



Legislation Text

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Int. No. 1441

By Council Members Morano, Holden, Paladino, Ariola and Carr

A Local Law to amend the administrative code of the city of New York, in relation to establishing waivers for certain mixed-used buildings from containerization requirements

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 16-120 of the administrative code of the city of New York, as amended by local law number 110 for the year 2022, is amended by adding new paragraphs 4, 5, 6, 7, 8, 9, 10, and 11 to read as follows:

4. Waivers. Where the department has adopted rules requiring residential buildings with 9 or fewer dwelling units to set out refuse in rigid receptacles with tight-fitting lids, the commissioner shall provide such a residential building with a waiver from such requirements if:

(a) such building:

(1) is under 5,000 square feet;

(2) is no more than 3 stories;

(3) is used for commercial and residential purposes;

(4) has a ground floor that is used exclusively for commercial purposes; and

(5) has a ground floor area equal to the area of the lot on which the building is located;

(b) such building demonstrates to the department that there is no location on the building property for the storage of such receptacles that would not either:

(1) result in a violation of the New York city fire code or housing maintenance code;

(2) require receptacles for residential use to be moved through a commercial tenant's space; or

(3) result in receptacles being stored in the public right-of-way at all times, including when not set out for collection by the department; or

(c) such building meets any other criteria for a waiver established by the department by rule.

5. Notices and appeals. Within 60 days of receiving an application for a waiver described in paragraph 4 of this subdivision, the department shall determine if the applicant satisfies the criteria listed in such paragraph 4, and shall notify the applicant of such determination. Where the department determines a waiver shall be granted, the department shall mail a sign or sticker to the applicant to be used pursuant to paragraph 7 of this subdivision. Within 30 days of the department's notification of a denial of such an application, or within 35 days if the notification was mailed, an applicant may file an appeal of such denial to the office of administrative trials and hearings.

6. Online filing. The department shall establish an online application for a building to apply for a waiver available pursuant to paragraph 4 of this subdivision.

7. Stickers. The owner or manager of any building which is granted a waiver available pursuant to paragraph 4 of this subdivision shall post a sign or sticker provided by the department pursuant to paragraph 5 of this subdivision on the outside of their building in a publicly visible location, indicating that such a waiver has been granted. Any building which has posted a sign or sticker pursuant to this paragraph and is subsequently issued a notice of violation for failure to set out refuse in rigid receptacles with tight-fitting lids is entitled to recover from the department reasonable costs and attorney's fees associated with defending against such notice of violation.

8. Pilot program report. No later than January 1, 2027, the commissioner shall submit a report to the mayor and the speaker of the council regarding whether any group of buildings granted a waiver pursuant to paragraph 4 of this subdivision may be suitable for participation in an on-street container pilot program.

9. Any notice of violation issued to a building with 9 or fewer dwelling units for failure to set out refuse in rigid receptacles with tight-fitting lids shall be dismissed if such building had submitted a waiver application

pursuant to paragraph 4 of this subdivision prior the issuance of such notice of violation and, at the time such notice of violation was issued, the department had not issued a determination on such application pursuant to paragraph 5 of this subdivision.

10. Outreach and education. The commissioner shall conduct an ongoing outreach and education campaign to building owners, property managers, and residential and commercial tenants about the provisions of paragraphs 4, 5, 6, 7, 8, 9, 10, and 11 of this subdivision.

11. Rulemaking. The commissioner shall promulgate rules necessary for the implementation of paragraphs 4, 5, 6, 7, 8, 9, 10, and 11 of this subdivision.

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

MB
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