



Legislation Details (With Text)

File #: Int 1327-2016 **Version:** A **Name:** Nuisance Abatement Fairness Act - Requiring reporting on nuisance abatement actions.

Type: Introduction **Status:** Enacted
In control: Committee on Public Safety

On agenda: 10/27/2016

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Title: A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on nuisance abatement actions

Sponsors: Mark Levine, Vanessa L. Gibson, Corey D. Johnson, Melissa Mark-Viverito, Rafael Salamanca, Jr., Margaret S. Chin, Carlos Menchaca, Stephen T. Levin

Indexes: Report Required

Attachments: 1. Legislative History Report, 2. Summary of Int. No. 1327-A, 3. Summary of Int. No. 1327, 4. Int. No. 1327 - 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. 1327-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 40, 17. Nuisance Abatement Overview - July 1, 2017 to December 31, 2017, 18. 311 - Semiannual Report on Nuisance Abatement Actions - July 1, 2017 to December 31, 2017, 19. 911 - Semiannual Report on Nuisance Abatement Actions - July 1, 2017 to December 31, 2017

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. 1327-A

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.

BC
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