Legislation Details (With Text)

File #:	Int 1499-2017 **Version:** A	**Name:**	Requiring the commissioners of sanitation and consumer affairs to study the feasibility of a penalty mitigation program.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Small Business
On agenda:	3/16/2017		
Enactment date:	1/19/2018	**Enactment #:**	2018/074
Title:	A Local Law in relation to requiring the commissioners of sanitation and consumer affairs to study the feasibility of a penalty mitigation program		
Sponsors:	Melissa Mark-Viverito, Robert E. Cornegy, Jr., Ben Kallos, Carlos Menchaca, Bill Perkins		
Indexes:	Agency Rule-making Required, Report Required		
Attachments:	1. Summary of Int. No. 1499-A, 2. Summary of Int. No. 1499, 3. Int. No. 1499, 4. March 16, 2017 - Stated Meeting Agenda with Links to Files, 5. Committee Report 4/24/17, 6. Hearing Testimony 4/24/17, 7. Hearing Transcript 4/24/17, 8. Proposed Int. No. 1499-A - 12/12/17, 9. Committee Report 12/18/17, 10. Hearing Transcript 12/18/17, 11. December 19, 2017 - Stated Meeting Agenda with Links to Files, 12. Hearing Transcript - Stated Meeting 12-19-17, 13. Int. No. 1499-A (FINAL), 14. Fiscal Impact Statement, 15. Legislative Documents - Letter to the Mayor, 16. Local Law 74, 17. Minutes of the Stated Meeting - December 19, 2017		

Date	Ver.	Action By	Action	Result
3/16/2017	*	City Council	Introduced by Council	
3/16/2017	*	City Council	Referred to Comm by Council	
4/24/2017	*	Committee on Small Business	Hearing Held by Committee	
4/24/2017	*	Committee on Small Business	Laid Over by Committee	
12/18/2017	*	Committee on Small Business	Hearing Held by Committee	
12/18/2017	*	Committee on Small Business	Amendment Proposed by Comm	
12/18/2017	*	Committee on Small Business	Amended by Committee	
12/18/2017	A	Committee on Small Business	Approved by Committee	Pass
12/19/2017	A	City Council	Approved by Council	Pass
12/19/2017	A	City Council	Sent to Mayor by Council	
1/8/2018	A	Mayor	Hearing Scheduled by Mayor	
1/19/2018	A	Administration	City Charter Rule Adopted	
1/22/2018	A	City Council	Returned Unsigned by Mayor	

Int. No. 1499-A

By The Speaker (Council Member Mark-Viverito) and Council Members Cornegy, Kallos, Menchaca and Perkins.

A Local Law in relation to requiring the commissioners of sanitation and consumer affairs to study the feasibility of a penalty mitigation program

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Be it enacted by the Council as follows:

Section 1. As used in this local law, the following terms have the following meanings:

Food service establishment. The term "food service establishment" means a premises or part of a premises where food is provided directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off of the premises or is provided from a pushcart, stand or vehicle and shall include, but not be limited to, full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts and cafeterias.

Penalty mitigation program. The term "penalty mitigation program" means:

(i) For a food service establishment, a program that allows such establishment to have civil penalties waived if such establishment complies with the requirements of a program designed to encourage such food service establishment to donate excess food to an appropriate not-for-profit organization; or

(ii) For a retail establishment, a program that allows such establishment to have civil penalties waived if such establishment complies with the requirements of a program designed to encourage such retail establishment to make their restrooms available to the public.

Retail establishment. The term "retail establishment" means an establishment, other than a food service establishment, that sells products and has a restroom.

§ 2. Within 2 years of the enactment of this section, the commissioner of sanitation shall:

a. Conduct a review of violations enforced by the department of sanitation, pursuant to title 16 of the administrative code of the city of New York, to study the feasibility and appropriateness of establishing a penalty mitigation program regarding any such violations issued to food service establishments or retail establishments;

b. Promulgate a rule authorizing the waiver of civil penalties for such violations based on a food service establishment or retail establishment's participation in such penalty mitigation program, provided that the review required by subdivision a. of this section has concluded that such a program is feasible and appropriate;

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and

c. Submit to the mayor and the council a report summarizing the results of the review, which shall include, if the review concluded that a penalty mitigation program is not feasible and appropriate, an explanation for such conclusion; and, if the review concluded that a penalty mitigation program is feasible and appropriate, an explanation for the exclusion of certain violations from the rule.

§ 3. Within 2 years of the enactment of this section, the commissioner of consumer affairs shall:

a. Conduct a review of violations enforced by the department of consumer affairs, pursuant to title 20 of the administrative code of the city of New York, that (i) relate to the display of prices, the accuracy of scanners, or the posting of signage, or (ii) are commonly issued to food service establishments or retail establishments, excluding any violations authorized by chapters 8, 9, 10, 12 or 13 of such title, in order to study the feasibility and appropriateness of establishing a penalty mitigation program regarding any such violations issued to food service establishments or retail establishments;

b. Promulgate a rule authorizing the waiver of civil penalties for such violations based on a food service establishment or retail establishment's participation in such penalty mitigation program, provided that the study required by subdivision a of this section has concluded that such a program is feasible and appropriate; and

c. Submit to the mayor and the council a report summarizing the results of the review, which shall include, if the review concluded that a penalty mitigation program is not feasible and appropriate, an explanation for such conclusion; and, if the review concluded that a penalty mitigation program is feasible and appropriate, an explanation for the exclusion of certain violations from the rule.

§ 4. This local law takes effect immediately.

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