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Title:	A Local Law to amend the administrative code of the city of New York, in relation to inspections, reinspections and penalties concerning violations relating to rodents.				
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Int. No. 598

By Council Members Torres, Koo, Rose, Mendez, Rosenthal and Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to inspections, reinspections and penalties concerning violations relating to rodents.

Be it enacted by the Council as follows:

Section 1. This local law shall be known and may be cited as the “Rodent Reinspection and Bait Application Three Strikes Law.”

§ 2. Section 17-133.1 of the administrative code of the city of New York is hereby amended to read as follows:

§ 17-133.1 Failure to abate rodents; penalties. a. Notwithstanding any other provision of law, [E]very person, corporation, or body that shall violate or not conform to any provisions of the health code of the city of New York or any applicable law, rule or regulation pertaining to the eradication of rodents, the elimination of rodent harborages or other rodent related nuisances shall be liable to pay a civil penalty of not less than three

hundred dollars for the first violation. The penalty for each subsequent violation of the same provision of law, rule or regulation, at the same premises and under the same ownership or control, within a two-year period, shall be double the amount of the previous violation; provided, however, that such penalty shall not exceed the maximum allowable penalty set forth in section 17-133 of this code. Such penalties may be sued for and recovered by and in the name of the department, with costs, before any judge, justice, administrative law judge or hearing examiner in the city having jurisdiction of such or similar actions. The judge, justice, administrative law judge or hearing examiner who presided at a trial or hearing where such penalty is determined and assessed shall fix, in writing, the amount of the penalty to be recovered, and shall direct that such amount be included in the judgment or decision.

b. Notwithstanding any other provision of law, where (A) the department has performed two or more complaint-based inspections at the same premises within a twelve-month period, (B) each such inspection has resulted in the issuance of a violation pursuant to this section, and (C) not all such violations have been corrected, the department may impose an inspection fee of two hundred dollars for the third and for each subsequent complaint-based inspection that it performs at such premises within the same twelve-month period that results in issuance of a violation. Such inspection fee shall be in addition to any civil penalties that may be due and payable and may be increased by the department to match increased inspection costs.

c. Notwithstanding any other provision of law, where (A) the department has performed two or more complaint-based inspections at the same premises within a twelve-month period, (B) each such inspection has resulted in the issuance of a violation pursuant to this section, (C) not all such violations have been corrected, and (D) the department has applied the use of bait to correct any such violation, the department may, in addition to any other penalties and reinspection fees, assess a bait application fee for the third and for each subsequent bait application that it performs at such premises within the same twelve-month period. The department shall establish such bait application fee by rule.

d. Fees pursuant to subdivision b or c of this section shall not be applicable to inspections (1) performed

in a multiple dwelling that is active in the alternative enforcement program pursuant to article ten of subchapter five of chapter two of title twenty-seven of the administrative code of the city of New York, or (2) performed in a multiple dwelling that is subject to a court order appointing an administrator as the result of a proceeding brought by the department pursuant to article seven-a of the New York state real property actions and proceedings law.

e. All fees that remain unpaid shall constitute a debt recoverable from the owner and a lien upon the premises, and upon the rents and other income thereof. The provisions of section 17-151 of this chapter shall govern the effect and enforcement of such debt and lien.

§ 3. This local law shall take effect immediately.

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