



Legislation Text

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Int. No. 489-B

By Council Members Ferreras, Kallos, Gentile, Koo and Palma

A Local Law to amend the administrative code of the city of New York, in relation to notices of violation returnable to the environmental control board and to repeal subparagraph (j) of paragraph one of subdivision d of section 1049-a of the New York city charter, relating to the execution of environmental control board judgments by sheriffs.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 11 of the administrative code of the city of New

York is amended by adding a new section 11-136 to read as follows:

§ 11-136 Report on notices of violations returnable to the environmental control board. a. No later than November first of each year, the department of finance shall submit to the council, and make available on the department's website, a report on the outstanding debt for base penalties, default penalties, and default judgments issued for notices of violations returnable to the environmental control board and referred to the department for collection during the previous fiscal year, and base penalties, default penalties, and default judgments issued for notices of violations returnable to the environmental control board and referred to the department for collection that remain in full force and effect, pursuant to subparagraph (i) of paragraph one of subdivision d of section 1049-a of the charter. Such report shall include: (1) the total number of judgments referred to the department by the environmental control board, including the number of default judgments; (2) the total dollar amount of judgments referred to the department, disaggregated by base penalty, interest, and default penalty; (3) the average length of time for referral of a judgment from the environmental control board to the department; (4) the total dollar amount collected by the department for judgments; (5) an analysis of the length of time for collection of judgments described in paragraph four; (6) the total number of judgments that

require corrective action by a respondent; (7) the enforcement efforts used by the department to collect judgments described in paragraph four; and (8) the total number of judgments that are no longer in full force and effect, pursuant to subparagraph (i) of paragraph one of subdivision d of section 1049-a of the charter, and the total dollar amount of such judgments. The department shall disaggregate the information required by paragraphs one through eight of this subdivision by the agency in which the notice of violation originated, and the fiscal year in which the judgment was entered.

b. For purposes of this section, the following terms shall have the specified meanings: “Base penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty that would be imposed upon a timely admission by the respondent or finding of liability after a hearing, pursuant to the environmental control board penalty schedule, without regard to reductions of penalty in cases of mitigation or involving stipulations.

“Default judgment” means a judgment of the environmental control board, pursuant to subparagraph (d) of paragraph one of subdivision d of section 1049-a of the charter, determining a respondent’s liability based upon that respondent’s failure to plead within the time allowed by the rules of the environmental control board or failure to appear before the environmental control board on a designated hearing date or on a subsequent date following an adjournment.

“Default penalty” means a penalty imposed by the environmental control board, pursuant to section 1049-a of the charter, in the maximum amount prescribed by law for the violation charged.

“Respondent” means a person or entity named as the subject of a notice of violation returnable to, or a judgment issued by, the environmental control board, or such other person or entity who asserts legal responsibility for the liability of the person or entity named in the notice or the judgment.

§ 2. Subparagraph (j) of paragraph one of subdivision d of section 1049-a of the New York city charter is REPEALED.

§ 3. Subparagraph (k) of paragraph one of subdivision d of section 1049-a of the New York city charter

is relettered as subparagraph (j).

§ 4. This local law shall take effect immediately.

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TE9.18.14, amended 10-10-14, amended 11-07-14, amended 12-19-14