



Legislation Details (With Text)

File #: Int 1333-2016 **Version:** B **Name:** Nuisance Abatement Fairness Act - Amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisio

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

On agenda: 10/27/2016

Enactment date: 3/18/2017 **Enactment #:** 2017/041

Title: A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisions relating thereto

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

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Attachments: 1. Legislative History Report, 2. Summary of Int. No. 1333-B, 3. Summary of Int. No. 1333-A, 4. Summary of Int. No. 1333, 5. Int. No. 1333 - 10/27/16, 6. Committee Report 11/2/16, 7. Hearing Testimony 11/2/16, 8. Hearing Transcript 11/2/16, 9. Proposed Int. No. 1333-A - 1/20/17, 10. Committee Report 2/14/17, 11. Hearing Transcript 2/14/17, 12. February 15, 2017 - Stated Meeting Agenda with Links to Files, 13. Fiscal Impact Statement, 14. Int. No. 1333-B (FINAL), 15. Hearing Transcript - Stated Meeting 2-15-17, 16. Minutes of the Stated Meeting - February 15, 2017, 17. Mayor's Letter, 18. Local Law 41

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	B	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	B	City Council	Approved by Council	Pass
2/15/2017	B	City Council	Sent to Mayor by Council	
3/18/2017	B	Administration	City Charter Rule Adopted	

Int. No. 1333-B

By Council Member Richards, The Speaker (Council Member Mark-Viverito), and Council Members Levine, Johnson, Salamanca, Gibson, Chin, Menchaca and Levin

A Local Law to amend the administrative code of the city of New York, in relation to amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisions relating thereto

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 7-703 of the administrative code of the city of New York is amended to read as follows:

(d) Any building, erection or place, other than a one- or two-family dwelling classified in occupancy group J-3 pursuant to section 27-237 of [this] the code or in occupancy group R-3 pursuant to section 310.1.3 of the New York city building code, which is in violation of [article five of subchapter two of chapter one of title twenty-six or of] any of the following provisions of the code: article [three,] four[, six, ten, twenty-two or twenty-four] of subchapter one of chapter one of title [twenty-seven of this code] 27; article 102, 105, 108, or 118 of chapter 1 of title 28; article 210 of chapter 2 of title 28; article 301 or 302 of chapter 3 of title 28; or section 28-207.2. A conviction, as defined in subdivision thirteen of section 1.20 of the criminal procedure law, of persons for offenses, as defined in subdivision one of section 10.00 of the penal law, in violation of the aforesaid provisions of this code in the building, erection or place[, including one- or two-family dwellings,] within the period of one-year preceding the commencement of an action under this chapter, shall be presumptive evidence that the building, erection or place[, including one- or two-family dwellings,] is a public nuisance;

§ 2. Section 7-706 of the administrative code of the city of New York is amended by adding a new subdivision (i) to read as follows:

(i) Timeliness. An action for permanent injunction must be commenced within four months of the most recent act that forms a basis for such action. Nothing in this subdivision shall be construed to preclude acts that occurred outside of the time ranges established for the timely commencement of the action from being included as a separate cause of action, submitted into evidence, or used in consideration of damages or civil penalties.

§ 3. Subdivisions (b), (c), (i), and (j) of section 7-703, subdivision b of section 7-704 and subchapter 3

of chapter 7 of title 7 of the administrative code of the city of New York are REPEALED.

§ 4. Section 7-701 of the administrative code of the city of New York is amended to read as follows:

§ 7-701 Legislative declaration. The council of the city of New York finds that public nuisances exist in the city [of New York in the operation of certain commercial establishments and the use or alteration of property] in flagrant violation of the building code, zoning resolution, health laws, multiple dwelling law, penal laws regulating [obscenity,] prostitution and related conduct, licensing laws, [environmental laws,] laws relating to the sale and consumption of alcoholic beverages, laws relating to gambling, controlled substances and dangerous drugs and penal laws relating to the possession of stolen property, all of which interfere with [the interest of the public in] the quality of life [and total community environment, the tone of commerce in the city], property values and the public health, safety, and welfare; the council further finds that the continued occurrence of such activities and violations is detrimental to the health, safety, and welfare of the people of the city [of New York] and of the businesses thereof and visitors thereto. It is the purpose of the council to create one standardized procedure for securing legal and equitable remedies relating to the subject matter encompassed by this law, without prejudice to the use of procedures available under existing and subsequently enacted laws, and to strengthen existing laws on the subject.

§ 5. Subdivision (a) of section 7-704 of the administrative code of the city of New York, as amended by local law number 8 for the year 2007, is amended to read as follows:

(a) The corporation counsel shall bring and maintain a civil proceeding in the name of the city in the supreme court of the county in which the building, erection or place is located to permanently enjoin the public nuisances, defined in subdivisions (a), [(b),] (d), (e), (f), (g), (h), [(i), (j),] (k), (l), (m), (n), and (r) of section 7-703 [of this chapter], in the manner provided in subchapter two of this chapter.

§ 6. Section 7-705 of the administrative code of the city of New York, as amended by local law number 8 for the year 2007, is amended to read as follows:

§ 7-705 Applicability. This subchapter shall be applicable to the public nuisances defined in

subdivisions (a), (d), (e), (f), (g), (h), [(i), (j),] (k), (l), (m), (n) and (r) of section 7-703 [of this chapter].

§ 7. Subdivision (a) of section 7-706 of the administrative code of the city of New York, as amended by local law number 5 for the year 1989, is amended to read as follows:

(a) Generally. Upon the direction of the mayor, or at the request of the head of a department or agency of the city, or at the request of a district attorney of any county within the city, or at the request of a member of the city council with respect to the public nuisances defined in subdivisions (a), [(b), (c),] (g), and (h) and section 7-703 of this chapter, or upon his or her own initiative, the corporation counsel may bring and maintain a civil proceeding in the name of the city in the supreme court to permanently enjoin a public nuisance within the scope of this subchapter, and the person or persons conducting, maintaining or permitting the public nuisance from further conducting, maintaining or permitting the public nuisance. The owner, lessor and lessee of a building, erection or place wherein the public nuisance as being conducted, maintained or permitted shall be made defendants in the action. The venue of such action shall be in the county where the public nuisance is being conducted, maintained or permitted. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this subchapter.

§ 8. This local law takes effect 60 days after it becomes law.

BC

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2/7/17