

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2017**

No. 40

Introduced by Council Members Levine, Gibson, Johnson, The Speaker (Council Member Mark-Viverito), Salamanca, Chin, Menchaca and Levin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring reporting on nuisance abatement actions

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-166 to read as follows:

§ 14-166 Reporting on nuisance abatement actions.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Action. The term “action” means a nuisance abatement action.

Nuisance abatement action. The term “nuisance abatement action” means any civil proceeding in which the department acts as a “department or agency” pursuant to subdivision (a) of section 7-706.

Type of nuisance. The term “type of nuisance” means the public nuisance, as defined in a subdivision of section 7-703, intended to be abated by a nuisance abatement action.

b. Reporting. No later than January 31, 2018 and no later than each January 31 and July 31 thereafter, the department shall post on its website, and provide notification of such posting to

the council and the mayor, a report regarding nuisance abatement actions for the six month period ending the month prior to the month during which such report is due. This report shall include, but not be limited to, the following information:

1. For all actions, in total and disaggregated by the type of nuisance: the number of actions filed and the number of actions settled.

2. For all actions, in total and disaggregated by the type of nuisance:

(a) the number of temporary closing orders and temporary restraining orders sought and the number granted, in total and disaggregated by the type of order;

(b) the percentage of actions including an application for a temporary closing order or a temporary restraining order, in total and disaggregated by the type of order;

(c) the percentage of applications for temporary closing orders and temporary restraining orders that are denied, in total and disaggregated by the type of order;

(d) the number of applications for preliminary injunctions sought and the number granted;

(e) the percentage of actions including an application for a preliminary injunction; and

(f) the percentage of applications for preliminary injunctions that are denied.

3. For all actions in which an application for a preliminary injunction is denied, the percentage in which the department withdraws the action.

4. In total and disaggregated by the type of nuisance, the number and percentage of actions in which a search warrant had been executed for conduct substantially similar to the type of nuisance.

5. The mean and median amount of time between which a nuisance occurs and an application for an action is filed, in total and disaggregated by type of nuisance, provided that for

any type of nuisance requiring multiple instances of a nuisance occurring, the report shall include the mean and median amount of time between both the first and last such instance.

6. The number, in total and disaggregated by type of nuisance, of: (a) actions filed, disaggregated by precinct; and (b) 311, 911, and other complaints of nuisances of the type alleged in such actions, disaggregated by precinct.

c. The information required pursuant to subdivision b for each reporting period shall be stored permanently and shall be accessible from the department's website, and shall be provided in a format that permits automated processing. Each report shall include a comparison of the current reporting period to the prior four reporting periods, where such information is available.

§ 2. Chapter 1 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-112 to read as follows:

§ 7-112 Reporting on nuisance abatement actions.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Requesting entity. The term "requesting entity" means the governmental entity that requests a nuisance abatement action, except for the New York city police department.

Nuisance abatement action. The term "nuisance abatement action" means a civil proceeding brought by the corporation counsel pursuant to subchapter 2 of chapter 7 of this title, except for a proceeding brought at the request of the New York city police department.

Type of nuisance. The term "type of nuisance" means the public nuisance, as defined in a subdivision of section 7-703, intended to be abated by a nuisance abatement action.

b. Reporting. No later than January 31, 2018 and no later than each January 31 and July 31 thereafter, the law department shall post on its website, and provide notification of such posting

to the council and the mayor, a report regarding nuisance abatement actions for the six-month period ending the month prior to the month during which such report is due. This report shall include, but not be limited to, the following information:

1. Nuisance abatement actions filed, in total and disaggregated by requesting entity and type of nuisance.

2. For all nuisance abatement actions, in total and disaggregated by requesting entity and type of nuisance:

(a) the number of temporary closing orders and temporary restraining orders sought and the number granted, in total and disaggregated by the type of order; and

(b) the number of applications for preliminary injunctions sought and the number granted.

§ 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 February 15, 2017 and returned unsigned by the Mayor on March 20, 2017.

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. 40 of 2017, Council Int No. 1327-A of 2016) 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.

STEVEN LOUIS, Acting Corporation Counsel.