



Legislation Text

File #: Int 1315-2016, **Version:** A

Int. No. 1315-A

By Council Members Garodnick, The Speaker (Council Member Mark-Viverito), Salamanca, Gibson, Menchaca and Levin

A Local Law to amend the administrative code of the city of New York, in relation to resolving conflicts between the nuisance abatement law and related proceedings and fines for public nuisances involving alcohol

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 7 of title 7 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, is amended to add two new sections 7-728 and 7-729 to read as follows:

§ 7-728 Conflicting proceedings. Any action for a permanent injunction brought under this chapter against a natural person shall be dismissed if legal proceedings based on the same or substantially similar factual allegations have been conducted or are being conducted in New York city civil court or by the New York city housing authority, unless the city has a unique and compelling interest that is substantially different from that of the plaintiff in the other legal proceeding. Such interest shall not include the speed with which such case could be resolved. For the purposes of this section, the term “substantially similar factual allegations” shall not be construed to include conduct or actions that occurred subsequent to the allegations included in the relevant legal proceedings conducted in New York city civil court or by the New York city housing authority.

§ 7-729 Duplicate fines for public nuisances involving alcohol. To the extent practicable, fines imposed or expected to be imposed by the state liquor authority shall be taken into consideration in evaluating whether a disposition reached in an action brought under this chapter poses an excess burden on the defendant, pursuant

to section 7-724.

§ 2. This local law takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, takes effect.

BC
LS 8380/8498
2/7/16 524PM