



Legislation Text

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**File #:** Int 1339-2016, **Version:** A

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Int. No. 1339-A

By Council Members Torres, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Menchaca and Levin

A Local Law to amend the administrative code of the city of New York, in relation to restricting certain orders and dispositions pursuant to the nuisance abatement law

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 7 of title 7 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, is amended to add four new sections 7-724, 7-725, 7-726 and 7-727 to read as follows:

§ 7-724 Judicial review. The purpose of a disposition reached pursuant to an action brought under this chapter shall be to deter the public nuisance alleged in the action from recurring either at the building, erection or place cited in the action or at any other location under the legal control of a defendant named in the action, and not to deter generally such nuisance from occurring elsewhere. A disposition reached pursuant to an action brought under this chapter shall not be final unless it is so ordered by the court. Nothing in this section shall be construed to prohibit a disposition from including terms or conditions routinely included in stipulations or orders resolving civil litigation.

§ 7-725 Business owner awareness. No disposition reached or order issued pursuant to an action brought under this chapter shall permit the closure of any business where the owner or proprietor of such business was not aware of, should not have been aware of, and had no reason or duty to be aware of the public nuisance addressed by such disposition or order. An owner or proprietor's physical absence from a business

shall not alone establish that such owner or proprietor was not aware of, should not have been aware of, and had no reason or duty to be aware of such public nuisance.

§ 7-726 Property rights and awareness. No disposition reached or order issued pursuant to an action brought under this chapter shall deprive any natural person of any property right to which such person is otherwise entitled where such person was not aware of, should not have been aware of, and had no reason or duty to be aware of the public nuisance addressed by such disposition or order. A person's physical absence from a building, erection or place in which such nuisance has occurred shall not alone establish that such person was not aware of, should not have been aware of, and had no reason or duty to be aware of such public nuisance.

§ 7-727 Limitations on applicability. Nothing in this subchapter shall be construed to relieve an owner of a building from responsibilities pursuant to section 28-301.1 of chapter 3 of title 28 of the code.

§ 2. This local law takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, takes effect.

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