



Legislation Text

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Preconsidered Int. No. 1017

By Council Members Reyna, Chin, The Speaker (Council Member Quinn), Recchia, Lappin, Arroyo, Mealy, Koo, Eugene, Vallone, Barron, Cabrera, Comrie, Greenfield, James, King, Koslowitz, Lander, Mark-Viverito, Mendez, Nelson, Palma, Richards, Rose, Vacca, Vann, Halloran and Ulrich (in conjunction with the Mayor)

A Local Law in relation to waiver of fees for businesses recovering from damage caused by Hurricane Sandy.

Be it enacted by the Council as follows:

Section 1. Statement of intent. A severe storm, known as Hurricane Sandy, recently hit New York City causing heavy flooding, power outages, and widespread damage and disrupting the operation of businesses offering services that are essential to the economic vitality of the city and to the health and well-being of its residents. The expeditious resumption of business in storm damaged areas will be encouraged and incentivized by waiving certain fees that would otherwise be payable to agencies of the city for permits, licenses and inspections required by law in order for such businesses to rebuild and to operate.

§2. The fees listed in section 5 of this local law payable to city agencies in connection with the recovery from the effects of Hurricane Sandy by businesses that were in operation as of October 26, 2012, and that meet the eligibility criteria of this section, as determined by the Mayor or his or her designee, may be waived as set forth in this local law. The waiver of fees shall apply to fees otherwise payable to agencies on or prior to December 31, 2013 in connection with the repair or reconstruction of space occupied or to be occupied by eligible businesses, the alteration or repair of systems owned by eligible businesses and serving only space occupied by such eligible businesses, or the replacement of a vehicle required to do business. For the purposes of this section a building shall not be considered an eligible business. Businesses eligible for waiver of fees pursuant to this local law must meet the following criteria:

a. As of October 26, 2012, the business must (i) have been located in space that is in a building within the boundaries of a Disaster Recovery Area, as defined in section 4 of this local law; or (ii) have been located in a building that, after Hurricane Sandy, was assigned a red, yellow or green placard by the Department of Buildings; or (iii) have been a vehicle. b. On or prior to October 31, 2013 the owner of the business must apply to the mayor or his or her designee for a determination of eligibility for waiver of applicable fees pursuant to this local law on forms and in a manner to be prescribed by the mayor or his or her designee. The owner must submit written certification signed by such owner or such other documentation as may be required by the mayor or his or her designee, confirming that: (i) the space occupied by such business or the vehicle required for the operation of such business suffered substantial damage as a result of Hurricane Sandy that has interfered significantly with and that continues to interfere significantly with the operation of such business in the manner in which it operated prior to Hurricane Sandy; and (ii) the business currently occupies or intends to re-occupy space in the same building that it occupied prior to Hurricane Sandy or in a new building within the same Business Recovery Zone, or intends to replace a vehicle required for the operation of the business that was rendered inoperable as a result of Hurricane Sandy. §3. The owner of the business shall present the approved eligibility application to the applicable agency to obtain the fee waiver. The fee waiver may be granted only for eligible fees that would otherwise be payable by such business on or prior to December 31, 2013. An agency may refund fees paid by an eligible business after October 26, 2012 and prior to the effective date of this local law provided that an application for such refund is made to the agency on or prior to May 31, 2013.

§ 4. For the purposes of this local law the term Disaster Recovery Area means: a. The area within Hurricane Evacuation Zones A and B, as designated by the New York City Office of Emergency Management on the New York City Hurricane Zone Maps in effect as of October 26, 2012; or b. The area within any Business Recovery Zone created by the Department of Small Business Services and delineated on maps published on such department's web site. §5. The following fees are eligible

for waiver pursuant to this local law: a. Department of Consumer Affairs. Fees required by Administrative Code § 20-314, and inspection fees required by Administrative Code § 20-250(c), Administrative Code § 20-501(b) and 6 RCNY § 2-362(m)(1).

b. Department of Environmental Protection. Fees required by Administrative Code §§ 24-136, 24-137, 24-138, 24-139 and 24-140.

c. Department of Buildings. Application, permit and inspection fees required by Administrative Code § 28-112 for the following work: plumbing, scaffolds, sidewalk sheds, fences, signs, boilers, demolition, elevators, construction, limited alterations and after hours variances as well as fees required by Administrative Code § 27-3018 with respect to electrical work.

d. Fire Department.

(1) Fees required by New York City Fire Code Sections A03.1(3) and A03.1(37) with respect to the inspection and testing of liquid motor fuel dispensing system installations.

(2) Fees required by New York City Fire Code Section A03.1(20) with respect to acceptance testing of fire protection systems, including fire alarm systems, fire extinguishing systems and fire pumps.

(3) Fees required by New York City Fire Code Section A03.1(45) and fire department rule 3 RCNY § 4601-01(e) with respect to plan examinations applicable to review of design and installation documents for liquid motor fuel dispensing systems and fire protection systems.

e. Department of Small Business Services.

Fees required by 66 RCNY §4-01 with respect to waterfront construction work, equipment use permits, mooring permits, fill work permits and certificates of completion.

f. Department of Transportation.

Fees required by 34 RCNY § 2-03 with respect to street opening permits, building operations and construction activity permits, debris containers, sidewalk construction permits, vault permits and canopy permits.

g. Landmarks Preservation Commission.

Fees required by 63 RCNY § 13-04 with respect to certificates of appropriateness and certificates of no effect

h. Taxi and Limousine Commission.

Fees required by 35 RCNY § 58-07(b)(2), § 58-07(h)(1-3), § 59A-04(e)(7) and § 59A-07(f)(2-4) with respect to fees for replacement vehicle license plates, replacement medallions, transfer of vehicle licenses and for-hire vehicle inspections.

§6. Within 90 days after the repeal of sections 1 through 5 of this local law pursuant to section 7 of this local law, the mayor or the mayor's designee shall compile information, so as to submit a report to the mayor and the speaker regarding the number of businesses that submitted applications for a waiver of applicable fees pursuant to this local law, including the number that were determined to be eligible and the number that were determined not to be eligible. The report shall specify the geographic distribution of such businesses.

§7. This local law shall take effect immediately except that sections 1 through 5 of this local law shall remain in effect up to and including December 31, 2013 after which such sections 1 through 5 shall be deemed repealed.

3-5-13, 11-40 pm
JC/TN