Legislation Details (With Text)

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Date	Ver.	Action By	Action	Result
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12/31/2025	*	City Council	Filed (End of Session)	

Int. No. 940

By Council Members Feliz, Menin, De La Rosa and Williams

A Local Law to amend the administrative code of the city of New York, in relation to a program for the waiver of fees for certain vacant storefront areas.

Be it enacted by the Council as follows:

Section 1. Article 112 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.14 to read as follows:

§ 28-112.14 Waiver of application, permit and inspection fees for works in certain vacant storefront areas. The commissioner shall establish a storefront vacancy fee waiver program in accordance with this section.

§ 28-112.14.1 Definitions. As used in this section, the following terms have the following meanings:

APPLICANT. The term "applicant" means an owner or tenant of a commercial property that is applying for a waiver under this section.

BUSINESS. The term "business" means a sole proprietorship, partnership, corporation, or other legal entity involved in the sale of goods or services and operating from a non-movable physical location in city.

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SMALL BUSINESS. The term "small business" means a business concern or other organization that has no more than the greater of:
(a) 100 employees; or
(b) the size standard, in number of employees, established by the federal Administrator of the Small Business Administration for the industry in which the business concern or organization operates, if applicable.

COMMERCIAL BUSINESS. The term "commercial business" means a storefront business predominantly involved in the sale of goods or services, or both, directly to the public.

COMMERCIAL CORRIDOR. The term "commercial corridor" means a block located within a commercial district or overlay, as established by the zoning resolution.

COMMERCIAL PROPERTY. The term "commercial property" means a building or a portion of a building that is used exclusively as a commercial business.

TENANT. The term "tenant" means an owner or operator of a business that occupies a commercial property under a lease or other agreement.

§ 28-112.14.2 Making an application. An applicant may apply to the commissioner for inclusion of their commercial property into the storefront vacancy fee waiver program. An application must:

1. Be made in the form and manner prescribed by the department by rule;

2. Be made before submitting any construction documents to the department for any works required to operate their commercial property as a commercial business; and

3. Satisfy the eligibility criteria set out in this chapter.

§ 28-112.14.3 Eligibility. To be eligible for inclusion in the storefront vacancy fee waiver program, an application must satisfy the following criteria:

1. The applicant must be the owner or tenant of a commercial property;

2. The applicant must physically operate, or intend to operate, the Applicant's small business as a commercial business at the commercial property;

3. The commercial property must be located within each of the following:

3.1. A commercial corridor;

3.2. A council district designated as disadvantaged pursuant to § 28-112.14.6(1);

3.3. A council district identified as having a high storefront vacancy rate pursuant to § 28-112.14.6 (2);

4. The applicant must establish to the satisfaction of the commissioner that the commercial property has been vacant for at least 12 months prior to the first named permit in the application;

5. The applicant must not owe any outstanding federal, state, or city taxes, and must not be delinquent in payments owed to resolve judgments or liens;

6. The applicant must be in substantial compliance with applicable federal, state, and local laws, rules and other legal requirements;

7. All required licenses and permits relating to the commercial property or the small business occupying the commercial property must be current; and

8. The applicant must complete the application in the form and manner established by the department by rule.

§ 28-112.14.4 Commissioner's power to accept an application. The commissioner, upon receiving an application, must assess whether the application satisfies the eligibility criteria established by this section and by department rule. Before accepting such application, the commissioner must be satisfied that the application meets such eligibility criteria.

§ 28-112.14.5 Fee waiver. The commissioner, upon accepting an application for inclusion in the storefront vacancy fee waiver program:

1. Shall waive all fees that would otherwise be imposed pursuant to this code for work directly relating to any addition or alteration to be undertaken solely to renovate the previously occupied and currently vacant commercial property; and

2. May set reasonable terms and conditions on the acceptance of such application.

§ 28-112.14.6 Department to identify qualifying council districts. The department, upon establishment of the storefront vacancy fee waiver program, shall, on an annual basis:

1. Maintain a list of the 10 most disadvantaged council districts for that year. In maintaining such list, the department may, at a district level, take into account:

   1.1. Median income level;

   1.2. Poverty rates;

   1.3. Educational attainment;

   1.4. Crime rates; and

   1.5. Any other criteria that the department reasonably deems appropriate.

2. Identify, using the best information available, every council district with a storefront vacancy rate of at least 10 percent.

§ 28-112.14.7 Confirmation of compliance. The commissioner reserves the right to remove a commercial property from the storefront vacancy fee waiver program if the commissioner determines that the applicant has failed to comply with any terms or conditions set forth in accepting an application. If the commissioner determines that the completed works do not met the eligibility criteria, the commissioner, by issuing a

notice to the applicant, shall order the applicant to undertake any corrections necessary to make such works comply with the eligibility criteria or with any terms or conditions set by the commissioner. Such notice must specify a date, no earlier than 3 months and no later than 6 months from the date the order is issued, to complete such corrections. If the commissioner determines such corrections have not been made within the time specified, the commissioner shall remove the commercial property from such program and the full amount of all waived fees billed to the applicant, together with interest at a rate established by department rule.

§ 28-112.14.8 Outreach and education. The commissioner, in establishing the storefront vacancy fee waiver program, shall establish an outreach and education program aimed at educating the general public on the storefront vacancy fee waiver program including, but not limited to, the application process and the eligibility criteria required for inclusion in the program. Such outreach and education program shall include the production of educational materials that shall be made available on the department's website.

§ 28-112.14.9 Rules. The commissioner may promulgate rules necessary for the implementation of this section.

§ 2. This local law takes effect 120 days after it becomes law and is deemed repealed on September 30, 2028.

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05/24/2024