

**OPENING STATEMENT OF
MADELYNN LIGUORI
DIRECTOR REGULATORY COMPLIANCE & ENFORCEMENT/EXECUTIVE AGENCY COUNSEL
NEW YORK CITY DEPARTMENT OF SANITATION**

**PUBLIC HEARING ON DSNY'S PROPOSED RULE
RELATING TO SET-OUT TIMES FOR COLLECTION**

**WEDNESDAY, JANUARY 7, 2025
9:30 A.M.
(REMOTE HEARING)**

Good morning and welcome. My name is Madelynn Liguori. I am the Director of Regulatory Compliance & Enforcement and Executive Agency Counsel for the Department of Sanitation (“DSNY”). Thank you for attending this public hearing this morning.

DSNY is conducting this remote hearing in accordance with the requirements of the City Administrative Procedure Act. The purpose of this hearing is to receive comments from the public on DSNY’s proposed rule relating to set-out times for collection.

This rule was published by DSNY in the City Record on December 4, 2025, with a scheduled hearing date of today, January 7, 2026. Additionally, DSNY emailed copies of the rule to all New York City local elected officials, the City’s fifty-nine community boards, media and interested parties, and published the proposed rule on its website.

DSNY currently requires residences using receptacles with tight-fitting lids to place such receptacles containing solid waste and recyclables at the curb for collection by DSNY no earlier than 6:00 p.m. on the day before their scheduled collection. Residences using bags must place their materials at the curb for collection by DSNY no earlier than 8:00 p.m. on the day before their scheduled collection. In both cases, solid waste and recyclables must be set out before midnight to allow for Department collection beginning at 12:01 a.m. on the scheduled collection day.

DSNY recognizes that every community has different needs. DSNY is proposing to allow individual Community Boards, upon written notification to DSNY, to opt into an alternate schedule that would permit residences in their districts that receive collection service on

Saturdays to place materials for collection at the curb no earlier than one hour before sunset on Fridays, provided that such materials are placed out in receptacles with a tight-fitting lid.

A court reporter is present today and will record the hearing. You may present an oral statement or submit written comments concerning the proposed rule. We have been accepting written comments on the proposed rule since it was published. Today is the deadline for submission of written comments. Such comments may be emailed directly to nycrules@dsny.nyc.gov by 5PM today.

DSNY will make available a copy of all written comments received through today, together with the hearing transcript, for viewing on its website within the next few weeks.

DSNY will carefully consider all the comments it receives today at the hearing and all written comments it receives.

I will begin calling those of you who wish to speak this morning in the order in which you have signed up to testify. While the notice asked that persons wishing to testify sign up in advance of this hearing, anyone wishing to testify at this time may do so by indicating in the chat area that you wish to testify by indicating your name and affiliation, if any. When you speak, please say your name and affiliation, and speak slowly and clearly so that the court reporter can understand and accurately record your statement. We also ask that you limit your statement to three minutes.

Set-out Times for Collection

 rules.cityofnewyork.us/rule/relating-to-set-out-times-for-collection/



Rule status: Proposed

Agency: DSNY

Comment by date: January 7, 2026

[Rule Full Text](#)

DSNY-Proposed-Amendment-of-Rules-Relating-to-Set-Out-Times-for-Collection-Opt-in.pdf

DSNY currently requires residences using receptacles with tight-fitting lids to place such receptacles containing solid waste and recyclables at the curb for collection by DSNY no earlier than 6:00 p.m. on the day before their scheduled collection. Residences using bags must place their materials at the curb for collection by DSNY no earlier than 8:00 p.m. on the day before their scheduled collection. In both cases, solid waste and recyclables must be set out before midnight to allow for Department collection beginning at 12:01 a.m. on the scheduled collection day.

DSNY recognizes that every community has different needs. DSNY is proposing to allow individual Community Boards, upon written notification to DSNY, to opt into an alternate schedule that would permit residences in their districts that receive collection service on Saturdays to place materials for collection at the curb no earlier than one hour before sunset on Fridays, provided that such materials are placed out in receptacles with a tight-fitting lid.

DSNY's authority for this rule is found in sections 753 and 1043(a) of the New York City Charter and section 16-120 of the New York City Administrative Code.

Send comments by

- **Email:** [\[email protected\]](mailto:)
- **Mail:** DSNY Bureau of Legal Affairs, 125 Worth Street Room/Floor: 710 ; New York, New York 10013

Public Hearings

Attendees who need reasonable accommodation for a disability such as a sign language translation should contact the agency by calling [1\(646\)884-4996](tel:1(646)884-4996) or emailing [\[email protected\]](mailto:) by **December 30, 2025**

Wednesday Jan 07 - 9:30am EST

Date

January 7, 2026

9:30am - 11:00am EST

Connect Virtually

<https://teams.microsoft.com/meet/27249763941486?p=06RHFraVmQ8A7rTFSR>

Meeting ID: 272 497 639 414 86 Passcode: Ev37fJ3H Dial in by phone +1 646-893-7101,,915325265# United States, New York City Find a local number Phone conference ID: 915 325 265#

Disability Accommodation

Comments are now closed.

Online comments: 7

frank dardani

IF WE ARE ONLY ALLOWED TO PLACE GARBAGE OUT IN INCLOSED CONTAINERS
THEN TIME SHOULD BE ADJUSTED TO DAYLIGHT HOURS SO SENIORS DON'T
HAVE TO COME OUT IN DARKNESS .

SAFETY FIRST

Comment added December 17, 2025 11:13am

Anonymous

All garbage in containers and recyclables bags should be 6PM. Who wants to put out garbage twice. The recyclables bags should be tied at the top.

Comment added December 21, 2025 2:40am

judith katzman-Zimmerman

As a senior I cannot put garbage out in the dark especially with snow and ice on the streets. Considering the fact that our garbage is tied up and in containers with lids, there should be no issue putting it on the street. Besides the fact that the cans are always outside and the rodent issue is irrelevant since being on the street and up the driveway is the same.

Comment added December 24, 2025 10:24am

S

What difference does it make what time at night we put our garbage and recyclables out? Can the rats tell time and wait until the garbage goes from the side of the house to the front? Yet another example of overreach by this city.

Comment added December 24, 2025 11:31am

N.Bonefont

DSNY is forgetting US SENIORS wt difficulty walking, poor vision, poor movement putting garbage outside in the dark. Please adjust the hours to place garbage outside during day lighth . You Not practicing *INCLUDING the Rigths for Handicaps(ADA) Neither Human Rigths Law adding protection to multiple people in our communities who are seniors and handicap . *Safety First * *Rats dnt just come out at nigth*. *As a solution city should add extra pick up day during the week*. *Instead 2 make it 3days pick up*. *Implement a new strategic campaign educating people who now a days dnt have the responsibility of paying a ticket because comes only under property owner*. There so much horrible dumping around . *Ask the community for solutions as well and put it on practice * ! Thank you Hopefully 2026 be a year of renovation and a better system for DSNY.

Comment added December 27, 2025 8:04am

C. James Robert von Scholz SC

BY WEBSITE SUBMISSION / NO HARDCOPY SENT:

<https://rules.cityofnewyork.us/rule/relating-to-set-out-times-for-collection>

Submitted to: New York City Department of Sanitation (DSNY)

Attn: Bureau of Legal Affairs

Re: Commentary in Support of DSNY Proposed Rule Changes

Relating to Set-Out Times for Collection (Religious Accommodation)

To Whom it May Concern:

I submit this commentary in my capacity as a Registered Representative in matters before the Office of Administrative Trials and Hearings, the City's designated adjudicatory body, and in response to the Department of Sanitation of the City of New York's proposed amendments to its rules governing waste collection set-out times. I write in strong support of the proposed changes, particularly insofar as they provide reasonable and well-structured accommodation for residents whose religious observance extends from sunset on Fridays through sunset on Saturdays.

Accommodation of Sabbath Observance

The proposed amendments directly and thoughtfully address a longstanding conflict between existing set-out requirements and the religious obligations of Sabbath-observing communities. Under current rules, residents are generally required to place waste at the curb no earlier than 6:00 p.m. on the evening prior to scheduled collection, provided the material is contained in receptacles with tight-fitting lids. In areas with Saturday collection, this timing requirement can directly conflict with the commencement of the Sabbath at sunset on Friday.

The proposed rule-change resolves this conflict by permitting, in designated Saturday collection areas, set-out no earlier than one hour before sunset on Friday, provided that materials are placed in receptacles with tight-fitting lids. This accommodation appropriately recognizes sunset on Friday as a religious boundary of legal and practical significance for many residents, while maintaining the City's sanitation and public health objectives.

Legal Authority and Procedural Framework

The Department's proposal rests on clear and sufficient legal authority, including Sections 753 and 1043(a) of the New York City Charter and Section 16-120 of the New York City Administrative Code. The rulemaking process complies with the procedural requirements of Charter Section 1043 and incorporates meaningful safeguards to ensure transparency, accountability, and local participation.

Notably, the proposal requires Community Boards to affirmatively opt into the alternate schedule through written request; and assigns responsibility to those Boards for notifying affected residents. The Department's commitment to notifying Community Board Chairs and District Managers of the effective implementation date further reinforces procedural clarity and administrative coordination.

Consistency with Religious Accommodation Principles

The proposed amendments reflect well-established principles of reasonable religious accommodation. The accommodation is narrowly-tailored, limited to Saturday collection areas and implemented only upon demonstrated community need. It removes an otherwise unavoidable conflict between religious observance and compliance with municipal regulations, without imposing undue burden on the Department or compromising sanitation standards.

The continued requirement that materials be placed in receptacles with tight-fitting lids ensures that the accommodation remains compatible with operational and public health considerations.

Community Board Opt-In Mechanism

The opt-in structure provides a sound policy balance. It preserves local control, ensures that accommodations are implemented only where warranted, and avoids imposing uniform changes on communities that do not require or desire them. This approach aligns with the Department's stated recognition that "every community has different needs" and reflects a measured, community-responsive regulatory design.

Advancing Inclusivity and Equity in Municipal Services

By addressing the practical realities faced by Sabbath-observing residents, the proposed rule changes advance inclusivity and equity in the delivery of core municipal services. They ensure that adherence to religious practice does not place residents at risk of noncompliance or penalty, and they reinforce the City's commitment to serving its diverse population in a manner consistent with both legal obligations and civic fairness.

Additional Considerations

The proposal appropriately incorporates safeguards to preserve sanitation effectiveness and public health. The certification accompanying the rulemaking reflects that the amendments minimize compliance costs, achieve their stated purpose, and do not conflict with other applicable rules or regulations.

Conclusion

The proposed DSNY rule changes represent a careful, legally grounded, and operationally sound approach to religious accommodation. They strike an appropriate balance between respect for religious observance and the practical demands of municipal sanitation services, supported by clear authority, procedural safeguards, and community involvement.

For these reasons, I strongly support adoption of the proposed amendments as an important step toward more inclusive and equitable municipal regulation.

Respectfully submitted,

/s/ C. James Robert von Scholz
C. James Robert von Scholz SC
Dir. Tel. +1.212.444.2670
Dir. Fax. +1.212.590.6136
Email : [\[email protected\]](mailto:)

[Comment attachment](#)

DSNY-Set-out-Times-01052026.pdf

Comment added January 5, 2026 10:53am

Robert Lee

Good afternoon. This is a very tedious burden for multifamily owners of 2 to 9 properties. My super leaves at 5:30. This forces me to hire another person to bring the garbage out after 8 PM. Can you please relax these rules somewhat? Thank you.

Comment added January 7, 2026 1:03pm



C. James Robert von Scholz SC
Advocate / Agent / Federal Lobbyist
Direct Tel. +1.212.444.2670
Direct Fax. +1.212.590.6136
www.birchhillchambers.com
jvonscholz@bhchambers.com

Monday, January 5, 2026

BY WEBSITE SUBMISSION / NO HARDCOPY SENT:

<https://rules.cityofnewyork.us/rule/relating-to-set-out-times-for-collection>

Submitted to: New York City Department of Sanitation (DSNY)
Attn: Bureau of Legal Affairs
Re: **Commentary in Support of DSNY Proposed Rule Changes
Relating to Set-Out Times for Collection (Religious
Accommodation)**

To Whom it May Concern:

I submit this commentary in my capacity as a Registered Representative in matters before the Office of Administrative Trials and Hearings, the City's designated adjudicatory body, and in response to the Department of Sanitation of the City of New York's proposed amendments to its rules governing waste collection set-out times. I write in strong support of the proposed changes, particularly insofar as they provide reasonable and well-structured accommodation for residents whose religious observance extends from sunset on Fridays through sunset on Saturdays.

Accommodation of Sabbath Observance

The proposed amendments directly and thoughtfully address a longstanding conflict between existing set-out requirements and the religious obligations of Sabbath-observing communities. Under current rules, residents are generally required to place waste at the curb no earlier than 6:00 p.m. on the evening prior to scheduled collection, provided the material is contained in receptacles with tight-fitting lids. In areas with Saturday collection, this timing requirement can directly conflict with the commencement of the Sabbath at sunset on Friday.

B I R C H H I L L C H A M B E R S

115 Forest Avenue, Unit 61, Locust Valley, NY 11560

The proposed rule-change resolves this conflict by permitting, in designated Saturday collection areas, set-out no earlier than one hour before sunset on Friday, provided that materials are placed in receptacles with tight-fitting lids. This accommodation appropriately recognizes sunset on Friday as a religious boundary of legal and practical significance for many residents, while maintaining the City's sanitation and public health objectives.

Legal Authority and Procedural Framework

The Department's proposal rests on clear and sufficient legal authority, including Sections 753 and 1043(a) of the New York City Charter and Section 16-120 of the New York City Administrative Code. The rulemaking process complies with the procedural requirements of Charter Section 1043 and incorporates meaningful safeguards to ensure transparency, accountability, and local participation.

Notably, the proposal requires Community Boards to affirmatively opt into the alternate schedule through written request; and assigns responsibility to those Boards for notifying affected residents. The Department's commitment to notifying Community Board Chairs and District Managers of the effective implementation date further reinforces procedural clarity and administrative coordination.

Consistency with Religious Accommodation Principles

The proposed amendments reflect well-established principles of reasonable religious accommodation. The accommodation is narrowly-tailored, limited to Saturday collection areas and implemented only upon demonstrated community need. It removes an otherwise unavoidable conflict between religious observance and compliance with municipal regulations, without imposing undue burden on the Department or compromising sanitation standards.

The continued requirement that materials be placed in receptacles with tight-fitting lids ensures that the accommodation remains compatible with operational and public health considerations.

B I R C H H I L L C H A M B E R S

115 Forest Avenue, Unit 61, Locust Valley, NY 11560

Community Board Opt-In Mechanism

The opt-in structure provides a sound policy balance. It preserves local control, ensures that accommodations are implemented only where warranted, and avoids imposing uniform changes on communities that do not require or desire them. This approach aligns with the Department's stated recognition that "every community has different needs" and reflects a measured, community-responsive regulatory design.

Advancing Inclusivity and Equity in Municipal Services

By addressing the practical realities faced by Sabbath-observing residents, the proposed rule changes advance inclusivity and equity in the delivery of core municipal services. They ensure that adherence to religious practice does not place residents at risk of noncompliance or penalty, and they reinforce the City's commitment to serving its diverse population in a manner consistent with both legal obligations and civic fairness.

Additional Considerations

The proposal appropriately incorporates safeguards to preserve sanitation effectiveness and public health. The certification accompanying the rulemaking reflects that the amendments minimize compliance costs, achieve their stated purpose, and do not conflict with other applicable rules or regulations.

Conclusion

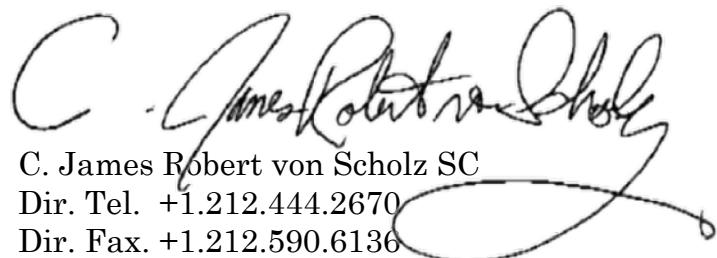
The proposed DSNY rule changes represent a careful, legally grounded, and operationally sound approach to religious accommodation. They strike an appropriate balance between respect for religious observance and the practical demands of municipal sanitation services, supported by clear authority, procedural safeguards, and community involvement.

For these reasons, I strongly support adoption of the proposed amendments as an important step toward more inclusive and equitable municipal regulation.

B I R C H H I L L C H A M B E R S

115 Forest Avenue, Unit 61, Locust Valley, NY 11560

Respectfully submitted,



C. James Robert von Scholz SC
Dir. Tel. +1.212.444.2670
Dir. Fax. +1.212.590.6136
Email : jvonscholz@bhchambers.com

cc : File

B I R C H H I L L C H A M B E R S
115 Forest Avenue, Unit 61, Locust Valley, NY 11560