|  |  |
| --- | --- |
|  | **The Council of the City of New York**  **Finance Division**  **Latonia McKinney, Director**  **Fiscal Impact Statement**  **Proposed Int. No.** 810-A  **Committee:** Governmental Operations |
| **Title:** A Local Law to amend the New York city charter, in relation to providing for the denial of an application for, or the suspension, termination or revocation of, a license, permit or registration based on unpaid civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings | **Sponsors:** Council Members Kallos and Gentile |
| **Summary of Legislation:** Proposed Intro. No. 810-A would grant City agencies that issue notices of violation returnable to the Environmental Control Board (ECB) the authority to deny, suspend, terminate, or revoke any licenses, permits or registrations issued by that agency on the basis of unpaid ECB penalties. The legislation would require these agencies to promulgate rules to implement this authority which must include, but is not limited to, certain factors for agencies to consider when making the determination to deny, suspend, terminate, or revoke, including (1) whether the applicant, licensee, permittee or registrant has other debt owed to the City; (2) the amount of unpaid civil penalties owed; (3) whether the underlying violation is one of a series of violations and the nature of the underlying violation; and (4) whether the unpaid civil penalties were imposed due to a finding of default decision that was then vacated, or whether the applicant, licensee, permittee or registration has made a request to vacate a default and obtain a new hearing.  The legislation would also require such agencies to provide to the Council, and post online, an annual report including the number of applications for licenses, permits, or registrations received; the number denied, suspended, terminated, or revoked pursuant to the authority granted by the proposed law; and a list of the types of licenses, permits or registrations issued by such agency and the time period for which such licenses, permits or registrations are issued.  Lastly, the legislation would require that notices of violation returnable to ECB include a written statement warning respondents that failure to timely pay an ECB penalty could result in the denial, suspension, termination, or revocation of a license, permit, or registration. | |
| **Effective Date:** This local law would take effect 180 days after it becomes law, except that any agency granted authority to suspend, terminate, revoke, or deny a license, permit, or registration based on unpaid ECB penalties, may take any actions necessary for the implementation of this local law, including the promulgation of rules, before it takes effect. | |

|  |
| --- |
| **Fiscal Year In Which Full Fiscal Impact Anticipated:** Fiscal 2018 |
| **Fiscal Impact Statement:**   |  |  |  |  | | --- | --- | --- | --- | |  | **Effective FY17** | **FY Succeeding Effective 18** | **Full Fiscal** Impact FY18 | | **Revenues (+)** | TBD | TBD | TBD | | **Expenditures (-)** | $0 | $0 | $0 | | **Net** | TBD | TBD | TBD | |
| **Impact on Revenues:** It is estimated that this legislation would have an impact on revenue because its intent is to incentivize respondents with unpaid civil penalties to pay those penalties. However, at the time of the writing of this fiscal impact statement it is unknown how much revenue could result from the legislation. |
| **Impact on Expenditures:** It is estimated that this legislation would have no impact on expenditures because existing resources would be used to implement the legislation, including the provisions related to the promulgation of rules and the compilation of an annual report. |
| **Source of Funds To Cover Estimated Costs:** N/A |
| **Source of Information:** New York City Council Finance Division  New York City Department of Finance  New York City Office of Management and Budget  New York City Mayor's Office of City Legislative Affairs |
| **Estimate Prepared By**: James Subudhi, Legislative Financial Analyst    **Estimate Reviewed By:** Rebecca Chasan, Assistant Counsel  Tanisha Edwards, Chief Counsel  John Russell, Unit Head |
| **History:** This legislation was introduced to the full Council on June 10, 2015 as Intro. No. 810 and referred to the Committee on Governmental Operations.  The Committee on Governmental Operations held a hearing, jointly with the Committee on Finance, on Intro. No.  810 on November 19, 2015 and the legislation was laid over.  The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 810-A, will be considered by the Committee on Governmental Operations on April 6, 2016. Upon successful vote of the Committee, Proposed Intro. No. 810-A will be submitted to the full Council for a vote on April, 7, 2016.  **Date Prepared:** April 5, 2016 |