Legislation Details (With Text)

File #:	Int 1315-2016	**Version:**	A	**Name:**	Nuisance Abatement Fairness Act - Resolving conflicts between the nuisance abatement law and related proceedings and fines for public nuisances involving alcohol.
Type:	Introduction			**Status:**	Enacted
				In control:	Committee on Public Safety
On agenda:	10/27/2016				
Enactment date:	3/18/2017			**Enactment #:**	2017/033

Title: A Local Law to amend the administrative code of the city of New York, in relation to resolving conflicts between the nuisance abatement law and related proceedings and fines for public nuisances involving alcohol

Sponsors: Daniel R. Garodnick, Melissa Mark-Viverito, Rafael Salamanca, Jr., Vanessa L. Gibson, Carlos Menchaca, Stephen T. Levin

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Attachments: 1. Legislative History Report, 2. Summary of Int. No. 1315-A, 3. Summary of Int. No. 1315, 4. Int. No. 1315 - 10/27/16, 5. Committee Report 11/2/16, 6. Hearing Testimony 11/2/16, 7. Hearing Transcript 11/2/16, 8. Committee Report 2/14/17, 9. Hearing Transcript 2/14/17, 10. February 15, 2017 - Stated Meeting Agenda with Links to Files, 11. Fiscal Impact Statement, 12. Int. No. 1315-A (FINAL), 13. Hearing Transcript - Stated Meeting 2-15-17, 14. Minutes of the Stated Meeting - February 15, 2017, 15. Mayor's Letter, 16. Local Law 33

Date	Ver.	Action By	Action	Result
10/27/2016	*	City Council	Introduced by Council	
10/27/2016	*	City Council	Referred to Comm by Council	
11/2/2016	*	Committee on Public Safety	Laid Over by Committee	
11/2/2016	*	Committee on Public Safety	Hearing Held by Committee	
2/14/2017	A	Committee on Public Safety	Approved by Committee	Pass
2/14/2017	*	Committee on Public Safety	Hearing Held by Committee	
2/14/2017	*	Committee on Public Safety	Amendment Proposed by Comm	
2/14/2017	*	Committee on Public Safety	Amended by Committee	
2/15/2017	A	City Council	Approved by Council	Pass
2/15/2017	A	City Council	Sent to Mayor by Council	
3/18/2017	A	Administration	City Charter Rule Adopted	

Int. No. 1315-A

By Council Members Garodnick, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Menchaca and Levin

A Local Law to amend the administrative code of the city of New York, in relation to resolving conflicts between the nuisance abatement law and related proceedings and fines for public nuisances involving alcohol

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 7 of title 7 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, is amended to add two new sections 7-728 and 7-729 to read as follows:

§ 7-728 Conflicting proceedings. Any action for a permanent injunction brought under this chapter against a natural person shall be dismissed if legal proceedings based on the same or substantially similar factual allegations have been conducted or are being conducted in New York city civil court or by the New York city housing authority, unless the city has a unique and compelling interest that is substantially different from that of the plaintiff in the other legal proceeding. Such interest shall not include the speed with which such case could be resolved. For the purposes of this section, the term "substantially similar factual allegations" shall not be construed to include conduct or actions that occurred subsequent to the allegations included in the relevant legal proceedings conducted in New York city civil court or by the New York city housing authority.

§ 7-729 Duplicate fines for public nuisances involving alcohol. To the extent practicable, fines imposed or expected to be imposed by the state liquor authority shall be taken into consideration in evaluating whether a disposition reached in an action brought under this chapter poses an excess burden on the defendant, pursuant to section 7-724.

§ 2. This local law takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, takes effect.

BC
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