

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2023**

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**No. 81**

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Introduced by Council Members Gutiérrez, Louis, Restler, Hanif, Hudson, Brewer, Ung, Sanchez, Ayala, Holden, Lee, Farías, Schulman, Hanks, Avilés, Brooks-Powers, Dinowitz and Paladino.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to donate surplus city-owned computers to eligible organizations for beneficial use**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-214 to read as follows:

*§ 12-214 Donation of surplus computer equipment. a. Definitions. As used in this section, the following terms have the following meanings:*

*Beneficial use. The term “beneficial use” means the use of equipment by an eligible organization for an educational or other public purpose, provided that such organization has a demonstrated need for such equipment; and provided further that such use shall not include religious worship, instruction, or proselytization.*

*Computer. The term “computer” means a desktop computing device, a laptop, or other portable computing device, containing a central processing unit and any peripheral components that are connected to the central processing unit such that they may reasonably be viewed functionally as a single unit, including but not limited to motherboards, RAM, hard drives, or other storage devices, video or sound cards, and computer cases.*

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

*Eligible organization. The term “eligible organization” means a public school, public library, other public or private educational institution, and a not-for-profit institution serving persons with disabilities, senior citizens, or low income individuals.*

*Equipment. The term “equipment” means a computer and its associated peripheral components, and other electronic devices that operate with or can be operated by a computer, including but not limited to floppy disk drives, CD drives, USB drives, printers, modems, networking devices, scanners, monitors, and the cables or wiring required to connect a computer with the computer equipment.*

*Surplus. The term “surplus” means equipment that is no longer in use, and not needed for use, by any agency.*

*b. The department shall, by rule, implement a process through which the department shall donate, at no cost except for any reasonable shipping and handling fees, surplus equipment to eligible organizations for beneficial use. Such process shall include, at a minimum:*

*1. Public notification of the department’s intent to donate surplus equipment, a description of such surplus equipment, and the total shipping and handling fees, if any, for the delivery of such equipment; and*

*2. The opportunity for eligible organizations to submit to the department a specific plan for the beneficial use of such equipment.*

*c. The department shall not donate surplus equipment to an eligible organization unless such organization provides to such department a specific plan for the beneficial use of such surplus equipment. The department shall specify, by rule, how to determine priority when multiple eligible*

*organizations provide such specific plan for the beneficial use of such equipment, except that public schools and libraries shall receive first priority. Such rule shall require consideration of the following factors:*

*1. Whether the beneficial use of such equipment facilitates services to the public for low or no cost;*

*2. Whether the beneficial use of such equipment will serve communities that are under-served or have difficulty receiving services;*

*3. In the event that an eligible organization has previously received a donation of surplus equipment, whether such organization has utilized such equipment to fulfill the beneficial use for which it was donated;*

*4. Whether an eligible organization has a greater need for a donation of surplus equipment due to its limited size as compared to other eligible organizations; and*

*5. Any other factor that the department deems relevant.*

*d. Notwithstanding subdivision c of this section, the department shall endeavor to donate surplus equipment that is in need of repair or restoration to an eligible organization, if any, that intends to use the repair or restoration of such equipment in the training of its students. Upon such repair or restoration, such organization may retain such equipment or may return it to the department for donation to another eligible organization pursuant to the process established in subdivision b of this section.*

*e. The department may auction or otherwise dispose of surplus equipment pursuant to chapter 5 of title 55 of the rules of the city of New York, or successor rule, provided that no eligible organization has provided a specific plan for the beneficial use of such surplus equipment over the course of one year. Nothing in this section shall be construed to require the department to*

*donate equipment where the department determines, upon consideration of the factors identified in paragraphs 1 through 5 of subdivision c of this section, that no eligible organization has demonstrated that it intends to use such equipment for a predominant public purpose in which any private benefit is merely incidental.*

*f. The donation of any equipment pursuant to this section shall comply with section 10-504.*

*g. Nothing in this section shall be construed to create any substantive or procedural right or benefit enforceable by law by a party against the city, its officers, or its employees.*

*h. No later than June 1, 2024, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report on its donations of surplus equipment, including a list of each donation made during the reporting period; the number and type of surplus equipment comprising each donation; the estimated free market value of each donation; the identity and location of the recipient of the donation; a summary of the specific plan submitted by the recipient of the donation; summaries of specific plans of each eligible organization where multiple eligible organizations provided a specific plan for such surplus equipment; and the factors that weighed in favor of the eligible organization that received the donation. The report shall be disaggregated by the borough of each recipient of the donation and by any other factors that may be appropriate.*

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

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 May 25, 2023 and returned unsigned by the Mayor on June 29, 2023.

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. 81 of 2023, Council Int. No. 664-A of 2022) 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.