



REPORT & ADVISORY BOARD REVIEW COMMISSION – PROPOSED WAIVER DETERMINATIONS

Background

In November 2010, New York City voters approved a Charter Revision Commission referendum proposal to review and assess the continued usefulness of reporting requirements and advisory boards established by the City Charter, Administrative Code, and local law. The Commission is chaired by the Director of the Mayor’s Office of Operations and consists of representatives from the City Council, the Law Department (LAW), the Office of Technology and Innovation (OTI), and the Office of Management & Budget (OMB).

As part of its review, the Commission holds public hearings to solicit feedback from agencies, groups, and organizations that are the subject of, or are affected by, the reports and boards under the Commission’s purview. Following this process, the Commission may vote to retain or waive a reporting requirement, in whole or in part, or in the case of an advisory board, may vote to retain or dissolve it. The Commission must prepare formal determinations for all waiver recommendations. Thereafter, the City Council may vote either to approve or disapprove the Commission’s waiver and dissolution recommendations.

More information about the Commission is available at <https://www1.nyc.gov/site/operations/projects/report-advisory-board-review-commission.page>.

2022 Proposed Waivers

Shipboard Gambling Report, (Administrative Code §20-9017)

SUMMARY: Administrative Code §20-9017 establishes a requirement for the New York city gambling control commission, now the purview of the Business Integrity Commission, to submit a report detailing its activities relating to shipboard gambling applications. It should cover the number of denials, issuances, presently pending applicants, and revocations/suspensions for a license, certificate of approval, or registration, as well as fees collected and costs of enforcement. This report is required annually.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is irrelevant in light of changing circumstances, current information needs and technological advances.**

This report does not generate any relevant or useful information. The Agency has not received a single application for shipboard gambling in over 20 years and therefore has nothing to report on this matter. The reporting requirement is antiquated and should be waived.

Report on Other Wholesale Markets, (Administrative Code §22-269)

SUMMARY: Administrative Code §22-269 establishes a requirement for the Department of Small Business Services to produce a report about public markets in New York City. These markets subsequently became jurisdiction of the Business Integrity Commission, which is currently responsible for this reporting requirement. The



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Commission is required to report on the number of: criminal acts and violations, referrals made to state or federal prosecutors, applicants denied, photo identification cards issued, registrations and photo identification cards that have been suspended or revoked, parties pursuant to the section, as well as the amount of: fees relating to implementing provisions of the chapter and expenditures related to enforcement.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is irrelevant in light of changing circumstances, current information needs and technological advances.**

The chapters in the administrative code relating to public markets are outdated as they were written in response to the role that organized crime used to hold in these markets. This report requires details that are no longer collected at markets for incidents that do not happen there, namely violent incidents and prosecutions thereof.

- 2. The report is partially duplicative of the subject matter of other mandated reports.**

The Report is partially duplicative of data published elsewhere. Some of the information in this report is also available in the Mayor’s Management Report.

Seafood Distribution Areas/Fulton Fish Market Report, (Administrative Code §22-226)

SUMMARY: Administrative Code §22-226 establishes a requirement for the Department of Small Business Services to produce a report about Fulton Fish Market in New York City. The fish market and other public markets subsequently became jurisdiction of the Business Integrity Commission, which is currently responsible for this reporting requirement. The Commission is required to report on the number of criminal acts and violations, number of referrals made to state or federal prosecutors, listing of names and businesses, number of applications, number of photo identification cards issued, number of licenses/registrations/photo identifications suspended or revoked, parties pursuant to the section, number of vehicles, property, and equipment seized, amount of fees relating to implementing provisions of the chapter, and amount of expenditures related to enforcement.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is irrelevant in light of changing circumstances, current information needs and technological advances.**

The chapters in the Administrative Code relating to public markets outdated as they were written in response to the role that organized crime used to hold in these markets. This report relates to Fulton Fish Market, which the relevant Administrative Code chapter describes as “the center of New York's wholesale seafood industry located in lower Manhattan”, from which it moved in 2005. Its description of activities and organized crime taking place at this market are similarly outdated. The reporting requirement asks for details that are no longer collected at the Fish Market for incidents that do not happen there, namely violent incidents and prosecutions thereof.



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2. The report is partially duplicative of the subject matter of other mandated reports.

The Report is partially duplicative of data published elsewhere. Some of the information in this report is also available in the Mayor’s Management Report.

Monthly Report on Directory Assistance Calls, (Charter §1075(c))

SUMMARY: Charter §1075(c) requires the Department of Information Technology and Telecommunications (now OTI) to submit a report regarding directory assistance calls received by the 311 citizen service center. The Charter section requires the report to cover the total number of directory assistance calls received for each directory assistance category by each agency. It is specified to be monthly in frequency and report on monthly and fiscal year basis.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is partially duplicative of the subject matter of other mandated reports.

This report’s required information is included in a publicly available data set which is updated daily on the NYC Open Data portal. This data has been viewed and downloaded many tens of thousands of times, and 311 data in general is some of the most popular on NYC Open Data. Manually exporting this information once a month and sharing stale data on an additional NYC.gov web page serves no purpose. OTI fulfills the spirit of the law by publishing a live data feed with an API, robust data dictionary, and a variety of visualization tools built into NYC Open Data.

2. The benefits and usefulness of the report do not outweigh the expenditure of public resources to produce it.

Generating a redundant and stale report requires employee time to process and does not result in any other benefit to the city. Stakeholders that need directory assistance data currently access this through the Open Data portal.

Monthly Report on Service Request Calls, (Charter §1075(b))

SUMMARY: Charter §1075(b) requires the Department of Information Technology and Telecommunications (now OTI) to submit a report regarding requests for service received by the 311 citizen service center. The Charter section requires the report to cover the total number of requests for service received by each category and agency, total number of such requests by resolution status category, and the average resolution time for each request for service by each category and agency. The report is specified to be monthly in frequency and report on monthly and fiscal year basis.



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DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is partially duplicative of the subject matter of other mandated reports.**

This report’s required information is included in a publicly available data set which is updated daily on the NYC Open Data portal. This data has been viewed and downloaded many tens of thousands of times, and 311 data in general is some of the most popular on NYC Open Data. Manually exporting this information once a month and sharing stale data on an additional NYC.gov web page serves no purpose. OTI fulfills the spirit of the law by publishing a live data feed with an API, robust data dictionary, and a variety of visualization tools built into NYC Open Data.

- 2. The benefits and usefulness of the report do not outweigh the expenditure of public resources to produce it.**

Generating a redundant and stale report requires employee time to process and does not result in any other benefit to the city. Stakeholders that need directory assistance data currently access this through the Open Data portal.

Bollards Installation Report, (Administrative Code §19-189.1)

SUMMARY: Administrative Code §19-189.1 requires the Department of Transportation to submit to council an annual report on bollard installation. Bollards are raised concrete and metal posts that is designed to slow or stop motor vehicles. The report must report on the number of locations where bollards have been installed and the total number of bollards installed.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is irrelevant in light of changing circumstances, current information needs and technological advances**

Administrative Code §19-189.1 requires the Department of Transportation to submit an annual report on bollard installation to monitor traffic safety engineering improvements. When this reporting requirement was relevant, the City was undertaking an initial effort to install more bollards in the right-of-way. This effort has since concluded, but street safety efforts have multiplied to include a variety of other engineering interventions aimed at reducing fatalities and injuries. The Department continues to issue revocable consents to private entities to install security bollards, but that was not the focus of this reporting requirement. Furthermore, focusing solely on bollards as a measure of safer streets is outdated and does not reflect the current landscape of technologies.

- 2. The benefits and usefulness of the report do not outweigh the expenditure of public resources to produce it.**



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Generating a stale report with no useful data requires employee time to process and does not result in any other benefit to the city. Stakeholders that need street safety data and information currently obtain this from other reports including the Borough Pedestrian Safety Action Plans and Vision Zero reports. Mapped information about safety interventions is also available on the Vision Zero View website.

Semiannual Report on Heads of Household Aged 16-20, (Administrative Code §21-134(c))

SUMMARY: Administrative Code §21-134(c) requires the Department of Social Services to submit to council a semiannual report on heads of household aged 16-20. The report is required to cover the total number of individuals aged sixteen through twenty who applied for public assistance as head of household during the previous six months and of those, the total number accepted and rejected, disaggregated by age category.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is irrelevant in light of changing circumstances, current information needs and technological advances**

Administrative Code §21-134(c) requires the Department of Social Services to submit a semiannual report on young adult heads of household applying for public assistance. This report is outdated and ineffective. The required data points are hard to meaningfully interpret and do not clearly relate to a program or policy area. Furthermore, the law lacks the necessary context to interpret this data. The data in the report are not useful and do not represent the work in which HRA currently engages to assist the target population.

Worker Cooperatives Contracts Report, (Administrative Code §6-139(b))

SUMMARY: Administrative Code §6-139(b) requires the Mayor’s Office of Contract Services to publish a report about contracts with worker cooperatives. The report must include information about the total number and amount of contracts awarded to worker cooperatives and the total number and amount of all city contracts, as well as the percentage of city contracts awarded to worker cooperatives. All data points should be disaggregated by agency and type of business. This report is required on an annual basis.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

- 1. The report is irrelevant in light of changing circumstances, current information needs and technological advances**



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Administrative Code §6-139(b) requires the Mayor’s Office of Contract Services to submit an annual report relating to worker cooperatives and their share of total city contract value. Vendors must self-identify as a worker cooperative; under 1% of vendors do so. This reporting requirement lacks context as there are no City policies seeking to expand worker cooperative contracts. However, the City has in recent years put more focus on increasing the M/WBE share of contracts and spending. As such, this report is outdated and does not contain useful information.

2. The report is partially duplicative of the subject matter of other mandated reports.

The information that is required of this report can be found in publicly available sources. More relevant discussion and information regarding worker cooperatives is published in a Small Business Services report on which MOCS consults. Contract information can be found in both Checkbook NYC and PASSPort Public. More specifically in PASSPort Public, the contracts can be filtered by “Agency” and “Industry”.

Report on Preferred Source Procurement, (Administrative Code §6-136(b))

SUMMARY: Administrative Code §6-136(b) requires the Mayor’s Office of Contract Services to publish a report about preferred source procurement. The report must include information about the total value of total dollar value of each product procured from preferred source vendors, total dollar value of each product procured from vendors not identified as preferred source vendors, and the total dollar value of all products procured. This report is required on an annual basis.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is irrelevant in light of changing circumstances, current information needs and technological advances

Administrative Code §6-136(b) requires the Mayor’s Office of Contract Services to submit an annual report relating to preferred source vendors. Less than 1% of the City’s total procurement volume comes from preferred source vendors. This reporting requirement lacks context as no action has been taken regarding preferred source purchasing since enactment of the local law that imposed this reporting requirement. In recent years the City has expanded its focus to increasing the M/WBE share of contracts and spending. As such, this report is outdated and does not contain useful information.

2. The report is partially duplicative of the subject matter of other mandated reports.

The information that is required of this report can be found at least partially in publicly available sources. Data can be generally inferred from the other appendices included in the City Indicators Reports published by MOCS.

3. The benefits and usefulness of the report do not outweigh the expenditure of public resources to produce it.



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A portion of the report requires MOCS to work with preferred source vendors to break their data down by product type. However, vendors and MOCS cannot currently do this in the manner requested of the law as they do not possess all of the data. Implementing as written would be prohibitively burdensome on the agency.

Small Purchases Report, (Charter §314(b))

SUMMARY: Charter §314(b) requires the Mayor’s Office of Contract Services to publish a report detailing each small purchase award. It must include the name of the vendor selected to fulfill the requirements of the small purchase award, the date and dollar amount of each such small purchase award, and the type of goods or services provided. This report is required on a quarterly basis. The data is also required to be reported in a database.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. Duplicative

The information required of the report can be found in both Checkbook NYC and PASSPort Public. Specifically, small purchase awards can be searched and found on PASSPort Public. This should fulfill the reporting requirement as it specifies that data should also appear in database format.

2. The benefits and usefulness of the report do not outweigh the expenditure of public resources to produce it.

This is a quarterly report which requires outreach and responses from all City agencies that spans the course of 1 month every quarter. It involves approximately 40 hours of MOCS staff resources as well as upwards of 10-15 hours of staff work from large agencies. Waiving this report would result in major time savings by MOCS and other agencies, which currently requires coordination across multiple internal teams and several City agencies prior to being sent to City Council. The report is extremely costly in terms of agency and City resources overall, and yet the results are duplicative of other resources.

Article 214 Closings Report, (Administrative Code §28-214.1.6)

SUMMARY: Administrative Code §28-214.1.6 requires the Department of Buildings to publish a report detailing building closures issued under Article 214 of the Administrative Code. It must include the number of closings made in the previous year, the locations of such closings, and the nature and use of the premises closed. This report is required on an annual basis.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:



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1. The report is irrelevant in light of changing circumstances, current information needs and technological advances

Administrative Code §28-214.1.6 requires the Department of Buildings to submit a report on notices of seal, secure and close orders made pursuant to Article 214 of the Administrative Code. (It is not a requirement on closure orders generally, but only on order issued under Article 214.) DOB no longer uses Article 214 to issue orders to seal, secure, and close; it relies on other portions of the Administrative Code to issue building closure orders instead. Accordingly, DOB regularly publishes a letter stating “nothing to report” to comply with this reporting requirement. The report has no value.

Report on Site Safety Managers and Coordinators, (Administrative Code §28-103.31)

SUMMARY: Administrative Code §28-103.31 requires the Department of Buildings to publish a report detailing site safety managers and site safety coordinators. The report must include the number of active site safety manager and coordinator certificates, number of active site safety manager and coordinator certificates on the last day of the preceding year, number of sites for which a site safety manager was required by this code during the preceding year, number of such sites for which a manager was required by the code but for which a coordinator may be designated, number of site safety manager and coordinator certificates issued in the preceding year, number of applicants for site safety manager and coordinator certificates who submitted applications during the preceding year, the average length of time for site safety manager and coordinator applicants to receive certificates, and the average length of time for site safety manager and coordinator applicants to pass background checks. This report is required on an annual basis.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is irrelevant in light of changing circumstances, current information needs and technological advances

This report is an overview of the site safety professionals licensed by DOB each year. The report no longer provides useful information. The original purpose of the reporting requirement was to understand how many site safety professionals were available to the industry and how long it took for them to be approved by DOB. The landscape of site safety professionals does not drastically on a year-to-year basis. The original goals of the reporting requirement have been met, and continued reporting of these metrics no longer provide value.

Interagency Roadway Safety Plan, (Administrative Code §19-184(d))

SUMMARY: Administrative Code §19-184(d) requires the Department of Transportation to publish a report on its interagency plan to improve roadway safety. The report must include actions that have been taken to implement prior plans submitted, and reasons that any previous recommendations were not taken. This report is required every five years.



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DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is irrelevant in light of changing circumstances, current information needs and technological advances

Administrative Code §19-184(d) requires the Department of Transportation to submit a report on interagency plan to improve roadway safety. This report predates Vision Zero and the requirement is from a time when City agencies did not work together closely on matters of roadway safety. Since Vision Zero began in 2014, the Task Force has broken down agency silos and implemented hundreds of traffic safety initiatives. The narrow scope of the reporting requirement has been eclipsed by the work that is now done and provides no additional benefit. It is obsolete in light of the current state of interagency coordination on roadway safety.

2. Duplicative

The law requires a publication every five years, but that is duplicative of more detailed and more frequent efforts to report on roadway safety. The Vision Zero Task Force has so far produced seven reports on progress towards hundreds of safety initiatives. Furthermore, DOT’s Vision Zero Pedestrian Safety Action Plans, published in 2015 and 2019, fulfil and surpass the requirements of this law. The NYC Streets Plan passed in 2019 and creates yet more redundancy. Therefore, this reporting requirement is not only obsolete but redundant.

Neighborhood Slow Zones Report, (Administrative Code §19-177(d)(2))

SUMMARY: Administrative Code §19-177(d)(2) requires the Department of Transportation to publish a report on neighborhood slow zones. The report is required to include a listing of the location of all neighborhood slow zones, a review of whether zones have minimized the risk of traffic crashes, critical injuries or death, and a determination of whether the department shall continue to establish seven neighborhood slow zones. The report is required annually.

DETERMINATION: Waiver

RATIONALE: The Commission staff recommends the waiver of the Report based on a weighing of the criteria specified in Charter §1113(e)(1). Specifically:

1. The report is irrelevant in light of changing circumstances, current information needs and technological advances

Administrative Code §19-177(d)(2) requires the Department of Transportation to submit a report neighborhood slow zones. Neighborhood slow zones were designated areas covering at least five blocks where speed limits were set at 20 miles per hour. This report is now outdated as a 25 mile per hour speed limit Citywide was implemented in late 2014. DOT discontinued the neighborhood slow zone program in 2015, after analysis showed it was not significantly lowering injury. Vision Zero (VZ) priority corridors have replaced slow zones as areas of priority for street safety improvements. The outdated nature of the requirement makes this report irrelevant.



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2. Duplicative

While neighborhood slow zones have been discontinued, efforts to make streets safer have ramped up and there are several different reports that describe these efforts. Vision Zero priority corridors and interventions are described in detail within the VZ annual report and pedestrian safety action plans.