



DSNY Rules Hearing Testimony

Regarding DSNY Containerization Mandate and Entities Engaging in Cleaning Services

Submitted by: James Ellis, Executive Director North Flatbush Avenue Business Improvement District (BID)

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Thank you for the opportunity to share this testimony today. My name is James Ellis, and I serve as the Executive Director of the North Flatbush Avenue Business Improvement District (BID), an organization serving Park Slope and Prospect Heights in Brooklyn since 1986. While my testimony may echo sentiments and realities expressed by my colleagues, I feel compelled to voice our deep concerns about the proposed DSNY containerization mandate.

As one of 76 BIDs in New York City, and as a nearly 40-year-old organization providing essential supplemental services in our neighborhoods, we have long prided ourselves on being a trusted partner to the City, its administrators, and agencies. However, this recent mandate has left us profoundly disappointed in the City's approach to partnership and collaboration. The BID model as created more than 40 years ago speaks to partnership and supplemental services. This DSNY initiative is contrary to the language and intent of the original Legislation; it removes the spirit of shared stewardship and governmental cooperation that the BIDs agreed to be part of; together we will improve everyday life in New York City.

The lack of substantive consultation with BIDs before implementing this mandate reveals a troubling disconnect between policy-making and operational reality. This top-down approach fails to recognize several critical issues:

Financial Feasibility:

Despite DSNY's certification that this rule "minimizes compliance costs for the discrete regulated community," the reality is starkly different. As independent non-profits reporting to Boards of Directors, our services and budgets are carefully outlined in our district plans and SBS contracts. The mandate could require tens of thousands of dollars in startup costs, with significant annual maintenance expenses that our already strained budgets cannot accommodate. Importantly, we cannot simply increase our assessments without undertaking a laborious legislative process.

Operational Challenges:

The mandate's implementation raises serious operational concerns:

- The rule lacks clarity on acceptable container types, alternating between references to "wheelie bins" and large on-street containers while only specifying a 55-gallon limit
- There are significant siting issues for container placement in our dense urban environment and specifically along North Flatbush Avenue which currently hosts curbside regulations to accommodate rush hour traffic demands
- Siting requirements and approvals must be vetted through NYC Department of Transportation, proven to be a time-consuming process with little flexibility. Additionally, we are shouldered with the task of

explaining these demands to impacted stakeholders (property owners, business operators). Their disapproval of these demands may then be unfairly aimed at our organization.

Unintended Consequences:

This mandate may force some BIDs to discontinue their public trash collection services entirely, leading to:

- Overflowing litter baskets
- Increased street debris
- Greater rat activity
- Degraded quality of life in our commercial corridors

Punitive Approach:

It is particularly troubling that we face fines for providing a public service. The trash we collect is not BID-generated or commercial waste – it is public trash. While the rule was modified to protect individual workers from fines, our organizations still bear the burden of compliance and potential penalties. This punitive approach also does not address the countless commercial corridors who do not have local stewardship similar to BIDs.

Proposed Solutions:

We urge the Council to consider alternative approaches:

1. Align this program with the forth-coming large residential containerization rollout to ensure consistency and efficiency
2. Establish designated periods during which bags can remain on street, with written DSNY agreements
3. Create a grant program to help BIDs purchase and maintain compliant containers
4. Develop clear guidelines for container placement that coordinate with other city agencies
5. Provide exemptions for BIDs based on operational constraints and district characteristics

The North Flatbush Avenue BID has discussed this mandate and currently does not see a financial or operational pathway to an August 1st compliance deadline as it currently stands. As a long-standing partner in maintaining clean streets, we ask the Council to recognize that BIDs are not the problem but rather part of the solution. We share the goal of a cleaner, more sustainable New York City, but this mandate, as currently structured, threatens to undermine the very services that help achieve that goal.

We remain committed to working with the Council and DSNY to develop practical solutions that serve our communities effectively while advancing the City's sanitation goals.

Thank you for your consideration of these concerns.