

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

No. 44

Introduced by Council Members Williams, The Speaker (Council Member Mark-Viverito), Gibson, Palma, Chin, Menchaca and Levin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to amending the nuisance abatement law regarding alcoholic beverages

Be it enacted by the Council as follows:

Section 1. Subdivision (h) of section 7-703 of the administrative code of the city of New York is amended to read as follows:

(h) Any building, erection or place, including one- or two-family dwellings, [used for any] *wherein, within the period of one year prior to the commencement of an action brought under this chapter, there have occurred at least four instances of the unlawful activities described in section [one hundred twenty-three] 123 of the alcoholic beverage control law, where a reasonable person would or should have been aware that such unlawful activity was occurring. The physical absence of a person from such building, erection or place shall not alone establish that such person would or should not have been aware that such unlawful activity was occurring. Notwithstanding the foregoing, only one instance of such unlawful activity shall be required if the building, erection or place was not licensed as required by the alcohol beverage control law;*

§ 2. 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 by adding a new section 7-730 to read as follows:

§ 7-730 Willful and flagrant alcohol-related violations. No disposition reached or order issued pursuant to an action brought under this chapter solely in relation to a public nuisance as defined in subdivision (h) of section 7-703 may require the closure of any business that has a license to sell beer and wine but does not have a license to sell liquor unless the corporation counsel can demonstrate through clear and convincing evidence a willful and flagrant violation of the alcohol beverage control law.

§ 3. This local law takes effect 60 days after it becomes law, except that section two 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. 44 of 2017, Council Int No. 1344-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.