



Legislation Text

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By Council Members Restler, Cabán, De La Rosa, Abreu, Powers, Lee, Brooks-Powers, Stevens, Gutiérrez, Brewer, Hudson, Hanif and Avilés (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to emergency response protocols on days of air quality emergency

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new subchapter 10 to read as follows:

SUBCHAPTER 10

AIR QUALITY EMERGENCY RESPONSE PROTOCOLS

§ 24-191 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Air quality index. The term “air quality index” means the index established by the United States environmental protection agency for the purpose of reporting daily air quality.

Clean air center. The term “clean air center” means any facility that has an adequate air filtration system and an appropriate air quality testing mechanism that is designated by the city to provide air quality relief to the public whenever there is an occurrence or a forecast of an air quality emergency.

Face covering. The term “face covering” means any face mask or respirator recommended by the department of health and mental hygiene, the federal centers for disease control and prevention, or the national institute for occupational safety and health, including but not limited to KN95, N95, N99, N100, P95, P99, P100, R95, R99, and R100 respirators.

High-occupancy vehicle lane. The term “high-occupancy vehicle lane” means any traffic lane

designated for exclusive use by vehicles with 2 or more occupants for all or part of a day.

Nonessential employee. The term “nonessential employee” means any employed person who is able to complete their work functions remotely, as determined by the person’s employer in accordance with applicable federal, state, and local requirements.

Spare the air day. The term “spare the air day” means a day on which the air quality index is expected to or does exceed 150.

§ 24-192 Spare the air day response protocols. a. Spare the air day declaration. On a day when the air quality index is expected to or does exceed 150, the department shall declare such day a spare the air day. On such day, the department shall post on its website and publicly disseminate the following information:

1. A message that such day is a spare the air day;
2. Information about how to stay safe on spare the air days;
3. A message encouraging drivers to refrain from private vehicle usage on such day;
4. A message encouraging all employers to allow remote work for all their nonessential employees on such day;
5. Information about how to register for any emergency notification system operated and controlled by the New York city office of emergency management as described in section 30-115;
6. Information about additional services, materials, and allowances the city is making available to the public during such day; and
7. Information about any limitations the city is imposing on the public to reduce air pollution during such day.

b. Clean air centers. On spare the air days, the department shall coordinate with the New York city office of emergency management and any other relevant agency to ensure that all clean air centers are open to the public.

c. High-occupancy vehicle lanes. On spare the air days, the department shall coordinate with the

department of transportation, the police department, the New York city office of emergency management, and any other relevant agency to allow high-occupancy vehicle lanes to be used by eligible vehicles during the entirety of such days.

d. Access to shelters. On spare the air days, the department shall coordinate with the department of homeless services, the New York city office of emergency management, and any other relevant agency to allow short-term emergency shelter access to any eligible homeless person as defined in section 21-301.

e. Distribution of face coverings. On spare the air days, the department, in collaboration with the New York city office of emergency management and any other relevant agency, shall distribute free face coverings at locations in every community board district.

f. Prohibition on outdoor charcoal fires. On spare the air days, no person shall cause or permit the kindling, maintenance, or use of any outdoor picnic or barbecue fire involving equipment designed to utilize charcoal.

g. Other activities that impair air quality prohibited. On spare the air days, no person shall engage in any other activities, as determined by the department in collaboration with the New York city office of emergency management and any other relevant agency, that lead to the deterioration of outdoor air quality.

§ 2. This local law takes effect immediately.

Session 13
LS #13658/13928
1/25/2024

Session 12
EH
LS #13658/13928
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