

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2017**

No. 246

Introduced by Council Members Menchaca, Johnson, The Speaker (Council Member Mark-Viverito), Levin, Kallos, Dromm, Chin, Gibson, Ferreras-Copeland, Rosenthal and Constantinides.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to access to non-public areas of city property and property of human services contractors and subcontractors

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-210 to read as follows:

§ 4-210 Access to city property. a. Definitions. As used in this section, the following terms have the following meanings:

City property. The term “city property” means any real property leased or owned by the city that serves a city governmental purpose and over which the city has operational control.

Human services. The term “human services” has the meaning as set forth in subdivision c of section 6-129.

Judicial warrant. The term “judicial warrant” means a warrant issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to section 631 of title 28 of the United States code, or any successor provision, or by a court of the state of New York, that authorizes a law enforcement officer to take into custody the

person who is the subject of such warrant or to conduct a search or otherwise enter the premises at issue in accordance with the terms of the warrant.

b. Limited access to city property. The city shall not knowingly permit governmental personnel who are empowered to enforce civil or criminal laws, other than personnel of the city, the department of education, or a local public benefit corporation or local public authority, to have access to non-public areas of city property unless:

1. such personnel are authorized to have access pursuant to an agreement, contract, or subcontract;

2. such personnel present a judicial warrant;

3. access is otherwise required by law;

4. such personnel are accessing such property as part of a cooperative arrangement involving city, state, or federal agencies;

5. access furthers the purpose or mission of a city agency; or

6. exigent circumstances exist.

c. Human services contractors and subcontractors. Agencies shall require any contractor having regular contact with the public in the daily administration of human services to apply the requirements of subdivision b to any location, whether or not on city property, where such services are provided under a city contract, whether through such contractors or their subcontractors.

d. Guidelines and rules. Any agency with jurisdiction over city property shall adopt guidelines or rules, as appropriate, to implement this section or, alternatively, the mayor or an office or agency designated by the mayor may adopt guidelines or rules applicable to multiple agencies, in furtherance of the efficient implementation of this section. Any guidelines or rules shall provide for

designating an individual at each city agency who shall be responsible for the implementation of this local law and any such guidelines or rules.

e. Posting on city website. The mayor, or an office or agency designated by the mayor, shall ensure that any generalized guidelines or rules, including agency-wide guidelines or rules, regarding limited access to city property are posted on a website maintained by or on behalf of the city.

f. Training. All new or renewed city contracts for security services on city property at which there is regular contact with the public in the daily administration of human services by or on behalf of the city shall contain a provision requiring relevant employees of the security contractor or subcontractor be provided with training on the requirements of this section, at no cost to such employees. Any employees subject to this requirement shall be compensated at their regular rate of compensation for time spent participating in such training, where applicable.

§ 2. This local law takes effect 120 days after it becomes law, provided that effective immediately, affected agencies may take all steps necessary for timely implementation. In addition, where the provisions of subdivisions c and f of section 4-210 of the administrative code of the city of New York, as added by section one of this local law, cannot be applied consistent with currently applicable contracts, such subdivision shall only apply with respect to contracts entered into or renewed after the effective date of this local law.

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 November 16, 2017 and returned unsigned by the Mayor on December 19, 2017.

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. 246 of 2017, Council Int. No. 1579-A of 2017) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.