S T A T E O F N E W Y O R K

6189

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the New York city charter, in relation to authorizing the city council to "call up" any New York city department of health regulation for review

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 28 of the New York city charter is amended by adding a new subdivision h to read as follows:

H. (1) THE COUNCIL SHALL HAVE THE AUTHORITY TO ELECT TO REVIEW ANY NEW YORK CITY DEPARTMENT OF HEALTH REGULATION BY VOTING TO TAKE JURISDICTION WITHIN TWENTY DAYS AFTER THE CITY DEPARTMENT OF HEALTH FILES ITS REPORT.

(2) (A) AN APPLICATION WHICH IS SUBJECT TO ELECTIVE REVIEW BY THE COUNCIL, SHALL BE REVIEWED IF SUCH APPLICATION WAS DISAPPROVED BY THE COMMUNITY BOARD AND BOROUGH PRESIDENT, WAS APPROVED OR APPROVED WITH MODIFICATIONS BY THE CITY DEPARTMENT OF HEALTH, AND THE BOROUGH PRESIDENT FILES AN OBJECTION TO THE CITY DEPARTMENT OF HEALTH'S APPROVAL WITH THE COUNCIL AND THE CITY DEPARTMENT OF HEALTH WITHIN FIVE DAYS OF RECEIPT OF THE CITY DEPARTMENT OF HEALTH'S APPROVAL.

(B) WITHIN FIFTY DAYS OF RECEIPT OF THE CITY DEPARTMENT OF HEALTH'S REPORT ON AN APPLICATION THAT IS EITHER SUBJECT TO MANDATORY REVIEW OR IS "CALLED-UP" BY THE COUNCIL, THE COUNCIL SHALL HOLD A PUBLIC HEARING, AND APPROVE, APPROVE WITH MODIFICATIONS OR DISAPPROVE THE DECISION OF THE CITY DEPARTMENT OF HEALTH.

(C) IF, DURING THE COURSE OF ITS FIFTY-DAY REVIEW PERIOD, THE COUNCIL DECIDES IT WANTS TO APPROVE AN APPLICATION WITH MODIFICATION, IT CAN DO SO ONLY BY REFERRING THE PROPOSED MODIFICATION BACK TO THE CITY DEPARTMENT OF HEALTH. SUCH DEPARTMENT SHALL THEN DETERMINE IF THE MODIFICATION IS OF SUCH SIGNIFICANCE THAT ADDITIONAL REVIEW IS NECESSARY. IF SUCH DEPARTMENT DETERMINES THAT ADDITIONAL REVIEW IS NEEDED, THE COUNCIL MAY NOT ADOPT THE MODIFICATION. IF NO ADDITIONAL REVIEW IS NEEDED, THE COUNCIL CAN ADOPT THE APPLICATION WITH THE MODIFICATION. WHEN THE COUNCIL PROPOSES A MODIFICATION, SUCH DEPARTMENT HAS FIFTEEN DAYS TO MAKE ITS

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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DETERMINATION AND DURING SUCH PERIOD THE COUNCIL'S FIFTY DAY CLOCK IS STOPPED.

(3) A COUNCIL ACTION APPROVING, APPROVING WITH MODIFICATIONS OR DISAPPROVING THE CITY DEPARTMENT OF HEALTH ACTIONS, REQUIRES A MAJORITY VOTE OF THE COUNCIL.

(4) IF THE COUNCIL FAILS TO ACT WITHIN ITS REVIEW PERIOD, THE COUNCIL SHALL BE DEEMED TO HAVE APPROVED THE DECISION OF THE CITY DEPARTMENT OF HEALTH.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.