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BY WEBSITE SUBMISSION / NO HARDCOPY SENT:

<https://rules.cityofnewyork.us/rule/notice-and-hearing-requirements-for-abandoned-vehicles/>

Submitted to: New York City Department of Sanitation (DSNY)
Attn: Bureau of Legal Affairs
Re: Commentary in Support Supporting DSNY's Proposed Rule
Amendments for Abandoned Vehicle Notice and Hearing
Requirements

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 abandoned vehicle notice and hearing requirements.

Legal Framework and Charter Compliance

The Department of Sanitation's proposed amendments fully satisfy the procedural requirements of Section 1043 of the New York City Charter. The rulemaking follows proper notice and comment protocols and reflects a transparent, methodical approach to municipal governance. As confirmed by the accompanying certification, the proposal is written in plain language for the affected regulated community, minimizes compliance burdens, and expressly provides for public participation through a hearing process. In short, the agency has done what the Charter requires, and done it correctly, ensuring the rule's validity, enforceability, and administrative integrity.

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Consistency with New York State Vehicle and Traffic Law

The proposed rule fits squarely within the framework of New York State Vehicle and Traffic Law § 1224(2), which defines abandoned vehicles as those left on a public street without license plates for more than six hours. Rather than expanding substantive authority, the rule meaningfully improves the statutory scheme by adding structured notice, hearing, and redemption procedures that were previously undeveloped at the administrative level.

Courts have long recognized that abandoned vehicle statutes exist to allow municipalities to remove vehicles that are eyesores and hazards from public streets. (See *Kenavan v. City of New York*, 267 A.D.2d 353, 700 N.Y.S.2d 69 (2d Dep't 1999).) The proposed amendments advance that legislative purpose while incorporating procedural protections that strengthen, not undermine, the statute's legitimacy.

Due Process and Procedural Fairness

Most importantly, the proposed rule materially enhances due process protections for vehicle owners and other interested parties. New York courts have made clear that due process requires prompt post-seizure hearings when vehicles are taken, recognizing that automobiles are often essential to employment, education, and daily life. (See *People v. Ramroop*, 50 Misc. 3d 1090, 27 N.Y.S.3d 811 (Crim. Ct. 2016).)

The rule addresses these constitutional concerns in a practical and well-calibrated way. Notice must be provided by certified mail or authorized email and must clearly explain redemption rights, applicable fees, and the availability of a hearing. Hearings must be scheduled within 72 hours of a request and may be conducted virtually, by phone, or in person. Final determinations must issue within five business days of the hearing, ensuring timely resolution and preventing unnecessary deprivation of property.

The ten-day redemption period strikes a reasonable balance. It affords owners sufficient time to respond while allowing the City to remove abandoned vehicles

efficiently. When combined with the detailed notice and expedited hearing process, the rule comfortably satisfies due process standards.

Transparency and Administrative Efficiency

The amendments bring much-needed clarity to the abandoned vehicle process. Required notices must include a description of the vehicle, the date of removal, clear redemption instructions, and examples of acceptable ownership documentation. This level of specificity reduces confusion, prevents disputes, and allows affected individuals to act quickly and intelligently.

The use of virtual hearings improves accessibility while reducing administrative costs. Geographic, scheduling, and mobility barriers are minimized, without sacrificing fairness. Firm timelines (72 hours to schedule hearings and five days to issue determinations) provide predictability for owners and operational certainty for the agency.

Public Safety and Environmental Interests

The rule also advances legitimate public safety and environmental goals. Abandoned vehicles degrade neighborhood quality, create safety risks, and may attract criminal activity. Courts have consistently acknowledged the City's interest in removing these vehicles from public streets. (See *Kenavan*, supra.)

By streamlining procedures while preserving individual rights, the rule allows DSNY to act more efficiently and responsibly. The established fee structure (\$125 for towing and \$25 per day for storage for vehicles under 10,000 pounds) is transparent, predictable, and necessary to recover municipal costs associated with removal and storage.

Response to Potential Criticisms

Some may argue that a ten-day notice period is too short. In practice, it is reasonable and flexible. The period begins upon sending notice, not receipt, allowing additional time for delivery. Moreover, the ability to request a hearing tolls final disposition and preserves the vehicle pending resolution.

Concerns regarding fees are addressed directly through the hearing process, which expressly allows challenges to both the imposition and amount of towing and storage charges. Where appropriate, hearing officers may determine that an owner is entitled to redeem a vehicle without payment of any fees.

Questions about virtual hearings are likewise answered by the rule itself, which provides for phone or in-person hearings upon request. This approach maximizes access while maintaining administrative efficiency.

Benefits to the Public and the City

The proposed amendments benefit all stakeholders. Residents see faster removal of abandoned vehicles that detract from neighborhood safety and appearance. Vehicle owners receive clearer notice, stronger procedural protections, and accessible avenues to recover their property. The City gains a more efficient, defensible process that reduces litigation risk and improves cost recovery.

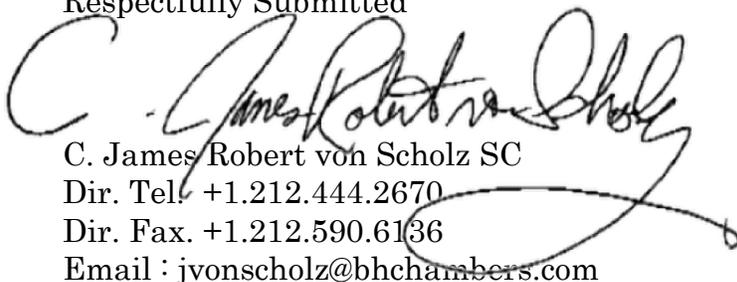
By clearly defining rights, responsibilities, and timelines, the rule minimizes disputes and fosters trust between the public and the agency.

Conclusion

DSNY's proposed amendments represent a thoughtful and legally sound improvement to the City's abandoned vehicle framework. They comply fully with Charter requirements, align with state law, enhance due process protections, and advance public safety objectives. The result is a balanced, practical rule that serves residents, protects property rights, and supports efficient municipal operations.

For these reasons, I strongly support adoption of the proposed amendments as written.

Respectfully Submitted



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