



Legislation Details (With Text)

File #: Int 0810-2015 **Version:** A **Name:** 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 tri

Type: Introduction **Status:** Enacted
In control: Committee on Governmental Operations

On agenda: 6/10/2015

Enactment date: 4/21/2016 **Enactment #:** 2016/047

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: Ben Kallos, Vincent J. Gentile

Indexes: Agency Rule-making Required, Report Required

Attachments: 1. Legislative History Report, 2. Summary of Int. No 810-A, 3. Summary of Int. No. 810, 4. Int. No. 810 - 6/10/15, 5. June 10, 2015 - Stated Meeting Agenda with Links to Files, 6. Committee Report 11/19/15, 7. Hearing Testimony 11/19/15, 8. Hearing Transcript 11/19/15, 9. Committee Report 4/6/16, 10. Hearing Transcript 4/6/16, 11. April 7, 2016 - Stated Meeting Agenda with Links to Files, 12. Hearing Transcript - Stated Meeting 4-7-16, 13. Int. No. 810-A - FINAL, 14. Fiscal Impact Statement, 15. Mayor's Letter, 16. Minutes of the Stated Meeting - April 7, 2016, 17. Local Law 47, 18. Annual Permitting & Licensing Report - July 1, 2016 through June 30, 2017, 19. Annual Permitting & Licensing Report - July 1, 2017 through June 30, 2018

Date	Ver.	Action By	Action	Result
6/10/2015	*	City Council	Introduced by Council	
6/10/2015	*	City Council	Referred to Comm by Council	
11/19/2015	*	Committee on Governmental Operations	Hearing Held by Committee	
11/19/2015	*	Committee on Governmental Operations	Laid Over by Committee	
11/19/2015	*	Committee on Finance	Hearing Held by Committee	
11/19/2015	*	Committee on Finance	Laid Over by Committee	
4/6/2016	*	Committee on Governmental Operations	Hearing Held by Committee	
4/6/2016	*	Committee on Governmental Operations	Amendment Proposed by Comm	
4/6/2016	*	Committee on Governmental Operations	Amended by Committee	
4/6/2016	A	Committee on Governmental Operations	Approved by Committee	Pass
4/7/2016	A	City Council	Approved by Council	Pass
4/7/2016	A	City Council	Sent to Mayor by Council	
4/21/2016	A	Mayor	Hearing Held by Mayor	

4/21/2016	A	Mayor	Signed Into Law by Mayor
4/21/2016	A	City Council	Recved from Mayor by Council

Int. No. 810-A

By Council Members Kallos and Gentile

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

Be it enacted by the Council as follows:

Section 1. Subparagraph (b) of paragraph (1) of subdivision d of section 1049-a of the New York city charter is amended by adding a new clause (iv) to read as follows:

(iv) A notice of violation shall include a written warning that states: "If the Environmental Control Board or the Office of Administrative Trials and Hearings orders you to pay a civil penalty, failure to pay that penalty in a timely manner could lead to the denial of an application for a license, permit or registration, or to the suspension, termination or revocation of a license, permit or registration issued to you by a city agency."

§ 2. Chapter 45-A of the New York city charter is amended by adding a new section 1049-b to read as follows:

§ 1049-b. Effect of non-payment of civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings.

a. To the extent an agency issues licenses, permits or registrations, and such agency issues notices of violation returnable to the environmental control board or to a tribunal of the office of administrative trials and hearings, such agency may deny an application for any license, permit or registration, or an application for renewal of any license, permit or registration, and may suspend, terminate or revoke any license, permit or registration, based on the failure to timely pay civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings by such applicant, licensee, permittee or registrant.

b. Any agency that issues notices of violation returnable to the environmental control board or to a tribunal of the office of administrative trials and hearings shall promulgate rules to implement the authority granted by subdivision a of this section, except that any such agency that, as of the effective date of the local law that added this section, has adopted a rule or policy that substantially meets the requirements of this section shall not be required to promulgate such rules. Such rules shall include, but need not be limited to, factors to be

considered in an agency's determination whether to deny, suspend, terminate or revoke, including:

1. whether such applicant, licensee, permittee or registrant has other unpaid penalties, taxes or other debt owed to the city;
2. the amount of the unpaid civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings;
3. where the violation underlying the unpaid penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings was issued by such agency, whether such violation is one of a series of violations returnable to such board or tribunal and the nature of the underlying violation; and
4. whether the unpaid civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings were imposed pursuant to a finding of default that was subsequently vacated or whether the applicant, licensee, permittee or registrant has made a request to vacate such default and obtain a new hearing pursuant to the rules of such board or tribunal.

c. An agency's decision whether to exercise the authority granted by this section shall consider the risk that a denial of an application for a license, permit or registration, or an application for renewal of any license, permit or registration or a suspension, termination or revocation of a license, permit or registration issued by such agency could create an incentive for applicants, licensees, permittees or registrants to engage in unlicensed, unpermitted or unregistered activity.

d. Nothing in this section shall impair, diminish or otherwise affect any other authority granted to any agency by any general, special or local law or any rule promulgated pursuant thereto to deny an application for a license, permit or registration, or suspend, terminate or revoke a license, permit or registration.

e. No later than September 1, 2017, and every year thereafter, an agency that exercises the authority granted by subdivision a of this section shall submit to the city council, and post on its website in a non-proprietary format that permits automated processing, a report based on data from the preceding fiscal year that includes:

1. the total number of applications for licenses, permits or registrations received by such agency;
2. the total number of applications for licenses, permits or registrations that were denied pursuant to subdivision a of this section;
3. the total number of licenses, permits or registrations that were suspended, terminated or revoked

pursuant to subdivision a of this section; and

4. a list of the types of licenses, permits and registrations issued by such agency and the time period for which such licenses, permits and registrations are issued.

§ 3. This local law takes effect 180 days after it becomes law, except that any agency granted authority pursuant to section 1049-b of the New York city charter, as added by section two of this local law, may take any actions necessary for the implementation of this local law, including the promulgation of rules, before it takes effect.

wcj/smd
LS #2488
3/30/16