

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2025**

No. 150

Introduced by Council Members Gennaro, Hanif, Gutiérrez and Won.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to maintenance easements for post-construction stormwater management facilities and civil penalties for violations of the water pollution control code

Be it enacted by the Council as follows:

Section 1. The definition of “notice of termination” set forth in section 24-541 of the administrative code of the city of New York, as amended by local law number 91 for the year 2020, is amended to read as follows:

Notice of termination or NOT. The term “notice of termination” or “NOT” means [for MS 4 projects] *(i) for an MS4 covered development project or MS 4 project, the document submitted to NYSDEC to terminate coverage under the NYSDEC construction general permit and stormwater construction permit and (ii) for any other project, the document submitted to the department to terminate coverage under the stormwater construction permit.*

§ 2. Section 24-559 of the administrative code of the city of New York, as amended by local law number 91 for the year 2020, is amended to read as follows:

§ 24-559 Post-construction stormwater management facilities. Where post-construction stormwater management facilities are required by the department, the department shall not [issue a stormwater construction permit] *approve a notice of termination* for the project until the

execution and recording of a maintenance easement, which shall be binding on all subsequent owners of the real property served by such post-construction stormwater management facility, except where the corporation counsel has determined that such a maintenance easement is not necessary due to the property's ownership or use by a public agency or instrumentality. For post-construction stormwater management facilities subject to such an exception, when there is a subsequent conveyance or cessation of public use, the corporation counsel may require the execution and recording of a maintenance easement at that time. The easement shall provide for access to post-construction stormwater management facilities at reasonable times in accordance with law for periodic inspection by the department or qualified professionals authorized by the department to ensure that such facilities are maintained in good working condition to meet the applicable design standards. The easement shall be recorded by the grantor in the office of the city register or, if applicable, the county clerk after approval by the corporation counsel.

§ 3. Section 24-585 of the administrative code of the city of New York, as added by local law number 97 for the year 2017, is amended to read as follows:

§ 24-585 Civil penalties. Any person who violates or fails to comply with any of the provisions of this chapter or any order or rule issued by the environmental control board within the office of administrative trials and hearings or the commissioner pursuant thereto shall be liable for a civil penalty not exceeding [ten thousand dollars] *\$15,000* for each violation. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The office of administrative trials and hearings, pursuant to section 1049-a of the charter, shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such office. Such office, after a hearing as provided in accordance with applicable law and rules, shall have the power to enforce its final decisions and

orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section 1049-a of the charter. A civil penalty imposed by such office may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The environmental control board within the office of administrative trials and hearings, in its discretion, may, within the limits set forth in this section, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense or may use a schedule adopted by the department.

§ 4. This local law takes effect immediately.

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 September 25, 2025 and returned unsigned by the Mayor on October 27, 2025.

ALISA FUENTES, Acting City Clerk, Acting Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 150 of 2025, Council Int. No 1327-A of 2025) 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.

BRENDA COOKE, Acting Corporation Counsel.