



Legislation Text

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Int. No. 1463

By Council Members Dromm, Van Bramer, Menchaca, Ayala, Levine and Brannan

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to LGBT owned business enterprises

Be it enacted by the Council as follows:

Section 1. Section 1304 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. LGBT owned business enterprises. In addition to the purposes provided in this section, the division of economic and financial opportunity, or such other bureau or division of the department as the commissioner may designate, shall administer any programs for LGBT owned business enterprises as may be established by law. The division of economic and financial opportunity or such other bureau or division shall, pursuant to applicable local laws, certify such enterprises as eligible to participate in such programs, periodically review and recertify their eligibility, and publish a public directory of participating enterprises.

§2. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-108.3 to read as follows:

§6-108.3 LGBT owned business enterprises. a. Definitions. As used in this section, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of small business services.

Division. The term “division” means the division of economic and financial opportunity within the department of small business services.

LGBT. The term “LGBT” means lesbian, gay, bisexual or transgender.

LGBT owned business enterprise. The term “LGBT owned business enterprise” means a business enterprise authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which:

1. at least fifty-one percent of the interest is held by United States citizens or permanent resident aliens who are LGBT;
2. the ownership interest of such individuals is real, substantial and continuing; and
3. such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise.

Third-party agency. The term “third-party agency” means a nationally recognized organization that adheres to generally accepted standards for supplier diversity certification, and shall include, but not be limited to, the National LGBT Chamber of Commerce.

b. Certification. The commissioner shall establish a procedure for the certification of businesses which meet the requirements of this section and regulations promulgated hereunder as LGBT owned business enterprises. The commissioner may provide by rule criteria and procedures for entities certified as LGBT owned business enterprises by a third-party agency to be recognized as certified LGBT owned business enterprises in the city. The commissioner may rescind the certification of a LGBT owned business enterprise after providing notice and an opportunity to be heard to such business upon a finding that such business is not in compliance with the requirements of this section or the rules promulgated hereunder.

c. Responsibilities of the division. 1. The division shall make its resources available to assist agencies and contractors in determining the availability of LGBT owned business enterprises to participate in their contracts as prime contractors and/or subcontractors, and identifying opportunities appropriate for participation by LGBT owned business enterprises in contracts.

2. The division shall create and maintain and periodically update directories by industry classification of LGBT owned business enterprises which it shall supply to all agencies, post on its website and on other

relevant city websites and make available for dissemination and/or public inspection at its offices and other locations within each borough.

3. The division shall develop and maintain relationships with organizations representing LGBT owned business enterprises and solicit their support and assistance in efforts to increase participation of LGBT owned business enterprises in city procurement. The division shall further keep agencies informed of conferences, contractor fairs, and other services that are available to assist them in pursuing the objectives of this section.

4. The division shall conduct, coordinate and facilitate technical assistance and educational programs for LGBT owned business enterprises and other contractors designed to enhance participation of LGBT owned business enterprises in city procurement. The division shall further develop a clearinghouse of information on programs and services available to LGBT owned business enterprises. The division shall conduct meetings with LGBT owned business enterprises to discuss what agencies look for in evaluating bids and proposals. The division shall also educate prime contractors on opportunities to partner or subcontract with certified LGBT owned business enterprises.

d. Rulemaking. The commissioner shall promulgate such rules and regulations as are necessary to enforce this section.

§ 3. This local law takes effect 180 days after it becomes law, except that the commissioner of small business services may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.