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Int. No. 74

By Council Members Feliz, Brewer, Schulman, Marte, Louis and Ung

A Local Law to amend the administrative code of the city of New York, in relation to amending the nuisance abatement law regarding the sale or delivery of cannabis

Be it enacted by the Council as follows:

Section 1. Subdivision (r) of section 7-703 of the administrative code of the city of New York, as added by local law number 8 for the year 2007, is amended 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[.]; and

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

(s) Any building, erection, or place, including one- or two-family dwellings, wherein there exists: a

violation of subdivision 1 of section 125 of the cannabis law through the unregistered, unlicensed, or unpermitted distribution for sale, selling at wholesale or retail, or delivering to consumers of any cannabis, cannabis product, medical cannabis, or cannabinoid hemp or hemp extract product, as such terms are defined in section 3 of the cannabis law; or a violation of subdivision 1 of section 85 of the cannabis law involving any person, actually or apparently, under the age of 21 years.

§ 3. Subdivision (a) of section 7-704 of the administrative code of the city of New York, as amended by local law number 41 for the year 2017, 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), (d), (e), (f), (g), (h), (k), (l), (m), (n), [and] (r), and (s) of section 7-703, in the manner provided in subchapter two of this chapter.

§ 4. Section 7-705 of the administrative code of the city of New York, as amended by local law number 41 for the year 2017, is amended to read as follows:

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

§ 5. Subdivision (a) of section 7-709 of the administrative code of the city of New York, as amended by local law number 32 for the year 2017, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction pursuant to section 7-707 alleging a public nuisance as defined in subdivision (a) or (d) of section 7-703, or a public nuisance as defined in subdivision (e) of section 7-703 in a building, erection or place used for commercial purposes in which there is a significant risk of imminent physical harm to a natural person or persons, or a public nuisance as defined in subdivision (s) of section 7-703, the corporation counsel shall show by clear and convincing evidence that such public nuisance is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary closing order, a temporary order closing such part of the building, erection or place

wherein such public nuisance is being conducted, maintained or permitted may be granted without notice, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary closing order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but in no event later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the hearing.

§ 6. Subdivision (a) of section 7-710 of the administrative code of the city of New York, as amended by local law number 32 for the year 2017, is amended to read as follows:

(a) Generally. If, on a motion for a preliminary injunction pursuant to section 7-707 alleging a public nuisance as defined in subdivision (a), (d), or (k) of section 7-703, or a public nuisance as defined in subdivision (e) of section 7-703 in a building, erection or place used for commercial purposes in which there is a significant risk of imminent physical harm to a natural person or persons, or a public nuisance as defined in subdivision (h) of section 7-703 in a building, erection or place operating without a license or with a license permitting the sale of liquor under the alcoholic beverage control law, or a public nuisance as defined in subdivision (s) of section 7-703, the corporation counsel shall show by clear and convincing evidence that such public nuisance is being conducted, maintained or permitted and that the public health, safety or welfare immediately requires a temporary restraining order, such temporary restraining order may be granted without notice restraining the defendants and all persons from removing or in any manner interfering with the furniture, fixtures and movable property used in conducting, maintaining or permitting such public nuisance and from further conducting, maintaining or permitting such public nuisance, pending order of the court granting or refusing the preliminary injunction and until further order of the court. Upon granting a temporary restraining order, the court shall direct the holding of a hearing for the preliminary injunction at the earliest possible time but in no event later than three business days from the granting of such order; a decision on the motion for a preliminary injunction shall be rendered by the court within three business days after the conclusion of the

hearing.

§ 7. This local law takes effect immediately.

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