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Int. No. 855

By Council Members Zhuang, Morano, Hankerson, Wong, Aldebol and Dinowitz

A Local Law to amend the administrative code of the city of New York, in relation to exempting or partially exempting seniors and certain persons with disabilities from penalties for failing to remove snow or ice from sidewalks, crosswalks, curbs and other locations

Be it enacted by the Council as follows:

Section 1. Subdivision h of section 16-123 of the administrative code of the city of New York, as amended by local law number 1 for the year 2003, is amended to read as follows:

h. 1. Any person violating the provisions of subdivisions [(a)] a or [(b)] b of this section shall be liable and responsible for a civil penalty of not less than [ten dollars] $10 nor more than [one hundred fifty dollars] $150 for the first violation, except that for a second violation of subdivision [(a)] a or [(b)] b within any [twelve-month] 12-month period such person shall be liable for a civil penalty of not less than [one hundred fifty dollars] $150 nor more than [two hundred fifty dollars] $250 and for a third or subsequent violation of subdivision [(a)] a or [(b)] b within any [twelve-month] 12-month period such person shall be liable for a civil penalty of not less than [two hundred fifty dollars] $250 nor more than [three hundred fifty dollars] $350.

2. Notwithstanding paragraph 1, the minimum and maximum civil penalties set forth in this subdivision shall be mitigated by 50 percent where such person establishes the following, to the satisfaction of the office of administrative trials and hearings or the court, as applicable:

(a) The person is at least 65 years old or has a disability that substantially interferes with the person's ability to comply with subdivision a of this section, with such disability defined by rules promulgated by the department, in conjunction with the department of health and mental hygiene and the mayor's office for people

with disabilities; and

(b) The building or lot for which the notice of violation was issued is the person's primary residence.

§ 2. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-124.2 to read as follows:

§ 16-124.2 Snow removal; assistance for seniors and certain persons with disabilities. No later than November 1, 2023, the commissioner shall establish a program, which may include contracting with not-for-profit organizations, for the removal of snow or ice from crosswalks, curb cuts, bus stops and other city property and from sidewalks and gutters abutting residential buildings, where (i) the owner, lessee, tenant, occupant or other person having charge of such building or lot is 65 years or older or has a disability that substantially interferes with such person's ability to comply with subdivision a of section 16-123, as such disability is defined by rules that the department shall promulgate in conjunction with the department of health and mental hygiene and the mayor's office for people with disabilities, and (ii) such person registers with the department for such program. The department, in conjunction with the department for the aging, the department of health and mental hygiene and the mayor's office for people with disabilities, shall develop the procedure for registering for such program. Where snow is removed from curb cuts pursuant to such program, such removal shall provide for a cleared path of at least 40 inches in width to accommodate safe access, by wheelchair or other mobility device, between streets and sidewalks.

§ 3. This local law takes effect immediately.

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