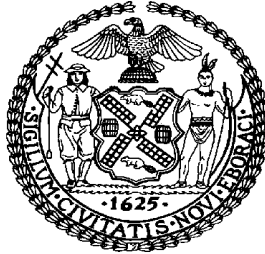


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THE NEW YORK CITY COUNCIL
Andrea Vazquez, Legislative Director

COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION
Brad Reid, Deputy Director

COMMITTEE ON SANITATION & SOLID WASTE MANAGEMENT
Hon. Sandy Nurse, Chair

October 26, 2022

Proposed Int. No. 414-A : By Council Members Ossé, Nurse, Bottcher, Menin, Farías, Williams, Richardson Jordan, Avilés, Hanif, Brewer, Cabán, Hudson, Gutiérrez, Dinowitz, Louis, Brooks-Powers, Schulman, Ung, Barron, Riley, Krishnan, Narcisse, Lee, Brannan, Sanchez, Moya, Ayala, Abreu, Restler, Marte, Powers, Gennaro, Joseph, De La Rosa, Holden, Hanks Vernikov, and Won (by request of the Brooklyn Borough President)

Title: A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation progress in rat mitigation zones

Administrative Code: Adds section 17-133.3

Proposed Int. No. 442-A :

By Council Members Bottcher, Nurse, Ossé, Louis, Marte, Williams, Krishnan, Hanif, Narcisse, Brooks-Powers, Cabán, Gutiérrez, Avilés, Brannan, Schulman, Hudson, Richardson Jordan, Barron, Sanchez, Joseph, Farías, Abreu, Restler, Riley, Ayala, Powers, Gennaro, De La Rosa, Holden, Hanks, Dinowitz, Mealy, and Won (in conjunction with the Brooklyn Borough President) (by request of the Manhattan Borough President)

Title:

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to abating rodents as a requirement for the issuance of certain construction permits

Administrative Code:

Adds section 28-105.2.3

Building Code:

Amends section 3306.9.13

Proposed Int. No. 459-A:

Council Members Abreu, Nurse, Louis, Hudson, Brewer, Joseph, Gutiérrez, Narcisse, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Richardson Jordan, Riley, Ayala, Hanif, Powers, Cabán, Gennaro, De La Rosa, Holden, Hanks, Dinowitz, and Won (in conjunction with the Brooklyn Borough President)

Title:

A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones

Administrative Code:

Amends subdivision c of section 16-120 and adds section 17-133.2

Proposed Int. No. 460-A:

By Council Members Abreu, Nurse, Bottcher, Louis, Hudson, Hanif, Brewer, Joseph, Gutiérrez, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Won, Krishnan, Richardson Jordan, Riley, Ayala, Cabán, Menin, Powers, Gennaro, Narcisse, De La Rosa, Holden, Sanchez, Farías, Hanks, and Dinowitz (in conjunction with the Brooklyn Borough President)

Title:

A Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation

Administrative Code:

Amends subdivision a of section 16-120

I. INTRODUCTION

On October 26, 2022, the Committee on Sanitation and Solid Waste Management (the “Committee”), chaired by Council Member Sandy Nurse, will hold a hearing on Proposed Int. No. 414-A, in relation to rat mitigation progress in rat mitigation zones; Proposed Int. No. 442-A, in relation to abating rodents as a requirement for the issuance of certain construction permits; Proposed Int. No. 459-A, in relation to rat mitigation zones; and Proposed Int. No. 460-A, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation. The Committee previously heard these bills at a hearing on June 21, 2022, where it received testimony from representatives of the New York City Department of Sanitation (“DSNY”), environmental advocates and interested members of the public. More information about this legislation is available in the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3STNgdg>.

II. LEGISLATION

Proposed Int. No. 414-A

Proposed Int. No. 414-A would require the Department of Health and Mental Hygiene (the “DOHMH”) to issue an annual report on the success of rat mitigation measures in rat mitigation zones. Additionally, DOHMH would report on current and planned rat mitigation measures in each such zone, public outreach measures carried out by DOHMH regarding rat mitigation in each such zone, the creation or elimination of such zones, and changes to rat mitigation measures used in each such zone. This local law would take effect immediately.

Proposed Int. No. 442-A

Proposed Int. No. 442-A would require that, before a permit authorizing certain construction work that is subject to rodent extermination is issued, the applicant certify that a licensed exterminator was retained to effectively treat the premises for rodent extermination. This local law would take effect 180 days after it becomes law.

Proposed Int. No. 459-A

Proposed Int. No. 459-A would require DOHMH to designate one or more rat mitigation zones no later than April 1, 2023. The criteria to be used in designating such rat mitigation zones is to include, among other criteria: the number of inspections for rat activity, the number of certain rat-related notices of violation issued, the number of rat exterminations executed by

DOHMH, and the number of 311 service requests related to rat activity in a given sanitation or community district. Such designated rat mitigation zones can later be amended, or new zones established, based on such criteria.

This bill would also provide that the Department of Sanitation may determine by rule the times during which buildings must set out their garbage and recycling for collection. In doing so, the Department of Sanitation would be required to prioritize the minimizing of rodent harborage and the amount of time such garbage and recycling is at the curb awaiting collection. If such a rule is promulgated, then a rule establishing an alternative requirement for the set-out of materials by multiple dwellings containing nine or more dwelling units would be required to be promulgated. Such alternative requirements would be opt-in for such buildings, established in temporal proximity to the start of the scheduled collection shift and mandated to further the same rodent minimization goals as the set-out rule. This local law would take effect immediately.

Proposed Int. No. 460-A

Proposed Int. No. 460-A would require buildings that receive either two or more rodent-specific housing maintenance code violations or two or more rodent-specific health code violations to place their refuse in rodent-proof containers for at least two years. The bill would provide that the Department of Sanitation may waive this container requirement where it would cause an undue hardship or public safety hazard. This local law would take effect on April 1, 2023.

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Proposed Int. No. 414-A

By Council Members Ossé, Nurse, Bottcher, Menin, Farías, Williams, Richardson Jordan, Avilés, Hanif, Brewer, Cabán, Hudson, Gutiérrez, Dinowitz, Louis, Brooks-Powers, Schulman, Ung, Barron, Riley, Krishnan, Narcisse, Lee, Brannan, Sanchez, Moya, Ayala, Abreu, Restler, Marte, Powers, Gennaro, Joseph, De La Rosa, Holden, Hanks, Vernikov, and Won (by request of the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation progress in rat mitigation zones

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.3 to read as follows:

§ 17.133.3 Rat mitigation reporting. a. No later than November 1, 2023, and by November 1 annually thereafter, the department shall submit to the mayor and the speaker of the council, and make publicly available online, a report that details rat mitigation efforts in the rat mitigation zones designated by the department pursuant to subdivision a of section 17-133.2.

b. Such report shall include, but not be limited to:

1. The metrics that the department is using to measure the efficacy of rat mitigation in such zones, including a description of whether the department has seen improvement, as measured by such metrics, and, if so, how such improvement has been achieved;

2. An overview of current and planned rat mitigation measures, including goals and specific benchmarks and timelines, in each such zone;

3. A description of the public outreach measures undertaken by the department in relation to rat mitigation in each such zone;

4. Explanations of the creation or elimination of rat mitigation zones, or any change of

boundaries of such zone, since the previous report, if applicable; and

5. Explanations of any changes to the rat mitigation measures used in each such zone since the previous report, if applicable.

§ 2. This local law takes effect immediately.

Session 12

JSA

LS #999, 8164

8/30/2022 11:15am

Session 11

NKA

LS #5775

Int. #659-A-2018

Proposed Int. No. 442-A

By Council Members Bottcher, Nurse, Ossé, Louis, Marte, Williams, Krishnan, Hanif, Narcisse, Brooks-Powers, Cabán, Gutiérrez, Avilés, Brannan, Schulman, Hudson, Richardson Jordan, Barron, Sanchez, Joseph, Farías, Abreu, Restler, Riley, Ayala, Powers, Gennaro, De La Rosa, Holden, Hanks, Dinowitz, Mealy, and Won (in conjunction with the Brooklyn Borough President) (by request of the Manhattan Borough President)

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to abating rodents as a requirement for the issuance of certain construction permits

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.2.3 to read as follows:

§ 28-105.2.3 Rodent abatement during certain construction work. For work that is subject to rodent extermination pursuant to section 3306.9.13 of the New York city building code, prior to the issuance of a permit authorizing work, the applicant shall certify that a licensed exterminator has been retained to effectively treat the premises for rodent extermination as per the requirements of the department of health and mental hygiene.

§ 2. Section 3306.9.13 of the New York city building code is amended to read as follows:

3306.9.13 Rodent extermination. A licensed exterminator shall effectively treat the premises for rodent extermination as per the requirements of the Department of Health and Mental Hygiene for the following work:

1. Where the proposed construction work involves 50% or more of the floor area of a building;
2. Where the proposed vertical or horizontal enlargement increases the amount of building floor area by more than 25% over the amount of existing floor area of the building;

3. Where the proposed demolition involves more than 50% of the floor area of a building;

4. Where full demolition work is proposed.

[Exception: Partial demolition operations.]

§ 3. This local law takes effect 180 days after it becomes law.

Session 12

JSA

LS #245, 8166

8/19/2022 12:31pm

Session 11

TBD/MPC/NKA

LS #1228

Int. #658-2018

Proposed Int. No. 459-A

By Council Members Abreu, Nurse, Louis, Hudson, Brewer, Joseph, Gutiérrez, Narcisse, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Richardson Jordan, Riley, Ayala, Hanif, Powers, Cabán, Gennaro, De La Rosa, Holden, Hanks, Dinowitz, and Won (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to rat mitigation zones

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 16-120 of the administrative code of the city of New York, as amended by local law number 6 for the year 2006, is amended to read as follows:

c. 1. Incinerator[,] residue, ashes, refuse and liquid waste shall be stored in the building or dwelling or at the rear of the building or dwelling as may be required by the department of health and mental hygiene or the department of housing preservation and development until time for removal and kept in tightly covered metal receptacles or containers made of other materials of a type and grade acceptable to the department, the department

of health and mental hygiene, and the department of housing preservation and development. After the contents have been removed by the department or other collection agency any receptacles remaining shall be removed from the front of the building or dwelling before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection. The receptacles shall at all times be kept covered or closed and kept in a manner satisfactory to the department, the department of health and mental hygiene, and in the case of residential premises, the department of housing preservation and development. No receptacles, refuse, incinerator residue or ashes, or liquid waste shall be kept so as to create a nuisance. Yard sweepings, hedge cuttings, grass, leaves, earth, stone or bricks shall not be mixed with household wastes.

2. Notwithstanding paragraph 1 of this subdivision, the department may set by rule requirements for the set-out of solid waste or recyclable material for collection by the department. Such requirements shall prioritize:

(a) Minimizing rodent harborage associated with such waste or material set-out; and

(b) Minimizing the amount of time that such waste or material is placed at the curb prior to collection by the department.

3. Notwithstanding paragraphs 1 and 2 of this subdivision, if the department sets by rule requirements for the set-out of solid waste or recyclable material pursuant to paragraph 2 of this subdivision, the

department shall set by rule alternative requirements for the set-out of solid waste or recyclable material for collection by the department for multiple dwellings containing nine or more dwelling units, in furtherance of the goals identified in subparagraphs (a) and (b) of paragraph 2 of this subdivision, provided that any such requirements allow such multiple dwellings to opt in to such requirements and provided further that any such requirements allow for solid waste or recyclable material to be set out for collection by the department no more than four hours prior to the start of the scheduled collection shift. Such four hour time shall not apply to solid waste or recyclable material that is stored in a receptacle that is kept covered or closed in a manner to prevent rodent harborage and in a manner satisfactory to the department, the department of health and mental hygiene and the department of housing preservation and development. Any multiple dwelling that does not opt in to such requirements, or that opts out of such requirements, shall be subject to the requirements set by rule pursuant to paragraph 2 of this subdivision.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-133.2 to read as follows:

§ 17-133.2 Rat mitigation zones. a. No later than April 1, 2023, the department shall designate, by rule, one or more rat mitigation zones. In designating such zones, the department shall consider the following criteria:

1. The number and percentage of inspections for rat activity for

properties within a given sanitation district or community district that resulted in the issuance of an order pursuant to section 151.02 of the New York city health code or an agency referral letter related to rat activity, and the location of such properties within such sanitation or community district;

2. The number and percentage of inspections for rat activity for properties within a given sanitation district or community district that have resulted in the issuance of a notice of violation pursuant to section 3.05 or section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;

3. The number of rat exterminations at properties within a given sanitation district or community district executed by the department pursuant to section 17-147, following a failure to comply with an order issued pursuant to section 151.02 of the New York city health code, and the location of such properties within such sanitation or community district;

4. The number and nature of 311 requests for service or complaints related to rat activity within any 12-month period within a given sanitation district or community district; and

5. The susceptibility of any properties managed by the department of parks and recreation within a given sanitation district or community district to rat infestation.

b. The department shall periodically review the criteria set forth in subdivision a of this section and may, by rule, and in accordance with such

review, eliminate existing rat mitigation zones, change the boundaries of existing rat mitigation zones, or designate new rat mitigation zones.

c. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, and in consultation with the department of sanitation, review the boundaries of sanitation districts, or sections within sanitation districts, and may establish boundaries of rat mitigation zones that are, in whole or in part, coterminous with sanitation districts, or sections within sanitation districts.

d. The department may, in conjunction with any action taken pursuant to subdivision a or b of this section, consider the availability of resources to implement rat mitigation measures and, in designating rat mitigation zones, eliminating existing rat mitigation zones, or changing the boundaries of existing rat mitigation zones, exercise its discretion to maximize the efficient use of such resources.

e. If the department, following any review of a rat mitigation zone conducted pursuant to subdivision b of this section, determines, in consultation with the department of sanitation, that any rat mitigation measure applicable pursuant to law or rule only within a rat mitigation zone should be continued, then the department need not eliminate or change the boundaries of a rat mitigation zone, even if such review otherwise indicates that such rat mitigation zone should be eliminated, or its boundaries

changed.

§ 3. This local law takes effect immediately.

Session 12

XC/JSA

LS #8501

10/3/2022 10:22PM

Session 11

NKA

LS 4540

5/1/2018 9:17PM

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Proposed Int. No. 460-A

By Council Members Abreu, Nurse, Bottcher, Louis, Hudson, Hanif, Brewer, Joseph, Gutiérrez, Avilés, Restler, Schulman, Marte, Ossé, Velázquez, Williams, Won, Krishnan, Richardson Jordan, Riley, Ayala, Cabán, Menin, Powers, Gennaro, Narcisse, De La Rosa, Holden, Sanchez, Farías, Hanks, and Dinowitz (in conjunction with the Brooklyn Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-120 of chapter 1 of title 16 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

§ 16-120 Receptacles for the removal of waste material. a. 1. The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes; refuse, and liquid waste. The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period

of [seventy-two] -72 hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.

2. (a) Where the conditions precedent and requirements set forth in subparagraphs (b) and (c) of this paragraph are satisfied and apply, respectively, the receptacles used to meet the requirements set forth in paragraph 1 of this subdivision shall be of a material or design approved by the department, department of health and mental hygiene and department of housing preservation and development to minimize rodent access and harborage.

(b) (1) The requirements set forth in subparagraph (a) of this paragraph apply to a building or dwelling to which two or more notices of violation have been issued pursuant to section 151.02 of the New York city health code within a 12-month period, provided that such a notice of violation that has been dismissed by the office of administrative trials and hearings shall not be counted in determining whether such requirements apply, and such a notice of violation for which an appeal is pending at such office shall not be counted unless and until such office has upheld such

notice of violation.

(2) The requirements set forth in subparagraph (a) of this paragraph begin to apply on the date that the department notifies the owner of record of such building or dwelling that any combination of the following has occurred that amounts to two violations: (i) the owner has admitted the violation, (ii) the owner has defaulted on the violation, and the time to reopen the case has expired, or (iii) the office of administrative trials and hearings has upheld the notice of violation.

(3) The requirements set forth in subparagraph (a) of this paragraph continue to apply until two years have elapsed following such notification by the department, provided that the occurrence of a new violation that may be counted in accordance with clause (1) of this subparagraph extends the duration of applicability until two years have elapsed following the date of the new violation as indicated in the corresponding new notice of violation.

(c) (1) The requirements set forth in subparagraph (a) of this paragraph apply to a building or dwelling to which two or more notices of violation relating to the presence of rats have been issued pursuant to section 27-2017.4 of the housing maintenance code, provided that a violation that the owner of record of such building or dwelling has certified as corrected within the correction period indicated on the notice of violation shall not be counted in determining whether such requirements apply unless the department of housing preservation and development has identified such

certification as false.

(2) The requirements set forth in subparagraph (a) of this paragraph begin to apply on the date that the department notifies the owner of record of such building or dwelling that the two violations triggering such requirements have occurred.

(3) The requirements set forth in subparagraph (a) of this paragraph continue to apply until two years have elapsed following such notification by the department, provided that the occurrence of a new violation that may be counted in accordance with clause (1) of this subparagraph extends the duration of applicability of such requirements until two years have elapsed following the date of such new violation as indicated in the corresponding new notice of violation.

(d) The department may waive the requirements set forth in subparagraph (a) of this paragraph for a building or dwelling if the owner of record or managing agent of such building or dwelling demonstrates to the satisfaction of the department that compliance with such provisions would (i) create an undue burden on such owner of record or managing agent or (ii) create a public safety hazard because the sidewalk on which a receptacle is placed would be substantially obstructed by such receptacle during the time it is set out for purposes of removal of waste material. The department shall make such waiver in writing and share such waiver with the owner of record or managing agent of such building or dwelling, the relevant community

board, the department of health and mental hygiene and the department of housing preservation and development.

§ 2. This local law takes effect on April 1, 2023, and applies with respect to violations of the New York city health code and the housing maintenance code that are issued on or after this effective date.

Session 12
XC/JSA
LS #8500
10/3/2022 5:01PM

Session 11
JCH/ADW
LS #2327/ Int. 879/2015
LS#12
12/12/2017 2:23PM