



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
PRESTON NIBLACK, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INTRO. NO: 1042-A

COMMITTEE: Public Safety

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the abatement of graffiti on commercial and residential buildings and repealing subdivisions d, e and f of section 10-117.3 of the administrative code of the city of New York, in relation to the failure to remove graffiti from commercial and residential buildings and the city's removal of such graffiti through nuisance abatement proceedings.

SPONSORS: Brewer, Vallone, Jr., Comrie, Fidler, Gennaro, Gentile, James, Koppell, Nelson, Palma, Sears, Weprin, Avella, Recchia Jr., Crowley and Oddo (in conjunction with the Mayor).

SUMMARY OF LEGISLATION: This proposed bill would offer graffiti removal services to the owners of commercial and, or residential properties throughout the five boroughs, by way of the Mayor's Community Assistance Unit, as a means of abating the proliferation of graffiti (defined in this bill as "any letter, word, name, number, symbol, slogan, message, drawing, picture, writing or other mark of any kind visible to the public from a public place that is drawn, painted, chiseled, scratched, or etched on a commercial building or residential building, or any portion thereof, including fencing, that is not consented to by the owner of the commercial building or residential building") on commercial and residential properties, subject to the availability of budgeted city funds to implement the procedure. The bill provides for the notification of owners or agents of properties (as listed in relevant city tax and housing documents) of the appearance of graffiti on their properties.

Upon written notification by the City, the owner or agent of the affected properties are afforded a period of 35 days to either inform the City of their intention to cover or remove the graffiti or to let the City know that they do not consider the graffiti a "nuisance" and intend to allow it to remain. The legislation, however, entails a rebuttable presumption that any graffiti appearing on property is not consented to by the owner of the property. Rebuttal to this presumption must be presented to the City, in written form, within the aforementioned 35-day period after notification by the City. The bill also provides for an additional 15 days for a response if so requested by the relevant owner or agent of a property within the 35-day notification period. In the event that notification is not given, the owner is deemed, under this legislation, to have given permission to the City to proceed with graffiti removal and will be allowed all access necessary to affect removal of the graffiti.

Should the owner of an affected property fail to either remove or conceal graffiti of which they have been notified by the City, inform the City of their intention to allow the said graffiti to remain on their property, in writing, within the allotted 35 to 50 day notification period or to allow proper access to the City to remove graffiti of which they have been notified within 60 days of proper written notification by the City, the owner of the affected property will be liable for a civil penalty of between \$150 and \$300 subject to a proceeding before the Environmental Control Board.

EFFECTIVE DATE: "This local law shall take effect one hundred eighty days after it shall have become a law, except that the agency or agencies designated by the mayor to provide graffiti removal services may take such steps as are necessary to implement the provisions of this local law, including the promulgation of rules, if necessary, prior to such effective date."

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2011.

FISCAL IMPACT STATEMENT:

	Effective FY10	FY Succeeding Effective FY11	Full Fiscal Impact FY11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES:

IMPACT ON EXPENDITURES: There would be minimal impact on expenditures due to the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A.

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Lionel Francois, Legislative Financial Analyst

HISTORY: This proposed legislation was introduced to the City Council and introduced to the Public Safety Committee on July 29, 2009. A first oversight hearing was held on the bill on September 10, 2009 after which it was laid over by Committee to incorporate amendments.