



Legislation Text

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Int. No. 807-A

By Council Members Ferreras-Copeland, Kallos and Dickens

A Local Law to amend 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

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. Subparagraph (d) 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:

(d)(i) Where a respondent has failed to plead within the time allowed by the rules of the board or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in the maximum amount prescribed under law for the violation charged.

(ii) Where a default decision is rendered on a notice of violation that generically cites the "owner of" a business, organization or premises as the respondent and such decision is referred to the department of finance for collection efforts, the commissioner of finance shall make, within 90 days of such referral, reasonable efforts to learn the respondent's name. If such commissioner learns the respondent's name, such commissioner shall mail a copy of the default decision to the respondent at such respondent's last known residence, business address or both.

§ 3. This local law takes effect 180 days after it becomes law, except that the environmental control board may take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

Wej/smd
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