



Legislation Text

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Int. No. 1338-A

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

A Local Law to amend the administrative code of the city of New York, in relation to requiring procedures for the corporation counsel when filing actions under the nuisance abatement law

Be it enacted by the Council as follows:

Section 1. Subdivision (a) of section 7-706 of the administrative code of the city of New York, as amended by a local law for the year 2017 amending the administrative code of the city of New York in relation to amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisions relating thereto, as proposed in introduction number 1333-B, is amended to read as follows:

(a) Generally. Upon the direction of the mayor, or at the request of the head of a department or agency of the city, or at the request of a district attorney of any county within the city, or at the request of a member of the city council with respect to the public nuisances defined in subdivisions (a), (g), and (h) [and] of section 7-703 [of this chapter], or upon his or her own initiative, the corporation counsel may bring and maintain a civil proceeding in the name of the city in the supreme court to permanently enjoin a public nuisance within the scope of this subchapter, and the person or persons conducting, maintaining or permitting the public nuisance from further conducting, maintaining or permitting the public nuisance. The corporation counsel shall ensure that records sealed pursuant to the criminal procedure law are not used in any action filed pursuant to this section. The owner, lessor and lessee of a building, erection or place wherein the public nuisance as being conducted, maintained or permitted shall be made defendants in the action. The venue of such action shall be in

the county where the public nuisance is being conducted, maintained or permitted. The existence of an adequate remedy at law shall not prevent the granting of temporary or permanent relief pursuant to this subchapter.

§ 2. Subdivision (d) of section 7-706 of the administrative code of the city of New York, as amended by a local law for the year 2017 amending the administrative code of the city of New York in relation to requiring verification of occupancy prior to enforcing injunctive relief pursuant to the nuisance abatement law, as proposed in introduction number 1318-A, is amended to read as follows:

(d) Service of summons on other defendants.

1. Defendants, other than the building, erection or place wherein the public nuisance is being conducted, maintained or permitted, shall be served with the summons as provided in the civil practice law and rules.

2. Defendants who are natural persons and reside in the building, erection or place wherein the public nuisance is being conducted, maintained or permitted shall be served either by personal service upon a natural person as provided in the civil practice law and rules or pursuant to court order. No more than 15 days prior to such service, the corporation counsel shall verify the ongoing occupancy of any natural person who is a tenant of record and alleged to have caused or permitted the public nuisance in the building, erection or place wherein the public nuisance is alleged to have been conducted, maintained or permitted.

§ 3. Section one of 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 in relation to amending the definition of public nuisances and establishing timeliness requirements under the nuisance abatement law, and to repeal certain provisions of the nuisance abatement law defining public nuisances and provisions relating thereto, as proposed in introduction number 1333-B, takes effect, and section two of 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 in relation to requiring verification of occupancy prior to enforcing injunctive relief pursuant to the nuisance abatement law, as proposed in introduction number 1318-A, takes effect.

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