

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2022**

No. 111

Introduced by Council Members Abreu, Nurse, Bottcher, Louis, Hudson, Hanif, Brewer, Joseph, Gutiérrez, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Won, Krishnan, Richardson Jordan, Riley, Ayala, Cabán, Menin, Powers, Gennaro, Narcisse, De La Rosa, Holden, Sanchez, Farías, Hanks, Dinowitz, Kagan, Lee and Salamanca (in conjunction with the Brooklyn Borough President).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-120 of chapter 1 of title 16 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

§ 16-120 Receptacles for the removal of waste material. a. *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. 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 [seventy-two] 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.

2. (a) Where the conditions precedent and requirements set forth in subparagraphs (b) and (c) of this paragraph are satisfied and apply, respectively, the receptacles used to meet the requirements set forth in paragraph 1 of this subdivision shall be of a material or design approved by the department, department of health and mental hygiene and department of housing preservation and development to minimize rodent access and harborage.

(b) (1) The requirements set forth in subparagraph (a) of this paragraph apply to a building or dwelling to which two or more notices of violation have been issued pursuant to section 151.02 of the New York city health code within a 12-month period, provided that such a notice of violation that has been dismissed by the office of administrative trials and hearings shall not be counted in determining whether such requirements apply, and such a notice of violation for which an appeal is pending at such office shall not be counted unless and until such office has upheld such notice of violation.

(2) The requirements set forth in subparagraph (a) of this paragraph begin to apply on the date that the department notifies the owner of record of such building or dwelling that any combination of the following has occurred that amounts to two violations: (i) the owner has admitted the violation, (ii) the owner has defaulted on the violation, and the time to reopen the case has expired, or (iii) the office of administrative trials and hearings has upheld the notice of violation.

(3) The requirements set forth in subparagraph (a) of this paragraph continue to apply until two years have elapsed following such notification by the department, provided that the occurrence of a new violation that may be counted in accordance with clause (1) of this

subparagraph extends the duration of applicability until two years have elapsed following the date of the new violation as indicated in the corresponding new notice of violation.

(c) (1) The requirements set forth in subparagraph (a) of this paragraph apply to a building or dwelling to which two or more notices of violation relating to the presence of rats have been issued pursuant to section 27-2017.4 of the housing maintenance code, provided that a violation that the owner of record of such building or dwelling has certified as corrected within the correction period indicated on the notice of violation shall not be counted in determining whether such requirements apply unless the department of housing preservation and development has identified such certification as false.

(2) The requirements set forth in subparagraph (a) of this paragraph begin to apply on the date that the department notifies the owner of record of such building or dwelling that the two violations triggering such requirements have occurred.

(3) The requirements set forth in subparagraph (a) of this paragraph continue to apply until two years have elapsed following such notification by the department, provided that the occurrence of a new violation that may be counted in accordance with clause (1) of this subparagraph extends the duration of applicability of such requirements until two years have elapsed following the date of such new violation as indicated in the corresponding new notice of violation.

(d) The department may waive the requirements set forth in subparagraph (a) of this paragraph for a building or dwelling if the owner of record or managing agent of such building or dwelling demonstrates to the satisfaction of the department that compliance with such provisions would (i) create an undue burden on such owner of record or managing agent or (ii) create a

public safety hazard because the sidewalk on which a receptacle is placed would be substantially obstructed by such receptacle during the time it is set out for purposes of removal of waste material. The department shall make such waiver in writing and share such waiver with the owner of record or managing agent of such building or dwelling, the relevant community board, the department of health and mental hygiene and the department of housing preservation and development.

§ 2. This local law takes effect on April 1, 2023, and applies with respect to violations of the New York city health code and the housing maintenance code that are issued on or after this effective date.

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 October 27, 2022 and approved by the Mayor on November 18, 2022.

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. 111 of 2022, Council Int. No. 460-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 and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.