

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 35

Introduced by Council Members Lander, Salamanca, Gibson and Rosenthal.

A LOCAL LAW

To amend the New York city charter, in relation to capital commitment plans and capital project detail data reports

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 219 of the New York city charter, the opening paragraph of such subdivision as amended by local law number 37 for the year 2020, and paragraphs 1 through 3 of such subdivision as added by a vote of the electors on November 7, 1989, is amended to read as follows:

d. 1. The mayor shall ensure the preparation of capital commitment plans in the form of periodic reports in regard to capital projects. Such reports shall be published at least three times each year as follows: a report that includes information for the current year and the ensuing three fiscal years shall be published no later than 90 days after the adoption of the capital budget; a report that includes information for the current fiscal year and the ensuing four fiscal years shall be published with the preliminary capital budget; and a report that includes information for the current fiscal year and the ensuing four fiscal years shall be published with the executive capital budget. Each report shall include:

(a) for the current year and each ensuing fiscal year for which information is included, appropriations and planned commitments by project type and planned commitments by agency;

(b) for each capital project, as applicable, a description of such project, the schedule of planned commitments for the current year and each ensuing fiscal year for which information is included, available appropriations, expenditures and the current milestone associated with such project; and

(c) for the prior four fiscal years, commitments by project type and total expenditures by fiscal year.

2. The mayor shall [require each agency to prepare and submit] *ensure the preparation of periodic capital project detail data* reports in regard to the progress of [its] capital projects, including schedules and clear explanations of any delays for particular projects and summary information on each agency's record on such matters. Such *capital project detail data* reports shall be published at least three times each year: no later than 120 days after the adoption of the capital budget; no later than 30 days after submission of the preliminary capital budget; and no later than 30 days after submission of the executive capital budget.

3. Copies of [such] reports *required by paragraphs 1 and 2 of this subdivision* shall be transmitted by the mayor to the council, the city planning commission, the community boards, the borough boards and borough presidents, and posted online on the website of the office of management and budget in a machine-readable format. [Such reports shall include, for each project, the dates set in the adopted capital budget for the completion of scope, design, and construction and any changes in such dates.

1. The report issued with the executive budget shall include, for each new capital project being proposed in the executive budget, a description of the project including, to the extent practicable,

the information required to be included in a scope of project by paragraph four of section two hundred ten.

2. The report issued following the adoption of the budget shall include, for each capital project added to the budget, a description of the project including, to the extent practicable, the information required to be included in a scope of project by paragraph four of section two hundred ten.

3. The report issued following the adoption of the budget shall include, for each capital project for which a substantial change was made, a revised description of the project including, to the extent practicable, the information required to be included in a scope of project by paragraph four of section two hundred ten.]

4. *As used in this subdivision, the following terms have the following meanings:*

Commitment. The term “commitment” means a procurement contract for the development or execution of a capital project that is registered pursuant to section 328 or otherwise made effective.

Planned commitment. The term “planned commitment” means a procurement contract provisionally approved by the director of management and budget that, if registered pursuant to section 328 or otherwise made effective, would constitute a commitment.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 25, 2021 and returned unsigned by the Mayor on March 29, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 35 of 2021, Council Int. No. 2046-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.