



Legislation Text

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A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the office of nightlife to report on multi-agency response to community hotspots operations and the mayor's office of criminal justice to ensure reporting on inspections overseen by the office of special enforcement, as well as providing establishment owners with a notice about conduct or complaints that could lead to a multi-agency response to community hotspots operation and the opportunity to provide information relevant to such notice

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 20-d of the New York city charter, as added by local law number 178 for the year 2017, is amended to read as follows:

e. Reporting. 1. Within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit a report to the mayor and the speaker of the council that shall include, but not be limited to, the activities of the office and any recommendations developed by the director pursuant to this section.

2. The office shall submit to the council and post to the office's website, in a machine readable format, a report on multi-agency response to community hotspots operations consistent with paragraph 3 of this subdivision. For the purposes of this section, the term "multi-agency response to community hotspots operation" or "operation" means an enforcement effort involving multiple city agencies or offices directed at an establishment which has been the source of community complaints, coordinated by the police department's civil enforcement unit. Such reports shall include the following information for each operation during the previous six months:

(a). The borough, council district, and zip code of the operation.

(b). The conduct or complaint that resulted in an establishment being the subject of an operation, including any relevant 311, 911, department of building, department of health, or other form of complaint and the number of such complaints.

(c). The number of times each establishment was the subject of an operation and the basis for each operation.

(d). The date and time of each operation, including the time each operation commenced and the average time spent inside each establishment, and whether the operation resulted in the closure of the establishment for the duration of the operation.

(e). The agencies present for the operation, including the number of personnel from each agency.

(f). Any civil or criminal summonses as defined in section 14-101 of the administrative code, issued during an operation and the agency responsible for each such summons.

(g). The precinct that requested each establishment's inclusion in the operation.

(h). Whether the targeted establishment was ordered to cease operations as a result of an operation or enforcement actions taken as part of an operation, including the average duration of such closures.

(i). The number of written notices provided, as defined in section 14-181 of the administrative code, and the number of times, and reasons why, such written notice was not provided due to a law enforcement exception, as defined in section 14-181 of the administrative code.

3. No later than two months after January 1 and July 1 in each calendar year beginning in 2020, the office shall publish the information required in paragraph 2 of this section in the aggregate for the periods ending on the preceding December 31 and June 30 respectively. Such information shall include the number and percentage of each data point, provided that such information that cannot be aggregated need not be included in such report. Such reports must be machine readable, and shall be stored on the police department's or the office of nightlife's website for at least ten years.

4. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information.

§ 2. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§ 14-181 Multi-agency response to community hotspots.

a. Before an establishment becomes the subject of a multi-agency response to community hotspots operation, as defined in subdivision e of section 20-d of the charter, the department shall provide written notice to such an establishment at least 30 days prior to commencing such an operation, unless (i) providing such notice or complying with such waiting period would compromise an active criminal investigation or (ii) the department has specific reason to believe that providing such notice or complying with such waiting period would pose a serious risk to the health or safety of persons inside the establishment or in the vicinity thereof or to the health or safety of a particular person. Such notice shall contain information about the alleged conduct or complaint that could warrant making such an establishment the subject of such an operation and provide a means for the establishment owner, or an agent acting on behalf of such establishment, to provide information or materials to the department relevant to the resolution or attempted resolution of the conduct or complaint described in the notice. Such notice shall include contact information for the office of nightlife and a notice that such recipient may contact such office with any questions or concerns.. The department shall make such written notice available to any establishment, upon request, during or immediately subsequent to an operation.

b. Nothing in this section shall be construed to create a private right of action on the part of any person or entity against the city of New York or any agency, official, or employee thereof, to enforce the provisions of this section.

c. Nothing in this section shall be construed to prevent the city of New York or any agency, official, or employee thereof, from taking any action within its jurisdiction, including but not limited to enforcing any law,

rule or regulation.

§ 3. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-307 to read as follows:

§ 9-307 Office of special enforcement reporting.

a. Within one month after the calendar year quarter ending December 31, 2019, and within one month of each quarter thereafter, the office shall ensure that the office of special enforcement submits to the council and posts to its website, in a machine readable format, a report on inspections of nightlife establishments overseen by the office of special enforcement. Such reports shall include the following information for each such inspection during the previous quarter:

1. The borough and council district of the inspection.

2. The conduct or complaint that resulted in the inspection, including any relevant 311, 911, department of building, fire department, finance department's sheriff's office, or other form of complaint.

3. The duration of the inspection, including the time the inspection commenced and the time spent inside the establishment.

4. The agencies present for the inspection, including the number of personnel from each agency.

5. Any civil or criminal summonses issued or criminal complaints filed, as defined in section 14-101, as a result of the inspection, as well as the agency responsible for issuing each such summons.

6. Whether the targeted establishment was ordered to cease operations during such inspection, and the duration of such closure.

b. The term "office of special enforcement" means the office of special enforcement, as established under executive order number 96 for the year 2006, or such other agency as the mayor may designate by executive order.

§ 2. This local law takes effect 120 days after it becomes law.

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