



Legislation Text

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Int. No. 812-A

By Council Members Kallos, Ferreras-Copeland and Gentile

A Local Law to amend the New York city charter, in relation to requiring the inclusion of unique identifiers for buildings and lots in notices of violation adjudicated by the environmental control board

Be it enacted by the Council as follows:

Section 1. Subparagraph (b) of paragraph (1) of subdivision d of section 1049-a of the New York city charter, as added by chapter 944 of the laws of 1984, is amended to read as follows:

(b) The form and wording of notices of violation shall be prescribed by the board. [The] A notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. A notice of violation shall be deemed to include a civil summons or a summons for a civil violation.

(i) Where a violation is alleged to have occurred in or on a building or lot, a notice of violation shall additionally include, to the extent practicable, the borough, block and lot number, building identification number or device identification number, as applicable, associated with any such building or lot. The board shall not dismiss such notice of violation on the ground that it fails to include such borough, block and lot number, building identification number or device identification number.

(ii) An agency that issues a notice of violation that generically cites the "owner of" a business, organization or premises as the respondent shall make, within 30 days of issuing such a notice of violation, reasonable efforts to learn the respondent's name. If at any time such agency learns the respondent's name, such agency shall correct the notice of violation to reflect the respondent's name, mail the corrected notice of violation to the respondent and provide the corrected notice of violation to the board.

(iii) Notwithstanding clause (ii) of this subparagraph, the board shall construe a notice of violation that generically cites the "owner of" a business, organization or premises as if such notice of violation included the

name of the owner of such business, organization or premises and shall not dismiss such notice of violation on the ground that it fails to include the respondent's name. This subparagraph does not limit any right a respondent has to request a new hearing on the ground that the notice of violation was not properly served.

§ 2. This local law takes effect on the same date as a local law of the city of New York for the year 2016 amending the New York city charter in relation to notices of violation adjudicated by the environmental control board and issued generically to the “owner of” a business, organization or premises, as proposed in introduction number 807-A, takes effect, except that the environmental control board may take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

Wcj/smd  
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