

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2026**

No. 72

By Council Members Abreu, Wong, Louis, Zhuang and Narcisse.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to newsrack requirements and enforcement

Be it enacted by the Council as follows:

Section 1. The definition of “board” in subdivision a of section 19-128.1 of the administrative code of the city of New York, as added by local law number 120 for the year 2024, is amended to read as follows:

Board. The term “board” means the environmental control board [of the city of New York] *within the office of administrative trials and hearings.*

§ 2. Paragraphs 1 and 4 of subdivision b of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 120 for the year 2024, are amended to read as follows:

1. Newsracks shall conform to the standards set forth in rules of the department relating to the size and shape of such newsracks and material used to construct such newsracks. *Whenever any newsrack is found to be in violation of any such rules, the commissioner shall issue a notice_of correction by email to the owner or person in control of such newsrack. The commissioner shall cause photographic evidence of such violation to be taken. Such evidence shall be sent by email together with such notice of correction. Such owner or person in control shall cause such violation*

to be corrected within 30 business days from the date on which the commissioner sends by email such notice of correction.

4. The owner shall affix to the newsrack the owner's name, address, telephone number, and email address[, if any,] in a readily visible location on the front or side of the newsrack and shall conform such information to any changes required to be reported to the department in accordance with the provisions of subdivision c of this section. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.

§ 3. Paragraphs 2 and 3 of subdivision c of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, are amended to read as follows:

2. Subsequent to the initial notification requirements set forth in paragraph [one] 1 of this subdivision, the owner or person in control of any newsrack shall submit the information set forth in subparagraph [a] (a) of such paragraph once a year to the commissioner in accordance with a notification schedule to be established by the commissioner. However, if the number of newsracks owned or controlled by such owner or person increases or decreases by [ten] 10 percent or more of the number of newsracks that have been included in the most recent notification required to be submitted by such owner or person, such owner or person shall also be required to submit the information set forth in such paragraph within [seven] 5 *business* days of such change, and provided, further, that such owner or person shall advise the department of any change in [his or her] *such owner or person's* name or *email* address within [seven] 5 *business* days of such change.

3. Notification to the city, as required by paragraphs 1 and 2 of this subdivision, [may] *shall* be submitted to the department electronically.

§ 4. Paragraphs 1, 2, and 4 of subdivision e of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, are amended to read as follows:

1. Any person who owns or is in control of a newsrack shall [certify], once every [four] 4 months [to the commissioner on forms prescribed by the commissioner that], *repaint* each newsrack under [his or her] *such person's* ownership or control [has been repainted, or that best efforts have been made to remove], *and remove from each such newsrack any graffiti [and] or* other unauthorized writing, painting, drawing, or other markings or inscriptions [at least once during the immediately preceding four month period. Such person shall maintain a log in which the measures and the dates and times when they are taken are recorded in accordance with a format approved or set forth by the commissioner. Such person shall maintain records for a period of three years documenting the use of materials, employees, contractors, other resources and expenditures utilized for the purpose of demonstrating the repainting or best efforts of such person to remove such graffiti or other unauthorized writing, painting, drawing, or other markings or inscriptions. Such person shall, solely for the purposes of complying with the provisions of this paragraph, make such log and such records, and only such log and such records, available to the department for inspection and copying during normal and regular business hours and shall deliver copies to the department upon its request. Such inspection may only be conducted by the department once per certification period]. If the department determines that [such certification, log and records do not accurately demonstrate that] an owner or person in control of a newsrack has *not* repainted or [used best efforts for such purposes] *removed graffiti or other unauthorized writing, painting, drawing, or other markings or inscriptions at least once every 4 months* as required by this paragraph, or upon a determination by the department that an owner or such person failed to

comply with any other provision of this paragraph, the department shall issue a notice of violation in accordance with subparagraph b-1 *or b-2* of paragraph [one] 1 of subdivision f of this section.

2. Any person who owns or is in control of a newsrack shall [use best efforts to] ensure that each newsrack under [his or her] *such person's* ownership or control is not used as a depository for the placement of refuse and shall [be required to] remove any refuse placed within such newsrack within [forty-eight] 48 hours of receipt of a notice of correction from the commissioner as provided in [subparagraph a of] paragraph [one] 1 of subdivision f of this section regarding such condition.

4. Any newsrack that has been damaged or is in need of repair shall be repaired, replaced, or removed by the owner or person in control of such newsrack within [seven] 3 business days of [receipt of a notice of correction from] *the date on which the commissioner sends by email a notice of correction* as provided in [subparagraph a of] paragraph [one] 1 of subdivision f of this section regarding such damage or need for repair. If such newsrack has been damaged, or if it is in a state of disrepair, such that it constitutes a danger to persons or property, it shall be made safe within [a reasonable time following receipt of] *2 business days from the date on which the commissioner sends by email* such a notice of correction [from the commissioner] regarding such condition.

§ 5. Subdivision f of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, is amended to read as follows:

f. Enforcement. 1. (a) Whenever any newsrack is found to be in violation of any provision of subdivision b of this section *or any rule promulgated pursuant to paragraph 1 of such subdivision b*, or paragraphs [two] 2, [three] 3, [four] 4, or [five] 5 of subdivision e of this section, the commissioner shall issue a notice of correction specifying the date and nature of the violation and shall send [written] notification, by [regular mail] *email*, to the owner or person in control of the

newsrack. [In addition, the commissioner may send a copy of such notice of correction to a person designated by such owner or person to receive such notice, and/or the commissioner may send such notice by electronic mail to such owner or such person specifying the date and nature of the violation. However, failure to send a copy by regular or electronic mail will not extend the time period within which such owner or other person is required by any provision of this section to take action, nor will such failure result in the dismissal of a notice of violation issued pursuant to any provision of this section.] The commissioner shall cause photographic evidence of such violation to be taken. Such evidence shall be sent by [regular mail] *email* together with the notice of correction. Except as otherwise provided for the removal of refuse in paragraph [two] 2 of subdivision e of this section, *or for the repair, replacement, or removal of a newsrack that has been damaged or is in need of repair in paragraph 4 of subdivision e of this section, or for the failure to conform to standards set forth in the rules of the department relating to size and shape of a newsrack adopted pursuant to paragraph 1 of subdivision b of this section*, such person shall, within [seven] 5 business days from the date [of receipt of notification via regular mail] *on which the commissioner sends a notice of correction by email*, cause the violation to be corrected. [For the purposes of this section, a notice of correction shall be deemed to have been received five days from the date on which it was mailed by the commissioner.]

(b) If an owner or other person in control of a newsrack fails to comply with a notice of correction issued pursuant to subparagraph [a] *(a)* of this paragraph, or an order by the commissioner to remove served pursuant to paragraph [three] 3 of this subdivision, a notice of violation returnable to the board shall be served on such owner or person in control of such newsrack. No notice of violation shall be issued for the failure to comply with a notice of correction issued pursuant to [subparagraph a of paragraph one of this subdivision] *subparagraph (a) or (b-*

1) of this paragraph unless the commissioner has caused a second inspection of the violation to take place within a period of time that commences on the day after the applicable period for correcting such violation expires and ends [fourteen] *10 business* days after such day. In addition, the commissioner may send to such owner or other person in control of such newsrack, by [electronic mail] *email*, photographic evidence of such violation taken at such second inspection. Failure to send such photographic evidence by [electronic mail] *email* will not result in the dismissal of a notice of violation issued pursuant to any provision of this section.

(b-1) Failure by an owner or a person in control of a newsrack to comply with subdivision c or d of this section, [failure by such owner or person to certify or failure to accurately demonstrate that such owner or person has repainted or used best efforts to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, as required by] paragraph [one] *1* of subdivision e of this section, *or an order by the commissioner to remove or cause to be removed a newsrack pursuant to paragraph 3 of this subdivision*, shall be a violation and shall be subject to the applicable penalties provided in paragraph [six] *6* of this subdivision. A proceeding to recover any civil penalty authorized by this subparagraph shall be commenced with service on such owner or person of a notice of violation returnable to the board. The commissioner shall not be required to issue a notice of correction before issuing or serving a notice of violation pursuant to this subparagraph.

(b-2) Notwithstanding any provision of this paragraph to the contrary, whenever any newsrack is found to be in violation of any provision of paragraph 1 of subdivision b or paragraph 2 or 4 of subdivision e of this section, or any rule adopted pursuant to paragraph 1 of subdivision_b or paragraph 2 or 4 of subdivision e of this section, the commissioner may issue or serve a notice of violation at the same time the commissioner issues or serves a notice of correction for such

violation, provided that, where such owner or person in control of such newsrack complies with a notice of correction the commissioner issues and sends pursuant to this subparagraph within the applicable time specified for correcting such violation, the commissioner shall withdraw such notice of violation and notify the board of such withdrawal prior to the return date of such notice of violation.

(c) If the return date of a notice of violation issued pursuant to subparagraph [b] (b) or [b-1] (b-1) of this paragraph is more than [five] 5 business days after the service of such notice, the board shall, upon the request of the respondent, in person at the office of the board, provide a hearing on such violation prior to such return date and no later than [five] 5 business days after the date of such request. At the time set for such hearing, or at the date to which such hearing is continued, the board shall receive all evidence relevant to the occurrence or non-occurrence of the specified violation(s), the compliance or noncompliance with any of the provisions of this section, and any other relevant information. Such hearing need not be conducted according to technical rules relating to evidence and witnesses. Oral evidence shall be taken only on oath or affirmation. Within [five] 5 business days after the conclusion of the hearing, the board shall render a decision, based upon the facts adduced at said hearing, whether any violations of this section have occurred. The decision shall be in writing and shall contain findings of fact and a determination of the issues presented. The board shall send to the owner or person in control of the newsrack by regular mail, a copy of its decision and order.

2. (a) If the board renders a decision upholding the finding of a violation against the respondent upon default or after a hearing held pursuant to paragraph [one] 1 of this subdivision[, other than a decision finding a violation of the provisions of paragraph one of subdivision e of this section,] and the violation is not remedied within [seven] 5 business days of receipt of the decision of the

board, the commissioner or [his or her] *the commissioner's* designee is authorized to provide for the removal of such newsrack and any contents thereof to a place of safety. For purposes of this subparagraph, a decision shall be deemed to have been received [five] *5 business* days from the date on which it was mailed. If such newsrack and any contents thereof are not claimed within [thirty] *30* days after their removal by a person entitled to their return, they shall be deemed to be abandoned [and may be either sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency, or otherwise disposed of] *and shall be subject to the provisions of paragraph 4 of this subdivision*, and the owner or person in control shall be liable to the [City] *city* for the costs of removal and storage and shall be subject to a civil penalty pursuant to subparagraph [a] *(a)* of paragraph [six] *6* of subdivision f of this section. Newsracks and the contents thereof that are removed pursuant to this subparagraph shall be released to the owner or other person lawfully entitled to possession upon payment of the costs for removal and storage and any civil penalty or, if an action or proceeding concerning the violation is pending, upon the posting of a bond or other form of security acceptable to the department in an amount that will secure the payment of such costs and any penalty that may be imposed hereunder.

(b) If the board renders a decision upholding the finding of a violation against the respondent for having failed to [certify, or having failed to accurately] demonstrate that such respondent repainted or [used best efforts to remove] *removed* graffiti [and] *or* other unauthorized writing, painting, drawing, or other markings or inscriptions, *as required by paragraph 1 of subdivision e of this section*, or having failed to comply with any other provision of paragraph [one] *1* of subdivision e of this section, the board shall impose a penalty in accordance with subparagraph [b] *(b)* of paragraph [six] *6* of this subdivision.

3. The commissioner may[, upon notice, serve] *send* an order [upon] *by email* to the owner or other person in control of a newsrack requiring such person to remove or cause to be removed such newsrack within [seven] 5 business days [of receipt of such order] *from the date on which the commissioner sends by email such order* where such removal is required because the site or location at which such newsrack is placed is used or is to be used for public utility purposes, public transportation, or public safety purposes, or when such newsrack unreasonably interferes with construction activities in nearby or adjacent buildings, or if removal is required in connection with a street widening or other capital project or improvement. If such person does not remove such newsrack within [seven] 5 business days of [receipt of] *the date the commissioner sends by email* such order, the provisions contained in subparagraphs [b] (*b*) and [c] (*c*) of paragraph [one] 1 of this subdivision and subparagraph [a] (*a*) of paragraph [two] 2 of this subdivision regarding issuance of a notice of violation and alternatives for removal, storage, abandonment, disposal, and release, shall apply.

4. Notwithstanding any other provision of law to the contrary, if a newsrack has been deemed to have been abandoned in accordance with this paragraph, the commissioner, [his or her] *the commissioner's* designee, an authorized officer or employee of any city agency, or a police officer is authorized to provide for the removal of such newsrack and it may either be sold at public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency, or otherwise disposed of. A newsrack shall be deemed to have been abandoned for purposes of this paragraph if [the name, address or other]: (*i*) *no* identifying material of the owner or other person in control of such newsrack, *as required by paragraph 4 of subdivision b of this section*, is [not] affixed to such newsrack [as required by paragraph four of subdivision b of this section and]; *or* (*ii*) such owner

or other person *in control of such newsrack* has not submitted to the commissioner the [information required in clauses (ii) and (iii) of subparagraph a of] *name, address, telephone number, and email address of such owner or other person in control of such newsrack as required by paragraph [one] 1 of subdivision c of this section.*

5. (a) Where emergency circumstances exist and the commissioner or [his or her] *the commissioner's* designee gives notice to the owner or other person in control of a newsrack to remove such newsrack, such person shall comply with such notice. For the purposes of this paragraph, emergency circumstances shall mean circumstances which present an imminent threat to public health or safety.

(b) If any owner or other person in control of a newsrack does not remove such newsrack when directed to do so pursuant to the provisions of subparagraph [a] *(a)* of this paragraph, or if circumstances are such that public safety requires the immediate removal of a newsrack and it is not reasonable to give the owner or other person in control of such newsrack notice prior to removal, the commissioner or [his or her] *the commissioner's* designee may provide for the removal of such newsrack to a place of safety. *If a newsrack has been removed by the city pursuant to this subparagraph, the commissioner or the commissioner's designee shall, no later than 48 hours following such removal, send by email to the owner or person in control of such newsrack notice of such removal.* Unless an administrative proceeding brought pursuant to subparagraph [c] *(c)* of this paragraph has terminated in favor of such owner or other person in control of such newsrack, such owner or other person in control of such newsrack may be charged with the reasonable costs of removal and storage payable prior to the release of such newsrack and the contents thereof.

(c) If an owner or other person in control of a newsrack fails to comply with a notice issued pursuant to subparagraph [a] (a) of this paragraph to remove such newsrack, a notice of violation returnable to the board shall be served on such owner or person in control of such newsrack. If the newsrack has been removed by the city pursuant to subparagraph [b] (b) of this paragraph, such notice of violation shall be served immediately after removal, and, if the return date of the notice of violation is more than [five] 5 business days after the service of such notice, the board shall, upon the request of the respondent, in person at the office of the board, provide a hearing on such violation prior to such return date and no later than [five] 5 business days after the date of such request. The hearing shall take place under the provisions set forth in subparagraphs [b] (b) and [c] (c) of paragraph [one] 1 of this subdivision and a decision shall be rendered by the board within [five] 5 business days after the conclusion of the hearing. If a decision is rendered at such hearing that emergency circumstances did not exist, such newsrack shall be returned within [ten] 10 *business* days to the location from which it was removed by the commissioner or [his or her] *the commissioner's* designee. If a decision is rendered against the respondent upon default or after a hearing that such emergency circumstances existed, such newsrack and the contents thereof shall be released to the owner or other person lawfully entitled to possession. If, after a board decision that removal was proper, such newsrack and any contents thereof are not claimed within [thirty] 30 days after the date of removal by a person entitled to their return, such newsrack and any contents thereof shall be deemed abandoned and may be either sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency, or otherwise disposed of.

6. (a) Any owner or person in control of a newsrack found to be in violation of any provision of this section shall, after a board decision has been issued upon default or after a hearing, be

subject to a civil penalty in the amount of (i) no less than [fifty dollars] \$250 and no more than [one hundred dollars] \$500 for each violation for a specific newsrack of any of the provisions of paragraphs [two] 2, [three] 3, [four] 4 or [five] 5 of subdivision e of this section or paragraph [four] 4 of subdivision b of this section, except that a person found in violation of any of such provisions after a decision of the board issued on default shall be subject to a penalty of no less than [one hundred dollars] \$250 and no more than [five hundred dollars] \$500; (ii) no less than [five hundred dollars] \$3,000 and no more than [four thousand dollars] \$4,000 for each violation of paragraph [one] 1 of subdivision c of this section; and (iii) no less than [one hundred dollars] \$250 and no more than [five hundred dollars] \$500 for each violation of paragraphs [one] 1, [two] 2, [three] 3, [five] 5, [six] 6 and [seven] 7 of subdivision b of this section *or of any rule adopted pursuant to paragraph 1 of subdivision b of this section.*

(b) Any owner or person in control of [one] 1 or more newsracks found by the board to have failed to [certify, or to have failed to accurately] demonstrate that such owner or person repainted or [used best efforts to remove] *removed* graffiti [and] *or* other unauthorized writing, painting, drawing, or other markings or inscriptions, as required by paragraph [one] 1 of subdivision e of this section, or failed to comply with any other requirements of such paragraph, or failed to comply with any provision of paragraph [two] 2 of subdivision c of this section, or failed to maintain insurance as required by subdivision d of this section, shall be liable for a civil penalty determined in accordance with the number of newsracks such person owns or controls as follows:

Number of newsracks owned or controlled by such person	A violation of paragraph [one] 1 of subdivision e, paragraph [two] 2 of subdivision c or subdivision d of this section
Up to and including [ninety-nine] 99 newsracks	[Two hundred fifty dollars] \$400 to \$600

More than [ninety-nine] 99 and less than [two hundred fifty] 250 newsracks	[Three hundred seventy-five] \$600 to [seven hundred fifty dollars] \$800
More than [two hundred forty-nine] 249 and less than [five hundred] 500 newsracks	[Seven hundred fifty] \$1,100 to [one thousand five hundred dollars] \$1,500
More than [four hundred ninety-nine] 499 and less than [seven hundred fifty] 750 newsracks	[One thousand one hundred twenty-five] \$1,700 to [two thousand two hundred fifty dollars] \$2,250
More than [seven hundred forty-nine] 749 and less [than one thousand] 1,000 newsracks	[One thousand five hundred] \$2,300 to [three thousand dollars] \$3,000
[One thousand] 1,000 or more newsracks	[Two thousand] \$3,000 to [four thousand dollars] \$4,000

7. The commissioner shall remove or cause to be removed from any sidewalk for a period of [three] 3 consecutive months, every newsrack and the contents thereof under the ownership or control of any person who repeatedly violates any provision or provisions of this [subdivision] *section*. For purposes of this paragraph, a person shall be deemed to have repeatedly violated this section if such person has been determined by the board, upon default or after a hearing, to have violated the provisions of this section [ten] 3 or more times within any [six-month] 6 month period [and] *or* that such person has failed to pay [three] 3 or more civil penalties imposed during that same time period. [For purposes of this paragraph, a person shall also be deemed to have repeatedly violated this section if such person is determined by the board, upon default or after a hearing, to have failed to make the certification required by paragraph one of subdivision e of this section or to have failed to accurately demonstrate that such person repainted or used best efforts to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions as required by such paragraph in each of two consecutive certification periods in any two year period or three times in any two-year period.] The department shall maintain a record of all persons who repeatedly violate any provision or provisions of this subdivision. In the event that the

commissioner removes or causes to be removed all newsracks and the contents thereof under the ownership or control of any person based upon this paragraph, such person shall be permitted to replace all such newsracks at the locations from which they were removed upon payment in full of all outstanding civil penalties imposed for violations of this section and the reasonable costs of removal and storage, provided that such newsracks meet the requirements of this section. If any newsracks or contents thereof removed pursuant to this paragraph are not claimed within [thirty] 30 days after the expiration of the [three-month] *3 month* removal period, such newsracks or the contents thereof shall be deemed abandoned and may be either sold at public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund, used or converted for use by the department or another city agency or otherwise disposed of.

8. In giving any notice of correction or serving any [commissioners] *commissioner's* order required under this section, except as otherwise provided by law, the commissioner may rely on the validity of any *email* address [(a) posted on the newsrack pursuant to paragraph 4 of subdivision b of this section as the address] of the owner or person in control of the newsrack [or (b)] submitted to the department pursuant to subdivision c of this section, and shall provide such notice by [regular mail] *email*. [If the owner or person in control of a newsrack shall have failed to comply with paragraph 4 of subdivision b or with subdivision c of this section, the commissioner shall make reasonable efforts to ascertain the identity and address of the owner or person in control of such newsrack for the purpose of giving any required notice, and having done so, may take action as if any required notice had been given.]

9. Nothing in this section shall preclude the immediate removal of a newsrack when otherwise authorized by law.

§ 6. This local law takes effect 120 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 February 24, 2026 and returned unsigned by the Mayor on March 30, 2026.

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. 72 of 2026, Council Int. No. 68-A of 2026) 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.