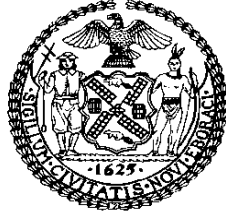


Committee on the Justice System:
Maxwell Kampfner-Williams, *Legislative Counsel*
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THE COUNCIL OF THE CITY OF NEW YORK

**COMMITTEE REPORT OF THE
JUSTICE DIVISION**

Jeffrey Baker, Legislative Director
Brian Crow, Deputy Director, Justice Division

COMMITTEE ON THE JUSTICE SYSTEM
Hon. Rory Lancman, Chair

November 13, 2019

PROPOSED INT. NO. 1156-A: By Council Members Levin, Espinal, Reynoso, Ampry-Samuel, Rivera, Rose, Kallos, Rosenthal, Powers, Cohen, Ayala, Lander, Brannan, Richards, Gjonaj, and Van Bramer

TITLE: To amend the New York city charter and the administrative code of the city of New York, in relation to requiring the office of nightlife to report on multi-agency response to community hotspots operations and the mayor's office of criminal justice to ensure reporting on inspections overseen by the office of special enforcement, as well as providing establishment owners with a notice about conduct or complaints that could lead to a multi-agency response to community hotspots operation and the opportunity to provide information relevant to such notice

CHARTER: Amends subdivision e of section 20-d

ADMINISTRATIVE CODE: Adds new sections 9-307 and 14-181

I. INTRODUCTION

On November 13, 2019, the Committee on the Justice System, chaired by Rory Lancman, will vote on Proposed Introduction Number 1156-A (Prop. Int. 1156-A). The Committee heard a previous version of this bill on February 11, 2019. Representatives of the New York Police Department (NYPD) and various advocates, stakeholders, and members of the public testified at that hearing.

II. BACKGROUND

The Cabaret Law was first introduced in 1926, during the Prohibition era, nominally to crack down on establishments run by racketeers by prohibiting dancing in any venue selling food or drink that did not have a cabaret license. Some academics argue that the law's true aim was to prevent interracial mingling in Harlem jazz clubs.¹ Even without an explicit racial impetus, cabaret licenses were expensive, only available in certain zoned areas, and required the approval of multiple agencies. In 2017, only 97 out of almost 25,000 eating and drinking establishments actually had a cabaret license.²

Despite numerous legal challenges, the laws stood for 91 years. In *Club Winks v. New York City*,³ a New York State Supreme Court ruled unconstitutional the provisions of the Cabaret Law authorizing the denial or refusal to renew a license based upon a broad listing of criminal convictions and requiring the disclosure of stockholders holding a minimum of ten percent stock interest in a corporation and the source of their money. In *Chiasson v. City of New York*⁴ a State Supreme Court found that the City failed to articulate a legitimate interest in restricting performance of live music to piano, organ, accordion, guitar or any stringed instrument. The Court further invalidated the portion of

¹ Paul Chevigny, *Gigs: Jazz and the Cabaret Laws in New York City*, 2d ed., (2005).

² Correal, Annie "After 91 Years, New York Will Let Its People Boogie" New York Times Oct. 31, 2017 available at <https://www.nytimes.com/2017/10/30/nyregion/new-york-cabaret-law-repeal.html>

³ (1979) 99 Misc.2d 787, 417 N.Y.S.2d 178.

⁴ 132 Misc.2d 640, 505 N.Y.S.2d 499 (Sup.Ct., N.Y. County 1986)

the Cabaret Law that restricted performance of live music to not more than three musicians.⁵ Despite the courts striking down several provisions of the Cabaret Law, most of the unconstitutional provisions remained codified until the laws were repealed in 2017.

Notwithstanding several problematic provisions, courts did not strike down the Cabaret Law in its entirety due to concerns for public safety. In *Festa v. City of New York*,⁶ a New York State Supreme Court upheld the Cabaret Law, despite its questionable history, recognizing that as it stood, “the legitimate purpose of the City’s licensing requirements includes the protection of the health and safety of the people of New York City. ... [T]he additional burden of verifying compliance is justified where there is risk of injury and loss of life in establishments which offer dancing.”⁷ Many venues with dancing did not possess a cabaret license, and as a result, encountered police enforcement – often with disproportionate effects on communities of color.⁸

Regulating the nightlife industry is certainly not a unique issue to New York City. Cities across the United States and indeed the world have taken unique approaches to address concerns with the nightlife industry. One approach spearheaded by the city of Amsterdam in the Netherlands is the introduction of a *nachtburgemeester* – or “night mayor,” who is responsible for nurturing the nightlife economy and improving relations between nightlife businesses, residents and government. This model was recently adopted by the New York City. In 2017, the city started an Office of Nightlife, and finally repealed the Cabaret Laws.⁹

However, advocates fear that the spirit of those laws still linger in how the city monitors nightlife establishments, especially in neighborhoods of color or “DIY venues.” As the population of

⁵ *Chiasson v. City of New York*, 138 Misc.2d 394, 524 N.Y.S.2d 649 [“Chiasson II”]

⁶ 820 N.Y.S.2d 452 (2006), *aff’d* 37 A.D.3d 343 (N.Y. App. Div., 2007), dismissing appeal 9 N.Y.3d 858 (N.Y. Ct. App., 2007).

⁷ *Id.*

⁸ Justine Joffe, “NYPD Conducts ‘Gotcha’ Raid on Nonprofit Market Hotel, Tweets High Fives,” (October 13, 2016) available at <http://observer.com/2016/10/todd-p-on-market-hotel-shut-down-aggravating-to-see-its-motivations-questioned/> Alan Krawitz, “Arts advocates renew call to end New York City’s antiquated cabaret laws,” (June 1, 2017), *Metr* available at <http://www.metro.us/news/local-news/new-york/arts-advocates-renew-call-end-new-york-citys-antiquated-cabaret-laws>

⁹ Local Law 214 of 2017 repealed all aspects of the Cabaret Laws, with two safety requirements: establishments previously required to obtain a cabaret license still must, and establishments must install security cameras.

New York City continues to grow, people and businesses are moving into the outer boroughs, resulting in higher demand for bars, restaurants and entertainment spaces. Between 2000 and 2015, business in the city grew, but businesses in the Downtown and Midtown Central Business Districts fell from 39% to 31%. In the City's gentrifying neighborhoods, business grew by 45%.¹⁰ Among such establishments is the growing popularity of "do-it-yourself venues" or "DIY venues," often located in vacant warehouses, office spaces, waterfront parks, and even laundromats. For example, the Metro Community Laundromat in Williamsburg became one such location hosting the "Dirty Disco Laundrette Party."¹¹ This growth has also coincided with an increase in the number of resident noise complaints, particularly in the Brooklyn neighborhoods of Williamsburg and Bushwick.¹² It has also led to concerns over safety. In December 2016, a deadly fire during a pop-up type party in a warehouse space in Oakland, California placed the spotlight on the dangers of illegal clubs that do not meet safety standards. That fire resulted in 36 deaths from smoke inhalation. The building was in violation of fire and electrical codes.¹³ The tragedy caused cities across the nation to take notice of DIY venues operating illegally and the potential risks they pose.¹⁴

Even after the Cabaret Laws, establishments that cater to more nightlife outside of dining are more heavily regulated. For example, restaurants must only install automatic sprinkler systems if their capacity exceeds 300, whereas any club is so required regardless of their capacity. As such, some club owners complain that the costs are excessive for smaller venues.¹⁵ City officials argued that dancing presents additional safety concerns beyond those present in establishments without dancing, hence the

¹⁰ Office of the New York City Comptroller, *The New Geography of Jobs: A Blueprint for Strengthening NYC Neighborhoods* (Executive Summary), April 25, 2017, <https://comptroller.nyc.gov/reports/the-new-geography-of-jobs-a-blueprint-for-strengthening-nyc-neighborhoods/>

¹¹ J. Rachel Reyes, "Pop-Up Disco at Metro Community Laundromat. Wait. What?" (June 13, 2011), *Free Williamsburg*, <http://freewilliamsburg.com/pop-up-disco-at-metro-community-laundromat>

¹² Ben Wellington, "Mapping New York's noisiest neighborhoods," (January 17, 2015), *The New Yorker*, <http://www.newyorker.com/tech/elements/mapping-new-york-noise-complaints>

¹³ Paige St. John, "The Ghost Ship fire was 'a matter of benign neglect.' It's not the only one," (December 28, 2016), *LA Times*, <http://www.latimes.com/local/lanow/la-me-ghost-ship-owner-20161227-story.html>

¹⁴ Judy Woodruff, "After Oakland fire, a nationwide crackdown on warehouse spaces," (December 9, 2016), *PBS*, <http://www.pbs.org/newshour/bb/oakland-fire-nationwide-crackdown-warehouse-spaces/>

¹⁵ Paul Chevigny, *Gigs: Jazz and the Cabaret Laws in New York City*, 2d ed., (2005).

need for more stringent zoning restrictions.¹⁶ Various provisions of the Zoning Resolution provide additional justifications for the measures, which include the need to limit crowds and lineups in front of establishments; to maintain a distance from residential districts; to limit undue vehicle and pedestrian traffic; to limit noise; and to preserve the character of surrounding residential or mixed-use neighborhoods.¹⁷ As such, establishments that offer dancing are still susceptible to an enormous amount of potential penalties.

III. M.A.R.C.H. OPERATIONS

The Multi-Agency Response to Community Hotspots (M.A.R.C.H.) was started by then Mayor Giuliani to crackdown on nightclubs using the Cabaret Law in response to reports of injury and deaths from drugs and violent fights.¹⁸ According to media reports, the program was part of Giuliani's larger broken window initiatives,¹⁹ which involved the increased enforcement of quality of life laws to make the city safer. Despite shifting political leanings, M.A.R.C.H. operations have continued under successive administrations. In the first year of Mayor Bloomberg's first term, M.A.R.C.H. enforcement actions increased 35 percent over the previous years.²⁰ And enforcement has continued under the current administration; in the first quarter of 2017, the city issued 27 criminal court summonses for "unlawful cabarets."²¹

¹⁶ Zoning Resolution §§ 32-21 and 73-244; See also Defendants/Respondents Brief in *Festa v. City of New York*, 830 N.Y.S.2d 133, 37 A.D.3d 343 (N.Y. App. Div. 2007).

¹⁷ *Ibid.*

¹⁸ Jane Laner, With Its 'No Dancing' Law Verging on Repeal, New York Legitimizes its Nightlife (Sept. 2017), *NPR News*, at <https://www.npr.org/sections/therecord/2017/09/20/552292586/with-its-no-dancing-law-verging-on-repeal-new-york-legitimizes-its-nightlife>; See also Jennifer Steinhauer, City Cracks Down on Nightclubs and May Revise its Policies (Nov. 2017), at <https://www.nytimes.com/2002/11/10/nyregion/city-cracks-down-on-nightclubs-and-may-revise-its-policies.html>

¹⁹ Jane Laner, With Its 'No Dancing' Law Verging on Repeal, New York Legitimizes its Nightlife (Sept. 2017), *NPR News*, at <https://www.npr.org/sections/therecord/2017/09/20/552292586/with-its-no-dancing-law-verging-on-repeal-new-york-legitimizes-its-nightlife>;

²⁰ Jennifer Steinhauer, City Cracks Down on Nightclubs and May Revise its Policies, *New York Times*, Nov 10 2017, available at <https://www.nytimes.com/2002/11/10/nyregion/city-cracks-down-on-nightclubs-and-may-revise-its-policies.html>

²¹ Emily Witt, Dance Outlaws Fight For the Right to Party (Jul. 2017), *The New Yorker*, at <https://www.newyorker.com/magazine/2017/07/10/dance-outlaws-fight-for-the-right-to-party>

Little is known about the inner workings of M.A.R.C.H.. What is known about the program comes from a 2014 NYPD Operations Order, retrieved by a journalist in 2017 via a FOIL request.²² According to that order, M.A.R.C.H. is overseen by the Mayor’s Office of Criminal Justice (MOCJ) and is comprised of representatives from the NYPD, the New York City Department of Building (DOB), the New York City Fire Department (FDNY), the New York City Department of Environmental Protection (DEP), the New York City Department of Health and Mental Hygiene (DOHMH), and the New York State Liquor Authority (SLA).²³ These agencies work collaboratively on quality of life enforcement against venues that negatively impact the quality of life in the community.²⁴

Per the order, NYPD identifies venues for M.A.R.C.H. operation based on 311 complaints (e.g. noise and quality of life complaints), the number of incidents that have occurred within the space or surrounding area, and whether the venues has a history of cooperating with authorities.²⁵ The later category can be particularly vague – the “Operational Considerations” section of the order states “[a]n establishment’s lack of cooperation with members of the service regarding incidents and other matters of importance to the Department or unwillingness to implement recommended crime prevention measures or assist the Department in combating crime or other concerns, would also merit inclusion in a M.A.R.C.H. operation.”²⁶ That consideration has nothing to do with an establishment’s keeping to code, only their perceived cooperation with their local precinct. The stakes of that perception are high - venues that are placed on M.A.R.C.H. list are subject to NYPD-led raids.²⁷

²² Liz Pelly, Cut the Music (Feb. 2018), *The Baffler*, at <https://thebaffler.com/latest/cut-the-music-pelly>

²³ NYPD Operation Order #27: Criteria For Selecting a Location for Inclusion into the Multi-Agency Response to Community Hotspots (M.A.R.C.H) Operation (Jul. 2014), New York City Police Department, at https://www.scribd.com/document/371355332/2014-NYPD-Operations-Order-Retrieved-by-Foil-Request#from_embed

²⁴ NYPD Operation Order #27: Criteria For Selecting a Location for Inclusion into the Multi-Agency Response to Community Hotspots (M.A.R.C.H) Operation (Jul. 2014), New York City Police Department, at https://www.scribd.com/document/371355332/2014-NYPD-Operations-Order-Retrieved-by-Foil-Request#from_embed

²⁵ Id.

²⁶ Id.

²⁷ Liz Pelly, Cut the Music (Feb. 2018), *The Baffler*, at <https://thebaffler.com/latest/cut-the-music-pelly>

A court case revealed that about 30 or 40 people, comprised of NYPD officers and personnel from agencies that are on M.A.R.C.H. taskforce, raid targeted venues to conduct inspections concerning, for example, building safety, food quality, and liquor stock and issue citations and fines where venues are not in compliance with applicable regulations.²⁸ Generally, these raids take place during peak weekend hours without prior notice to the venues and business owners.²⁹ Because of that timing especially, advocates and business owners have described the raids as an economic hit that has a lasting financial effect on businesses. Many venues that are raided must pay thousands of dollars in fines for numerous violations.³⁰ Others are forced to close their doors due to numerous fines and loss of patrons.³¹ Advocates have found that many Latinx- and Black-owned businesses are forced to close their doors due to the lack of financial and legal resources needed to reopen after receiving numerous fines for violations.³² These advocates have expressed concern that this is speeding up the process of gentrification because it is “more likely that gentrifying businesses would be able to afford those fines—not to mention the pending legal fees—than longstanding minority-owned business.”³³

While the Cabaret Laws have been repealed, and the Office of Nightlife has been established, advocates indicate that M.A.R.C.H. continues a troubling history of discrimination against establishments that cater to communities of color. The NYC Artist Coalition collected information from the NYPD via a Freedom of Information Act request on the number of M.A.R.C.H. raids. The graph below plots those raids by Council districts. This data does not include the race or ethnicity of the businesses that were raided.

²⁸ Sulkowska, plaintiff, was arrested when NYPD raided her bar, which was designated as a hotspot, to conduct an SLA investigation after the bar was cited for several minor SLA violations. Plaintiff sued the city and the officer for on several counts, including false arrest and abuse while in custody. Court ruled in favor of the plaintiff on all counts. *See Sulkowska v City of New York*, 129 F. Supp. 2d 274 (S.D.N.Y. 2001)

²⁹ Liz Pelly, Cut the Music (Feb. 2018), *The Baffler*, at <https://thebaffler.com/latest/cut-the-music-pelly>

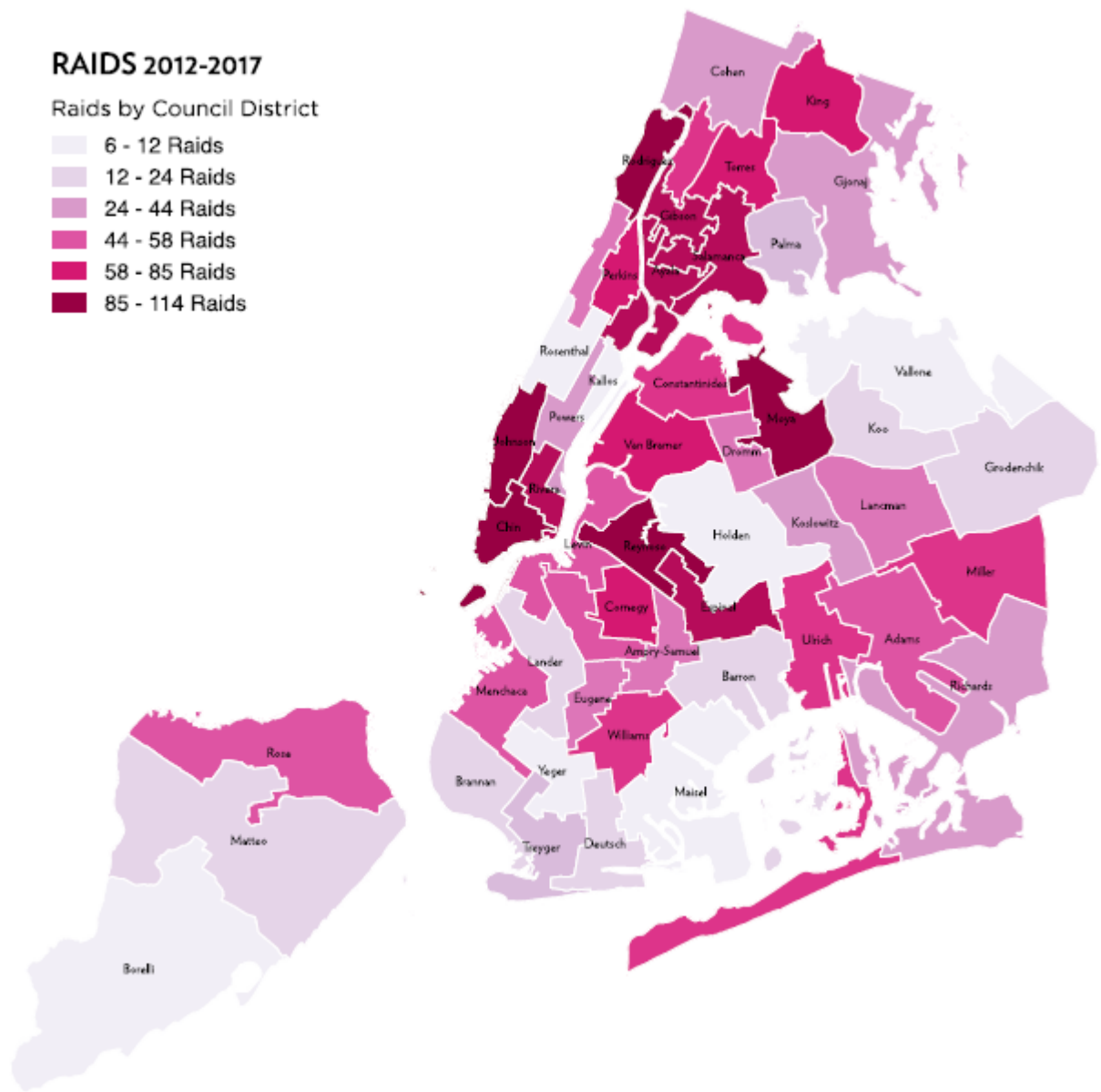
³⁰ Cassidy Dawn Graves, After Shutdown, Brooklyn Venue The Gateway Turns to Crowdfunding to Reopen (Jun. 2018), *Bedford Bowery*, at <http://bedfordandbowery.com/2018/06/after-shutdown-brooklyn-venue-the-gateway-turns-to-crowdfunding-to-reopen/>; *See also*, Liz Pelly, Cut the Music (Feb. 2018), *The Baffler*, at <https://thebaffler.com/latest/cut-the-music-pelly>

³¹ Staff, After Violent Weekend, “Delilah’ on Rivington Street is Raided in Multi-Agency Sting (Jan. 2018), *Bowery Boogie*, at <https://www.boweryboogie.com/2018/01/violent-weekend-delilah-rivington-street-raided-multi-agency-sting/>; *See also* Liz Pelly, Cut the Music (Feb. 2018), *The Baffler*, at <https://thebaffler.com/latest/cut-the-music-pelly>

³² Liz Pelly, Cut the Music (Feb. 2018), *The Baffler*, at <https://thebaffler.com/latest/cut-the-music-pelly>

³³ *Id.*

FIG. 1. M.A.R.C.H.. RAIDS 2012-2017, MAPPED BY COUNCIL DISTRICT³⁴



However, it is clear that the communities with the lowest number of raids – Bay Terrace and Richmond Valley in southern Staten Island, Marine Park and Mill Basin in southeast Brooklyn, Bayside and Maspeth in Queens, the Upper West Side and Yorkville in Manhattan – tend to be whiter.³⁵ In contrast, the neighborhoods with the highest number of raids tend to be communities of

³⁴ Data compiled by NYC Artist Coalition, available at <http://nycartc.com/march/>

³⁵ Overall citywide data from Fessenden, Ford and Roberts, Sam “Then as Now – New York’s Shifting Ethnic Mosaic” New York Times January 22, 2011 available at

color – Stapleton in Staten Island, Bushwick in Brooklyn, Corona in Queens, Chinatown and Washington Heights in Manhattan, and Highbridge and Mott Haven in the Bronx. The disparity is not explained by number of establishments, or number of liquor licenses – otherwise, for example, Midtown Manhattan or Yorkville, some of the densest collection of bars in the country, wouldn't have fewer raids than the South Bronx. For context, the New York State Liquor Authority granted more than five times as many “night” permits – allowing later selling of alcohol – in Manhattan than the Bronx.³⁶ The number of raids then is not dependent on the number of licenses, or businesses – in fact in some neighborhoods it seems to be inverse.

The data underlying the graph in Figure 1 also raises questions about the efficacy of M.A.R.C.H. operations. According to this data, 48% of raids resulted in “no enforcement action taken.”³⁷ If almost half of the raids find no issue, it is questionable whether they are worth the costs, both to the taxpayer and to the business that is raided. As discussed below, this lack of any needed enforcement action makes the lack of notice and the aggressiveness of the operations all the more problematic.

Advocates and business owners have expressed less issue with the idea of inspections than the lack of notice and excessive theatrics of the way M.A.R.C.H. raids are conducted. According to John Barclay, a club owner and advocate, “no one knows how you end up on their list... We don't know why they show up. They won't tell you. They just show up... write a bunch of tickets, and they leave and go to the next one.”³⁸ The opacity of the raids came up again before the Committee on Consumer Affairs at their June 19, 2017 hearing, where Rachel Nelson, testifying again on the impact of the methods of enforcement, noted “[M.A.R.C.H.] has no website, no known boss, no one to call, no[] way of knowing the predictability of if they will come once a year, on[c]e a month or never at all. There is

http://archive.nytimes.com/www.nytimes.com/interactive/2011/01/23/nyregion/20110123-nyc-ethnic-neighborhoods-map.html?_r=0

³⁶ Data available at <https://sla.ny.gov/system/files/documents/2018/12/allnightpermitsissuesd-12-12-18.pdf>

³⁷ Data available at <https://www.muckrock.com/foi/new-york-city-17/multi-agency-response-to-community-hotspots-39017/>

³⁸ Note 29, *supra*

no way of knowing if you've made it to their list, and there is no person to contact in order to get you off that when you've fulfilled your obligations.”³⁹

The manner in which the raids happen tend to be dramatic enough to scare away customers and convince neighbors the business being raided is dangerous. At the June 19, 2017 hearing on the Cabaret Laws, Barclay described the M.A.R.C.H. like “a SWAT team... like a counter-terrorism raid.”⁴⁰ Similarly at the September 14, 2017 Consumer Affairs hearing, Nelson, an owner of several small clubs in Brooklyn, described M.A.R.C.H.. as an, “unknown, unregulated paramilitary enforcement agency.”⁴¹

Finally, M.A.R.C.H. operations do not allow venues to fix health and safety requirements before issuing citations and fines – summonses and tickets are handed out on the spot, regardless of how quickly an issue is, or could be, resolved.⁴² Both advocates and venue owners have expressed their frustration with the lack of opportunity to comply with health and safety standards before citations and fines are issued. This is especially problematic because of the number of zoning laws that cover nightlife establishments, meaning that a single M.A.R.C.H. raid could put a club out of business as a result of only minor infractions.

IV. ANALYSIS OF PROP. INT. NO. 1156-A

This bill would require the Office of Nightlife to report on M.A.R.C.H. operations conducted across the city, gathering data from each agency involved and then comparing them. The bill also requires the NYPD to deliver written notifications at least 30 days prior to a potential M.A.R.C.H. operation. The notification would warn the establishment that they are at risk of being included in a M.A.R.C.H. operation, including specifics on what conduct or infrastructure needs to change.

³⁹ Pp 34-35, testimony available at <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=588936&GUID=5D6339CE-836A-4385-93C6-68AF63F51EDD&Options=info&Search=>

⁴⁰ Id, page 46

⁴¹ Page 141, testimony available at <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=588934&GUID=24BD25F0-4F07-464B-91C9-01EFB49382F3&Options=info&Search=>

⁴² Note 29, *supra*

Finally, the bill also requires the MOCJ to report on the activities of the Office of Special Enforcement (OSE). While separate in jurisdiction from M.A.R.C.H., OSE also conducts multi-agency operations similar in scope, and often including nightlife establishments.⁴³

This bill would take effect 120 days after it became law.

V. AMENDMENTS TO PROP. INT. NO. 1156-A

Prop. Int. 1156-A has been amended since it was heard as Int. No. 1156. The bill now dictates that the Office of Nighlife, and not NYPD, compile the report on MARCH operations. Because much of the information required by the bill is only in the possession of the particular agencies involved in each MARCH operation, an office with a broader scope is the more appropriate entity to be responsible for the report.

The new version of the bill also adds the requirement that an establishment must be given written notice at least 30 days prior to being part of a MARCH operation, unless the circumstances fall into one of the law enforcement exceptions detailed in the bill. That notification must also include contact information for the Office of Nightlife.

In terms of the data points that are now required in the report, the bill now omits any information that could be linked to a particular entity – for example, identifiers for any summonses given. In addition to data on MARCH operations, the bill now also adds reporting on the Office Of Special Enforcement’s activities, compiled by MOCJ.

⁴³ NYC Office of Special Enforcement, “Enforcement” available at: <https://www1.nyc.gov/site/specialeenforcement/enforcement/enforcement.page>

By Council Members Levin, Espinal, Reynoso, Ampry-Samuel, Rivera, Rose, Kallos, Rosenthal, Powers, Cohen, Ayala, Lander, Brannan and Richards

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to requiring the office of nightlife to report on multi-agency response to community hotspots operations and the mayor's office of criminal justice to ensure reporting on inspections overseen by the office of special enforcement, as well as providing establishment owners with a notice about conduct or complaints that could lead to a multi-agency response to community hotspots operation and the opportunity to provide information relevant to such notice

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 20-d of the New York city charter, as added by local law number 178 for the year 2017, is amended to read as follows:

e. Reporting. 1. Within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit a report to the mayor and the speaker of the council that shall include, but not be limited to, the activities of the office and any recommendations developed by the director pursuant to this section.

2. The office shall submit to the council and post to the office's website, in a machine readable format, a report on multi-agency response to community hotspots operations consistent with paragraph 3 of this subdivision. For the purposes of this section, the term "multi-agency response to community hotspots operation" or "operation" means an enforcement effort involving multiple city agencies or offices directed at an establishment which has been the source of community complaints, coordinated by the police department's civil enforcement unit. Such reports shall include the following information for each operation during the previous six months:

(a). The borough, council district, and zip code of the operation.

(b). The conduct or complaint that resulted in an establishment being the subject of an operation, including any relevant 311, 911, department of building, department of health, or other form of complaint and the number of such complaints.

(c). The number of times each establishment was the subject of an operation and the basis for each operation.

(d). The date and time of each operation, including the time each operation commenced and the average time spent inside each establishment, and whether the operation resulted in the closure of the establishment for the duration of the operation.

(e). The agencies present for the operation, including the number of personnel from each agency.

(f). Any civil or criminal summonses as defined in section 14-101 of the administrative code, issued during an operation and the agency responsible for each such summons.

(g). The precinct that requested each establishment's inclusion in the operation.

(h). Whether the targeted establishment was ordered to cease operations as a result of an operation or enforcement actions taken as part of an operation, including the average duration of such closures.

(i). The number of written notices provided, as defined in section 14-181 of the administrative code, and the number of times, and reasons why, such written notice was not provided due to a law enforcement exception, as defined in section 14-181 of the administrative code.

3. No later than two months after January 1 and July 1 in each calendar year beginning in 2020, the office shall publish the information required in paragraph 2 of this section in the aggregate for the periods ending on the preceding December 31 and June 30 respectively. Such information shall include the number and percentage of each data point, provided that such information that cannot be aggregated need not be included in such report. Such reports must be machine readable, and shall be stored on the police department's or the office of nightlife's website for at least ten years.

4. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information.

§ 2. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§ 14-181 Multi-agency response to community hotspots.

a. Before an establishment becomes the subject of a multi-agency response to community hotspots operation, as defined in subdivision e of section 20-d of the charter, the department shall provide written notice to such an establishment at least 30 days prior to commencing such an operation, unless (i) providing such notice or complying with such waiting period would compromise an active criminal investigation or (ii) the department has specific reason to believe that providing such notice or complying with such waiting period would pose a serious risk to the health or safety of persons inside the establishment or in the vicinity thereof or to the health or safety of a particular person. Such notice shall contain information about the alleged conduct or complaint that could warrant making such an establishment the subject of such an operation and provide a means for the establishment owner, or an agent acting on behalf of such establishment, to provide information or materials to the department relevant to the resolution or attempted resolution of the conduct or complaint described in the notice. Such notice shall include contact information for the office of nightlife and a notice that such recipient may contact such office with any questions or concerns.. The department shall make such written notice available to any establishment, upon request, during or immediately subsequent to an operation.

b. Nothing in this section shall be construed to create a private right of action on the part of any person or entity against the city of New York or any agency, official, or employee thereof, to enforce the provisions of this section.

c. Nothing in this section shall be construed to prevent the city of New York or any agency, official, or employee thereof, from taking any action within its jurisdiction, including but not limited to enforcing any law, rule or regulation.

§ 3. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-307 to read as follows:

§ 9-307 Office of special enforcement reporting.

a. Within one month after the calendar year quarter ending December 31, 2019, and within one month of each quarter thereafter, the office shall ensure that the office of special enforcement submits to the council and posts to its website, in a machine readable format, a report on inspections of nightlife establishments overseen by the office of special enforcement. Such reports shall include the following information for each such inspection during the previous quarter:

1. The borough and council district of the inspection.

2. The conduct or complaint that resulted in the inspection, including any relevant 311, 911, department of building, fire department, finance department's sheriff's office, or other form of complaint.

3. The duration of the inspection, including the time the inspection commenced and the time spent inside the establishment.

4. The agencies present for the inspection, including the number of personnel from each agency.

5. Any civil or criminal summonses issued or criminal complaints filed, as defined in section 14-101, as a result of the inspection, as well as the agency responsible for issuing each such summons.

6. Whether the targeted establishment was ordered to cease operations during such inspection, and the duration of such closure.

b. The term "office of special enforcement" means the office of special enforcement, as established under executive order number 96 for the year 2006, or such other agency as the mayor may designate by executive order.

§ 2. This local law takes effect 120 days after it becomes law.

