

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2025**

No. 180

Introduced by Council Members Hudson, Abreu, Powers, Menin, Restler, Won, Narcisse, Bottcher, Joseph, Feliz, Gutiérrez, Brannan, Avilés, Salaam and Cabán.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to stationary on-street containers for the storage and collection of residential refuse

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-114.2 to read as follows:

§ 16-114.2 Stationary on-street containers. a. Definitions. As used in this section, the following terms have the following meanings:

Exempt building. The term “exempt building” means: (i) any building owned by a limited-profit housing company organized pursuant to article 2 of the private housing finance law; (ii) any building owned by a housing development fund company organized pursuant to article 11 of the private housing finance law; (iii) any building in which 50 percent or more of dwelling units are required by law or by an agreement with a governmental entity to be regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, or the local emergency housing rent control act of 1962; (iv) any building in which all dwelling units are required pursuant to a federal, state, or local law, rule, or program to be affordable for an extremely low income household as defined in section 26-2101, a very low income household as defined in section 26-2101, a low income household as defined in 26-2101, a moderate income household as defined in section 26-2101, or a middle income household as defined in section 26-

2101 and that operates pursuant to an agreement administered by a governmental entity; and (v) any other building or class of buildings that the department determines by rule is qualified for a waiver from any annual fee established by department rules adopted pursuant to paragraph 5 of subdivision c of this section.

Large residential building. The term “large residential building” means a residential building containing no less than 31 dwelling units, other than such a building for which the department collects refuse from a loading dock or other location other than a street or curb.

Medium residential building. The term “medium residential building” means a residential building containing no less than 10 and no more than 30 dwelling units, other than such a building for which the department collects refuse from a loading dock or other location other than a street or curb.

Organic waste. The term “organic waste” has the same meaning as set forth in section 16-303.

Residential building. The term “residential building” means a building containing not less than 1 dwelling unit that receives collection and disposal service from the department.

Residential refuse. The term “residential refuse” means any solid waste or organic waste generated by a residential building.

Solid waste. The term “solid waste” has the same meaning as set forth in section 16-303.

Stationary on-street container. The term “stationary on-street container” means a container for the storage and collection of residential refuse that the department places or installs in the public right of way.

b. The department shall not require any residential building to set out residential refuse in a stationary on-street container, except pursuant to rules that meet the requirements of subdivision c of this section.

c. The department may adopt rules requiring a residential building to set out all residential refuse, or certain forms of residential refuse, in a stationary on-street container, provided that such rules:

1. Shall not require any residential building other than a medium residential building or a large residential building to set out residential refuse in a stationary on-street container, except where 2 or more residential buildings set out residential refuse in the same such container and such residential building is

not a building for which the department collects refuse from a loading dock or other location other than a street or curb;

2. Shall require any large residential building or medium residential building that sets out residential refuse in a stationary on-street container to distribute to the employees of such building training materials provided by the department about how to set out such refuse in such container, and to provide any such employees who are responsible for setting out such refuse in such container any personal protective equipment reasonably necessary for such purpose, as determined by the department by rule;

3. May designate any area of the city in which such rules shall be in effect, provided that such rules shall set forth the date on which a residential building located within any such area shall begin setting out residential refuse in a stationary on-street container;

4. Shall establish civil penalties for violations of such rules not to exceed \$100 for a first violation, \$200 for a second violation committed within a 12-month period, and \$300 for a third or subsequent violation committed within a 12-month period, provided that any such penalty may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board; and

5. Notwithstanding any other provision of this chapter to the contrary, may establish an annual fee of no more than \$55 per dwelling unit, to be paid by the owner of any large residential building or medium residential building to which the department has provided a stationary on-street container, for costs related to the acquisition, shipping, assembly, installation, repair, cleaning, and maintenance of such stationary on-street container, provided that:

(a) The department shall not require an owner of an exempt building to pay such fee;

(b) The department of finance shall send, in the same manner by which such department sends to owners of real property a statement of account pursuant to section 11-129, a notice of such fee that sets forth the amount due and states that any such fee shall be due and payable on the date provided on such notice;

(c) There shall be filed in the office of the department of finance a record of any such fee for any tax lot of any such large residential building or medium residential building that is not paid by the date when such fee is due and payable. Such a record for any such tax lot shall be made accessible to the public during business hours. Such record may be made and maintained electronically. Such record shall be deemed to be entered on the date that such record is entered electronically on the records of the department of finance. Such entry shall constitute notice to all parties;

(d) If such fee is not paid by the date when such fee is due and payable as provided on such notice, it shall be the duty of the department of finance to receive interest thereon, to be calculated to the date of payment from the due and payable date;

(e) The rate of interest applied to such unpaid fee shall be equal to the rate applicable to the tax lot for nonpayment of taxes on real property pursuant to subdivision (e) of section 11-224.1 and shall be compounded daily;

(f) Such fee and the interest thereon shall continue to be, until paid, a lien on the tax lot and such lien shall have a priority over all other liens and encumbrances on the tax lot except for the lien of taxes and assessments and shall not be enforced against a subsequent purchaser in good faith or mortgagee in good faith unless the requirements of subparagraph (c) of this paragraph are satisfied. Such lien may be satisfied in accordance with the provisions of section 1354 of the real property actions and proceedings law;

(g) Nothing in this paragraph shall be construed as authorizing such lien to be treated as a tax lien within the meaning of section 11-319 or section 11-401 or as authorizing such lien to be sold, enforced, or foreclosed in the manner provided in chapter 3 or chapter 4 of title 11 of this code; and

(h) The department shall establish a process for a property owner to challenge the imposition or the amount of such fee or any determination that a residential building is not an exempt building, and a process for the department to notify the department of finance regarding the outcome of any such challenge.

d. Where the department adopts rules as described in subdivision c of this section, the department and the department of transportation shall enter into a memorandum of understanding to govern the placement or installation of any stationary on-street container in the public right of way pursuant to such rules.

e. Where the department adopts rules requiring a residential building to set out organic waste in a stationary on-street container in accordance with this section, such rules shall take effect no earlier than the date that any rules requiring a residential building to set out residential refuse other than organic waste in a stationary on-street container, adopted by the department pursuant to subdivision c of this section, take effect.

§ 2. Paragraph 1 of subdivision a of section 16-120 of the administrative code of the city of New York, as amended by local law number 111 for the year 2022, is amended to read as follows:

1. The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste; *provided, however, that an owner, lessee, agent, occupant or other person who manages or controls a residential building that sets out residential refuse in a stationary on-street container pursuant to rules promulgated pursuant to section 16-114.2 of this chapter shall provide and maintain such separate receptacles in accordance with such rules and, where any such rule is inconsistent with subdivision a, b, c or d of this section, comply with such rule.* The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of 72 hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.

§ 3. 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 November 12, 2025 and returned unsigned by the Mayor on December 15, 2025.

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. 180 of 2025, Council Int. No. 1123-B of 2024) 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.

SPENCER FISHER, Acting Corporation Counsel.