The New York City Council

City Hall
New York, NY 10007

Legislation Details (With Text)

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Int. No. 1222

By Council Members Lancman, Gentile, Dromm, Chin and Cohen

A Local Law to amend the administrative code of the city of New York, in relation to required notice of the rights of people with disabilities to use service animals in public accommodations

Be it enacted by the Council as follows:

Section 1. Chapter 5 of Title 20 of the administrative code is amended by adding a new subchapter 19 to read as follows:

Subchapter 19

Service Animals

§ 20-824 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

"Americans With Disabilities Act" or "ADA" means the Americans with Disabilities Act, title 42 United

States code section 12101 et seq., and any regulations promulgated thereunder, as such act and regulations may be amended.

"Disability" means the same as defined in title 28 of the code of federal regulations at section 36.104 or successor provisions.

"Place or provider of public accommodation" means the same as defined in section 8-102, except that a club or place of accommodation shall not be considered in its nature distinctly private if it has more than one hundred members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of a nonmember for the furtherance of trade or business.

"Service animal" means the same as defined in title 28 of the code of federal regulations section 36.104 or successor provisions.

§ 20-825 Required notice. a. Every place or provider of public accommodation shall have posted in a conspicuous place easily accessible to all employees and customers, in a standardized form prescribed by the commissioner, written notice that pursuant to local, state and federal law persons with disabilities have the right to use and possess service animals while on the premises of such public accommodation, consistent with federal regulations implementing the ADA.

b. The department shall create and make available notices that contain the information required pursuant to subdivision a of this section. Such notices shall be posted in a downloadable format on the department's website in English and at least the six languages most commonly spoken by limited English proficient individuals, as those languages are determined by the department of city planning, and any other language deemed appropriate by the department.

c. Any person or entity that violates the notice requirements of this section shall be subject to a civil penalty in an amount not to exceed fifty dollars for each employee who was not given appropriate notice pursuant to this section, except that a person or entity shall not be subject to a civil penalty described above if

such person or entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person or entity who has received, for the first time, a notice of violation of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person or entity may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

d. The commissioner, in consultation with the commissioner of the mayor's office for people with disabilities and the commissioner of the commission on human rights, shall promulgate rules as are necessary to carry out the provisions of this subchapter.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

JHC
LS #8091
5/23/2016