

**Testimony of Zach Owens, Executive Director, West Village Business Improvement District**  
Regarding Proposed Rule from New York City Department of Sanitation (DSNY)

**Hearing on Proposed Rule Relating to Entities Engaging in Cleaning Services**

**Date: 2/10/2025**

Good morning,

My name is Zach Owens, and I serve as the Executive Director of the West Village Business Improvement District. I appreciate the opportunity to testify today in opposition to DSNY's proposed rule that would prohibit BIDs and other community-based organizations from placing bagged refuse next to public litter baskets and instead require all collected waste to be placed in rigid containers.

At its core, this rule is not just impractical, it is a punitive measure that fails to address the real issues plaguing sanitation in New York City while imposing an unworkable burden on nonprofit civic organizations like ours, which dedicate resources to keeping our neighborhoods clean.

**1. The Rule Misidentifies the Problem**

This proposal presumes that BIDs and other community groups are responsible for excessive waste accumulation near public litter baskets. However, the primary contributor to corner trash pile-ups is improper disposal by private businesses and individuals. Our team sees this every day: for every properly disposed BID-collected bag, there are often two or three illegally dumped black trash bags. Penalizing BIDs does nothing to address this chronic issue, and in fact, it may make it worse by discouraging proactive cleanup efforts.

**2. Financial and Logistical Burdens Will Undermine Neighborhood Cleanliness**

The financial implications of this rule are staggering. Implementing a rigid container system would cost our BID over **\$300,000 in upfront costs** and more than **\$113,000 annually in maintenance**. These costs are not sustainable for a small nonprofit organization, and they divert funding away from other essential quality-of-life initiatives.

While we had productive, though belated, discussions with DSNY regarding implementation, there was a clear misunderstanding of the actual market costs of containers, the number required to manage public waste effectively, and the frequency of litter bag pickups in our neighborhood. This lack of awareness underscores a broader failure to fully assess the rule's real-world impact, highlighting that the proposal was not thoroughly considered before being introduced.

Furthermore, when concerns about costs were raised with the former DSNY commissioner at November's oversight hearing, she suggested that organizations could simply purchase \$53 wheelie bins to containerize public waste. This is not a viable solution. Our BID spans a large area with 152 public litter baskets across 184 corners, and expecting a small sanitation team to manage and move over 150 rigid bins daily is completely unrealistic. If implemented, this rule would lead to abandoned bins cluttering sidewalks, obstructing pedestrians, increasing vandalism, and ultimately making our streets dirtier—not cleaner.

**3. The Legal Justification for This Rule is Questionable**

DSNY cites **Section 16-120(e)(2)** of the Administrative Code as justification for this rule, but this provision pertains to **commercial and household refuse**, not public litter basket maintenance. BIDs are **not** generating private waste; we are managing public litter on behalf of the city. The law was never intended to regulate BID sanitation efforts, and attempting to impose this requirement through rulemaking, rather than legislative action, raises serious legal concerns.

Additionally, the City Administrative Procedure Act (**CAPA**) requires that agencies assess the economic impact of their rules and minimize compliance costs. No such impact assessment was conducted for this rule, and BIDs were not given a meaningful opportunity to weigh in on the financial and operational feasibility of compliance. This alone could make the rule vulnerable to legal challenge.

#### **4. A Collaborative Approach Would Yield Better Results**

The West Village BID and other neighborhood organizations are eager to be partners in the city's sanitation goals. We have already worked closely with DSNY on litter mitigation strategies and have seen great success. But rather than engaging in meaningful consultation, DSNY is attempting to push through an unworkable mandate that will **discourage proactive waste management, exacerbate sanitation challenges, and place a disproportionate burden on nonprofit organizations.**

#### **Conclusion**

I strongly urge DSNY to reconsider this rule and instead work collaboratively with BIDs to develop practical, effective sanitation solutions. We share the city's goal of cleaner streets, but this rule will **not** achieve that. Instead, it will create a bigger mess—both legally and literally.

Thank you for your time, and I welcome any questions.

Zach Owens  
Executive Director  
West Village Business Improvement District

***What happens when we stop neatly bagging public waste from corner litter baskets:***



***The most common origin of corner bags is illegal dumping – not BID bags.***



***Managing a fleet of 150 wheelie bins? In a few short weeks, every corner would look like this. This is an on-going battle.***

***We had to hire a hauler to remove abandoned bins on a bi-weekly basis.***

