

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2022**

No. 110

Introduced by Council Members Abreu, Nurse, Louis, Hudson, Brewer, Joseph, Gutiérrez, Narcisse, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Richardson Jordan, Riley, Ayala, Hanif, Powers, Cabán, Gennaro, De La Rosa, Holden, Hanks, Dinowitz, Won, Farías, Kagan, Lee, Mealy and Salamanca (in conjunction with the Brooklyn Borough President).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to rat mitigation zones

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 16-120 of the administrative code of the city of New York, as amended by local law number 6 for the year 2006, is amended to read as follows:

c. 1. Incinerator[,] residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health and mental hygiene or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department, *the* department of health and mental hygiene, and the department of housing preservation and development. After the contents have been removed by the department or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department, the

department of health and mental hygiene, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

2. Notwithstanding paragraph 1 of this subdivision, the department may set by rule requirements for the set-out of solid waste or recyclable material for collection by the department.

Such requirements shall prioritize:

(a) Minimizing rodent harborage associated with such waste or material set-out; and

(b) Minimizing the amount of time that such waste or material is placed at the curb prior to collection by the department.

3. Notwithstanding paragraphs 1 and 2 of this subdivision, if the department sets by rule requirements for the set-out of solid waste or recyclable material pursuant to paragraph 2 of this subdivision, the department shall set by rule alternative requirements for the set-out of solid waste or recyclable material for collection by the department for multiple dwellings containing nine or more dwelling units, in furtherance of the goals identified in subparagraphs (a) and (b) of paragraph 2 of this subdivision, provided that any such requirements allow such multiple dwellings to opt in to such requirements and provided further that any such requirements allow for solid waste or recyclable material to be set out for collection by the department no more than four hours prior to the start of the scheduled collection shift. Such four hour time shall not apply to solid waste or recyclable material that is stored in a receptacle that is kept covered or closed in a manner to prevent rodent harborage and in a manner satisfactory to the department, the department of health and mental hygiene and the department of housing preservation and

development. Any multiple dwelling that does not opt in to such requirements, or that opts out of such requirements, shall be subject to the requirements set by rule pursuant to paragraph 2 of this subdivision.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.2 to read as follows:

§ 17-133.2 Rat mitigation zones. a. No later than April 1, 2023, the department shall designate, by rule, one or more rat mitigation zones. In designating such zones, the department shall consider the following criteria:

1. The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that resulted in the issuance of an order pursuant to section 151.02 of the New York city health code or an agency referral letter related to rat activity, and the location of such properties within such sanitation or community district;

2. The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that have resulted in the issuance of a notice of violation pursuant to section 3.05 or section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;

3. The number of rat exterminations at properties within a given sanitation district or community district executed by the department pursuant to section 17-147, following a failure to comply with an order issued pursuant to section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;

4. The number and nature of 311 requests for service or complaints related to rat activity within any 12-month period within a given sanitation district or community district; and

5. *The susceptibility of any properties managed by the department of parks and recreation within a given sanitation district or community district to rat infestation.*

b. The department shall periodically review the criteria set forth in subdivision a of this section and may, by rule, and in accordance with such review, eliminate existing rat mitigation zones, change the boundaries of existing rat mitigation zones, or designate new rat mitigation zones.

c. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, and in consultation with the department of sanitation, review the boundaries of sanitation districts, or sections within sanitation districts, and may establish boundaries of rat mitigation zones that are, in whole or in part, coterminous with sanitation districts, or sections within sanitation districts.

d. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, consider the availability of resources to implement rat mitigation measures and, in designating rat mitigation zones, eliminating existing rat mitigation zones, or changing the boundaries of existing rat mitigation zones, exercise its discretion to maximize the efficient use of such resources.

e. If the department, following any review of a rat mitigation zone conducted pursuant to subdivision b of this section, determines, in consultation with the department of sanitation, that any rat mitigation measure applicable pursuant to law or rule only within a rat mitigation zone should be continued, then the department need not eliminate or change the boundaries of a rat mitigation zone, even if such review otherwise indicates that such rat mitigation zone should be eliminated, or its boundaries changed.

§ 3. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 27, 2022 and approved by the Mayor on November 18, 2022.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 110 of 2022, Council Int. No. 459-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.