



Legislation Text

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Int. No. 635

By Council Members Ulrich, Matteo, Gentile, Koo and Lancman

A Local Law to amend the administrative code of the City of New York, in relation to creating a civil penalty for any individual who is convicted of fraud or property related crimes that occur in a mandatory evacuation zone during a mandatory evacuation period.

Be it enacted by the Council as follows:

Section 1. Chapter one of title ten of the administrative code of the city of New York is amended by adding a new section 10-172 to read as follows:

§10-172. Civil penalty for fraud or property related crimes committed in a mandatory evacuation zone during a mandatory evacuation period.

a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "Fraud related offenses" shall mean any of the felonies, misdemeanors, or violations as defined in the following sections of the New York Penal Law: 170.10, 170.15, 190.25, 190.26, 190.60, 190.65, 195.20;

2. "Mandatory evacuation period" shall mean the timeframe during which the occupancy and use of buildings and homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the mayor, pursuant to section 24 of the executive law;

3. "Mandatory evacuation zone" shall mean any area where the occupancy and use of buildings and homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the mayor, pursuant to section 24 of the executive law; and

4. "Property related offenses" shall mean any of the felonies, misdemeanors, or violations as defined in the following articles or sections of the penal law: 140.10, 140.15, 140.17, 140.20, 140.25, 140.30, 145.00, 145.05, 145.10, 145.12, 145.15, 145.20, 150.01, 150.05, 150.10, 150.15, 150.20; and shall also mean the following sections of the penal law provided that the offense involves real property: 155.25, 155.30, 155.35, 155.40, 155.42.

b. Civil penalties. Any individual convicted of committing any of the offense set forth in subsection a of this section, against a person or property located in a mandatory evacuation zone during a mandatory evacuation period, shall be liable to the city for a civil penalty in the amount of not more than fifty thousand dollars. The corporation counsel, upon notification by an appropriate law enforcement agency that such a conviction has occurred, may commence a civil action under this section. Such civil penalty shall be in addition to any criminal penalty or sanction that may be imposed, and shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts applicable to this section.

§2. This local law shall take effect immediately.

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