



## Legislation Text

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Int. No. 1219-A

By Council Members Greenfield, Kallos, Richards, Chin, Lancman, Rosenthal, Garodnick and Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to reporting and publication of information about privately owned public spaces

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-114, to read as follows:

§ 25-114 Privately owned public spaces. a. For the purposes of this section:

Privately owned public space. The term “privately owned public space” means (1) a plaza, residential plaza, urban plaza, public plaza, elevated plaza, arcade, through block arcade, through block galleria, through block connection, open air concourse, covered pedestrian space, or sidewalk widening provided for in the zoning resolution now or previously in effect; (2) such other privately owned outdoor or indoor space required to be open to the public and for which the department of city planning maintains a record in the privately owned public space data set accessible through the open data web portal that is linked to nyc.gov or successor website pursuant to section 23-502; and (3) such other privately owned outdoor or indoor spaces required to be open to the public pursuant to any of the following discretionary actions occurring on or after January 1, 2001: (i) a decision, authorization, or certification, or special permit issued by the city planning commission; (ii) a certification issued by the chair of the city planning commission; (iii) a variance of the zoning resolution or special permit issued by the board of standards and appeals; or (iv) action taken by the council or the board of estimate pursuant to section 197-d of the charter or predecessor section. Such term does not include any waterfront public access areas regulated pursuant to article 6 chapter 2 of the zoning resolution. With respect to

item (3) of this definition, the requirements of subdivisions c and f of this section shall not apply until after the date of the first report required pursuant to subdivision b of this section.

b. On July 1, 2019 and annually thereafter, the department of city planning shall provide to the mayor and the speaker of the council a report that shall, at minimum, contain the following information about each privately owned public space in existence on the date of such report:

1. The address;

2. The type of privately owned public space;

3. If the privately owned public space was established pursuant to a provision of the zoning resolution now or previously in effect, a citation to such provision;

4. If the privately owned public space was established pursuant to a decision, authorization, or certification issued by the city planning commission, the chair of the city planning commission or the board of standards and appeals, the application number of such decision, authorization, or certification;

5. The operational requirements for such privately owned public space including the hours of access and all required amenities for such privately owned public space; and

6. If such privately owned public space is required by applicable law to file a periodic compliance report with the department:

(a) Whether such report was filed as required; and

(b) The compliance status indicated by such report.

c. The department shall make available to the public on the department's website the following information and functionality in relation to privately owned public spaces:

1. All reports prepared pursuant to subdivision b of this section;

2. An interactive map displaying the location of each privately owned public space, the information about each privately owned public space specified in paragraphs 1, 2 and 5 of subdivision b of this section;

3. For all privately owned public spaces established on after October 1, 2017, a site map of the

contours of the privately owned public space relative to the other structures on the zoning lot and the adjacent streets or public ways;

4. A mechanism for electronically filing complaints about privately owned public spaces with the department of buildings and the agency designated pursuant to subdivision f of this section; and

5. Such other information as the department deems appropriate.

d. The department shall be authorized to enter into a contract with one or more organizations incorporated under the not-for-profit corporation law for the performance of some or all of the duties to be performed pursuant subdivision c of this section.

e. Regardless of the requirements of the zoning resolution, the owner of each privately owned public space shall post in such privately owned public space a sign, of such size, design and content and in such location as may be specified by rule of the department of city planning, stating the name and contact information of the person charged by such owner with oversight of complaints about such privately owned public space. In addition to any other information as may be required by the department of city planning, such signage shall include a statement that such privately owned public space is open to the public, the hours it is open, the primary amenities it is required to provide, and a statement that complaints can be registered by calling 311. In relation to any privately owned public spaces established on after October 1, 2017, such sign shall also include a site map, as approved by the department, displaying the contours of such privately owned public space relative to the other structures on the zoning lot and the adjacent streets or public ways.

f. The mayor or the mayor's designee shall designate an agency to enforce provisions of the zoning resolution and applicable laws regulating privately owned public spaces.

1. Such agency shall inspect each privately owned public space no later than June 30, 2019 and at least once every three years thereafter to ensure that such space is in compliance with applicable law and shall issue notices of violation returnable to the office of administrative trials and hearings.

2. On December 31 of each year, the commissioner of such agency shall report to the mayor and the

speaker of the council the following information in connection with each privately owned public space: a list of the complaints received, the enforcement actions taken, whether the department of buildings authorized closure of such privately owned public space and if so, the duration of and reason for each such closure. Enforcement actions include but are not limited to inspections, issuance of notices of violations, decisions of administrative tribunals within the office of administrative trials and hearings and the imposition of penalties.

§ 3. This local law takes effect 90 days after it becomes law.

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