



Legislation Text

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Int. No. 484-A

By Council Members Vallone Jr., Fidler, Gentile, Gonzalez, James, Koppell, Martinez, Mendez, Nelson, Palma, Recchia Jr., Sears, Stewart, White Jr., Liu, Dilan, Garodnick, Gallagher, Monserrate, Lappin, and Oddo

A Local Law to amend the administrative code of the city of New York, in relation to expanding the nuisance abatement law to include certain violations related to the creation, production, storage and sale of false identification documents, forged instruments and forgery devices.

Be it enacted by the Council as follows:

Section 1. Subdivision (g) of section 7-703 of the administrative code of the city of New York, as amended by local law number 113 for the year 1993, is amended to read as follows:

(g) Any building, erection or place, including one- or two-family dwellings, wherein, within the period of one year prior to the commencement of an action under this chapter, there have occurred three or more violations of one or any combination of the provisions of article two hundred twenty, two hundred twenty-one or two hundred twenty-five of the penal law;

§2. Subdivisions (m) and (n) of section 7-703 of the administrative code of the city of New York, subdivision (m) as amended and subdivision (n) as added by local law number 35 for the year 2006, are amended to read as follows:

(m) Any building, erection or place, including one- or two-family dwellings, wherein, within the period of one year prior to the commencement of an action under this chapter, there have occurred two or more violations on the part of the lessees, owners, operators, or occupants, of one or any combination of the following provisions: sections 165.40, 165.45, 165.50, 170.65, 170.70 or 175.10 of the penal law or section four hundred fifteen-a of the vehicle and traffic law; [and]

(n) Any building, erection or place, including one-or two-family dwellings, in which a security guard,

as defined in subdivision six of section eighty nine-f of the general business law, is employed in violation of one or more of the following provisions: the alcoholic beverage control law or sections 20-360.1 or 27-525.1 of this code[.];

§3. Section 7-703 of the administrative code of the city of New York is amended by adding a new subdivision (r) to read as follows:

(r) Any building, erection or place, including one-or two-family dwellings, used for the creation, production, storage or sale of a false identification document, as defined in subsection (d) of section one thousand twenty-eight of title eighteen of the United States code, a forged instrument, as defined in subdivision seven of section 170.00 of the penal law, or a forgery device, as that term is used in section 170.40 of the penal law. It shall be presumptive evidence that the building, erection or place, including one-or two-family dwellings, is a public nuisance if there have occurred, within the one-year period preceding the commencement of an action under this chapter, two or more violations constituting separate occurrences on the part of the lessees, owners, operators or occupants of one or any combination of the following provisions: paragraph one, five or eight of subsection (a) of section one thousand twenty-eight of title eighteen of the United States code, section 170.05, 170.10, 170.15 or 170.40 of the penal law or, under circumstances evincing an intent to sell or distribute a forged instrument, section 170.20, 170.25 or 170.30 of the penal law.

§4. Subdivision (a) of section 7-704 of the administrative code of the city of New York is amended to read as follows:

(a) The corporation counsel shall bring and maintain a civil proceeding in the name of the city in the supreme court of the county in which the building, erection or place is located to permanently enjoin the public nuisances, defined in subdivisions (a), (b), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), [and (n)] (n), and (r) of section 7-703 of this chapter, in the manner provided in subchapter two of this chapter.

§5. Section 7-705 of the administrative code of the city of New York is amended to read as follows:

§7-705 Applicability. This subchapter shall be applicable to the public nuisances defined in subdivisions (a), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), [and (n)] (n) and (r) of section 7-703 of this chapter.

§6. This local law shall take effect thirty days after its enactment.