



Legislation Text

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Int. No. 1516

By Council Members Johnson and Cornegy

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an on-site compliance consultation program for businesses

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

CHAPTER 10

ON-SITE COMPLIANCE CONSULTATION PROGRAM FOR BUSINESSES

§ 22-1001 On-site compliance consultation program for businesses.

§ 22-1002 Violations discovered as a result of on-site compliance consultations.

§ 22-1003 On-site compliance consultation requested following issuance of a violation.

§ 22-1004 Fee.

§ 22-1001 On-site compliance consultation program for businesses. a. For the purposes of this chapter, term “eligible violation” means (i) a violation which is set forth in rule by the departments of sanitation, fire, health and mental hygiene or consumer affairs as eligible for the on-site compliance consultation program for businesses, (ii) a violation enforced by the department of consumer affairs and issued for a failure to comply with any provision of the code or the rules of the city of New York, regarding creating or maintaining records, the display of prices, the accuracy of scanners, or the posting of signage, and (iii) a violation enforced by the department of sanitation and issued for a failure to comply with any provision of the code or the rules of the city of New York, regarding source separation, the recycling of designated materials or the posting of signage.

b. The commissioner of small business services, shall, in consultation with the department of health and

mental hygiene, the department of sanitation, the department of consumer affairs, the fire department, and any other agencies such commissioner deems appropriate, develop an on-site compliance consultation program for businesses. Such program shall allow a business owner who receives an eligible violation to have the penalties for such violation waived if they request an on-site consultation in order to ensure that their business is in compliance with all applicable laws and rules enforced by such agencies and related to the operation of such business.

§ 22-1002 Violations discovered as a result of on-site compliance consultations. Where an owner of a business requests an on-site compliance consultation, such consultation shall not result in violations being issued. Upon completion of an on-site compliance consultation, the inspector shall review the results with the owner of the business and advise such owner of potential violations and how to remedy such violations. If such owner is issued a violation for any condition which was or reasonably should have been identified during the on-site compliance consultation within 60 days after such consultation, the civil penalties for such violation shall be waived.

§ 22-1003 a. On-site compliance consultation requested following issuance of a violation. A business owner may contact the department of small business services to request an on-site compliance consultation following the issuance of an eligible violation. Such business owner may, as a result of requesting such on-site compliance consultation following the issuance of an eligible violation, request, in a form or manner to be provided or approved by the commissioner of small business services, that any civil penalties imposed in connection with such eligible violation be waived. In order to be eligible to have civil penalties for an eligible violation waived, a business owner must cure all violations issued before and potential violations discovered during such on-site compliance consultation. Such request shall be available to business owners no more than once every five years.

§ 22-1004 Fee. The department of small business services may charge a fee to cover such on-site compliance consultations which shall be set by rule promulgated by the commissioner

b. An owner who fails to cure all violations issued before and potential violations discovered during an on-site compliance consultation within 60 days of requesting such on-site compliance consultation for the purposes of having eligible violations waived shall have the original civil penalty or penalties reinstated and doubled.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of small business services may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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