

STATE OF NEW YORK

469

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to the licensing of newsstands

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 20-229.1 to read as follows:

3 § 20-229.1 Review and approval of applications to construct, maintain
4 and operate newsstands. Each application for a license or renewal there-
5 of to construct, maintain and operate a newsstand shall be reviewed and
6 approved in the following manner:

7 a. The application shall be in such form as prescribed by the depart-
8 ment. An application shall be filed with the department which, within
9 five days of the filing of such application, shall forward copies there-
10 of to the speaker of the council, to the council member in whose
11 district the newsstand is proposed to be located and to the president of
12 the borough in which the newsstand is to be located, for informational
13 purposes, and to the community board for the community district in which
14 the newsstand is proposed to be located, and such board shall review
15 such application pursuant to subdivision b of this section.

16 b. The community board shall, not later than forty-five days after
17 receipt of such application, either (i) notify the public of the appli-
18 cation in a manner specified by the department, conduct a public hearing
19 thereon and submit a written recommendation to the department and to the
20 council, or (ii) waive by written statement its public hearing and
21 recommendation on such application, and submit such statement to the
22 department and the council. If the community board submits a recommenda-
23 tion on an application after the forty-five day time period has expired,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 such recommendation may be accepted by the department in the sole
2 discretion of the commissioner.

3 c. Within thirty days after the expiration of the forty-five day peri-
4 od allowed for the filing of a recommendation or waiver by the community
5 board pursuant to subdivision b of this section, the department shall
6 (i) hold a public hearing on the application, (ii) approve the applica-
7 tion or disapprove it, and (iii) file with the council any such decision
8 to approve, together with the application, except that if the department
9 waives its public hearing, such department shall file with the council a
10 written statement of such waiver and any decision to approve, together
11 with the application, within ten days after the expiration of the period
12 allowed for the community board filing of a recommendation or waiver
13 pursuant to subdivision b of this section. If the department fails to
14 file with the council any decision to approve, together with the appli-
15 cation, as provided in the preceding sentence, the application shall be
16 deemed to have been denied, unless the applicant submits a request in
17 writing to the department for an additional period of time, which shall
18 not exceed one hundred eighty days, to correct any deficiencies in the
19 application. Unless the department waives its public hearing, for a
20 period of not less than fifteen calendar days prior to the date of such
21 public hearing, the applicant shall post notice of the public hearing in
22 a place conspicuous to public view at the location of the proposed news-
23 stand. At least fifteen days prior to the date of such hearing, the
24 department shall give notice to the community board for the district in
25 which the newsstand is proposed to be located, to the president of the
26 borough in which the newsstand is proposed to be located and to the
27 council member in whose district the newsstand is proposed to be
28 located. Not less than five calendar days prior to the date of any such
29 hearing, notice of the hearing shall be published in the City Record and
30 in one newspaper of local circulation in the community where the news-
31 stand is proposed to be located. No other notice requirements shall
32 apply to hearings for licensing of newsstands.

33 d. Within twenty days of the date the application is received by the
34 council pursuant to subdivision c of this section, the council may
35 resolve by the majority vote of all council members to review the appli-
36 cation. If the council does not so resolve, the approval of the applica-
37 tion by the department shall be forwarded to the mayor for approval
38 pursuant to subdivision f of this section, unless, in accordance with
39 that subdivision, the application is one for which the mayor has deter-
40 mined that separate and additional mayoral approval is not required.

41 e. If the council resolves to review an application pursuant to subdivi-
42 vision d of this section, the council shall hold a public hearing, after
43 giving public notice not less than five days in advance of such hearing.
44 The council shall take final action on the application and shall file
45 with the mayor its resolution, if any, with respect to the application,
46 except that if, in accordance with subdivision f of this section, the
47 application is one for which the mayor has determined that separate and
48 additional mayoral approval is not required, the council shall file its
49 resolution with the department. Such filing of the resolution shall
50 take place within fifty days of the filing of the application with the
51 council pursuant to subdivision c of this section. The affirmative vote
52 of a majority of all the council members shall be required to approve or
53 disapprove the application. If within the time period provided for in
54 this subdivision, the council fails to act or fails to act by the
55 required vote on an application, the council shall be deemed to have
56 approved the application.

1 f. The consent shall be upon such conditions as may be provided in the
2 approval of the application by the department, and shall be revocable at
3 any time by such department. The separate and additional approval of the
4 mayor shall be necessary to its validity, unless the mayor has deter-
5 mined that such approval is not required for applications reviewed and
6 approved pursuant to this section, or any category of such applications.

7 § 2. This act shall take effect on the first of January next succeed-
8 ing the date on which it shall have become a law.