

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 159

Introduced 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.

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 23, 2021 and returned unsigned by the Mayor on December 23, 2021.

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. 159 of 2021, Council Int. No. 167-B of 2018) 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.

STEPHEN LOUIS, Acting Corporation Counsel.