

## ENVIRONMENTAL CONTROL BOARD

### Notice of Promulgation of Rule

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED** in the Environmental Control Board (ECB) by Section 1049(c)(3) of the New York City Charter, and by 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, that the Environmental Control Board hereby promulgates the following rule. The rule was published in The City Record on January 29, 2010 and a Public Hearing was held on March 2, 2010.

Section 1. The Public Safety Graffiti Penalty Schedule found in §3-119 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended to revise the entry in that penalty schedule for § 10-117.3, "Failure to Remove graffiti," to read as follows:

New material is underlined.

SECTION/RULE	DESCRIPTION	PENALTY	DEFAULT
A.C. 10-117.3 <b><u>(b)</u></b>	Failure to remove graffiti	150	300

### Statement of Basis and Purpose of Final Rule

The Environmental Control Board (ECB) has made the following revision to the ECB Penalty Schedule:

The Board has revised the Public Safety Graffiti Penalty Schedule found in Section 3-119 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York.

On October 7, 2009, Mayor Bloomberg signed Local Law No. 65 of 2009 which amended Local Law No. 111 of 2005 relating to the removal of graffiti from commercial and residential buildings. Local Law No. 65 amends section 10-117.3 of the New York City Administrative Code by streamlining the current process that is in place for the removal of graffiti by making it easier for residents to have graffiti removed from their property.

Under the new law, once a building is identified for graffiti removal, the city will notify the building owner of the planned removal. The building owner will then have thirty five days (with a 15-day extender) to "opt out" of the removal of the graffiti by the City. To "opt out" the owner will have to submit a form to the city requesting the graffiti remain on the building or advising that they will remove it themselves. If graffiti is not cleaned after thirty five days (or fifty days with an extension), the city will contact property owners of buildings over six units to advise them that

they must either clean the graffiti, express their desire to keep it or allow the city to clean. Failure to exercise one of these options within sixty days will result in a notice of violation.

The new law specifically states, in section 10-117.3(h), that a Notice of Violation “shall indicate that the owner is in violation of subdivision b of this section.” ECB therefore has revised this entry in its penalty schedule in order to provide better notice to the public that these violations are charged under subdivision b. There are no changes to the penalties currently imposed.