**THE COUNCIL OF THE CITY OF NEW YORK**



**OFFICE OF THE GENERAL COUNSEL**

**Virtual Hearing Room #1**

**COMMITTEE REPORT OF THE**

**COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS**

**Hon. Karen Koslowitz, Chairperson**

**May 27, 2021**

**Topic: *New York City Environmental Control Board – (Candidate for appointment by the Mayor upon advice and consent of the Council)***

* **Matthew Schneid [M-310]**

Within the New York City Office of Administrative Trials and Hearings (“OATH”) there is an Environmental Control Board (“ECB”) that adjudicates notices of violation issued by various city agencies including the Departments of Environmental Protection, Police, Sanitation, Health and Mental Hygiene, Fire and Buildings. ECB has the power to render decisions and orders and to impose civil penalties under law provided for such violations. ECB may apply to a court of competent jurisdiction for enforcement of any decision, order or subpoena that it issues. ECB’s responsibilities and structure are outlined in New York City Charter section 1049-a.

Among the provisions of law enforced by ECB are those relating to the cleanliness of city streets; the disposal of wastes; the provision of a pure, wholesome and adequate supply of water; the prevention of air, water and noise pollution; the regulation of street peddling; and the city response to emergencies caused by releases or threatened releases of hazardous substances. ECB has the authority to make, amend or rescind such rules and regulations to carry out its duties. Also, ECB has concurrent jurisdiction with the Board of Health to enforce those provisions of the health code and the rules and regulations relating thereto that the Board of Health shall designate.

ECB consists of the Commissioners of the Departments of Environmental Protection, Sanitation, Health and Mental Hygiene, Buildings, Police, Fire and the Chief Administrative Law Judge of OATH, as well as six persons appointed by the Mayor with the advice and consent of the Council. The Chief Administrative Judge of OATH serves as Chair of ECB. Within its appropriation, ECB may appoint an Executive Director and such hearing officers, including non-salaried hearing officers and other employees as it finds necessary, to properly perform its duties.

Members other than agency Commissioners may not be employed by the City. Five of the six non-Commission members must possess broad general background and experience, one in each of the following areas: air pollution control, water pollution control, noise pollution control, real estate, or the business community. The sixth non-Commissioner member represents the general public. Members other than the agency Commissioners are compensated and receive a $175.10 per-diem when performing the work of ECB. Member terms are for four years.

Mr. Schneid is scheduled to appear before the Committee on Rules, Privileges and Elections on Thursday, May 27, 2021. If Mr. Schneid, a resident of Manhattan, receives the advice and consent of the Council, he will serve for the remainder of a four-year term that will expire on November 21, 2021, as the ECB member with experience in the field of Real Estate. Copies of Mr. Schneid’s résumé and report/resolution are attached to this Briefing paper.

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