Legislation Details (With Text)

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Type:	Introduction	**Status:**	Filed (End of Session)
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Title:	A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the rules of construction for unspecified ranges of civil penalties		
Sponsors:	Julie Menin, Sandra Ung, Gale A. Brewer, Farah N. Louis, Lynn C. Schulman		
Indexes:			
Attachments:	1. Summary of Int. No. 815, 2. Int. No. 815, 3. November 3, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 11-3-22, 5. Minutes of the Stated Meeting - November 3, 2022, 6. Committee Report 1/30/23, 7. Hearing Testimony 1/30/23, 8. Hearing Transcript 1/30/23		

Date	Ver.	Action By	Action	Result
11/3/2022	*	City Council	Introduced by Council	
11/3/2022	*	City Council	Referred to Comm by Council	
1/30/2023	*	Committee on Governmental Operations	Hearing Held by Committee	
1/30/2023	*	Committee on Governmental Operations	Laid Over by Committee	
1/30/2023	*	Committee on Small Business	Hearing Held by Committee	
1/30/2023	*	Committee on Small Business	Laid Over by Committee	
12/31/2023	*	City Council	Filed (End of Session)	

Int. No. 815

By Council Members Menin, Ung, Brewer, Louis and Schulman

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the rules of construction for unspecified ranges of civil penalties

Be it enacted by the Council as follows:

Section 1. Chapter 52 of the New York city charter is amended by adding a new section 1155 to read as follows:

§ 1155. Default civil penalty within unspecified range. a. Definitions. For purposes of this section, the term "unspecified range of penalties" means any provision setting forth a range of civil penalties that meets all

of the following criteria:

1. The minimum penalty is greater than zero;

2. The maximum penalty is either specified or unspecified; and

3. The provision does not set forth any aggravating, mitigating, or other factors to guide discretion regarding which penalty amount within the range to impose in a particular situation.

b. For any unspecified range of penalties set forth in this charter, the default civil penalty for a first violation shall be the lowest amount in the range. No agency or officer may impose a civil penalty greater than the default civil penalty for a violation unless the agency establishes by rule the aggravating factors that would justify the imposition of a greater penalty.

§ 2. Chapter 1 of title 1 of the administrative code of the city of New York is amended by adding a new section 1-115 to read as follows:

§ 1-115 Default civil penalty within unspecified range. a. Definitions. For purposes of this section, the term "unspecified range of penalties" means any provision setting forth a range of civil penalties that meets all of the following criteria:

1. The minimum penalty is greater than zero;

2. The maximum penalty is either specified or unspecified; and

3. The provision does not set forth any aggravating, mitigating, or other factors to guide discretion regarding which penalty amount within the range to impose in a particular situation.

b. For any unspecified range of penalties set forth in the code, the default civil penalty for a first violation shall be the lowest amount in the range. No agency or officer may impose a civil penalty greater than the default civil penalty for a violation unless the agency establishes by rule the aggravating factors that would justify the imposition of a greater penalty.

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

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