



Legislation Text

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Int. No. 2433

By Council Members Cabrera and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to electronic issuance of notices of violation returnable to the environmental control board or a tribunal of the office of administrative trials and hearings

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new title 34 to read as follows:

Title 34: Administrative Trials and Hearings

Chapter 1: General Provisions

§ 34-101 Electronic issuance of notices of violation returnable to the environmental control board or a tribunal of the office of administrative trials and hearings. a. Definitions. For the purpose of this section, the following terms have the following meanings:

Electronic device. The term “electronic device” means one or more pieces of electronic equipment capable of being carried by an enforcement officer on such officer’s person in the course of such officer’s duties.

Enforcement officer. The term “enforcement officer” means any officer or employee of an agency who is authorized to issue notices of violation.

Notice of violation. The term “notice of violation” means any notice of violation returnable to the environmental control board or a tribunal of the office of administrative trials and hearings.

b. Each agency that issues notices of violation shall equip each of its enforcement officers with an

electronic device while such officer is engaged in enforcement activities that enables such officer to:

1. Fill out notices of violation electronically;
2. Print notices of violation once completed so that they may be served upon respondents in accordance with applicable law;
3. Electronically transmit notices of violation once completed to the to the office of administrative trials and hearings;
4. Indicate on a notice of violation the section of law or rule alleged to have been violated by selecting such section from a list; and
5. To the extent practicable, access relevant city databases such as the buildings information system and the automated city register information system to validate respondent information.

c. Except as provided in subdivision d of this section, enforcement officers shall issue all notices of violation using an electronic device meeting the requirements of subdivision b of this section.

d. An enforcement officer may issue a notice of violation by means other than using an electronic device meeting the requirements of subdivision b of this section if the electronic device provided to such officer pursuant to subdivision b of this section would not be capable of issuing a valid or accurate notice of violation under the circumstances.

e. Nothing in this section shall be construed so as to render a notice of violation invalid, defective or otherwise unenforceable solely because it was not issued in accordance with the requirements of this section.

f. 1. No later than August 1, 2022, and each August 1 thereafter, each agency that issues notices of violation shall submit to the mayor's office of operations the following data:

- (a) The total number of notices of violation issued by such agency in the preceding fiscal year; and
- (b) The total number of notices of violation issued by such agency in the preceding fiscal year using an electronic device meeting the requirements of subdivision b of this section.

2. No later than September 1, 2022, and each September 1 thereafter, the mayor's office of operations

shall:

(a) compile the data submitted pursuant to paragraph 1 of this subdivision into a single report that disaggregates such data by agency;

(b) deliver such compiled report to the speaker of the council; and

(c) post such compiled report on the single web portal described in section 23-502 of this code.

§ 2. This local law takes effect 365 days after becoming law.

CJM
LS #16897
10/14/2021