Legislation Details (With Text)

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Int. No. 1236

By Council Members Carr, Paladino, Vernikov, Zhuang, Ariola, Marmorato, Holden, Narcisse and Morano

A Local Law to amend the administrative code of the city of New York, in relation to converting the mandatory residential curbside organics collection program to a voluntary program

Be it enacted by the Council as follows:Section 1. Subdivision b of section 16-305 of the administrative code of the city of New York, as amended by local law number 85 for the year 2023, is amended to read as follows:

b. The commissioner shall adopt and implement rules designating at least six recyclable materials, including plastics to the extent required in subdivision c of this section and yard waste to the extent required in section 16-308 of this chapter [and organic waste to the extent required in section 16-308.1 of this chapter], contained in department-managed solid waste and requiring households to source separate such designated materials. Organic waste shall not be designated as a recyclable material.

§ 2. Subdivision c of section 16-305.1 of the administrative code of the city of New York, as amended

by local law number 85 for the year 2023, is amended to read as follows:

c. For purposes of this section "designated recyclable materials" shall mean solid waste that has been designated by the commissioner as recyclable pursuant to section 16-305[,] or section 16-307[, or section 16-308.1] of this chapter.

§ 3. Section 16-308.1 of the administrative code of the city of New York, as added by local law 85 of 2023, is amended to read as follows:

a. [Organics] Voluntary organics collection program. [The department shall establish a mandatory citywide curbside organics collection program for the diversion of organic waste in accordance with this section. Such program shall be implemented by no later than:

1. October 2, 2023, for residential properties in no less than 30 sanitation districts, as determined by the commissioner by rule.

2. October 7, 2024, for residential properties in all remaining sanitation districts.] The department shall establish a voluntary citywide curbside organics collection program for the diversion of residential organic waste.

[b. Implementation plan. No later than July 1, 2023, the department shall develop, submit to the mayor and speaker of the council, and post on the department's website a curbside organics collection implementation plan. Such plan shall include information related to, at minimum:

1. How the department will implement such program;

2. The education and outreach program required pursuant to subdivision e of this section; and

3. How the department will distribute necessary materials, including rodent-proof organics collection bins, at no cost to residential building owners, and a timeline for such distribution.

c.] b. End use of collected organic waste. In the next solid waste management plan prepared pursuant to section 27-0107 of the environmental conservation law and presented to the council pursuant to section 16-140 following the effective date of the local law that added this subdivision, the department shall include a plan to

maximize the usable composting of organic waste collected pursuant to this section. Such plan for the usable composting of organic waste shall describe the amount of organic waste collected and sent to composting facilities to be processed into usable compost pursuant to this section.

[d.] c. Reporting. The department shall report by weight the total amount of organic waste diverted pursuant to this section during the previous year, disaggregated by sanitation district. Such report shall be included as part of the department's annual zero waste report required pursuant to section 16-316.5 of this chapter.

[e.] d. Education and outreach. The department shall develop an outreach and education program to educate residents, building owners, and staff of residential buildings on the curbside organics collection program established pursuant to this section. Materials used for such outreach and education program shall be available in all designated citywide languages, as defined in section 23-1101, and any additional languages as determined by the department in consultation with local community organizations. [No later than two months prior to the implementation of the curbside organics collection program for residential properties in a sanitation district pursuant to subdivision a of this section, the department shall distribute such materials to residents, building owners, and community based organizations in such district.] Such materials shall [also] be made available on the department's website. Such materials shall include:

1. A detailed explanation of organic waste and the benefits of curbside organics collection;

2. Information on how the curbside organics collection program will be implemented and instructions for how to properly source separate organic waste; and

3. Any other information as determined by the commissioner.

[f. Rules. The commissioner shall adopt and implement rules as necessary to effectuate this section. Such rules may include, but need not be limited to, the designation of organic waste as a recyclable material pursuant to subdivision b of section 16-305 of this chapter, procedures requiring the placement of organic waste at the curbside, in specialized containers or in another manner determined by the commissioner pursuant to

subdivision d of such section, and the implementation and enforcement of this section and such rules in buildings containing four or more dwelling units pursuant to subdivisions e, f, and g of section 16-305.]

[g.] e. Penalty. A residential building owner [who violates this section] shall not be liable for a civil penalty pursuant to this section [as set forth in section 16-324, except that prior to April 1, 2025, a residential building owner who violates this section shall be issued a written warning that a violation has been observed, provided that nothing in this subdivision shall preclude the department from enforcing any rules relating to yard waste separation promulgated pursuant to section 16-308 of this chapter].

§ 4. This local law takes effect 120 days after it becomes law.

MBB
LS #18752
03/24/2025