



Legislation Text

File #: Int 0382-2022, Version: A

Int. No. 382-A

By Council Members Brewer, Yeger, Hanif, Louis, Ung, Nurse, Krishnan, Abreu, Restler, Sanchez, Menin, Velázquez, Hudson, Narcisse, Brannan, Lee, Avilés, Cabán, Won, Ossé, Rivera, Mealy and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain agencies to publish guidance on responding to settlement offers, translate such guidance into the designated citywide languages, and notify settlement offer recipients about such guidance

Be it enacted by the Council as follows:

Section 1. Chapter 11 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1103 to read as follows:

§ 23-1103 Multilingual settlement offer information. a. Definitions. For purposes of this section, the following terms have the following meanings:

Enforcement agency. The term “enforcement agency” means the department of health and mental hygiene, the department of consumer and worker protection, and any other agency issuing settlement offers that the office of the mayor so designates in consideration of the purposes of this chapter.

Settlement offer. The term “settlement offer” means a proposed offer made by an enforcement agency, in lieu of a hearing, to a person regarding a violation, alleged violation or notice of violation of any provision of this code or any rule promulgated thereunder.

b. Publication of multilingual settlement offer information. Each enforcement agency shall make available on its website in a format intended to be viewed with a mobile device, and update as appropriate, general information regarding the options for responding to a settlement offer made by such agency. Such information shall be published in English and each of the designated citywide languages and shall include, but need not be limited to, plain language summaries of:

1. The legal obligations and consequences of accepting a settlement offer, as well as the appropriate procedure for accepting such an offer;

2. A respondent's right not to accept a settlement offer and the availability of a hearing by the relevant enforcement agency if a respondent chooses not to accept such offer;

3. The relevant enforcement agency's hearing process, including a respondent's right to present evidence at such hearing and be accompanied by an attorney or representative; and

4. The option to cure violations when permitted by law, including general information as to which violations are curable pursuant to this code and the rules promulgated thereunder, the process for curing a violation and possible consequences thereof.

c. Multilingual settlement offer information notice. 1. Each settlement offer shall include or be accompanied by a written statement in English and each of the designated citywide languages that:

(a) The recipient is receiving a settlement offer from the relevant enforcement agency because such recipient has been charged with a violation of law; and

(b) The recipient can find information regarding the options for responding to a settlement offer on the enforcement agency's website.

2. The written statement required by paragraph 1 of this subdivision shall include the universal resource locator (URL) for the multilingual settlement offer information published on the enforcement agency's website pursuant to subdivision b of this section, as well as a direct means of accessing such information using a properly equipped mobile device, such as a quick response code or a near field communication tag.

§ 2. This local law takes effect 180 days after it becomes law.

DSS/JJ
LS #928
Int. #63-2018