



## THE COUNCIL OF THE CITY OF NEW YORK OFFICE OF COMMUNICATIONS

CITY HALL  
NEW YORK, NY 10007  
(212) 788-7116

**\*\*FOR IMMEDIATE RELEASE\*\***

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Contact: 212-788-7116  
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### **Helping the City's Small Businesses Through a Tough Economy**

*New rules and 21<sup>st</sup> Century technology will make the Environmental Control Board more equitable and efficient*

**CITY HALL** – Speaker Christine C. Quinn, together with Council Members James Gennaro, Simcha Felder, David Yassky, Leroy Comrie and Thomas White, today introduced legislation that will transform and modernize the Environmental Control Board (ECB), making it both fairer and more efficient.

The legislators were joined by Deputy Mayor Carol Robles-Roman, Director of the Mayor's Office of Operations Jeffrey A. Kay and a number of small business advocates, including: Robert Bookman, a leading small business attorney; Chuck Hunt, Executive Vice-President of the New York State Restaurant Association; and Sean Basinski, Director of the Street Vendor Project at the Urban Justice Center.

“Government is at its best when administered fairly and promptly using common-sense policy and modern technology,” **said James Gennaro, lead sponsor of the bill and Chair of the Environmental Protection Committee.** “The reforms in this bill should go a long way in making hearings before the City a much better experience for New Yorkers.”

“Small businesses are the backbone of New York City, and we need to do what we can on the local level to keep them working, creating jobs and fueling our economy,” **said Council Speaker Christine C. Quinn.** “By bringing the Environmental Control Board's operations in the 21<sup>st</sup> Century and making the proceedings fairer and more efficient, we're helping ECB live up to its mission – improving quality of life conditions for everyday New Yorkers.”

“This legislation consolidates ECB with the Office of Administrative Trials and Hearings (OATH), so that ECB benefits from OATH's tribunal management expertise. OATH's oversight will introduce best practices in data reporting, customer service and public information, legal recruitment and training, and technology,” **said Deputy Mayor for Legal Affairs and Counsel to the Mayor Carol Robles-Roman.** “Since 2006, we've worked with the Council and an interagency team made up of the Administrative Justice Coordinator, Operations, Office of Administrative Trials and Hearings and the Criminal Justice Coordinator to restructure and modernize ECB and improve efficiency and convenience.”

The ECB was established in 1972 as a part of the Department of Environmental Protection to handle quality of life infractions. It has evolved into the city's second largest administrative tribunal that receives approximately 700,000 cases per year, including code enforcement and quality of life violations, and handles about 175,000 hearings a year, which are conducted in five borough offices. In FY04, ECB collected \$63,825,000 million in revenue.

Under the existing procedures, New Yorkers that receive notices of violation (i.e. small business owners, etc.) often have to make multiple trips to ECB hearings or simply plead guilty to the charge because cases do not move forward unless agency witnesses are present. The process is further complicated by a lack of clear rules governing the presentation of relevant pieces of evidence (i.e. documents, lists of witnesses, etc.). Cases can also drag on for years after an appeal has been filed.

In addition, ECB currently has only limited translation capability. In many cases, people with limited English skills have been asked to come back to ECB at a later date with an interpreter. And, having ECB as a part of the Department of Environmental Protection gives citizens the impression that ECB has a greater tendency to side with City agencies.

The proposed reforms include:

- **Upgrading technological services** – Adding new services, like electronic case scheduling and online hearings and payments in appropriate cases, will bring the agency into the 21<sup>st</sup> Century. The data generated by this initiative will allow for the compiling of reports and other documents that will be used to enhance the efficiency and increase public accountability of ECB's operations;
- **Enhancing language translation services** – New rules will be adopted to provide for language access to all respondents who have limited proficiency in English;
- **Improving compliance and oversight standards** – Upon demand, agency representatives will be required to share any and all documentation that may be critical to the outcome of proceedings. In the event that a document is not turned over, the hearing officer could sanction the non-complying party;
- **Making the process faster** – ECB will have a deadline to decide appeals within 180 days, otherwise the party appealing can challenge ECB's decision in state court. ECB will also have to adhere to a stricter set of adjournment policies, allowing for cases to proceed if the petitioning agency or ticketing officer fails to appear after a previous adjournment;
- **Increasing ECB's independence** – ECB will be transferred from DEP to the Office of Administrative Trials and Hearings (OATH), to improve overall management procedures and make it clear that hearing officers are not employed by agencies that issue violations.

“I am keenly aware that the issue of complying with food vendor codes has proven to be a difficult process, especially for new immigrants,” **said Consumer Affairs Committee Chair Leroy Comrie**. “Today's reform proposals, especially with respect to the improvement of translation services and compliance standards, will be helpful in addressing the bureaucratic red tape that our City's food vendors face when they are dealing with the Environmental Control Board.”

“This is a critical issue for small businesses who don’t have the manpower to keep going back to the Control Board for postponed hearings,” **said David Yassky, Chair of the Small Business Committee.** “Modernizing this process will help small business owners in New York stay on the right side of the law without draining their limited time and money in the process.”

“Inefficiencies at the Environmental Control Board have been well documented and have caused headaches for thousands of New Yorkers,” **said Governmental Operations Committee Chair Simcha Felder.** “I look forward to modernizing the ECB and starting a new era.”

“By transforming the ECB to a modern, professionally staffed outfit which is more responsive to all parties, we are helping New Yorkers’ resolve quality of life issues that are of great importance to them, while at the same time making the ECB more responsive to small business owners by streamlining procedures and policies,” **said Economic Development Committee Chair Thomas White.**

“The legislation being introduced today will help make ECB more accessible, accountable and transparent in its operations,” **said Director of the Mayor’s Office of Operation Jeffrey A. Kay.** “And making ECB part of the City’s central tribunal, the Office of Administrative Trials and Hearings, will give it the benefit of management that is expert at tribunal administration. We want to ensure that ECB makes the best possible use of new technology, insists on the highest standards of professionalism and places a premium on convenience, fairness and effective enforcement.”

“This proposal is a huge step forward for thousands of small businesses that appear each year before the ECB,” **said Robert Bookman, a leading small business attorney and counsel to trade associations.** “On behalf of the City’s mom and pop businesses, I commend the Speaker and the committee chairs for this effort.”

“Quality of life issues are important to everyone, and with these reforms in place, the ECB will be able to handle them promptly and appropriately,” **said Chuck Hunt, Executive Vice-President of the New York State Restaurant Association.** “Too often under the old system, members of the NYSRA were asked to make repeated trips to proceedings, costing them time away from their businesses. I want to applaud this effort to bring the ECB into the 21st Century.”

“Street vendors and other small business owners in New York City are frequently immigrants – this bill provides them the interpreters they need to have real justice at the ECB,” **said Sean Basinski, Director of the Street Vendor Project at the Urban Justice Center.**

Under the new legislation, ECB would be required to report back to the Council on the progress of implementing technological upgrades by December 1, 2008.

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