

1098

2015-2016 Regular Sessions

I N   S E N A T E

January 8, 2015

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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:

1     Section 1. Section 28 of the New York city charter is amended by  
2     adding a new subdivision h to read as follows:  
3     H. (1) THE COUNCIL SHALL HAVE THE AUTHORITY TO ELECT TO REVIEW ANY NEW  
4     YORK CITY DEPARTMENT OF HEALTH REGULATION BY VOTING TO TAKE JURISDICTION  
5     WITHIN TWENTY DAYS AFTER THE CITY DEPARTMENT OF HEALTH FILES ITS REPORT.  
6     (2) (A) AN APPLICATION WHICH IS SUBJECT TO ELECTIVE REVIEW BY THE  
7     COUNCIL, SHALL BE REVIEWED IF SUCH APPLICATION WAS DISAPPROVED BY THE  
8     COMMUNITY BOARD AND BOROUGH PRESIDENT, WAS APPROVED OR APPROVED WITH  
9     MODIFICATIONS BY THE CITY DEPARTMENT OF HEALTH, AND THE BOROUGH PRESI-  
10    DENT FILES AN OBJECTION TO THE CITY DEPARTMENT OF HEALTH'S APPROVAL WITH  
11    THE COUNCIL AND THE CITY DEPARTMENT OF HEALTH WITHIN FIVE DAYS OF  
12    RECEIPT OF THE CITY DEPARTMENT OF HEALTH'S APPROVAL.  
13    (B) WITHIN FIFTY DAYS OF RECEIPT OF THE CITY DEPARTMENT OF HEALTH'S  
14    REPORT ON AN APPLICATION THAT IS EITHER SUBJECT TO MANDATORY REVIEW OR  
15    IS "CALLED-UP" BY THE COUNCIL, THE COUNCIL SHALL HOLD A PUBLIC HEARING,  
16    AND APPROVE, APPROVE WITH MODIFICATIONS OR DISAPPROVE THE DECISION OF  
17    THE CITY DEPARTMENT OF HEALTH.  
18    (C) IF, DURING THE COURSE OF ITS FIFTY-DAY REVIEW PERIOD, THE COUNCIL  
19    DECIDES IT WANTS TO APPROVE AN APPLICATION WITH MODIFICATION, IT CAN DO  
20    SO ONLY BY REFERRING THE PROPOSED MODIFICATION BACK TO THE CITY DEPART-  
21    MENT OF HEALTH. SUCH DEPARTMENT SHALL THEN DETERMINE IF THE MODIFICATION  
22    IS OF SUCH SIGNIFICANCE THAT ADDITIONAL REVIEW IS NECESSARY. IF SUCH  
23    DEPARTMENT DETERMINES THAT ADDITIONAL REVIEW IS NEEDED, THE COUNCIL MAY  
24    NOT ADOPT THE MODIFICATION. IF NO ADDITIONAL REVIEW IS NEEDED, THE COUN-

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

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1 CIL CAN ADOPT THE APPLICATION WITH THE MODIFICATION. WHEN THE COUNCIL  
2 PROPOSES A MODIFICATION, SUCH DEPARTMENT HAS FIFTEEN DAYS TO MAKE ITS  
3 DETERMINATION AND DURING SUCH PERIOD THE COUNCIL'S FIFTY DAY CLOCK IS  
4 STOPPED.

5 (3) A COUNCIL ACTION APPROVING, APPROVING WITH MODIFICATIONS OR DISAP-  
6 PROVING THE CITY DEPARTMENT OF HEALTH ACTIONS, REQUIRES A MAJORITY VOTE  
7 OF THE COUNCIL.

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

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