



Legislation Details (With Text)

File #: Int 0167-2018 **Version:** B **Name:** Requiring certain agencies to be capable of issuing warnings.

Type: Introduction **Status:** Enacted

In control: Committee on Governmental Operations

On agenda: 1/31/2018

Enactment date: 12/24/2021 **Enactment #:** 2021/159

Title: A Local Law to amend the New York city charter, in relation to requiring certain agencies to be capable of issuing warnings

Sponsors: Alan N. Maisel, Kalman Yeger, Robert F. Holden, Paul A. Vallone, Vanessa L. Gibson, Stephen T. Levin, Darma V. Diaz, Eric Dinowitz, Ben Kallos, Deborah L. Rose, Mark Treyger, Karen Koslowitz, Oswald J. Feliz, Mark Gjonaj, Eric A. Ulrich

Indexes: Oversight

Attachments: 1. Summary of Int. No. 167-B, 2. Summary of Int. No. 167, 3. Int. No. 167, 4. January 31, 2018 - Stated Meeting Agenda, 5. Minutes of the Stated Meeting - January 31, 2018, 6. Hearing Transcript - Stated Meeting 01-31-2018, 7. Proposed Int. No. 167-A - 9/13/21, 8. Committee Report 10/19/21, 9. Hearing Testimony 10/19/21, 10. Hearing Transcript 10/19/21, 11. Proposed Int. No. 167-B - 11/16/21, 12. Committee Report 11/22/21, 13. Hearing Transcript 11/22/21, 14. Committee Report - Stated Meeting, 15. November 23, 2021 - Stated Meeting Agenda with Links to Files, 16. Hearing Transcript - Stated Meeting 11-23-21, 17. Int. No. 167-B (FINAL), 18. Fiscal Impact Statement, 19. Legislative Documents - Letter to the Mayor, 20. Local Law 159, 21. Minutes of the Stated Meeting - November 23, 2021

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------------------------------|-----------------------------|--------|
| 1/31/2018 | * | City Council | Introduced by Council | |
| 1/31/2018 | * | City Council | Referred to Comm by Council | |
| 10/19/2021 | * | Committee on Governmental Operations | Hearing Held by Committee | |
| 10/19/2021 | * | Committee on Governmental Operations | Amendment Proposed by Comm | |
| 10/19/2021 | * | Committee on Governmental Operations | Laid Over by Committee | |
| 11/22/2021 | * | Committee on Governmental Operations | Hearing Held by Committee | |
| 11/22/2021 | * | Committee on Governmental Operations | Amendment Proposed by Comm | |
| 11/22/2021 | * | Committee on Governmental Operations | Amended by Committee | |
| 11/22/2021 | B | Committee on Governmental Operations | Approved by Committee | Pass |
| 11/23/2021 | B | City Council | Approved by Council | Pass |
| 11/23/2021 | B | City Council | Sent to Mayor by Council | |
| 12/23/2021 | B | City Council | Returned Unsigned by Mayor | |
| 12/24/2021 | B | Administration | City Charter Rule Adopted | |

Int. No. 167-B

By Council Members Maisel, Yeger, Holden, Vallone, Gibson, Levin, D. Diaz, Dinowitz, Kallos, Rose, Treyger, Koslowitz, Feliz, Gjonaj and Ulrich

A Local Law to amend the New York city charter, in relation to requiring certain agencies to be capable of issuing warnings

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 556 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

(1) Enforce all provisions of law applicable in the area under the jurisdiction of the department for the preservation of human life, for the care, promotion and protection of health and relative to the necessary health supervision of the purity and wholesomeness of the water supply and the sources thereof. Each inspector or other employee of the department who issues notices of violation shall, for provisions of law that are enforced exclusively by the department, have access at the time that a violation is issued to equipment allowing such person: (a) to determine if such violation is a first-time violation of the applicable provision of law, and (b) if permitted by law, to issue a warning for such violation and to record that such a warning has been issued;

§ 2. Section 753 of the New York city charter is amended by adding a new subdivision f to read as follows:

f. Each inspector or other employee of the department who issues notices of violation shall, for provisions of law that are enforced exclusively by the department, have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation and to record that such a warning has been issued.

§ 3. The opening paragraph of section 1403 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

Except as otherwise provided by law, the commissioner shall have charge and control of and be responsible for all those functions and operations of the city relating to the provision of a pure, wholesome and

adequate supply of water, the disposal of sewage and the prevention of air, water and noise pollution, and shall be authorized to respond to emergencies caused by releases or threatened releases of hazardous substances and to collect and manage information concerning the amount, location and nature of hazardous substances. Each inspector or other employee of the department who issues notices of violation shall, for provisions of law that are enforced exclusively by the department, have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation and to record that such a warning has been issued. The powers and duties of the commissioner shall include, without limitation, the following:

§ 4. Subdivision (f) of section 2203 of the New York city charter, as amended by local law 80 for the year 2020, is amended to read as follows:

(f) The commissioner, in the performance of said functions, shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, mediate disputes, receive and evaluate complaints, conduct investigations in response to complaints or upon his or her own initiative, and take appropriate action, including referral to a federal or state agency, and to receive, administer, pay over and distribute monies collected in and as a result of actions brought for violations of laws relating to deceptive or unconscionable trade practices, labor standards, or of related laws, and to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department. Each inspector or other employee of the department who issues notices of violation shall, for provisions of law that are enforced exclusively by the department, have access at the time that a violation is issued to equipment allowing such person: (1) to determine if such violation is a first-time violation of the applicable provision of law, and (2) if permitted by law, to issue a warning for such violation and to record that such a warning has been issued.

§ 5. This local law takes effect 180 days after it becomes law.

DSS/cjm
LS 172/2014/Int 90
LS 443/2018
11/11/2021