



Legislation Text

File #: Int 1836-2019, **Version:** *

Int. No. 1836

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A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to replacing the term “alien” with “noncitizen,” and to repeal section 17-124 of the administrative code of the city of New York, relating to the quarantine of those with communicable diseases

Be it enacted by the Council as follows:

Section 1. a. Except as otherwise provided in this section, no laws, documents, or materials generated by any city agency after the effective date of this law shall refer to noncitizens as “aliens,” “illegal aliens” or “illegal immigrants.”

b. Notwithstanding subdivision a of this section, laws, documents and materials generated by the city may include the term “alien” when referencing specific federal laws or programs or case law in which the term “alien” is used.

c. Notwithstanding subdivision b of this section, all forms, signage or other printed or online materials produced by city agencies shall be amended to replace the term “alien” with “noncitizen.”

§2. Subdivision 14 of section 8-102 of the administrative code of the city of New York is amended to read as follows:

14. Applicability; alienage or citizenship status. Notwithstanding any other provision of this section, it shall not be an unlawful discriminatory practice for any person to discriminate on the ground of alienage or citizenship status, or to make any inquiry as to a person's alienage or citizenship status, or to give preference to a person who is a citizen or national of the United States over an equally qualified person who is [an alien] a noncitizen, when such discrimination is required or when such preference is expressly permitted by any law or

regulation of the United States, the state of New York or the city, and when such law or regulation does not provide that state or local law may be more protective of [aliens] noncitizens; provided, however, that this provision shall not prohibit inquiries or determinations based on alienage or citizenship status when such actions are necessary to obtain the benefits of a federal program. An applicant for a license or permit issued by the city may be required to be authorized to work in the United States whenever by law or regulation there is a limit on the number of such licenses or permits which may be issued.

§3. Paragraph 1 of subdivision c of section 11-1758 of the administrative code of the city of New York is amended to read as follows:

(1) Partnerships. Every partnership having a city resident partner shall make a return for the taxable year setting forth all items of income, gain, loss and deduction and such other pertinent information as the tax commission may by regulations and instructions prescribe. Such return shall be filed on or before the fifteenth day of the fourth month following the close of each taxable year except that the due date for the return of a partnership consisting entirely of nonresident [aliens] noncitizens shall be the date prescribed for the filing of its federal partnership return for the taxable year. For purposes of this paragraph, "taxable year" means a year or a period which would be a taxable year of the partnership if it were subject to tax under this chapter.

§4. Subparagraph b of paragraph 6 of subdivision e of section 1304 of the New York city charter is amended to read as follows:

b. For the purposes of such certification, "minority owned business enterprise" and "women owned business enterprise" shall mean business enterprises authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident [aliens] noncitizens who are either minority group members or women, (ii) the ownership interest of such individuals is real, substantial and continuing, and (iii) such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise;

§5. Subparagraph c of paragraph 6 of subdivision e of section 1304 of the New York city charter is amended to read as follows:

c. For the purposes of such certification, "emerging business enterprise" shall mean a business enterprise authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or permanent resident [aliens] noncitizens; (ii) the ownership interest of such individuals is real, substantial and continuing, (iii) such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise; and (iv) such individuals have demonstrated, in accordance with regulations promulgated by the commissioner, that they are socially and economically disadvantaged. An individual who is "socially and economically disadvantaged" shall mean an individual who has experienced social disadvantage in American society as a result of causes not common to individuals who are not socially disadvantaged, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. An individual's race, national origin, or gender by itself, shall not qualify the individual as "socially disadvantaged." In drafting such regulations, the commissioner shall consider criteria developed for federal programs established to promote opportunities for businesses owned by individuals who are socially and economically disadvantaged, including criteria for determining initial and continued eligibility in relation to the net worth of individuals claiming to be economically disadvantaged, provided that the net worth of an individual claiming disadvantage pursuant to this section must be less than one million dollars. In determining such net worth, the department shall exclude the ownership interest in the business enterprise and the equity in the primary personal residence.

§6. Subdivision a of Section 1305 of the New York city charter is amended to read as follows:

a. The commissioner shall administer the provisions of this section and enforce a citywide program to ensure that city contractors and subcontractors take appropriate action to ensure that women and minority group members are afforded equal employment opportunity, and that all persons are protected from discrimination

prohibited under the provisions of federal, state and local laws and executive orders with regard to recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay and other forms of compensation. The commissioner may request and shall receive from any contracting agency of the city such assistance as may be necessary to carry out the provisions of this section. “Minority group member” shall mean a United States citizen or permanent resident [alien] noncitizen who is a member of a racial or language minority group in New York city protected by the voting rights act of 1965, as amended, or such other groups as may be covered by rule of the agency.

§7. Section 17-124 of the administrative code of the city of New York is REPEALED.

§8. This local law takes effect immediately after it becomes law.

HKA
LS #10570
9/25/19