credit, the value of which depends on the number of qualifying children claimed by a taxpayer and which phases out as income increases; and

**Whereas**, According to a 2006 article by the Brookings Institute, *Using the Earned Income Tax Credit to Stimulate Local Economies*, when the EITC was implemented in 1975, it reached only 6.2 million recipients and provided \$1.25 billion in credits; and

**Whereas**, According to the Internal Revenue Service, *Statistics for Tax Returns with EITC*, by December 2019, about 25 million eligible workers and families received about \$63 billion in EITC nationwide, with the average EITC received nationwide at about \$2,476; and

**Whereas**, In New York State about 1.6 million taxpayers received \$3.8 billion in EITC statewide, with the average EITC received at about \$2,346; and

**Whereas**, From 1995 to 2009, the EITC distributed more funds to recipients than the Supplemental Nutrition Assistance Program, and by 2001, the EITC distributed more funds than the Temporary Assistance to Needy Families program, according to a 2012 journal article published in the *Social Service Review*, *The Role of Earned Income Tax Credit in the Budgets of Low-Income Families*; and

**Whereas**, EITC has had more impact on the finance of low-income families in comparison to other benefit programs as more taxpayers qualify to receive the tax credit; and

**Whereas**, Despite the EITC's benefits to low- and moderate-income families, undocumented immigrants may not qualify to receive the tax credit, despite paying billions in personal income taxes; and

**Whereas**, The State's and the City's EITC is equal to 30 percent and 5 percent of the taxpayers federal EITC, respectively, but in order to receive the federal EITC you are required to have a Social Security Number, something that undocumented immigrants do not have, and individual taxpayer identification numbers (ITIN) issued by the Internal Revenue Service are not sufficient to claim either the federal, State or City credit; and

**Whereas**, Because undocumented immigrants are not eligible to receive the EITC that is currently available in New York State or City, a new version of the EITC should be enacted for the State and New York City so as to expand it to provide benefits to low- and moderate-income families, regardless of immigration status, and to accept ITINs as a form of identification to receive the credit; and

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to adopt and the Governor to sign legislation to enact a new version of the State and the City's Earned Income Tax Credit to enable taxpayers with an individual taxpayer identification number to qualify for and claim the tax credit.

Referred to the Committee on Finance.

## Int. No. 1996

By Council Member Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to report on how many seniors move out of shelters into a department for the aging program**

*Be it enacted by the Council as follows:*

Section 1. Section 21-311 of the administrative code of the city of New York, as amended by local law number 75 for the year 1995 and renumbered by local law 19 for the year 1999, is amended to read as follows:

§ 21-311 Quarterly reporting requirements. In addition to such other reports as the commissioner is required to submit to the speaker of the city council pursuant to this chapter, beginning on October 1, 1995 and on the first day of each succeeding calendar quarter thereafter, the commissioner shall submit to the speaker of the city council a report in writing aggregating the following statistics both on a quarterly and fiscal year annualized basis:

a. placements in permanent housing by program, including but not limited to placements provided by and through the department of housing preservation and development [and], the New York city housing authority, *and the department for the aging*;

b. the length of time individuals and families receive transitional housing from or through the department without having been placed in permanent housing and the type of such transitional housing utilized;

c. the number of individuals and families who are rehoused in transitional housing within two years of having been placed in permanent housing and the length of time between such permanent housing placement and such rehousing in transitional housing; and

d. with reference to any telephone hotline operated by or for the department for the purpose of facilitating contract between families in need of transitional housing and the department, how the public is informed of the availability of the telephone hotline, the number of calls received disaggregated by borough of origin, the average number of department staff receiving calls on a daily basis, the number of persons for whom assistance was provided and the actions taken on each call.

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

Referred to the Committee on General Welfare.

Int. No. 1997

By Council Member Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to creation of a mortgage and insurance resiliency subgroup**

*Be it enacted by the Council as follows:*

Section 1. Section 3-123 of the administrative code of the city of New York, as amended by local law number 72 for the year 2015, is amended by adding a new subdivision d to read as follows:

*d. There shall be a mortgage and insurance resiliency subgroup that shall be comprised of representatives of banks, mortgagors, underwriters, insurers, large and small property owners, and relevant city agencies. Such subgroup shall review the impacts on mortgage and insurance rates of climate-related projections and disclosure recommendations received for various property types within the special flood hazard area or areas impacted by extreme precipitation, severe windstorm conditions or other climate hazards. Such subgroup shall also issue recommendations to help reduce climate-related risks to mortgagees and insurers. A report on the mortgage and insurance impacts of the climate-related projections and disclosures sent to property owners along with recommendations to help reduce risks to mortgagees and insurers shall be submitted to the mayor and the council no later than one year from the date of enactment of this subdivision.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Resiliency and Waterfronts.

## Preconsidered Res. No. 1371

**Resolution calling upon Congress to pass, and the President to sign, the Voting Rights Advancement Act of 2019 (H.R. 4.), which would revise and modernize portions of the Voting Rights Act of 1965 struck down in the Supreme Court decision *Shelby County v. Holder*.**

By Council Members Cumbo, Ayala, Louis, Barron, Rivera and Miller.

**Whereas**, The right to vote is the bedrock of democracy; and

**Whereas**, The right to vote was historically denied to Black Americans through various discriminatory laws and practices, intimidation, and violence, even after passage of the Fifteenth Amendment of the Constitution; and

**Whereas**, One of the most significant legislative achievements of the Civil Rights Movement was the passage of the Voting Rights Act of 1965 (VRA), which protected Americans from racial and ethnic discrimination in voting; and

**Whereas**, The VRA established criteria to determine whether states or other jurisdictions had a history of discriminatory voting practices and disparately low voter turnout, and if so, required them to obtain clearance by the U.S. Department of Justice or a federal judge before enacting voting changes, a system known as “preclearance;” and

**Whereas**, According to a 1968 report by the U.S. Civil Rights Commission, after the passage of the VRA, Black voter registration rates rose dramatically in Southern states, increasing to over 50 percent of the voting age Black population in 11 former Confederate states, and increasing the pre-VRA Black registration rate in Mississippi by over 800 percent; and

**Whereas**, Congress reauthorized the VRA four times between 1970 and 2006 with large bipartisan support, including a unanimous Senate vote in 2006; and

**Whereas**, Bronx, Kings, and New York Counties were all subject to preclearance under the VRA, beginning in 1968; and

**Whereas**, According to a 2014 report by the Leadership Conference on Civil and Human Rights, between 2000 and 2013, 148 separate violations of the VRA were documented nationwide, including eight in New York State, with some instances impacting hundreds of thousands of voters; and

**Whereas**, In June of 2013, in the decision *Shelby County v. Holder*, the U.S. Supreme Court invalidated important portions of the VRA, striking down the section outlining the criteria used to determine which jurisdictions required federal preclearance to enact changes to voting procedures and thereby abolishing the preclearance requirement; and

**Whereas**, According to a 2018 report by the U.S. Civil Rights Commission, an independent bipartisan federal agency, since the *Shelby County v. Holder* decision, at least 23 states have enacted newly restrictive statewide voter laws; and

**Whereas**, According to the same report, recently enacted voting procedure changes that likely would not have received federal preclearance approval include strict voter ID requirements, purged voter rolls, reduced polling locations, required documentary proof of citizenship to register to vote, and cuts to early voting, all of which, based on the specific facts in those states, operated to suppress minority voting access in ways that likely would have violated the pre-*Shelby County* VRA; and

**Whereas**, In February 2019, Representative Terri Sewell (AL – 07) introduced the Voting Rights Advancement Act of 2019 (VRAA), to revise and modernize the preclearance criteria struck down in *Shelby County v. Holder*; and

**Whereas**, The VRAA would establish new criteria for determining which states and jurisdictions require federal preclearance before making voting changes based on a finding of repeated voting rights violations over the past 25 years; and

**Whereas**, The VRAA would specify practices that have historically been used to discriminate against voters that would require preclearance; and

**Whereas**, The VRAA would increase transparency by requiring any state or other jurisdiction to notify the public of changes to voting procedures that affect a federal office, regardless of whether they require preclearance; and

**Whereas,** The VRAA would expand the circumstances under which the Department of Justice may assign election observers; and

**Whereas,** The VRAA would revise the preliminary injunction standard for voting rights actions to recognize cases where there is a need for immediate preliminary relief; and

**Whereas,** On December 6, 2019, the House of Representatives passed the VRAA 228 – 187; and

**Whereas,** Congressman John Lewis, a bastion of the Civil Right Movement who repeatedly risked life and limb in his nonviolent fight for voting rights, passed away on July 17, 2020; and

**Whereas,** John Lewis proudly co-sponsored the VRAA, saying in a press release, “We must repair what the Supreme Court damaged. We must pass this bill to ensure that every American has equal freedom to participate in our democracy;” and

**Whereas,** Passing the VRAA would honor John Lewis’ legacy and ensure that the voting rights of all Americans are protected in the upcoming presidential election and beyond; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon Congress to pass, and the President to sign, the Voting Rights Advancement Act of 2019 (H.R. 4.), which would revise and modernize portions of the Voting Rights Act of 1965 struck down in the Supreme Court decision *Shelby County v. Holder*.

Adopted by the Council *via* voice-vote (preconsidered and approved by the Committee on Governmental Operations).

Res. No. 1372

**Resolution calling upon the United States Congress to pass, and the President to sign, H.R. 7120/S. 3912, the George Floyd Justice in Policing Act of 2020.**

By Council Members Cumbo and Chin.

**Whereas,** H.R. 7120/S. 3912, the George Floyd Justice in Policing Act of 2020, sponsored by Representative Karen Bass and Senator Cory Booker, respectively, were introduced in the U.S. House of Representatives and Senate to hold police accountable, end racial profiling, change the culture of law enforcement, empower impacted communities, and build trust between law enforcement and communities by addressing systemic racism and bias across the country to help save lives; and

**Whereas,** H.R. 7120/S. 3912 were introduced in the wake of numerous uprisings across America, including in New York City, spurred by the reported involvement of police in the unjust killings of Black Americans across the country, including George Floyd, who died after Officer Derek Chauvin kneeled on his neck for nearly nine minutes in Minneapolis Minnesota and Breonna Taylor, who was shot eight times by officers executing a no-knock warrant in her home in Louisville Kentucky, among several other victims; and

**Whereas,** The Justice in Policing Act of 2020, will, if made law, improve police accountability by holding police accountable in court, eliminating qualified immunity for law enforcement; bolstering federal and state abilities to investigate police misconduct; requiring data collection on police misconduct and use-of-force; mandating the use of body cameras; and making lynching a federal crime; and

**Whereas,** This legislation will also transform law enforcement culture, by prohibiting all racial and religious profiling; creating accreditation standards for police departments; banning chokeholds and no-knock warrants; limiting military-grade equipment transfers to state and local law enforcement; and empowering communities to create new public safety approaches through grants for community based organizations; and

**Whereas,** The U.S. House of Representatives has already passed H.R. 7120 and the Senate and President should immediately follow suit; 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, H.R. 7120/S. 3912, the George Floyd Justice in Policing Act of 2020.

Referred to the Committee on Public Safety.

Int. No. 1998

By Council Members Eugene, Gibson, The Speaker (Council Member Johnson), Kallos and Chin.

**A Local Law to amend the New York city charter, in relation to creating a commission on infectious diseases**

*Be it enacted by the Council as follows:*

Section 1. Chapter 19-a of the New York city charter is amended by adding a new section 499 to read as follows:

§ 499. *Commission on infectious diseases. a. There shall be a commission on infectious diseases to study and monitor the public health risks that such diseases pose and to make findings and recommendations to address, mitigate, contain and eliminate such risks, including, but not limited to, citywide and agency-specific plans that may be implemented in the course of epidemics, pandemics and other public health emergencies related to such diseases.*

*b. Such commission shall consist of 11 members who shall serve without compensation from the city. Members shall be appointed by, and serve at the pleasure of the mayor. Members shall include, but not be limited to epidemiologists, biostatisticians and other persons with expertise relevant to the purposes of the commission as described in subdivision a of this section, and to carrying out the powers and duties set forth in subdivision c of this section. The mayor shall designate one member to serve as chair of the commission. In the event of the death or resignation of any member, a successor shall be appointed by the mayor.*

*c. The commission shall have the power and duty to:*

*1. Hold meetings, which shall be publicly accessible, including (i) at least one meeting every six months; (ii) at least one meeting whenever, as determined by rule of the commission, an epidemic, pandemic or other public health emergency related to an infectious disease poses a substantial threat to public health in the city; and (iii) meetings of sufficient frequency throughout the course of any such emergency to achieve the commission's purposes as described in subdivision a of this section;*

*2. Keep a record of its activities and post all such records on the department's website;*

*3. Determine its own rules of procedure, including, but not limited to rules requiring a meeting of the commission whenever an epidemic, pandemic or other public health emergency related to an infectious disease poses a substantial threat to public health in the city, and to promote the uninterrupted functioning of the commission during any such emergency;*

*4. Study and monitor the nature and occurrence of infectious disease in epidemics, pandemics and other public health emergencies related to infectious disease worldwide;*

*5. Perform such advisory duties and functions as may be necessary to achieve its purposes as described in subdivision a of this section, including the power to issue advisory statements to agencies, and to respond to requests for information and recommendations for policy, rules or regulations from the heads of agencies; and*

*6. No later than April 1, 2021, and every year thereafter, submit to the mayor, the speaker of the council, the commissioner of health and mental hygiene and the commissioner of emergency management a report concerning its activities during the previous 12 months, including a summary of findings that result from the commission's ongoing study of the public health risks of infectious diseases and any related recommendations for policy, legislation, rules or regulations. Such report shall include a summary of novel infectious diseases for the prior year; an assessment of the effects of all known domestic and international epidemics, pandemics and other public health emergencies related to infectious disease for the prior year and ongoing at the time such report is prepared; a summary and assessment of infectious diseases that pose a substantial risk to the public health of the city; all statements prepared by the commission and issued to agencies in the prior year; and recommendations for citywide and agency-specific plans to address, mitigate, contain and eliminate the public health risks of infectious disease.*

*d. Every year, no later than 120 days after receipt of the report required in paragraph 6 of subdivision c of this section, the commissioner of emergency management shall submit to the commission and post on the department's website a statement:*

*1. Setting forth the commissioner's adoption or rejection of each of the recommendations of the commission, including a detailed basis for each rejected recommendation, if any; and*

*2. Setting forth in detail the commissioner's plan to incorporate the adopted recommendations of the commission, if any, in carrying out the commissioner's powers and duties pursuant to section 497.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 1999

By Council Member Gjonaj.

**A Local Law to amend the administrative code of the city of New York, in relation to filling personal food or beverage take-out containers during the COVID-19 pandemic**

*Be it enacted by the Council as follows:*

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-508 to read as follows:

*§ 17-508 Personal food and beverage take-out containers. a. Definitions. As used in this section, the following terms have the following meanings:*

*COVID-19 state disaster emergency. The term "COVID-19 state disaster emergency" means the state disaster emergency declared by the governor of New York in executive order number 202 issued on March 7, 2020 or any executive order renewing or extending such emergency.*

*Food service establishment. The term "food service establishment" has the meaning ascribed to such term by section 81.03 of the New York city health code or any successor provision.*

*b. Notwithstanding any contrary provision of law or rule, during the pendency of the COVID-19 state disaster emergency:*

*1. No food service establishment shall fill a customer's personal food or beverage take-out container with a food or beverage prepared, sold or offered for sale by such food service establishment.*

*2. No food service establishment shall allow a customer to fill a personal food or beverage take-out container while on the premises of such food service establishment.*

*c. The provisions of subdivision b of this section do not apply to a bag for the purpose of carrying goods as described in subdivision 2 of section 27-2803 of the environmental conservation law.*

*d. A food service establishment that violates any provision of subdivision b of this section is subject to a civil penalty of \$250 per violation.*

§ 2. The commissioner of health and mental hygiene shall publicize the requirements of this local law to food service establishments.

§ 3. This local law takes effect immediately.

Referred to the Committee on Health.

## Int. No. 2000

By Council Members Gjonaj, Richards, Cumbo, Cornegy, Moya, Louis, Koo, Holden, Brannan and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to the equitable distribution of emergency funding by borough**

*Be it enacted by the Council as follows:*

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1006 to read as follows:

§ 22-1006 *Equitable disbursement of emergency funding a. Definitions. For the purposes of this section, the term “emergency funding” means a loan or grant program funded at 250,000 dollars or more in total that is created or administered by an agency in response to an emergency declared by the mayor or governor, over which an agency has control of eligibility standards, which partially or fully funds the operating expenses of businesses.*

*b. Before disbursement of emergency funding, the department shall post on its website an estimate of the number of businesses in the city, broken down by borough, that would be eligible for such emergency funding. Such estimate shall not be limited by the total amount of emergency funding being made available. Such posted information shall be accompanied by a description of the methodology used to make such estimate.*

*c. The administering agency shall disburse emergency funding to businesses in each borough in proportion to the number of businesses eligible in such borough, as estimated in accordance with subdivision b of this section. The agency shall be deemed to be in compliance with the requirements of this subdivision if, when all such emergency funding is disbursed: 1. the percentage of emergency funding awards disbursed to businesses per borough is within five percentage points of the number of businesses eligible per borough posted in accordance with subdivision b of this section; or 2. the agency can demonstrate, in a report posted on its website and submitted to the speaker of the council within 30 days of all the emergency funding being disbursed, that a good faith effort was made to meet such standard. The department shall post data on the percentage of emergency funding awards disbursed to businesses per borough on the same webpage as the information posted in accordance with subdivision b of this section.*

§ 2. This local law takes effect 30 days after becoming law.

Referred to the Committee on Small Business.

## Res. No. 1373

**Resolution calling on New York State to delay implementation of the plastic bag ban during the COVID-19 epidemic, with enforcement beginning December 31, 2022.**

By Council Members Gjonaj and Yeger.

**Whereas**, the New York State Bag Waste Reduction Act was due to go into effect March 1, 2020, and would have prohibited the distribution of nearly all plastic, carry-out bags; and

**Whereas**, Instead of giving out plastic bags, customers would be required to either purchase a paper bag, in those jurisdictions implementing such a fee, or bring their own bags to use; and

**Whereas**, Prior to the role-out of the law, a number of business owners sued the State, claiming that they were not sufficiently prepared to abide by the law by the enforcement date; and

**Whereas**, The judgement, in their favor, delayed the enforcement until mid-April; and

**Whereas**, Due to the global outbreak of the SARS-CoV-2 virus, which is responsible for causing the new infectious disease known as COVID-19, the enforcement date for the State’s plastic bag ban been pushed back even further; and

**Whereas**, The enforcement date has recently been extended until June 15, 2020; and

**Whereas,** The COVID-19 pandemic has disrupted all facets of normal life and small businesses, in particular, are struggling with the effects; and

**Whereas,** The Governor’s New York State on PAUSE executive order has forced many businesses in New York City to close; and

**Whereas,** Those that are able to be open still must adhere to strict social distancing rules; and

**Whereas,** This has meant that many businesses have seen a severe drop in customers and profit; and

**Whereas,** During this stage of the pandemic, the plastic bag ban would represent another layer of well-intentioned yet burdensome regulation for businesses to implement; and

**Whereas,** Additionally, there are serious concerns regarding the transmission of the SARS-CoV-2 virus that could occur on the reusable bags that consumers are encourage to shop with; and

**Whereas,** According to a study by the University of Arizona, because people rarely wash their reusable bags, multiple forms of both harmful and benign bacteria are often found in these bags; and

**Whereas,** Additional research shows that, when not properly washed, reusable bags are also able to transfer viruses, making them a risk for both shoppers and employees; and

**Whereas,** According NYU Professor Marion Nestle, “[t]he single greatest risk factor for COVID-19 is getting within breathing distance of someone who is carrying the virus. The next greatest is touching a surface they’ve touched recently”; and

**Whereas,** Checkout clerks inevitably touch customers’ reusable bags when packing groceries; and

**Whereas,** Even when they do not, customers will touch their bags and then touch the point of sale machine or hand over cash to pay, thereby creating another point at which the virus can spread; and

**Whereas,** As governments across the world try to minimize the spread of the virus, it seems prudent to further extend the bans on single-use plastic bags; and

**Whereas,** In fact, legislators in places such as Maine, New Hampshire, Oregon and even San Francisco have either delayed their bans on plastic bags, or have issued rules to prohibit people from bringing their own bags to stores to use, while the COVID-19 pandemic persists; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on New York State to delay implementation of the plastic bag ban during the COVID-19 epidemic, with enforcement beginning December 31, 2022.

Referred to the Committee on Small Business.

Int. No. 2001

By Council Members Holden, Kallos and Yeger.

**A Local Law in relation to studying transmission of COVID-19 in various modes of transportation within New York city**

*Be it enacted by the Council as follows:*

Section 1. Study on transmission of COVID-19 in various modes of transportation. a. Definitions. For the purposes of this section, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Department. The term “department” means the department of health and mental hygiene.

b. The department shall conduct a study on transmission of COVID-19 in various modes of transportation within New York city, including but not limited to, subways, buses, taxicabs and for-hire vehicles, and pedestrian travel.

c. No later than six months after completion of the study required pursuant to subdivision b of this section, the department shall submit to the mayor and the speaker of the council, and post conspicuously on its website, a report detailing the findings of the study and recommendations for preventing transmission of COVID-19 in the various modes of transportation studied pursuant to subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 2002

By Council Members Lancman, Kallos and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on how often it engages in surreptitious DNA collection.**

*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 14-185 to read as follows:

*§ 14-185 Reporting on surreptitious DNA collection.*

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

*Sample object. The term "sample object" means an object that was within the custody and control of the department prior to the suspect's depositing of genetic material.*

*Surreptitious DNA collection. The term "surreptitious DNA collection" means the collection of genetic material from a sample object by the department from a suspect, without such suspect's knowledge or consent.*

*Suspect. The term "suspect" means an individual not charged with or convicted of a crime being investigated by the department.*

*a. No later than January 31, 2021 and no later than each January 31 thereafter, the department shall report to the council and the mayor regarding surreptitious DNA collection during the previous calendar year. Such report shall include, but not be limited to:*

*1. The total number of DNA samples collected through surreptitious DNA collection in total and disaggregated by:*

*(a) Race;*

*(b) Gender;*

*(c) Age, in the following categories: 20 and under, 21 to 24, 25 to 34, 35 to 65, and over 65; and*

*(d) The nature of the crimes investigated.*

*2. The total number of DNA samples collected through surreptitious DNA collection:*

*(a) Where there were no charges pending at the time of collection; and*

*(b) Where there was no DNA evidence in the case.*

*b. The first report required pursuant to subdivision a of this section shall include the total number of DNA samples collected by the department through surreptitious DNA collection in the previous five calendar years, in total and disaggregated by:*

*1. Calendar year;*

*2. Race;*

*3. Gender;*

*4. Age, in the following categories: 20 and under, 21 to 24, 25 to 34, 35 to 65, and over 65; and*

*5. The nature of the crimes investigated.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

## Int. No. 2003

By Council Members Levine and Yeger.

**A Local Law in relation to requiring city agencies to issue a one-time waiver of license renewal fees where the holders of such licenses were prohibited from working during the COVID-19 emergency**

*Be it enacted by the Council as follows:*

Section 1. Emergency waiver of license fees. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Agency. The term “agency” means an agency as defined in section 1-112 of the administrative code of the city of New York.

COVID-19 state of emergency. The term “COVID-19 state of emergency” means the period of time covered by the emergency declared pursuant to the governor’s executive order number 202 for the year 2020, as such order may be extended, until such declaration has expired with respect to the city of New York.

Occupational license. The term “occupational license” means any license or permit issued to a person by an agency pursuant to local law for a fee that authorizes such person to provide goods or services to members of the general public.

Occupational licensee. The term “occupational licensee” means a person who holds an occupational license.

Person. The term “person” means a person as defined in section 1-112 of the administrative code of the city of New York.

b. Any person that was prohibited from utilizing such person’s occupational license for a period of 30 days or more pursuant to an emergency executive order issued pursuant to section 24 or 29-a of the executive law during the declared COVID-19 state of emergency is eligible for a one-time waiver of the renewal fee for such license, provided that such license was valid and active on March 1, 2020. Such fee waiver shall be made available to all such occupational licensees during the first renewal period following the effective date of this local law.

c. The website of any agency that issues occupational licenses covered by the fee waiver established by subdivision b of this section shall include a notice explaining the fee waiver on the webpage or pages that provide information about the applicable occupational license or licenses.

d. The mayor shall send to the speaker of the council a list of all occupational licenses covered by subdivision b of this section no later than 30 days after the effective date of this local law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

## Int. No. 2004

By Council Member Levine.

**A Local Law in relation to the creation of a COVID-19 memorial task force**

*Be it enacted by the Council as follows:*

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

City. The term “city” means the city of New York.

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Task force. The term “task force” means the COVID-19 memorial task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the COVID-19 memorial task force.

§ 3. Duties. The task force shall consider the various factors involved in creating a memorial on Hart Island dedicated to those who died as a direct result of COVID-19, including potential sites on Hart Island for the memorial, resources necessary to create such memorial and the level of coordination among appropriate stakeholders that would be necessary for the creation of such memorial. The task force shall make recommendations in furtherance of creating such memorial and such recommendations shall take into account potential effects on the health and welfare of persons in the city, the projected costs of implementing such recommendations, anticipated effects on stakeholders and any other considerations the task force deems relevant.

§ 4. Membership. a. The task force shall be composed of the following members:

1. The commissioner of cultural affairs or such commissioner's designee, who shall serve as chair;
2. The commissioner of parks and recreation or such commissioner's designee;
3. Two members appointed by the mayor, provided that at least 1 such member is a family member of a person who died as a direct result of COVID-19 and is buried on Hart Island; and
4. Two members appointed by the speaker of the council, provided that at least 1 such member is a family member of a person who died as a direct result of COVID-19 and is buried on Hart Island.

b. The mayor may invite officers and representatives of relevant federal, state and local agencies and authorities to participate in the work of the task force.

c. All appointments required by this section shall be made no later than 90 days after the effective date of this local law.

d. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in section four, the chair shall convene the first meeting of the task force within 10 days of the appointment of a quorum.

b. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

c. The task force shall meet no less than once each quarter to carry out the duties described in section three.

d. The meeting requirement of subdivision c shall be suspended when the task force submits its report as required by section six.

§ 6. Report. a. No later than 270 days after the effective date of this local law, the task force shall submit a report to the mayor and to the speaker of the council setting forth its recommendations for a memorial on Hart Island dedicated to those who died as a direct result of COVID-19. The report shall include a summary of information the task force considered in formulating its recommendations.

b. The commissioner of cultural affairs shall publish the task force's report electronically on the website for the department of cultural affairs no later than 10 days after submitting such report to the mayor and to the speaker of the council.

§ 7. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 8. Termination. The task force shall terminate 180 days after the date on which it submits its report, as required by section six.

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

Referred to the Committee on Parks and Recreation.

Int. No. 2005

By Council Members Louis, Kallos and Ayala.

**A Local Law in relation to reporting on the mental health of New Yorkers during the COVID-19 public health crisis**

*Be it enacted by the Council as follows:*

Section 1. Biannual report on COVID-19 and mental health. a. No later than 6 months after the enactment of this local law, and every 6 months thereafter, the New York city department of health and mental hygiene (“DOHMH”) shall track and issue a report on the aggregate number of formally diagnosed or identified mental health-related cases following the declaration of a state of emergency by the mayor of the city of New York on March 13, 2020, in response to the new coronavirus, COVID-19. Such report shall be issued to the mayor and the speaker of the council and shall be published on DOHMH’s website. DOHMH may work with community-based organizations, federally qualified health centers, and other community providers to conduct surveys and obtain aggregate information, and may seek information from hospitals, the department of education, the department for the aging, and any other entity as the commissioner of health and mental hygiene deems appropriate.

b. The report shall include the following information:

1. The aggregate number of formally diagnosed or identified mental health-related cases;
2. Breakdowns of such aggregate number by age, race, and gender;
3. Identifications of age disparities, racial disparities, and gender disparities in such numbers; and
4. Any other information the commissioner of health and mental hygiene deems appropriate.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate physician-patient confidentiality or any applicable provision of federal, state or local law relating to the privacy of medical information.

d. The commissioner shall include with any such report required by this section a recommendation to the mayor and the speaker of the city council about whether continued reporting on such topic is necessary and appropriate.

§ 2. This local law takes effect immediately.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 1374

**Resolution calling upon the New York City Department of Education to establish a training program for parents in relation to remote learning.**

By Council Members Louis and Yeger.

**Whereas**, The New York City public school system is the largest in the nation, with approximately 1.1 million students attending more than 1,800 schools; and

**Whereas**, In response to the global COVID-19 pandemic, on March 15, 2020, Mayor Bill de Blasio announced that effective Monday, March 16, all New York City public schools would be closed until at least April 20, 2020, in an effort to limit the spread of the virus; and

**Whereas**, From March 17 to March 19, 2020 the New York City Department of Education (DOE) provided in-person professional development to teachers and principals to prepare them for the transition to providing online instruction to students at home, referred to as “remote learning”; and

**Whereas**, On Monday, March 23, 2020 DOE launched remote learning for all students, with no training provided for parents on how to assist their children with online instruction; and

**Whereas**, Subsequently, New York State Governor Andrew Cuomo signed executive orders mandating that all schools in the state remain closed for the remainder of the 2019-2020 school year; and

**Whereas**, As a result, DOE extended remote learning through the end of the school year and provided internet-enabled devices to students who needed them; and

**Whereas**, DOE also provided some basic information on remote learning on its website that parents and families could access; and

**Whereas,** However, many parents were unaware of this resource or lacked the technical ability to access it, while others found the information wholly inadequate in preparing them to assist their children in a fully online learning environment; and

**Whereas,** Numerous media outlets have reported on parents' frustration over remote learning at home due to a lack of preparation and support, as well as the stress of having to serve as a teacher and full-time caregiver while also working from home during the pandemic; and

**Whereas,** Difficulties with the remote learning environment are even more severe for students with disabilities, English Language Learners and their parents; and

**Whereas,** DOE is continuing remote learning for students who are participating in summer school programs; and

**Whereas,** Further, Mayor De Blasio and DOE Chancellor Richard Carranza recently announced proposed plans for school reopening in September 2020 that will include a blend of in-school and remote learning for students; and

**Whereas,** It is also widely recognized that remote or "distance" learning, as online instruction is often called, will increasingly be used by schools across the country in future years; and

**Whereas,** Since the transition to all-remote learning in March, some students have been able to perform well in the online learning environment, but there are concerns that many did not make adequate progress or even regressed, particularly students with disabilities and English Language Learners; and

**Whereas,** There are numerous online resources and websites that provide tutorials, guidebooks and suggestions on training for parents regarding remote learning such as Tech & Learning, which recommends that school districts host virtual parent academies or online "Digital Parenting 101" courses; and

**Whereas,** Further, Common Sense Media provides guides on at-home learning for parents of students in specific grade levels from pre-K to 5, and there are other sites that offer guides for students with special needs, such as the National Center for Learning Disabilities, yet DOE does not currently provide links or other access to such resources; and

**Whereas,** To ensure that remote learning is as effective as possible for students, it is imperative that parents be well-prepared to serve as facilitators and assist their children with online instruction; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York City Department of Education to establish a training program for parents in relation to remote learning.

Referred to the Committee on Education.

Int. No. 2006

By Council Members Moya, Ayala, Richards, Reynoso, Lander, Kallos, Rivera, Levine, Chin, Powers, Lancman, Van Bramer, Gibson, Brannan, Adams, Salamanca, Koslowitz, Cabrera, Ampry-Samuel, Holden, Gjonaj, Louis, Menchaca, Grodenchik, Cohen and Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing prevailing wage requirements for security guards at city-contracted shelters**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-109.1 to read as follows:

*§ 6-109.1 Prevailing wage for security guards at city-contracted shelters. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Commissioner. The term "commissioner" means the commissioner of homeless services.*

*Comptroller. The term "comptroller" means the comptroller of the city.*

*Covered employer.* The term “covered employer” means a shelter operator or a security guard company. Department. The term “department” means the department of homeless services.

*Prevailing wage.* The term “prevailing wage” means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and annually determined by the comptroller in accordance with the provisions of section 234 of the labor law. As provided under section 231 of the labor law, the obligation of an employer to pay prevailing supplements may be discharged by furnishing any equivalent combinations of fringe benefits or by making equivalent or differential payments under rules and regulations established by the comptroller.

*Security guard.* The term “security guard” means an unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law, authorizing such individual to perform security services in the state of New York.

*Security guard company.* The term “security guard company” means a company licensed to provide security guards under contract to other entities pursuant to article 7 of the general business law, and that is engaged by a shelter operator to provide security guards to perform security services at a shelter pursuant to a shelter contract. An entity shall be deemed a security guard company for the duration of the period during which such entity assists the shelter operator in performing the shelter contract.

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

*Shelter.* The term “shelter” means temporary emergency housing provided to homeless individuals by a shelter operator pursuant to a shelter contract.

*Shelter contract.* The term “shelter contract” means any written agreement whereby the department is committed to expend and does expend funds and the principle purpose of such agreement is to operate a shelter. The term “shelter contract” does not include contracts awarded pursuant to the emergency procurement procedure as set forth in section 315 of the charter.

*Shelter operator.* The term “shelter operator” means any entity that enters into a shelter contract with the department. An entity shall be deemed a shelter operator for the duration of the shelter contract that it receives or performs.

*b. Prevailing wage in city-contracted shelters required.* 1. A shelter operator or security guard company that employs security guards performing security services at a shelter must pay such security guards no less than the prevailing wage.

2. Prior to commencing any work under a shelter contract, and annually thereafter, every shelter operator shall provide to the comptroller and the commissioner an annual certification executed under penalty of perjury that all security guards subject to paragraph 1 of subdivision b of this section, who are employed at a shelter by the shelter operator or a security guard company, will be and/or have been paid the prevailing wage. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each security guard employed at the shelter. Such certification shall be certified by the chief executive or chief financial officer of the shelter operator, or the designee of any such person. A violation of any provision of the certification, or failure to provide such certification, shall constitute a violation of this section by the party committing the violation of such provision.

3. Each covered employer shall maintain original payroll records for each of its security guards employed at a shelter reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for at least six years after the security services are performed. Failure to maintain such records as required shall create a rebuttable presumption that the security guards were not paid the wages and benefits required under this section. Security guard companies shall provide copies of such records to relevant shelter operators. Upon the request of the comptroller or the commissioner, a covered employer shall provide a certified original payroll record. The comptroller or the commissioner may inspect such records to verify the certifications submitted pursuant to paragraph 2 of subdivision b of this section.

4. No later than the day on which any work begins under a shelter contract subject to the requirements of this section, a shelter operator shall post in a prominent and accessible place at every shelter and provide each security guard subject to paragraph 1 of subdivision b of this section a copy of a written notice, prepared by the

*comptroller, detailing the wages, benefits, and other protections to which security guards are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising such security guards that if they have been paid less than the prevailing wage they may notify the comptroller and request an investigation. Such notice shall be provided in English, Spanish and other languages spoken by 10 percent or more of a covered employer's security guards. Such notice shall remain posted for the duration of the shelter contract and shall be adjusted periodically to reflect the current prevailing wage for security guards. The comptroller shall provide the commissioner with sample written notices explaining the rights of security guards and covered employers' obligations under this section, and the commissioner shall in turn provide those written notices to shelter operators.*

*c. Implementation and enforcement. 1. The commissioner and the comptroller shall promulgate implementing rules and regulations as appropriate and consistent with this section. Beginning one year after the enactment of the local law that added this section, the comptroller shall submit annual reports to the mayor and the speaker of the council summarizing and assessing the implementation and enforcement of this section during the preceding year.*

*2. Every shelter contract and every contract between a shelter operator and a security guard company for the provision of security services at a shelter shall contain a provision obligating shelter operators and security guard companies to comply with all applicable requirements of subdivision b of this section.*

*3. The comptroller shall monitor covered employers' compliance with the requirements of this section. Whenever the comptroller has reason to believe that there has been a violation of this section, or upon a verified complaint in writing from a security guard, a former security guard, or a security guard's representative claiming a violation of this section, the comptroller shall conduct an investigation to determine the facts relating thereto. In conducting such investigation, the comptroller shall have the same investigatory, hearing, and other powers as are conferred on the comptroller by sections 234 and 235 of the labor law. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by subdivision 2 of section 235 of the labor law, request that the department withhold any payment due to the covered employer in order to safeguard the rights of the security guards.*

*4. The comptroller shall report the results of such investigation to the commissioner, who shall, in accordance with the provisions of paragraph 5 of this subdivision and after providing the covered employer an opportunity to cure any violations, where appropriate issue an order, determination, or other disposition, including, but not limited to, a stipulation of settlement. Such order, determination, or disposition may at the discretion of the commissioner impose the following on the covered employee committing the applicable violations:*

*(i) Direct payment of wages and/or the monetary equivalent of benefits wrongly denied, including interest from the date of the underpayment to the security guard, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate no less than six percent per year;*

*(ii) Direct the maintenance or disclosure of any records that were not maintained or disclosed as required by this section;*

*(iii) Direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section;*

*(iv) Direct payment of a further sum as a civil penalty in an amount not exceeding 25 percent of the total amount found to be due in violation of this section;*

*(v) Direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the covered employer; and*

*(vi) Declare a finding of non-responsibility and bar the covered employer from receiving city service contracts from the contracting agency for a prescribed period of time.*

*In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered employer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the general fund.*

*5. Before issuing an order, determination, or any other disposition, the commissioner shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The commissioner may negotiate an agreed upon stipulation of settlement or refer the matter*

to the office of administrative trials and hearings, or other appropriate agency or tribunal, for a hearing and disposition. Such covered employer shall be notified of a hearing date by the office of administrative trials and hearings, or other appropriate agency or tribunal, and shall have the opportunity to be heard in respect to such matters.

6. In an investigation conducted under the provisions of this section, the inquiry of the comptroller shall not extend to work performed more than three years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

7. When, pursuant to the provisions of this section, a final disposition has been entered against a covered employer in two instances within any consecutive six year period determining that such covered employer has failed to comply with the wage, benefits, anti-retaliation, record-keeping or reporting requirements of this section, such covered employer, and any principal or officer of such covered employer who knowingly participated in such failure, shall be ineligible to submit a bid on or be awarded any shelter contract for a period of five years from the date of the second disposition.

8. When a final disposition has been made in favor of a security guard and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the commissioner and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the commissioner shall file a copy of such order containing the amount found to be due with the clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the commissioner in the same manner and with like effect as that prescribed by the state civil practice law and rules for the enforcement of a money judgment.

9. Before any further payment is made, or claim is permitted, of any sums or benefits due under any shelter contract covered by this section, it shall be the duty of the commissioner to require the covered employer that has been found to have violated the law to file a written statement certifying to the amounts then due and owing from each such covered employer to or on behalf of all security guards, or the commissioner for wages or benefits wrongly denied them, or for civil penalties assessed, and setting forth the names of the persons owed and the amount due to or on behalf of each respectively. This statement shall be verified as true and accurate by the covered employer under penalty of perjury. If any interested person shall have previously filed a protest in writing objecting to the payment to any covered employer on the ground that payment is owing to one or more employees of the covered employer for violations of this section, or if for any other reason it may be deemed advisable, the comptroller, the commissioner or the department of finance may deduct from the whole amount of any payment to the covered employer sums admitted by the covered employer in the verified statement or statements to be due and owing to any security guard before making payment of the amount certified for payment, and may withhold the amount so deducted for the benefit of the security guards or persons that are owed payment as shown by the verified statements and may pay directly to any person the amount shown by the statements to be due them.

10. The comptroller shall be authorized to contract with non-governmental agencies to investigate possible violations of this section. Where a covered employer is found to have violated the requirements of this section, the covered employer shall be liable to the city for costs incurred in investigating and prosecuting the violation.

11. In circumstances where a shelter operator fails to perform in accordance with any of the requirements of this section and there is a continued need for shelter services, the commissioner may obtain from another source the required services as specified in the original shelter contract, or any part thereof, and may charge the non-performing shelter operator for any difference in price resulting from the alternative arrangements, may assess any administrative charge established by the commissioner, and may, as appropriate, invoke such other sanctions as are available under the shelter contract and applicable law.

d. Enforcement by private right of action. 1. When a final determination has been made and such determination is in favor of a security guard, such security guard may, in addition to any other remedy provided by this section, institute an action in any court of appropriate jurisdiction against the covered employer found to have violated this section. For any violation of this section, including failure to pay applicable wages, provide required benefits, or comply with other requirements of this section, including protections against retaliation and discrimination, the court may award any appropriate remedy at law or equity including, but not limited to, back pay, payment for wrongly denied benefits, interest, other equitable or make-whole relief, reinstatement,

*injunctive relief and/or compensatory damages. The court shall award reasonable attorney's fees and costs to any complaining party who prevails in any such enforcement action.*

*2. Notwithstanding any inconsistent provision of paragraph 1 of this subdivision, where a complaint filed with the comptroller is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this chapter as if no such complaint had been filed.*

*3. Notwithstanding any inconsistent provision of this section or of any other general, special or local law, ordinance, city charter or administrative code, a security guard affected by this section shall not be barred from the right to recover the difference between the amount paid to such security guard and the amount which should have been paid to the security guard under the provisions of this section because of the prior receipt by the security guard without protest of wages or benefits paid, or on account of the security guard's failure to state orally or in writing upon any payroll or receipt which the security guard is required to sign that the wages or benefits received by the security guard are received under protest, or on account of the security guard's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the security guard for the period covered by such payment.*

*4. Such action must be commenced within three years of the date of the alleged violation, or within three years of the final disposition of any administrative complaint or action concerning the alleged violation or, if such a disposition is reviewed in a proceeding pursuant to article 78 of the civil practice law and rules, within three years of the termination of such review proceedings. No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit a security guard's right to bring a common law cause of action for wrongful termination.*

*e. Retaliation and discrimination barred. It shall be unlawful for any covered employer to retaliate, discharge, demote, suspend, take adverse employment action in the terms and conditions of employment or otherwise discriminate against any security guard for reporting or asserting a violation of this section, for seeking or communicating information regarding rights conferred by this section, for exercising any other rights protected under this section, or for participating in any investigatory or court proceeding relating to this section. This protection shall also apply to any security guard or such security guard's representative who in good faith alleges a violation of this section, or who seeks or communicates information regarding rights conferred by this section in circumstances where such security guard in good faith believes this section applies. Taking adverse employment action against a security guard or such security guard's representative within 60 days of the security guard engaging in any of the aforementioned activities shall raise a rebuttable presumption of having done so in retaliation for those activities. Any security guard subjected to any action that violates this subdivision may pursue administrative remedies or bring a civil action pursuant to subdivision d of this section in a court of competent jurisdiction.*

*f. Subcontracting. A shelter operator shall not enter into any contract for an amount greater than \$5,000 with a security guard company for the provision of security services at a shelter in performance of a shelter contract without prior approval of the security guard company by the department. The shelter operator shall provide information to the department demonstrating that the proposed security guard company has the necessary facilities, skill, integrity, past experience and financial resources to perform the security services required pursuant to the shelter contract. A VENDEX questionnaire completed by the proposed security guard company must be submitted to the department, if required pursuant to the rules of the procurement policy board. The department shall make a final determination in writing approving or disapproving the proposed security guard company after receiving all requested information. The approval of a security guard company shall not relieve the shelter operator of any of its responsibilities, duties and liabilities under the shelter contract. The shelter operator shall remain fully responsible to the department for the acts and omissions of the security guard company.*

*g. Application to existing shelter contracts. No later than 30 days after the effective date of the local law that added this section, the commissioner shall provide notice of the provisions of this section to existing shelter operators. To the extent permitted under a shelter contract between the department and a shelter operator executed prior to the effective date of the local law that added this section, the commissioner shall commence to renegotiate such existing shelter contract to include the provisions of this section and shall terminate such existing shelter contract if the shelter operator does not accept the new terms within 90 days of receiving notice*

*of the provisions of this section. The commissioner shall provide sufficient funding for shelter operators to fulfill the additional requirements imposed under this section.*

*h. Severability. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by an court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.*

*i. Competing laws. This section shall be liberally construed in favor of its purposes. Nothing in this section shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement, that mandates the provision of higher or superior wages, benefits, or protections to security guards subject to the provisions of this section. No requirement or provision of this section shall be construed as applying to any person or circumstance where such coverage would be preempted by federal or state law. However, in such circumstances, only those specific applications or provisions of this section for which coverage would be preempted shall be construed as not applying.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of homeless services and the comptroller may promulgate any rules necessary for implementation of this local law and take any other measures as are necessary for its implementation, prior to such date.

Referred to the Committee on Contracts.

Int. No. 2007

By Council Members Powers, Chin, Kallos, Yeger, Levine, Rosenthal and Vallone (in conjunction with the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to the temporary suspension of the commercial rent tax during the COVID-19 emergency for premises with a base rent of less than one million dollars**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 2 of subdivision h of section 11-704 of the administrative code of the city of New York, as amended by local law number 63 for the year 1997, is amended to read as follows:

(2) In the case of any taxable premises located in the borough of Manhattan south of the center line of ninety-sixth street, the base rent for such premises shall be reduced by (i) fifteen percent for the period beginning March first, nineteen hundred ninety-six and ending May thirty-first, nineteen hundred ninety-six, (ii) twenty-five percent for the period beginning June first, nineteen hundred ninety-six and ending August thirty-first, nineteen hundred ninety-eight, and (iii) thirty-five percent for periods beginning September first, nineteen hundred ninety-eight and thereafter, such reduction to be made after all other exemptions and deductions authorized by this chapter have been taken[.], *except that the base rent for such premises with a base rent of less than one million dollars per year shall be reduced by one hundred percent for the period beginning June first, two thousand and twenty and ending on the day prior to the commencement of the tax period succeeding the later of the expiration of the state disaster emergency declared by the governor in executive order number 202 issued on March 7, 2020 or the state of emergency declared by the mayor's emergency executive order number 98, published March 12, 2020, as extended.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

## Res. No. 1375

**Resolution calling upon the New York State legislature to pass, and the Governor to sign, S.8392, which would allow licensed premises to continue selling alcohol through delivery and take-out, for two years after the pandemic ends.**

By Council Member Powers.

**Whereas**, The spread of SARS-CoV-2, the virus responsible for causing the new disease known as COVID-19 has wreaked havoc across the world; and

**Whereas**, By early July 2020, there have been over 220,000 cases of the disease and more than 22,700 deaths in New York City alone; and

**Whereas**, In order to help slow the spread of the virus, Governor Cuomo signed the New York State on PAUSE executive order (PAUSE) that, amongst other things, closed all non-essential businesses effective March 22, 2020; and

**Whereas**, The PAUSE executive order has had a devastating impact on the City's hospitality industry; and

**Whereas**, While food establishments were able to offer take-out and delivery during PAUSE, according to the Mayor's office, in the first four months of 2020, restaurant revenue was down by 90 percent, compared to the same time the previous year; and

**Whereas**, Similarly, according to a New York Restaurant Association survey, restaurants across the state expected to lose \$3.6 billion in sales a month, due to PAUSE; and

**Whereas**, Profit margins within the restaurant industry are notoriously slim, but alcohol sales can help increase profits; and

**Whereas**, Around 30 percent of a restaurant's revenue typically comes from alcohol sales, and for bars, this percent is obviously much higher; and

**Whereas**, Recognizing this revenue opportunity, Governor Cuomo also suspended part of the State's liquor licensing law to allow licensed venues to sell alcohol for take-out and delivery during the COVID-19 crisis; and

**Whereas**, This suspension was recently extended until August 5, 2020, and also allows establishments offering outdoor dining to sell alcohol on their premises; and

**Whereas**, Prior to the authorization of outdoor dining, restaurant owners in New York City expected to open for reduced-capacity, indoor dining, once the region hit Phase Two for reopening; and

**Whereas**, However, given recent spikes in COVID-19 cases across the Country, indoor dining has been further delayed; and

**Whereas**, Even if restaurants were able to resume indoor dining within the next few months, the previous months of restrictions means that the industry will take a long time to fully recover; and

**Whereas**, Therefore, it is important to provide as many avenues as possible for new and safe revenue streams; and

**Whereas**, Allowing alcohol delivery and take-out sales is one such example; and

**Whereas**, The suspension of current liquor laws to allow these types of sales have been issued in blocks of time, making it difficult for businesses to have certainty on whether they can count on this revenue stream; and

**Whereas**, The current order, for example, expires on August 5, 2020, and there are no assurances that this will be extended again; and

**Whereas**, To provide the hospitality industry with more certainty around their future sales opportunities, State Senator Brad Hoylman has introduced S.8392, which would allow licensed premises to continue selling alcohol through delivery and take-out, for two years after the pandemic ends; and

**Whereas**, Many jurisdictions across the Country allowed alcohol to be sold for consumption off-premises, even prior to the pandemic, while others have eased restrictions in order to support the struggling hospitality industry; and

**Whereas**, It may take years for New York's hospitality industry to return to its vibrant heyday, so giving restaurants a reliable income stream into the future be a welcomed relief; now, therefore, be it

**Resolved,** That the New York State legislature pass, and the Governor sign, S.8392, which would allow licensed premises to continue selling alcohol through delivery and take-out, for two years after the pandemic ends.

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 1376

**Resolution calling on the United States Congress to pass, and the President to sign, H.R. 7011, to establish a Pandemic Risk Reinsurance Program.**

By Council Member Powers.

**Whereas,** The outbreak and spread of COVID-19 in the United States has caused governors across the Country to implement mandatory stay-at-home-orders; and

**Whereas,** In New York, Governor Cuomo signed the New York State (NYS) on PAUSE executive order on March 20<sup>th</sup>, which mandated the closure of all non-essential businesses statewide; and

**Whereas,** Essential businesses that were permitted to remain open were required to comply with strict social distancing rules; and

**Whereas,** As New Yorkers sheltered in place to stop the spread of the virus, businesses in New York City (NYC) experienced massive declines in revenue; and

**Whereas,** While businesses were forced to remain closed due to the Governor’s order, they were often still obligated to pay their fixed monthly costs; and

**Whereas,** According to Governor Cuomo, over 100,000 small businesses have closed permanently across NYS due to their inability to continue to pay these fixed costs throughout the pandemic, including rent and employee payrolls; and

**Whereas,** A Hospitality Alliance survey of NYC restaurants, bars, clubs and event venues, found that 87% of respondents could not pay their May rent or were able to pay only a portion; and

**Whereas,** Many business owners in NYC pay for business interruption insurance to ensure they will be compensated for lost revenue when their business is forced to close unexpectedly; and

**Whereas,** When a business owner’s business interruption claim is approved, the insurer often covers all profits the business is estimated to have made during non-interrupted times and the operating expenses the business must pay while it is closed; and

**Whereas,** Many insurance companies have specifically excluded pandemics from their business interruption coverage; and

**Whereas,** Business owners from NYC and other cities across the country have sued their insurers after having their claims rejected as they believe a global pandemic should qualify as a business interruption; and

**Whereas,** While many small businesses need financial relief, insurance agencies do not have the financial capital to honor the insurance claims of all insured small businesses; and

**Whereas,** According to David Sampson, CEO of the American Property Casualty Insurance Association (APCIA), the closure losses from COVID-19 for small businesses with fewer than 100 employees are between \$255 billion to \$431 billion per month; and

**Whereas,** This amount is around 50 to 100 times the monthly relevant commercial property insurance premiums the industry collects; and

**Whereas,** As this could potentially bankrupt an insurance agency, David Sampson remarked “only the federal government can be the bridge for a crisis of this proportion”; and

**Whereas,** Commissioner Jonnel Doris of the Department of Small Business Services similarly argued “the scale of this crisis simply requires the resources of the federal government”; and

**Whereas,** The Pandemic Risk Insurance Act of 2020, H.R. 7011, sponsored by U.S. Representative Carolyn Maloney, would establish a federal program of shared public and private compensation for business interruption losses resulting from a pandemic; and

**Whereas,** The Act would mandate insurers make available insurance coverage for public health emergencies under business interruption policies; and

**Whereas,** When a covered public health emergency occurs, participating insurers would be responsible for covering the first \$250 million of business interruption losses; and

**Whereas,** After the \$250 million threshold is reached, the U.S. Department of the Treasury would be responsible for covering 95% of losses of a participating insurer that exceeds the applicable insurer deductible for up to \$750 billion during a calendar year; and

**Whereas,** The remaining 5% of losses would be spread among the insurers; and

**Whereas,** If passed, the Act would take effect on January 1, 2021; and

**Whereas,** The Act would therefore protect small businesses in NYC from a possible second wave of COVID-19 and other future pandemics; and

**Whereas,** The Act is modeled after the Terrorism Risk Insurance Act (TRIA), which was instituted after the September 11 attacks to increase insurers willingness and ability to cover terrorism risk; and

**Whereas,** Similar to the TRIA, the federal government under the Pandemic Risk Insurance Act would serve as a backstop to maintain marketplace stability for both small businesses and insurers; and

**Whereas,** To prevent small businesses in NYC from experiencing further financial ruin, the federal government must create a program to provide small businesses with relief in the event of another public health emergency; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, H.R. 7011, to establish a Pandemic Risk Reinsurance Program.

Referred to the Committee on Small Business.

Int. No. 2008

By The Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to social workers in city correctional facilities**

*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 9-160 to read as follows:

*§ 9-160 Social workers in city correctional facilities. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Full-time. The term "full-time" means working an average of 30 hours or more per week.*

*Social worker. The term "social worker" means any personnel, licensed and certified by New York state as a licensed master of social work or a clinical social worker as defined in section 7701 of the education law.*

*b. No later than January 1, 2024, the department of correction shall maintain a ratio of at least one full-time social worker for every 10 incarcerated persons at each city correctional facility.*

*c. No later than January 31, 2021, and quarterly thereafter, the commissioner of correction shall submit to the mayor and the speaker of the council and shall post conspicuously on the department of correction's website a quarterly report regarding the number of full-time social workers and the number of incarcerated persons at each city correctional facility.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

## Int. No. 2009

By The Public Advocate (Mr. Williams) and Council Member Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of videoconferencing services to individuals in custody in city correctional facilities**

*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 9-161 to read as follows:

*§ 9-161 Videoconferencing services. The department shall provide videoconferencing services to individuals in the custody of the department at no cost to such individuals or to the receiving. Such individuals shall be authorized a minimum of five videoconferencing calls per week for a minimum duration of one hour per call. The establishment of videoconferencing services shall not infringe upon the rights of individuals within the custody of the department to have in-person visitations.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

## Int. No. 2010

By The Public Advocate (Mr. Williams) and Council Member Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to private water and sewer pipelines**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-309.2 to read as follows:

*§ 24-309.2 Locations of private temporary or shared water service pipelines. a. Definitions. For purposes of this section the following terms have the following meanings:*

*Shared water service pipeline. The term “shared water service pipeline” means a water pipeline that provides water to one or more properties from one service pipe connection to the city water main.*

*Temporary water service pipeline. The term “temporary water service pipeline” means a water pipeline that when installed was meant to or will be replaced by a permanent service pipeline.*

*b. The department of environmental protection shall publish the locations of known private temporary water service pipelines and known private shared water service pipelines on the city’s website in the form of an online interactive map, pursuant to section 23-803. Such online interactive map shall be searchable by address and borough, block and lot number.*

§ 2. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

*§ 24-531 Locations of temporary or shared sewer service pipelines. a. Definitions. For purposes of this section, the term “shared sewer service pipeline” means a sewer pipeline that connects to one or more properties from one service pipe connection to the city sewer main.*

*b. The department of environmental protection shall publish the locations of known temporary sewer service pipelines, as defined in section 24-506, and known shared sewer service pipelines on the city’s website in the*

*form of an online interactive map, pursuant to section 23-803. Such online interactive map shall be searchable by address and borough, block and lot number.*

§ 3. Section 23-803 of the administrative code of the city of New York, as added by local law number 65 for the year 2019, is amended to read as follows:

§ 23-803 Online interactive map. The department of environmental protection shall provide to the public, at no charge, on the city's website, an online interactive map pursuant to [section] *sections 24-309.1, 24-309.2 and 24-531*. All information required by section 24-309.1 shall be available on the city's website on or before June 1, 2019 and updated, at minimum, in June of each year. *All information required by sections 24-309.2 and 24-531 shall be available on the city's website on or before June 1, 2021 and updated, at minimum, in June of each year.* The mayor shall ensure that agencies provide such department with assistance and information as it requires to compile and update the interactive map.

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

Referred to the Committee on Environmental Protection.

Int. No. 2011

By The Public Advocate (Mr. Williams) and Council Member Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to the department of finance conducting education and outreach regarding deed and foreclosure prevention assistance fraud**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-143 to read as follows:

§ 11-143. *Education and outreach regarding deed and foreclosure prevention assistance fraud. The department of finance, in conjunction with the department of housing preservation and development and the department of consumer affairs, shall conduct outreach to property owners regarding deed and foreclosure prevention assistance fraud. The outreach shall include, but not be limited to, posting deed and foreclosure prevention assistance fraud resource information on the department of finance's website and on the websites of any other agency as determined by the mayor, as well as dissemination of deed and foreclosure prevention assistance fraud resource materials through existing programs and events. Such resource information and materials shall include, at a minimum, information on actions a person can take if the person suspects that a fraudulent document recording has occurred, including but not limited to, information about whom to contact for assistance, to file a complaint or to report an alleged criminal violation, and referral resources for legal assistance.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 2012

By The Public Advocate (Mr. Williams) and Council Member Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on custodial interrogations of minors**

*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 14-185 to read as follows:

*§ 14-185 Report on the custodial interrogation of minors. a. Definition. For the purposes of this section, the term “minor” means a person under the age of 18 years old.*

*b. No later than January 30, 2021, and no later than 30 days after the end of each quarter thereafter, the commissioner shall submit to the speaker of the council, the mayor and the public advocate and post on the department’s website a report containing the total number of attempted custodial interrogations of minors for the previous quarter, disaggregated by:*

- 1. The race of the minor;*
- 2. The age of the minor;*
- 3. The gender of the minor;*
- 4. The precinct of the arresting officer;*
- 5. The borough where the arrest occurred;*
- 6. Whether a parent or legal guardian was notified of the arrest prior to the attempted interrogation;*
- 7. Whether the minor spoke to an attorney prior to the attempted interrogation;*
- 8. Whether the minor was notified of the following:*
  - (a) The minor's right to remain silent;*
  - (b) That the statements made by the minor may be used in a court of law;*
  - (c) The minor’s right to have an attorney present at an interrogation; and*
  - (d) The minor’s right to have an attorney provided for the minor without charge if the minor is unable to afford counsel; and*

*9. Whether the minor affirmatively waived each right listed in subparagraphs (a) through (d) of paragraph 8.*

*c. Reports required pursuant to this section shall not contain personally identifiable information. If a category contains between one and five minors, or contains an amount that would allow another category that contains between one and five minors to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of minors.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Public Safety.

Int. No. 2013

By The Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to the use of conducted electrical weapons by the police department**

*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 14-185 to read as follows:

*§ 14-185 Conducted electrical weapons. a. Definitions. For the purposes of this section, the term “TRI form” means the threat, resistance or injury incident worksheet or any successor form that is filled out by an officer after discharging a conducted electrical weapon.*

*b. Whenever a conducted electrical weapon is discharged, the discharging officer shall be responsible for downloading the data from such weapon at the end of the discharging officer’s tour. Such data shall be attached to the TRI form.*

*c. Whenever a conducted electrical weapon is discharged, the discharging officer shall note the number of times such weapon was discharged on the TRI form.*

*d. Beginning January 1, 2021, any new contracts, contract renewals or contract modifications for the purchase of body worn cameras shall require such cameras to be capable of automatically beginning recording*

*when a conducted electrical weapon wirelessly reports that it is armed or that its trigger is being pulled. Such feature shall be enabled during the entirety of an officer's tour whenever such feature is available.*

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

Referred to the Committee on Public Safety.

Int. No. 2014

By The Public Advocate (Mr. Williams) and Council Members Kallos and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to developing a college admissions counseling program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-414 to read as follows:

*§ 21-414 College admissions counseling program. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Family. The term "family" means any student's parents or legal guardians whose information is required for the student's successful completion of a college application and related documentation.*

*Student. The term "student" means any prospective college student under the age of 21 who is enrolled as a junior or senior in high school.*

*b. Program establishment. On or before January 1, 2021, the department shall develop and administer a program that provides college admissions counseling to students and their families. The program shall:*

- 1. Provide general information regarding the college admissions process and college readiness;*
- 2. Provide a checklist of information required to successfully complete a college application, including related documentation, applicable deadlines and suggested timelines;*
- 3. Provide information regarding how to access and assemble data and official records required to apply to college;*
- 4. Counsel students and families regarding college options, including tips on how to present a competitive application; and*
- 5. Refer students and families to resources regarding financial aid, scholarships, and other college funding options.*

*c. Educational outreach. The department shall engage in outreach to inform students and families about the program established pursuant to subdivision b of this section. Such outreach shall include, but is not limited to, posting information about the program on the department's website.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

Referred to the Committee on Youth Services.

Int. No. 2015

By The Public Advocate (Mr. Williams) and Council Members Rosenthal, Treyger, Kallos and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to provide menstrual hygiene products for the city university of New York to make available on campus**

*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 17-199.14 to read as follows:

§ 17-199.14 *Menstrual hygiene products for university students.* a. *For the purposes of this section, “menstrual hygiene products” means tampons, sanitary napkins and other products for use in connection with the menstrual cycle.*

b. *The department shall make available to the city university of New York, at no cost, a supply of menstrual hygiene products, sufficient to meet the needs of students, as soon as practicable upon request by such university.*

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

Referred to the Committee on Health.

Res. No. 1377

**Resolution calling on the New York State Legislature to pass and the Governor to sign A.10271/S.8015-A, which would allow eligible voters to request an absentee ballot if they are concerned that voting in person during a pandemic or state of emergency could expose themselves or others to a public health risk.**

By The Public Advocate (Mr. Williams) and Council Member Chin.

**Whereas**, During these unprecedented times of the Coronavirus (“COVID-19”) global pandemic, the United States has been promoting social-distancing and banning public gatherings in order to promote public safety; and

**Whereas**, Numerous states in the union have postponed or cancelled primaries in response to the COVID-19 pandemic; and

**Whereas**, These states include, but are not limited to; New York, Connecticut, Kentucky, New Jersey, and Pennsylvania; and

**Whereas**, In order to prevent such postponements in New York State elections, the State should broaden its use of absentee ballots to include cases when a state of emergency has been issued due to a communicable disease; and

**Whereas**, According to the United States Centers for Disease Control, the elderly and people with existing health conditions like heart disease, lung disease, or diabetes are at greater risk of serious illness or death if they contract COVID-19; and

**Whereas**, Voters, especially those deemed as high-risk individuals who are trying to limit their potential exposure or others' exposure to a communicable disease, should not have to decide between protecting their health and exercising their civic duty; and

**Whereas**, Currently, New York State’s law permits the request of an absentee ballot if an individual: (i) will be absent from their county of residence or New York City on the day of the election; (ii) are unable to appear at the polling place due to illness, physical disability, or care-taking responsibilities for someone who is ill or disabled; (iii) are a resident or patient at a veteran health administration hospital; or (iv) are currently being held in jail; and

**Whereas**, These restrictive criteria do not accommodate individuals who are concerned that voting in-person would pose risk to their own or others' health; and

**Whereas**, A.10271, introduced by New York State Assemblymember Michael Blake, and S.8015-A, introduced by New York State Senator Alessandra Biaggi, seek to amend the New York State Election Law

(“Election Law”) by allowing voters who are concerned about voting in-person due to an ongoing public health risk to request an absentee ballot; and

**Whereas**, A.10271/S.8015-A would amend the definition of “illness” in the Election Law to include the spread or potential spread of any communicable disease during a declared state of emergency; and

**Whereas**, A.10271/S.8015-A would help ensure that voters feel secure performing their civic duty and create a safer social environment for all individuals; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.10271/S.8015-A, which would allow eligible voters to request an absentee ballot if they are concerned that voting in person during a pandemic or state of emergency could expose themselves or others to a public health risk.

Referred to the Committee on Governmental Operations.

Res. No. 1378

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S4980A/A6982, an act to amend the family court act and the criminal procedure law in relation to the custodial interrogation of juveniles by law enforcement.**

By The Public Advocate (Mr. Williams).

**Whereas**, In 2017, over 20,000 juveniles, those under 18-years-old, were arrested on felony and misdemeanor offenses in New York City, according to the Mayor’s Office of Criminal Justice; and

**Whereas**, Each juvenile arrest can, and more often than not, does lead to a custodial interrogation; and

**Whereas**, State law requires police to immediately notify the parent after an arrest of a juvenile and prior to any questioning, but the parent is not required to attend the interrogation; and

**Whereas**, Once an interrogation is initiated, law enforcement must read and provide juveniles a copy of the *Miranda* warning, apprising juveniles of their right to remain silent and obtain legal counsel; and

**Whereas**, Under state law, juveniles arrested for an offense may voluntarily waive their *Miranda* protection without guidance from legal counsel; and

**Whereas**, A waiver of *Miranda* without guidance from legal counsel is used as a tool for law enforcement to encourage confession while undermining the best interest of the accused child; and

**Whereas**, *Miranda* waivers obtained without the presence of legal counsel or a parent during the interrogation of juveniles, especially those under 14-year-old, is morally reprehensible given their limited experience and cognitive capacity; and

**Whereas**, A main aspect of the Exonerated Five (formerly Central Park Five) case had to do with the coerced and false confessions of five young Black and Latino men, between the ages of 14 and 16, that led to their wrongful convictions; and

**Whereas**, The *U.S. Supreme Court* has long recognized that juveniles are more susceptible to police coercion than adults and more in need of legal counsel while facing police interrogation as a result of their youthfulness; and

**Whereas**, S4980A, introduced by State Senator Jamaal Bailey, and A6982, introduced by State Assembly Member Latoya Joyner, would amend the family court act to make it clear that police are required to immediately notify parents that their child will be taken into custody before taking the child into custody and would amend the criminal procedure law to require that persons under 18-years-old consult with counsel before being subjected to custodial interrogation; and

**Whereas**, If adopted, the bill would be more protective of juveniles than existing laws by ensuring that any *Miranda* waiver is given genuinely knowing, voluntary, and intelligently; and now, therefore, be it

**RESOLVED**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S4980A/A6982, an act to amend the family court act and the criminal procedure law in relation to the custodial interrogation of juveniles by law enforcement

Referred to the Committee on Public Safety.

Res. No. 1379

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, a bill that would mandate the Office of Court Administration to update the securing order form to include a gender X option.**

By The Public Advocate (Mr. Williams).

**Whereas**, The Office of Court Administration’s Securing Order form (the form) collects basic demographic information about a criminal defendant at arraignment; and

**Whereas**, The form features a question with a check box for female and male only and auto-filled with information contained in the New York City Police Department and the District Attorney’s paperwork where gender markers are frequently marked incorrectly as defendants are unable to self-identify; and

**Whereas**, Consequently, this strict binary option excludes New Yorkers who do not identify as male or female, or do not wish to identify; and

**Whereas**, In an effort to be inclusive, the New York court system announced last year its plan to expand the gender options on jury forms to be more inclusive of New Yorkers who do not identify as male or female; and

**Whereas**, The new jury form, according to the New York court spokesman Lucian Chalfen, would include the gender options female, male, transgender, non-binary, intersex and other; and

**Whereas**, The Office of Court Administration has not made a similar public announcement about the Securing Order form; and

**Whereas**, States and cities have moved to expand gender options on state-issued identification documents to acknowledge the existence of intersex, transgender, and non-binary individuals; and

**Whereas**, For example, at least fourteen states, including the District of Columbia, offer a gender X option on driver’s licenses, so people who do not identify as female or male can choose X instead; and

**Whereas**, New York City began offering a gender X option on birth certificates last year, allowing New Yorkers to make changes to their birth certificate to reflect a gender X designation without physician authorization; and

**Whereas**, Updating the Securing Order form to reflect a gender X option would bring New York a step closer in recognizing the rights and dignity of intersex, transgender, and non-binary New Yorkers; and 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 bill that would mandate the Office of Court Administration to update the securing order form to include a gender x option

Referred to the Committee on Women and Gender Equity.

Res. No. 1380

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation removing Corcraft’s status as a preferred vendor in state and municipal contracting processes.**

By The Public Advocate (Mr. Williams) and Council Member Kallos.

**Whereas**, Corcraft is the manufacturing program of the Division of Industries, an entity within the New York State Department of Corrections and Community Supervision (DOCCS) that produces a variety of commodities; and

**Whereas**, According to DOCCS, Corcraft's mission is to employ inmates in real work situations producing quality goods and services at competitive prices, delivered on time as required by its customers at a minimal cost to the taxpayers; and

**Whereas**, According to the New York State Office of General Services' *List of Preferred Source Offerings, May 2020*, Corcraft produces approximately 300 products for office, institutional and educational markets across 30 shops in 15 New York State correctional facilities; and

**Whereas**, According to the New York State Office of the State Comptroller' 2014 report, *Corcraft's Textile Procurement Practices*, Corcraft annual sales averaged \$49 million for New York State Fiscal Year 2012-2013, and employs approximately 2,000 incarcerated offenders; and

**Whereas**, Corcraft employees are paid a starting wage of 16 cents per hour and a maximum wage of 65 cents per hour, and can earn a bonus of up to \$1.30 a day for productivity, according to a USA Today article dated March 9, 2020, *New York's solution to hand sanitizer shortage: Prison labor, hourly wages below \$1*; and

**Whereas**, Designated as a preferred source in Section 162 of the New York State Finance Law, Corcraft is required to sell its products to a specific customer base, which includes state and local governments, public entities and charitable not-for-profit organizations that receive tax dollars; and

**Whereas**, Customers can purchase products from Corcraft without having to comply with the competitive procurement provisions contained in the New York State Finance Law and other competitive procurement statutes and, in fact, are required to do so if an approved preferred source offering meets a customer's requirements for form, function, and utility, and the price is at or below fair market price; and

**Whereas**, Corcraft's preferred source designation helps it generate tens of millions of dollars in sales, according to the USA Today article; and

**Whereas**, Since purchases from preferred sources take precedence over all other sources of supply and competitive procurement methods municipalities, such as New York City, are required to contract with Corcraft, and further exploit New York's prison labor system; and

**Whereas**, Across New York, incarcerated workers generate billions in revenue for the prison system, making pennies on the dollar and in some cases nothing at all for their work, all while taking personal safety risks to produce products; and

**Whereas**, In order to correct the inequities that lie within the prison labor system, Corcraft's status as a preferred source vendor should be removed; 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, legislation removing Corcraft's status as a preferred vendor in state and municipal contracting processes.

Referred to the Committee on Contracts.

Int. No. 2016

By Council Member Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of an office of restaurant recovery in response to the COVID-19 pandemic, technical amendments in relation thereto and the expiration and repeal thereof**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 7 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 38 for the year 2019, is renumbered subchapter 8 of such chapter, and sections 3-170, 3-171 and 3-172 of such subchapter, as added by local law number 38 for the year 2019, and 3-173 of such subchapter, as

added by local law number 40 for the year 2019, are renumbered sections 3-180, 3-181, 3-182 and 3-183, respectively.

§ 2. Chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new subchapter 9 to read as follows:

*SUBCHAPTER 9  
OFFICE OF RESTAURANT RECOVERY*

*§ 3-190 Definitions. For the purposes of this subchapter, the following terms have the following meanings:*

*Director. The term “director” means the director of restaurant recovery.*

*Restaurant. The term “restaurant” has the same meaning as is ascribed to such term in section 17-502.*

*§ 3-191 Office. The mayor shall establish an office of restaurant recovery to facilitate the recovery of restaurants from the 2019 novel coronavirus, COVID-19. Such office may be established within any office of the mayor or as a separate office or within any agency. Such office shall be headed by a director of restaurant recovery. The mayor shall appoint the director no later than 30 days after the effective date of this subchapter, except that if the mayor establishes the office within an agency other than the office of the mayor, the head of such agency shall designate the director within such time.*

*§ 3-192 Powers and duties of director. The director shall have the power and duty to:*

*1. Develop and implement a citywide restaurant recovery plan, in consultation with relevant agencies, including, but not limited to, the department of small business services and the department of health and mental hygiene, and, in such capacity, shall:*

*(a) Assess the challenges restaurants face and the assistance restaurants need to recover;*

*(b) Assess all programs and policies relevant to the recovery of restaurants adopted in and outside of the city; and*

*(c) Develop and implement programs and policies regarding recovery of the restaurant industry;*

*2. Identify and monitor a set of metrics to assess restaurant recovery, which shall include data regarding the restaurants that have remained open since the onset of COVID-19, data on the restaurants that have closed since such onset and data on the restaurants that opened after such onset;*

*3. Advise the mayor on restaurant recovery, including, but not limited to, data, programs and policies, state and federal efforts, and the coordination among agencies under the jurisdiction of the mayor involved in recovery;*

*4. Promote the recovery of restaurants, in consultation with government and relevant stakeholders, including, but not limited to, restaurants, patrons and trade groups; and*

*5. Perform such other relevant duties as the mayor may assign.*

*§ 3-193 Reports. a. Initial report. No later than 120 days after the effective date of this subchapter, the director shall submit to the mayor and the speaker of the council an initial report, which shall include, but need not be limited to, the metrics to be used to assess restaurant recovery, preliminary findings regarding recovery and proposed solutions to such findings.*

*b. Annual report. After the initial report, the director shall annually submit to the mayor and the speaker of the council a report that summarizes the activities of the office of restaurant recovery and assesses the recovery of restaurants based, in part, on the metrics required by this subchapter.*

*c. Publication of report. No more than 30 days after a report required by this section is submitted to the mayor and the speaker of the council, the director shall publish such report on the website of the office of restaurant recovery.*

*§ 3-194 Early termination. If before the expiration of this subchapter, the mayor, in consultation with the director, determines that the restaurant industry has stabilized based in part on the metrics required by this subchapter, the mayor may dissolve the office and end compliance with the requirements of this subchapter following submission to the mayor and the speaker of the council of (i) a written notice of such determination and (ii) a final report by the director pursuant to section 3-193.*

§ 3. This local law takes effect immediately and expires and is deemed repealed 5 years after it becomes law. The mayor and any affected agency may take any steps necessary for the implementation of this local law before such effective date.

Referred to the Committee on Governmental Operations.

Int. No. 2017

By Council Members Rivera, Kallos and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to visitation policy guidelines for hospitals during public health emergencies**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 20 to read as follows:

*CHAPTER 20  
PUBLIC HEALTH EMERGENCY RESPONSE*

*§ 17-2001 Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.*

*Department. The term “department” means the department of health and mental hygiene.*

*Public health emergency. The term “public health emergency” means any state of emergency declared by the state or the city in response to an outbreak of an infectious disease.*

*§ 17-2002 Hospital visitation policy guidelines. a. No later than 14 days after a declaration of a public health emergency, the department shall develop voluntary guidelines for hospital visitation policies. Such guidelines shall take into consideration federal, state and local laws and regulations regarding hospital visitation policies. Such guidelines shall include specific provisions regarding visitors of a patient giving birth.*

*b. The department shall immediately submit to the mayor and the speaker of the council and shall post conspicuously on the department’s website the voluntary guidelines for hospital visitation policies developed pursuant to subdivision a. The department shall immediately distribute such guidelines to every hospital in the city.*

*c. No later than July 1, 2020, the department shall submit to the mayor and the speaker of the council and shall post conspicuously on the department’s website voluntary guidelines for hospital visitation policies in response to COVID-19, in accordance with subdivisions a of this section. No later than July 1, 2020, the department shall distribute such guidelines to every hospital in the city.*

*§2. This local law takes effect immediately.*

Referred to the Committee on Hospitals.

Res. No. 1381

**Resolution calling on the New York State Department of Labor to implement a new emergency response plan to modernize its capabilities to better prepare for economic disasters.**

By Council Member Rivera.

**Whereas**, In 2020, The Wall Street Journal reported that New York’s unemployment rate had reached its highest levels since the Great Depression, catalyzed by the spread of the new coronavirus, COVID-19; and

**Whereas**, According to the New York State Department of Labor (DOL), the rise of unemployment applications has grown 1,000 percent, overwhelming the DOL and its ability to deal with the current economic disaster; and

**Whereas**, According to The New York Times, over 1.2 million New Yorkers seeking relief have contacted the DOL, only to experience busy signals, disconnections, and error-prone online applications; and

**Whereas**, The DOL's process for administering unemployment benefits is outdated, as the current system is not built for a new class of workers, such as independent contractors and the self-employed, who are eligible for assistance during the COVID-19 outbreak; and

**Whereas**, Delays have caused New Yorkers to struggle for food and basic necessities, causing desperation among those who have not received unemployment assistance, according to the Democrat & Chronicle news outlet; and

**Whereas**, On April 1, 2020, New York Governor Andrew M. Cuomo apologized to despairing New Yorkers who have repeatedly been unable to secure unemployment insurance on the DOL's website which has continually been crashing; and

**Whereas**, On April 9, 2020, the DOL issued a press release announcing its partnership with technology company Google and service provider Verizon to help restore its operations; and

**Whereas**, Given the recent attempt to create a more reliable online system for New Yorkers, the Pew Research Center found that 71 percent of Americans who filed for unemployment in March still hadn't received benefits by late April; and

**Whereas**, The DOL was aware that its unemployment insurance system has needed an upgrade for years, as demonstrated by a 2017 Request for Proposals for a "system solution" to completely revamp the underlying system which allows New Yorkers to receive benefits; and

**Whereas**, Several New York Senators have expressed concern with the DOL's backlogging failures by highlighting the immediate need to improve the technological capabilities of the DOL and ensure that a long-term solution is put in place to further protect New Yorkers from economic disasters; and

**Whereas**, Unemployment benefits are often the last line of defense for those struggling with economic shortfalls, and their livelihoods depend on the DOL's ability to administer services efficiently and promptly, which requires an urgent strategy that updates technology and streamlines operations; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Department of Labor to implement a new emergency response plan to modernize its capabilities to better prepare for economic disasters.

Referred to the Committee on Civil Service and Labor.

Res. No. 1382

**Resolution calling upon Congress to pass, and the President to sign, H.R. 6139, which would direct the Secretary of Labor to issue an emergency temporary standard that requires certain employers to develop and implement a comprehensive infectious disease exposure control plan to protect employees in the health care sectors and other employees at elevated risk from exposure to SARS-CoV-2, and for other purposes.**

By Council Member Rivera.

**Whereas**, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

**Whereas**, The first cases of humans infected with COVID-19 were identified in Wuhan, China in December 2019; and

**Whereas**, By mid-April 2020, there were more than two million cases reported across the world and more than 140,000 deaths linked to the disease; and

**Whereas**, In New York City, there were more than 120,000 confirmed cases of COVID-19 and more than 11,000 deaths from the disease by mid-April 2020; and

**Whereas,** In order to help slow the spread of the virus, Governor Cuomo signed the New York State on PAUSE executive order that, amongst other things, closed all non-essential businesses effective March 22, 2020; and

**Whereas,** This executive order shut down huge swaths of the New York City economy, as its cultural institutions, schools, business and theatre districts, tourist attractions, and more were closed; and

**Whereas,** Many employees in white collar industries and industries with the ability to operate online have the privilege of doing so from the safety of their homes; and

**Whereas,** However, staff who are considered “essential” such as those selling groceries, providing home delivery services, or those working in pharmacies, restaurants offering take-out or deliveries, bodegas and of course healthcare, are still travelling to their workplaces and providing their vital goods and services; and

**Whereas,** These frontline workers are risking their own health to help keep New Yorkers fed and cared for; and

**Whereas,** Given the risk they put themselves in everyday, it is crucial that these frontline workers receive protective gear, including hand sanitizer, masks and gloves; and

**Whereas,** Recognizing this risk, New York governor Andrew Cuomo issued an executive order (effective April 17, 2020) requiring all New Yorkers to wear a face mask or covering whenever they are out in public and where social distancing cannot be maintained; and

**Whereas,** Since the crisis began, numerous stories have surfaced of frontline workers, including those in the healthcare professions, not having access to necessary personal protection equipment (PPE); and

**Whereas,** The lack of protective equipment was one of the major concerns that prompted some Amazon and Instacart workers to strike in late March, 2020; and

**Whereas,** Rather than driving frontline workers to strike in order for them to get the protection they need, the Secretary of Labor should issue a temporary emergency standard to require employers of frontline workers to execute mitigation plans that help protect their employees from contracting and spreading the SARS-CoV-2 virus; and

**Whereas,** On March 9, 2020, Congressman Bobby Scott introduced HR.6139, known as the “COVID-19 Health Care Worker Protection Act of 2020”; and

**Whereas,** If enacted, H.R. 6139 would require the Secretary of Labor to utilize the powers of the Occupational Safety and Health Act of 1970 to issue an emergency temporary standard to help protect frontline workers from the occupational exposure to SARS-CoV-2; and

**Whereas,** In practice, H.R. 6139 would require that any employer of frontline workers provide these employees with a level of protection in line with the emergency standards set by the Secretary of Labor; and

**Whereas,** Under H.R. 6139, workers entitled to such protections would include healthcare workers, as well as those in other industries that are deemed to be at a higher risk of exposure, according to the Center for Disease Control and Prevention, or the Occupational Safety and Health Administration; and

**Whereas,** Given the highly contagious and serious nature of the SARS-CoV-2 virus and, given that they are risking their own health and well-being by putting themselves on the frontline, these workers need adequate PPE; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on Congress to pass, and the President to sign, H.R. 6139, which would direct the Secretary of Labor to issue an emergency temporary standard that requires certain employers to develop and implement a comprehensive infectious disease exposure control plan to protect employees in the health care sectors and other employees at elevated risk from exposure to SARS-CoV-2, and for other purposes.

Referred to the Committee on Health.

Res. No. 1383

**Resolution calling on the U.S. Congress to pass, and the President to sign, the Small Business Relief From Communicable Disease Induced Economic Hardship Act of 2020, H.R. 6040, to help provide disaster relief to small businesses.**

By Council Members Rivera and Chin.

**Whereas**, In March 2020, New York became the epicenter of the novel coronavirus (COVID-19) pandemic with more reported cases than anywhere in the world, according to the New York Times; and

**Whereas**, The U.S. Department of State issued advisory warnings and travel restrictions as preventative measures to combat the COVID-19 outbreak, prompting multiple travel limitations to take effect in March, including the discontinuation of services to outbreak hotspots and barring the entry of foreign nationals who had visited China, Iran, and various European countries; and

**Whereas**, In March 2020, Governor Andrew Cuomo signed Executive Order 202.6, mandating the closure of all non-essential businesses to curb the spread of the COVID-19, as well as the “New York State on PAUSE” executive order to implement additional emergency measures, such as social distancing and abstaining from unnecessary travel, which, although necessary to combat the evolving emergency, had a major negative impact on small businesses in local communities; and

**Whereas**, According to Barbara Denham, senior economist at Moody’s Analytics Real Estate Information Services, the sharp decline in visitors arriving in New York since February has severely disrupted the tourism industry and drastically reduced future revenues that would have been realized by hotels, restaurants, and the entertainment industry; and

**Whereas**, Since February, the COVID-19 outbreak has caused fears for customers in all communities, resulting in massive decline in consumership that has led many businesses to close indefinitely, according to Gregg Bishop, Commissioner of Small Business Services; and

**Whereas**, In the first week of March 2020, the U.S. stock market plunged over 2,000 points according to the Dow Jones Industrial Average, representing the largest negative impact on the global economy since the 1987 financial crisis known as Black Monday; and

**Whereas**, Although Mayor de Blasio announced that qualifying small businesses may apply for interest-free loans and cash grants to help stem the monetary losses caused by COVID-19, far more relief is still needed by small businesses; and

**Whereas**, The Small Business Relief From Communicable Disease Induced Economic Hardship Act of 2020, H.R. 6040, which was introduced to the U.S. House of Representatives by New York’s Congressional Representative Nydia Velazquez, would amend the Small Business Act to ensure small businesses affected by communicable diseases are eligible for economic injury disaster loans of up to \$2 million to help meet their financial operating expenses, which otherwise would have been met if not for the spread of COVID-19; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the U.S. Congress to pass, and the President to sign, the Small Business Relief From Communicable Disease Induced Economic Hardship Act of 2020, H.R. 6040, to help provide disaster relief to small businesses.

Referred to the Committee on Small Business.

Int. No. 2018

By Council Members Rosenthal, Kallos, Chin, Louis and Adams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to provide domestic violence services at all shelters**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142.6 to read as follows:

§ 21-142.6 Domestic violence services at all shelters. a. Definitions. For the purposes of this section, the following terms have the following meanings:

*Domestic violence.* The term “domestic violence” means acts or threats of violence, not including acts of self-defense, committed by a family or household member against another family or household member.

*Domestic violence services.* The term “domestic violence services” means the coordination of appropriate services to clients who have experienced domestic violence, including but not limited to counseling, legal services, and access to employment, housing, childcare, and other resources, where such coordination is provided primarily by a social worker.

*Shelter.* The term “shelter” means temporary emergency housing provided to individuals experiencing homelessness by the department of homeless services or a provider under contract or similar agreement with the department of homeless services.

b. The department shall ensure that domestic violence services are provided to all shelters and available to clients who wish to access such services.

c. Each shelter shall be required to post information on the availability of such domestic violence services in a conspicuous location accessible to all individuals residing in such shelter.

§ 2. This local law takes effect 180 days after it becomes law, provided that the commissioner may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on General Welfare.

Int. No. 2019

By Council Members Rosenthal, Kallos, Chin and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the provision of menstrual hygiene products wherever toilet paper is required**

*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 17-199.14 to read as follows:

§ 17-199.14 *Requiring menstrual hygiene products.* a. For the purposes of this section, “menstrual hygiene products” means tampons, sanitary napkins and other products for use in connection with the menstrual cycle. Such products must be produced using organic, hypoallergenic cotton, packaged using biodegradable products and utilize only non-plastic applicators, where practicable.

b. The department shall require the provision of menstrual hygiene products wherever toilet paper is required by federal, state or local law or regulation.

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

Referred to the Committee on Health.

Int. No. 2020

By Council Members Rosenthal, Gjonaj, Constantinides and Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to open captioning at motion picture theatres**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

*SUBCHAPTER 13  
MOTION PICTURE THEATERS*

§ 20-699.7 *Open captioning in motion picture theaters. a. Definitions. As used in this section, the following terms have the following meanings:*

*Motion picture. The term "motion picture" means a story or event recorded by a camera as a set of moving images. Such term includes the term movie.*

*Motion picture theater. The term "motion picture theater" means an entity in the business of providing showings of motion pictures to the general public.*

*Open movie captioning. The term "open movie captioning" means the written, on-screen display of a motion picture's dialogue and non-speech information, including music, the identity of the character who is speaking and other sounds and sound effects.*

*Peak movie attendance hours. The term "peak movie attendance hours" means:*

- 1. A motion picture showing that begins after 5:59 p.m. and finishes before 11:01 p.m. on Friday; or*
- 2. A motion picture showing that begins after 11:59 a.m. and finishes before 11:01 p.m. on Saturday or Sunday.*

*b. Open movie captioning required. A motion picture theater with more than two screens and that provides more than 10 showings per week shall provide scheduled showings of motion pictures with open movie captioning such that at least half of the weekly scheduled showings of each motion picture currently showing at the motion picture theater have open movie captioning.*

*c. Exceptions. A motion picture that is produced and distributed without open movie captioning is not subject to the provisions of subdivision b of this section.*

*d. Timing. 1. At least half of the scheduled showings required pursuant to subdivision b of this section shall be provided during peak movie attendance hours. At least half of the scheduled showings required pursuant to subdivision b of this section that are scheduled outside of peak movie attendance hours shall start after 5:59 p.m. and finish before 11:01 p.m. on Mondays, Tuesdays, Wednesdays or Thursdays.*

*2. To the extent possible, no showing of a motion picture with open captioning shall overlap with another showing of a motion picture with open captioning.*

*3. No showing of a motion picture with open movie captioning shall overlap with another showing of the same motion picture with open movie captioning.*

*e. Public notice. A motion picture theater subject to the provisions of subdivision b of this section shall advertise the date and time of motion picture showings required by subdivision b in the same manner as the motion picture theater advertises all other motion picture showings.*

*f. Violations. Any motion picture theater that violates any of the provisions of this section shall be subject to a civil penalty of not less than \$100 nor more than \$500 for each violation. A violation of this section may also violate the reasonable accommodation provisions of title 8 of this code and be subject to enforcement by the city commission on human rights.*

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 1384

**Resolution calling upon the New York State legislature to pass and the Governor to sign legislation to renew the qualifying income limit of \$50,000 for seniors and persons with disabilities who are eligible for the Senior Citizen Rent Increase Exemption program and the Disability Rent Increase Exemption program.**

By Council Members Rosenthal and Chin.

**Whereas**, The Senior Citizen Rent Increase Exemption program (SCRIE) and the Disability Rent Increase Exemption (DRIE), also known as the New York City Rent Freeze Program, provide rent exemptions from all or part of certain rent increases for seniors and persons with disabilities respectively with a combined household income that is \$50,000 or less; and

**Whereas**, The current qualifying income limit of \$50,000 was first temporarily increased in 2014 from the previous \$29,000 for SCRIE and \$20,412 for single-person households or \$29,484 for two-person or more households for DRIE following New York State and City Council legislation, renewed in 2016, and is now set to expire on June 30, 2020; and

**Whereas**, According to the 2018 Report on the New York City Rent Freeze Program, between 2014 and 2017 there was a new enrollment growth of 26 percent and a net enrollment growth of about 10 percent after attrition; and

**Whereas**, As of 2016, the most recent year for which complete data is available, 73,299 of an estimated 130,314 eligible households were enrolled in SCRIE or DRIE benefits; and

**Whereas**, Seniors and persons with disabilities who are currently enrolled in the abovementioned programs are stably housed and protected against displacement from their homes and should remain so; 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 renew the qualifying income limit of \$50,000 for seniors and persons with disabilities who are eligible for the Senior Citizen Rent Increase Exemption program and the Disability Rent Increase Exemption program.

Referred to the Committee on Aging.

Res. No. 1385

**Resolution calling upon the New York City Department of Education to require age-appropriate human trafficking curriculum and instruction for students in grades K-12.**

By Council Members Rosenthal, Louis and Chin.

**Whereas**, Human trafficking involves the recruitment, transportation, selling or buying of people through use of force, fraud or coercion for various forms of exploitation, such as labor and sexual exploitation; and

**Whereas**, According to the New York City (NYC) Administration for Children's Services (ACS), in 2017, 2,996 youth across NYC were identified as either trafficked or at-risk for trafficking, a 21 percent increase from 2016; and

**Whereas**, According to ACS, young people in the foster care and juvenile justice systems, as well as homeless and runaway, immigrant, Lesbian, Gay, Bisexual, Transgender and other marginalized youth are particularly vulnerable to exploitation; and

**Whereas**, ACS has implemented several supportive programs and services for youth who have come in contact with ACS, teachers, City agency staff and provider agencies that are designed to help prevent child trafficking, help at-risk youth protect themselves and help survivors find permanent safety; and

**Whereas**, In September 2019, the Florida State Board of Education required education in child trafficking prevention for students in grades K-12, becoming the first state in the country to address the need for instruction in child trafficking prevention; and

**Whereas**, NYC is the largest school district in the United States and school-wide human trafficking curriculum for students could ensure that as many youth as possible in the city have the tools to help prevent human trafficking and enhance their safety; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to require age-appropriate human trafficking curriculum and instruction for students in grades K-12.

Referred to the Committee on Education.

Int. No. 2021

By Council Members Torres and Kallos.

**A Local Law to amend the New York city charter, in relation to requiring the office of emergency management to utilize internal simulations and statistical modeling to assist in preparing emergency plans**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 497 of the New York city charter, as added by vote of the electors on November 6, 2001, is amended to read as follows:

d. *utilize internal simulations, statistical modeling, and other appropriate means to prepare plans for responding to emergency conditions and potential incidents, including but not limited to plans for the implementation of such emergency orders as may be approved by the mayor to protect public safety and facilitate the rapid response and mobilization of agencies and resources*

§ 2. This local law takes effect immediately

Referred to the Committee on Fire and Emergency Management.

Int. No. 2022

By Council Members Torres, Kallos and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a city food delivery mobile application**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-305 to read as follows:

§ 23-305 *City food delivery mobile application. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Department. The term “department” means the department of information technology and telecommunications.*

*Mobile application. The term “mobile application” means a type of application software designed to run on a mobile device, such as a smartphone or tablet computer.*

*b. No later than 180 days following the effective date of the local law that added this section, the department shall create a mobile application that shall facilitate the delivery of food pursuant to any program administered by an agency that provides food free of charge or at reduced cost to eligible individuals to reduce food insecurity. Such mobile application shall, at a minimum:*

- 1. Help users identify programs that provide food for which they may be eligible;*
- 2. Provide information about locations where food is available pursuant to such programs; and*

3. For programs that deliver food to the homes of eligible users, allow such users to request and track delivery of such food.

c. Such mobile application shall not:

1. Retain internet protocol addresses or data regarding the device operating system;
2. Have access to data or information stored on the mobile device;
3. Have access to microphones, cameras or Bluetooth on the mobile device; or
4. Be able to activate or deactivate Wi-Fi on the mobile device.

d. Data collected by such mobile application shall not be retained for more than six months from the date of collection. Identifying information, as defined by section 23-1201, collected by such mobile application shall not be shared except with the affirmative consent of the user. The user's consent to share personal identifying information shall not be required as a condition to access or use the mobile application.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

#### Int. No. 2023

By Council Members Torres, Kallos, the Public Advocate (Mr. Williams) and Council Members Louis and Brannan.

### **A Local Law to amend the New York city charter, in relation to establishing an office of pandemic preparedness**

*Be it enacted by the Council as follows:*

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

§ 20-j. *Office of pandemic preparedness. a. The mayor shall establish an office of pandemic preparedness. Such office may be established within any office of the mayor or as a separate office or any department the head of which is appointed by the mayor. Such office shall be headed by a director of pandemic preparedness, who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency.*

*b. Requirements. All agencies shall submit any materials and plans developed by such agencies related to pandemic preparedness to such office, including but not limited to any updates to those plans.*

*c. Powers and duties. The director of pandemic preparedness shall have the power and duty to:*

1. Review such agency materials and plans;
2. Submit such plans related to pandemic preparation to the office of emergency management; and
3. Perform other relevant duties as the mayor may assign.

*d. Planning summit. On or before January 1, 2021 and at least annually thereafter, the office shall organize a pandemic planning summit. Such summit shall include representatives from all relevant agencies, public health professionals, healthcare providers, relevant entities contracts with the city, experts in infectious diseases and disaster planning, and other stakeholders.*

*e. Reporting. Within 90 days of the pandemic planning summit required by subdivision d the office shall produce a written report detailing the findings of such summit and recommendations for best practices in pandemic planning. The office shall submit such report to the mayor, the speaker of the council and the director of the office of emergency management.*

§ 2. This local law takes effect 60 days after it becomes law. The mayor and any affected city agency may take any steps necessary for the implementation of this local law before such effective date.

Referred to the Committee on Governmental Operations.

## Int. No. 2024

By Council Members Torres, Holden, Kallos and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to response and preparedness measures for highly transmissible diseases**

*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 17-104.1 to read as follows:

*§ 17-104.1 Highly transmissible diseases; response and preparedness. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Highly transmissible disease. The term “highly transmissible disease” means a disease for which no vaccine is available that can be transmitted through aerosols or respiratory droplets.*

*Public health organization. The term “public health organization” means any governmental or non-governmental organization or authority that works to monitor threats to public health, including the department, the department of health of the state of New York, the federal department of health and human services, the federal centers for disease control and prevention, and the world health organization.*

*b. Preparedness protocols. Each agency shall develop and publish on its website a highly transmissible disease emergency preparedness protocol. Such protocol shall set forth measures that the agency may take during an outbreak of a highly transmissible disease. Each protocol shall be tailored to the developing agency’s particular functions and shall include guidance for interactions between the agency and the public.*

*c. Public briefings; agency updates. If any public health organization announces or otherwise provides notice that a highly transmissible disease that poses a serious threat to public health is being transmitted anywhere in the world, the commissioner shall provide daily public briefings and daily updates to all agencies regarding the department’s monitoring of and response to such highly transmissible disease. The commissioner shall continue to provide these daily briefings and updates until the commissioner determines that there is no longer any substantial risk of transmission within the city. Such determination shall be made in consultation with any relevant rules, guidelines or recommendations issued by any public health organization regarding such highly transmissible disease.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

## Int. No. 2025

By Council Members Torres, Holden and Kallos

**A Local Law to amend the administrative code of the city of New York, in relation to requiring guidelines on the prevention of disease transmission and restrictions on mass gatherings due to the spread of highly transmissible diseases**

*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 17-104.1 to read as follows:

§ 17-104.1 Guidelines and restrictions regarding highly transmissible diseases. a. Definitions. For purposes of this section, the following terms have the following meanings:

*Highly transmissible disease.* The term “highly transmissible disease” means a disease for which no vaccine is available that can be transmitted through aerosols or respiratory droplets.

*Highly transmissible disease emergency.* The term “highly transmissible disease emergency” means any time during which, due to the spread of a highly transmissible disease, a state of emergency has been declared by the governor pursuant to section 28 of the executive law or by the mayor pursuant to section 24 of the executive law or a public health emergency has been declared by the commissioner pursuant to section 3.01(d) of the New York city health code.

*Mass gathering.* The term “mass gathering” means any gathering of more than 10 people.

*Public health authority or organization.* The term “public health authority or organization” means any governmental or non-governmental organization or authority that works to monitor threats to public health, including the department, the department of health of the state of New York, the federal department of health and human services and the World Health Organization.

b. Guidelines on prevention of disease transmission. If any public health authority or organization provides notification of the transmission of a highly transmissible disease that poses a serious threat to public health anywhere in the world, the department shall, within 15 days of such notification, publish on its website guidelines that advise on the adoption of measures to prevent the spread of such disease, including but not limited to social distancing, the wearing of face coverings and hygienic practices such as hand washing. Such guidelines shall be updated as appropriate.

c. Prohibition on mass gatherings. In the event of any highly transmissible disease emergency, all mass gatherings shall be prohibited. The commissioner may designate exceptions to such prohibition as the commissioner deems appropriate and may revoke such prohibition upon a determination that it is not necessary to protect public health.

d. Penalties. Any person convicted of violating the prohibition set forth in subdivision c of this section is guilty of a misdemeanor and subject to a fine of no more than \$500, or imprisonment for no more than 90 days, or both, for each violation.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 2026

By Council Members Vallone, Kallos and Chin

**A Local Law to amend the administrative code of the city of New York, in relation to reducing noise caused by chartered 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 Chartered 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 regular sightseeing tours along flight routes approved by the federal aviation administration. The term “chartered helicopter” shall not include 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 chartered 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
----------	-------	-----	-------	-------	-------	-------

§ 3. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Environmental Protection.

Int. No. 2027

By Council Members Vallone and Chin.

**A Local Law in relation to requiring the department of citywide administrative services to study electric powered takeoff and landing vehicles**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. As used in this section, the following terms have the following meanings:

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

Electric vertical takeoff and landing vehicle. The term “electric vertical takeoff and landing vehicle” means a device that is used or intended to be used for flight in the air, is capable of carrying passengers, and is capable of vertical takeoff and landing, electrification of lift and thrust, and automation of controls.

b. Study. No later than October 1, 2020, the department shall conduct a study and submit a report to the mayor and the speaker of the council on electric vertical takeoff and landing vehicles for use in the city fleet. In completing such study, the department shall identify:

1. Any challenges and safety concerns associated with electric vertical takeoff and landing vehicle use compared with helicopter use;
2. The costs associated with use and maintenance of electric vertical takeoff and landing vehicles;
3. Any long-term beneficial or detrimental effects of electric vertical takeoff and landing vehicle use compared with helicopter use, including environmental impact and noise pollution;
4. Locations under the jurisdiction of the city of New York which could be made suitable for ground infrastructure use, such as takeoff and landing zones, service areas, storage areas and charging stations; and
5. Whether use of electric vertical takeoff and landing vehicles would be prohibited by any provision of law or contrary to the rules and regulations of the federal aviation administration or conflict with any existing rules, regulations or policies of city agencies.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 1386

**Resolution calling upon the New York State Legislature to adopt and the Governor to sign legislation to change the renewal period from one year to two years for the Disabled Homeowners' Exemption.**

By Council Members Vallone, Yeager and Chin.

**Whereas,** The Senior Citizen Homeowners' Exemption (SCHE) and the Disabled Homeowners' Exemption (DHE) programs provide a property tax exemption of up to 50 percent of the assessed value of real property owned by eligible senior citizens or people with disabilities; and

**Whereas,** To qualify, the property owner's income must not exceed \$58,399 and the property must be a one-, two-, or three-family home, a condominium, or a cooperative apartment that is used exclusively for residential purposes; and

**Whereas,** The SCHE benefit only needs to be renewed every two years, but the DHE benefit needs to be renewed every year; and

**Whereas,** Failure to renew means that the benefit would be discontinued and the property owner could face a significantly higher property tax bill; and

**Whereas,** In New York City, the number of SCHE and DHE exemptions provided were approximately 48,483 and 2,888, respectively, according to the New York City Department of Finance, *Fiscal Year 2020 Annual Report on Tax Expenditures*; and

**Whereas,** Additionally, in Fiscal 2020, the number of DHE renewal applications received and processed by the City was about 2,777, representing 96 percent of all DHE exemptions provided that year, according to the *Fiscal 2020 Preliminary Mayor's Management Report*; and

**Whereas,** To be consistent with the SCHE renewal requirements, the renewal period for DHE benefits should be changed from renewing every year to every two years; and

**Whereas,** Changing the DHE renewal period to two years would alleviate the administrative burden of processing renewal applications each year; and

**Whereas,** Additionally, it may potentially allow more eligible DHE recipients to take advantage of tax exemption by not needing to reapply year after year, allowing them to remain in their homes; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to adopt and the Governor to sign legislation in relation to changing the renewal period from one year to two years for the Disabled Homeowners' Exemption.

Referred to the Committee on Finance.

*Editor's Note: There were no Land Use applications introduced at this Stated Meeting.*

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**\* NO HEARING SCHEDULE FOR AUGUST 2020**

**AT THIS TIME \***

During the Communication from the Speaker section of this Meeting, the Speaker (Council Member Johnson) made the following remarks:

The Speaker (Council Member Johnson) acknowledged the commemoration by Jewish New Yorkers of the *Tisha B'Av* holiday. He noted that this somber holiday memorializes the destruction of the temples and reflects on the atrocities committed against the Jewish people throughout history. The Speaker (Council Member Johnson) wished all Jewish New Yorkers an easy and meaningful holiday and urged all to continue the fight against antisemitism and anti-Jewish hatred.

The Speaker (Council Member Johnson) acknowledged the celebration by many Muslim New Yorkers of the upcoming *Eid-al-Adha* holiday. He wished a safe and blessed observance to all Muslim families in New York City and across the world.

The Speaker (Council Member Johnson) acknowledged that July marked Disability Pride Month and the 30<sup>th</sup> anniversary of the Americans with Disabilities Act. This commemoration celebrates the progress made in achieving equal opportunity for those with disabilities. He added that it was important to continue this work to achieve further progress for these individuals.

The Speaker (Council Member Johnson) thanked everyone for their hard work over the last number of weeks.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting of August 27, 2020.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note:* Int. Nos. 1964-A, 1974-A, and 1976, all adopted by the Council at the June 25, 2020 Stated Meeting, were signed into law by the Mayor on July 7, 2020 as, respectively, Local Law Nos. 62, 63, and 64 of 2020.

*Editor's Local Law Note:* Int. Nos. 487-A, 536-B, 721-B, 760-B, 1309-B and Preconsidered Int. No. 1962-A, all adopted at the June 18, 2020 Stated Meeting, were signed into law by the Mayor on July 15, 2020 as, respectively, Local Law Nos. 65, 66, 67, 68, 69, and 70 of 2020.

*Editor's Local Law Note:* Int. Nos. 1354-A, adopted at the June 18, 2020 Stated Meeting, was returned unsigned by the Mayor on July 17, 2020. This item became law on July 19, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. This bill was assigned subsequently as Local Law No. 71 of 2020.

*Editor's Local Law Note:* Int. Nos. 1250-A, 1264-A, 1266-A, 1950-A, 1952-A, and 1957-A, all adopted at the June 25, 2020 Stated Meeting, were returned unsigned by the Mayor on July 27, 2020. These items had become law on July 26, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 72, 73, 74, 75, 76, and 77 of 2020, respectively.