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Int. No. 450

By Council Members Stevens, Krishnan, Restler, Won, Zhuang, Schulman, Salaam, Brewer, Hanif, Bottcher, Cabán, Riley, Avilés, Hudson, Williams, Narcisse, Banks, Louis, Brooks-Powers and Marmorato

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to establish a program to allow community centers, schools, arts and cultural institutions and religious institutions to use adjacent outdoor spaces

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.8 to read as follows:

§ 19-175.8 Open spaces program. a. Definitions. As used in this section, the following terms have the following meanings:

Covered establishment. The term "covered establishment" means a community center, school, arts and cultural institution or religious institution.

Program. The term "program" means the program established pursuant to subdivision b of this section.

b. Program established. The commissioner shall establish a program whereby a covered establishment may apply for a permit to use outdoor spaces on a sidewalk or curb lane adjacent to such establishment for free community programming. The commissioner shall establish guidelines in accordance with state and federal regulations for such covered establishments to use such outdoor spaces.

c. Application. A covered establishment applying for a permit to participate in the program shall submit an application by mail or online through the department's website. Such application shall include a site safety plan in accordance with state and local regulations. Such application shall also include a self-certification in accordance with subdivision d of this section.

d. Self-certification. The commissioner shall develop a method for a covered establishment to submit with an online application a digital affirmation in which such establishment self-certifies that it (i) has submitted an application that includes a site safety plan in accordance with state and local regulations and (ii) has read and understands the guidelines promulgated by the commissioner pursuant to subdivision b of this section.

e. Approval; denial. Except as otherwise provided by law, the commissioner shall approve an application submitted by a covered establishment pursuant to subdivision c of this section if the application satisfies all of the requirements of this section. Notwithstanding the foregoing sentence, the commissioner may deny an application where approval would infringe on pre-existing property rights or a valid license, permit or other agreement between the city and another party. Approval of an application shall be valid for one year, subject to subdivision f of this section.

f. Suspension. Each covered establishment that has been approved by the department to use outdoor space pursuant to this section shall comply with all applicable state and local guidelines at all times during such use of outdoor space and shall keep a copy of the site safety plan on site and available for inspections upon request of an employee or agent of the department. Where a covered establishment violates such guidelines or the requirements of this section, the commissioner may suspend such establishment's permit to participate in the program, upon due notice and opportunity to be heard, until the establishment has demonstrated full compliance. The commissioner may immediately suspend a covered establishment's permit to participate in the program without a prior hearing where the commissioner determines that such establishment's continued participation poses a serious danger to the public health, safety or welfare, provided that after such suspension an opportunity for hearing shall be provided on an expedited basis. Where a covered establishment has had its participation in the program suspended two times or more for violations, and the establishment violates such guidelines or the requirements of this section, the commissioner may suspend its participation for the duration of the program.

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

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