

**THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Thursday, August 26, 2021, 2:05 p.m.

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

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Barry S. Grodenchik	Ydanis A. Rodriguez
Alicka Ampry-Samuel	Robert F. Holden	Deborah L. Rose
Diana Ayala	Ben Kallos	Helen K. Rosenthal
Inez D. Barron	Peter A. Koo	Rafael Salamanca, Jr
Joseph C. Borelli	Karen Koslowitz	Mark Treyger
Justin L. Brannan	Bradford S. Lander	Eric A. Ulrich
Selvena N. Brooks-Powers	Stephen T. Levin	Kalman Yeger
Fernando Cabrera	Mark D. Levine	
Margaret S. Chin	Farah N. Louis	
Robert E. Cornegy, Jr	Alan N. Maisel	
Darma V. Diaz	Steven Matteo	
Daniel Dromm	Carlos Menchaca	
Mathieu Eugene	Francisco P. Moya	
Oswald Feliz	Keith Powers	
James F. Gennaro	Antonio Reynoso	
Vanessa L. Gibson	Kevin C. Riley	
Mark Gjonaj	Carlina Rivera	

Absent: Council Members Cumbo, R. Diaz, Dinowitz, Miller, Perkins, Vallone, and Van Bramer.

At the time of this Stated Meeting, there were two vacancies in the Council (22nd District, Queens and 48th District, Brooklyn) pending the swearing-in of the respective certified winners of the November 2, 2021 General Election.

The Assistant Majority Leader (Council Member Cornegy) 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).

*c. It shall be unlawful for a third-party food delivery service to charge a food service establishment a transaction fee that totals more than 3% of the purchase price of each online order, provided however that a third-party food delivery service may charge a food service establishment a transaction fee of more than 3% of the purchase price of an online order if: (i) such transaction fee is charged to the food service establishment in the same amount as the charge imposed upon the third-party food delivery service for such online order, and (ii) such third-party food delivery service can provide proof of such charge imposed upon it to both the department and the relevant food service establishment upon request.*

*d. No later than September 30, 2023, and every two years thereafter, the commissioner shall submit to the speaker of the council and the mayor a report on the fee cap pursuant to this section, which shall include but not be limited to recommendations related to either the maintenance or adjustment of the fee cap as set forth in this section, in consideration of factors from the immediately preceding two years, such as:*

- 1. The effect of the cap on third-party food delivery services and food service establishments;*
- 2. Whether the cap affects wages and working conditions for persons who deliver food or beverages for third-party food delivery services;*
- 3. Products that third-party food delivery services offer to food service establishments for listing, processing and marketing;*
- 4. The number of complaints made to the department related to the alleged violations of this subchapter and the number of violations issued under this subchapter;*
- 5. The total amount of penalties imposed as a result of violations of this subchapter; and*
- 6. The amount of restitution recovered on behalf of food service establishments pursuant to this subchapter.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and to repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services as proposed in introduction number 1897-A for the year 2020, takes effect, except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Adopted by the Council (preconsidered and approved by the Committee on Small Business).

Res. No. 1728

**Resolution calling upon the Department of City Planning to refer out, by the end of 2021, an amendment to the text of the Zoning Resolution to allow dancing and entertainment as-of-right in all eating and drinking establishments.**

By Council Members Powers, Levine, Adams, Dinowitz, Menchaca, Reynoso, Van Bramer, Levin and Koo (in conjunction with the Brooklyn Borough President).

**WHEREAS**, New York City's nickname has long been The City That Never Sleeps; and

**WHEREAS**, this nickname reflects the global recognition of the major role that nightlife serves in the economy and culture of the City; and

**WHEREAS**, New York City's nightlife industry has played a critical role in making the City a global arts capital by providing musicians, writers, entertainers, and visual artists the chance to hone their craft, build demand for their talent, mix and mingle with artistic giants, be discovered, and earn a living; and

**WHEREAS**, New York City's nightlife industry is an incubator for social and cultural trends, including beat poetry, Nuyorican poetry, pop art, hip-hop, punk rock, jazz, disco, salsa, drag and ballroom culture, to name a few; and

**WHEREAS**, New York City's nightlife industry has historically been a safe haven for marginalized communities, including the Black, LGBTQ and Latino communities, and has helped organize them to advance social and political change; and

**WHEREAS**, according to the Mayor's Office of Media and Entertainment's 2019 report "NYC's Nightlife Economy", prior to the COVID-19 pandemic, the nightlife industry's combined direct, indirect, and induced

economic impact supported 299,000 jobs, with \$13.1 billion in employee compensation, \$35.1 billion in economic output, and \$697 million in tax revenue; and

**WHEREAS**, as of 2019, 11,961 establishments held on-premises liquor licenses, including 2,100 bars and clubs, and over 9,000 restaurants; and

**WHEREAS**, with the arrival of COVID-19 in New York City, on March 16, 2020, Governor Andrew Cuomo issued Executive Order 202.3, which prohibited eating and drinking establishments from welcoming patrons indoors; and

**WHEREAS**, the Mayor's Office of Nightlife conducted a survey to evaluate the immediate effects of the COVID-19 restrictions and found that nightlife venues reported losing 95% of weekly income, their vendors reported losing 93.4% of weekly income, their employees reported losing 95.3% of their weekly income, and two out of three freelancers working in nightlife reported losing 100% of their weekly jobs; and

**WHEREAS**, according to the New York City Hospitality Alliance, between June and December of 2020, the percentage of restaurants, bars, nightclubs, and event spaces that could not pay their full rent increased from 80% to 92%, with 35.7% of such businesses paying no more than half of their rent, and 45.2% paying no rent at all; and

**WHEREAS**, by December of 2020, 60% of landlords had not waived any rent for nightlife businesses during the COVID-19 pandemic, and only 8% of landlords had waived more than half the rent; and

**WHEREAS**, 86% of nightlife businesses surveyed could not renegotiate their leases during the COVID-19 pandemic; and

**WHEREAS**, as a result, a large percentage of New York City bars and restaurants will continue to be indebted to landlords even after the end of COVID-19 capacity restrictions; and

**WHEREAS**, New York State Comptroller Tom DiNapoli issued a report "The Restaurant Industry in New York City: Tracking the Recovery" which calls on New York City to provide support to ensure the restaurant and bar industry remains healthy and able to carry out its integral role in the City's economy and within its many communities; and

**WHEREAS**, eating and drinking establishments have long been subject to antiquated, costly, and arbitrarily enforced regulations that have harmed the hospitality industry and prevented such establishments from maximizing revenues; and

**WHEREAS**, one such regulation was the Cabaret Law which, for 91 years from 1926 to 2017 required a license to operate an eating or drinking establishment with dancing or entertainment; and

**WHEREAS**, the Council did all it could do to legalize dancing and entertainment in eating and drinking establishments when it repealed the Cabaret Law by passing Introduction 1652-A for the year 2017, to repeal the Cabaret Law and legalize dancing and entertainment; and

**WHEREAS**, when the Mayor signed Introduction 1652-A as Local Law 252, of the approximately 12,000 businesses then holding on-premises liquor licenses, only 108 were licensed to feature entertainment or dancing; and

**WHEREAS**, the Zoning Resolution prohibits dancing in all residential districts and C1 commercial districts, and imposes expensive and impractical special permit requirements on dancing and entertainment in many commercial, manufacturing, and waterfront districts; and

**WHEREAS**, on June 10, 2021, the Mayor's Office of Nightlife in the Mayor's Office of Media and Entertainment issued its "Report: 2018-2021" which recommends exploring changes to the Zoning Resolution to allow dancing and entertainment in eating and drinking establishments; and

**WHEREAS**, notwithstanding such zoning changes, all eating and drinking establishments that feature entertainment or dancing are now and would continue to be subject to the requirements of the Administrative Code, the Noise Code, the Building Code, the Fire Code, the Health Code, and the New York State Liquor Authority; and

**WHEREAS**, eating and drinking establishments that feature entertainment and dancing can maximize revenues from food and beverage sales and by charging cover fees; and

**WHEREAS**, it is absolutely vital that we help this sector of our economy recover from COVID-19; now, therefore, be it

**RESOLVED**, that the Council of the City of New York calls upon the Department of City Planning to refer out, by the end of 2021, an amendment to the text of the Zoning Resolution to allow dancing and entertainment as-of-right in all eating and drinking establishments.

Referred to the Committee on Land Use.

Int. No. 2391

By the Public Advocate (Mr. Williams) and Council Members Powers, Kallos and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a report on voter registration in city jails**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code is amended by adding a new section 9-161 to read as follows:

*§ 9-161 Voter registration report. a. No later than January 31, 2022 and annually thereafter, the commissioner shall submit to the mayor, speaker of the council and the public advocate and shall post conspicuously on the department's website an annual report regarding voter registration in city jails. Such report shall include the following information for the previous calendar year:*

- 1. The number of events held to promote voter registration and voting;*
- 2. The number of completed voter registration forms returned to the department from incarcerated individuals, in total and disaggregated by facility and by the race, age, gender, gender identity, sexual orientation, disability status and veteran status of such individual; and*
- 3. The number of absentee ballots the department distributed to incarcerated individuals, in total and disaggregated by facility.*

*b. The report required by this section must not contain personally identifiable information.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Criminal Justice.

Int. No. 2392

By the Public Advocate (Mr. Williams) and Council Members Powers, Holden and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to dyslexia screening and treatment in city jails**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code is amended by adding a new section 9-161 to read as follows:

*§ 9-161 Dyslexia screening and treatment. a. The department shall screen all incarcerated persons who do not have a high school diploma or its equivalent for dyslexia within 72 hours of intake. For the purposes of this section, the term "dyslexia" means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing which affects the ability of an individual to speak, read, and spell.*

*b. The department, the department of education or their agents shall offer programs to treat dyslexia to incarcerated individuals who have been identified as having dyslexia. Such programs must be evidence-based, as defined in subsection (21) of section 7801 of title 20 of the United States code.*

*c. No later than January 31, 2022 and annually thereafter, the commissioner shall submit to the mayor, the speaker of the council and the public advocate and post conspicuously on the department's website an annual report regarding dyslexia screening and treatment in city jails. Such report shall not contain personally identifiable information. Such report shall include the following information for the previous calendar year:*

- 1. The number of individuals who were screened for dyslexia;*
- 2. The number of individuals who were identified as having dyslexia;*
- 3. The number of individuals who participated in dyslexia treatment programs; and*
- 4. A summary of the programs available pursuant to subdivision b.*

*§ 2. This local law takes effect 270 days after it becomes law.*

Referred to the Committee on Criminal Justice.

Int. No. 2393

By Council Members Vallone and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of small business services to coordinate with community-based organizations for the purpose of providing information in certain specified languages**

*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 new section 22-1007 to read as follows:

*§ 22-1007 Coordination with community-based organizations; language access. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Covered languages. The term "covered languages" means Hindi, Nepali, Punjabi, Tibetan, Gujarathi and all designated citywide languages identified pursuant to section 23-1101.*

*Time-sensitive document. The term "time-sensitive document" means a document that is or will be distributed by the department and is valid only for a specified length of time, such as an application that must be completed prior to a specified date.*

*b. The commissioner shall identify community-based organizations that are proficient in one or more covered languages and are willing to assist in communicating information about department programs and opportunities to the public. To identify such community-based organizations, the department shall provide an application form to community-based organizations which requires any community-based organization that wishes to apply to:*

- 1. Select the covered languages in which the community-based organization is proficient, with one covered language being designated as primary;*
- 2. Demonstrate in a manner specified by the commissioner that such community-based organization provides services in any language identified pursuant to paragraph 1; and*
- 3. Provide proof that such community-based organization is a registered nonprofit.*

*c. The commissioner shall coordinate with the community-based organizations identified pursuant to subdivision b to communicate information about department programs and opportunities to members of the public who speak the covered languages. Such coordination shall include:*

- 1. Providing such community-based organizations with a liaison at the department who can answer questions about such programs and opportunities;*
- 2. Maintaining a mailing list to send information about such programs and opportunities to such community-based organizations;*
- 3. Providing, to the extent practicable, time-sensitive documents to such community-based organizations at least 14 days in advance of the distribution of such time-sensitive documents to the general public for the purpose of ensuring such community-based organizations have adequate time to prepare materials and plans to*