

New York City Administrative Code  
Title 24: Environmental Protection and Utilities  
Chapter 1: Air Pollution Control  
Subchapter 9: Enforcement  
Section 24-182: Citizen's Complaint

(a) Any natural person, other than personnel of the department and other employees of the city of New York authorized by law to serve summonses for violations of the code, may serve upon the department a complaint, in a form prescribed by the department, alleging that a person has violated any provision of this code or order or regulation promulgated by the commissioner or the board, except with respect to sections [24-143](#) and [24-163](#) of this code, but still applicable to buses as defined in section one hundred four of the vehicle and traffic law and trucks as defined in section one hundred fifty eight of the vehicle and traffic law, together with evidence of such violation. With respect to section [24-142](#) of this code, only such person who has been certified as a smoke watcher, by passing a course of smoke observation approved by the department within three years prior to the observation, may serve such complaint.

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation, and file with the office of administrative trials and hearings pursuant to section 1049-a of the charter, a notice of violation in a form prescribed by such office within forty-five days from service of such complaint if:

(1) The department has failed to serve a notice of violation, pursuant to the rules of the environmental control board within the office of administrative trials and hearings, for the violation alleged in a complaint pursuant to subdivision (a) of this section; or

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(2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

(c) A person commencing a proceeding pursuant to this section shall provide notice to the department at the time of commencement and prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint, pursuant to subdivision (a) of this section, the office of administrative trials and hearings pursuant to section 1049-a of the charter shall award the complainant, out of the proceeds collected, twenty-five percent of such proceeds, for disclosure of information or evidence, not in the possession of the department prior to the receipt of the complaint by the department, which leads to the imposition of the civil penalty.

(e) In any proceeding brought by a complainant pursuant to subdivision (a) of this section, such office shall award, out of the proceeds collected, fifty percent of any civil penalty as fair and reasonable compensation to such person.

(f) On or before January 1, 2019, the department shall publish on the city's website information related to best practices for filing citizen complaints pursuant to this section. Such information shall include but need not be limited to guidance on procedures for filing such complaints and for gathering supporting documentation.