

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

No. 33

Introduced by Council Members Garodnick, The Speaker (Council Member Mark-Viverito),
Salamanca, Gibson, Menchaca and Levin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to resolving conflicts between the nuisance abatement law and related proceedings and fines for public nuisances involving alcohol

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 7 of title 7 of the administrative code of the city of New York, as added by a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, is amended to add two new sections 7-728 and 7-729 to read as follows:

§ 7-728 Conflicting proceedings. Any action for a permanent injunction brought under this chapter against a natural person shall be dismissed if legal proceedings based on the same or substantially similar factual allegations have been conducted or are being conducted in New York city civil court or by the New York city housing authority, unless the city has a unique and compelling interest that is substantially different from that of the plaintiff in the other legal proceeding. Such interest shall not include the speed with which such case could be resolved. For the purposes of this section, the term “substantially similar factual allegations” shall not be construed to include conduct or actions that occurred subsequent to the allegations included in the

relevant legal proceedings conducted in New York city civil court or by the New York city housing authority.

§ 7-729 Duplicate fines for public nuisances involving alcohol. To the extent practicable, fines imposed or expected to be imposed by the state liquor authority shall be taken into consideration in evaluating whether a disposition reached in an action brought under this chapter poses an excess burden on the defendant, pursuant to section 7-724.

§ 2. This local law takes effect on the same date that a local law for the year 2017 amending the administrative code of the city of New York relating to limiting exclusions of natural persons pursuant to the nuisance abatement law, as proposed in introduction number 1323-A, takes effect.

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 February 15, 2017 and returned unsigned by the Mayor on March 20, 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. 33 of 2017, Council Int No. 1315-A of 2016) 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.