S T A T E O F N E W Y O R K

8167

I N S E N A T E

July 11, 2016

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

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:

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

S 20-229.1 REVIEW AND APPROVAL OF APPLICATIONS TO CONSTRUCT, MAINTAIN AND OPERATE NEWSSTANDS. EACH APPLICATION FOR A LICENSE OR RENEWAL THEREOF TO CONSTRUCT, MAINTAIN AND OPERATE A NEWSSTAND SHALL BE REVIEWED AND APPROVED IN THE FOLLOWING MANNER:

A. THE APPLICATION SHALL BE IN SUCH FORM AS PRESCRIBED BY THE DEPARTMENT. AN APPLICATION SHALL BE FILED WITH THE DEPARTMENT WHICH, WITHIN FIVE DAYS OF THE FILING OF SUCH APPLICATION, SHALL FORWARD COPIES THEREOF TO THE SPEAKER OF THE COUNCIL, TO THE COUNCIL MEMBER IN WHOSE DISTRICT THE NEWSSTAND IS PROPOSED TO BE LOCATED AND TO THE PRESIDENT OF THE BOROUGH IN WHICH THE NEWSSTAND IS TO BE LOCATED, FOR INFORMATIONAL PURPOSES, AND TO THE COMMUNITY BOARD FOR THE COMMUNITY DISTRICT IN WHICH THE NEWSSTAND IS PROPOSED TO BE LOCATED, AND SUCH BOARD SHALL REVIEW SUCH APPLICATION PURSUANT TO SUBDIVISION B OF THIS SECTION.

B. THE COMMUNITY BOARD SHALL, NOT LATER THAN FORTY-FIVE DAYS AFTER RECEIPT OF SUCH APPLICATION, EITHER (I) NOTIFY THE PUBLIC OF THE APPLICATION IN A MANNER SPECIFIED BY THE DEPARTMENT, CONDUCT A PUBLIC HEARING THEREON AND SUBMIT A WRITTEN RECOMMENDATION TO THE DEPARTMENT AND TO THE COUNCIL, OR (II) WAIVE BY WRITTEN STATEMENT ITS PUBLIC HEARING AND RECOMMENDATION ON SUCH APPLICATION, AND SUBMIT SUCH STATEMENT TO THE DEPARTMENT AND THE COUNCIL. IF THE COMMUNITY BOARD SUBMITS A RECOMMENDATION ON AN APPLICATION AFTER THE FORTY-FIVE DAY TIME PERIOD HAS EXPIRED, SUCH RECOMMENDATION MAY BE ACCEPTED BY THE DEPARTMENT IN THE SOLE DISCRETION OF THE COMMISSIONER.

C. WITHIN THIRTY DAYS AFTER THE EXPIRATION OF THE FORTY-FIVE DAY PERIOD ALLOWED FOR THE FILING OF A RECOMMENDATION OR WAIVER BY THE COMMUNITY BOARD PURSUANT TO SUBDIVISION B OF THIS SECTION, THE DEPARTMENT SHALL

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

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(I) HOLD A PUBLIC HEARING ON THE APPLICATION, (II) APPROVE THE APPLICATION OR DISAPPROVE IT, AND (III) FILE WITH THE COUNCIL ANY SUCH DECISION TO APPROVE, TOGETHER WITH THE APPLICATION, EXCEPT THAT IF THE DEPARTMENT WAIVES ITS PUBLIC HEARING, SUCH DEPARTMENT SHALL FILE WITH THE COUNCIL A WRITTEN STATEMENT OF SUCH WAIVER AND ANY DECISION TO APPROVE, TOGETHER WITH THE APPLICATION, WITHIN TEN DAYS AFTER THE EXPIRATION OF THE PERIOD ALLOWED FOR THE COMMUNITY BOARD FILING OF A RECOMMENDATION OR WAIVER PURSUANT TO SUBDIVISION B OF THIS SECTION. IF THE DEPARTMENT FAILS TO FILE WITH THE COUNCIL ANY DECISION TO APPROVE, TOGETHER WITH THE APPLICATION, AS PROVIDED IN THE PRECEDING SENTENCE, THE APPLICATION SHALL BE DEEMED TO HAVE BEEN DENIED, UNLESS THE APPLICANT SUBMITS A REQUEST IN WRITING TO THE DEPARTMENT FOR AN ADDITIONAL PERIOD OF TIME, WHICH SHALL NOT EXCEED ONE HUNDRED EIGHTY DAYS, TO CORRECT ANY DEFICIENCIES IN THE APPLICATION. UNLESS THE DEPARTMENT WAIVES ITS PUBLIC HEARING, FOR A PERIOD OF NOT LESS THAN FIFTEEN CALENDAR DAYS PRIOR TO THE DATE OF SUCH PUBLIC HEARING, THE APPLICANT SHALL POST NOTICE OF THE PUBLIC HEARING IN A PLACE CONSPICUOUS TO PUBLIC VIEW AT THE LOCATION OF THE PROPOSED NEWSSTAND. AT LEAST FIFTEEN DAYS PRIOR TO THE DATE OF SUCH HEARING, THE DEPARTMENT SHALL GIVE NOTICE TO THE COMMUNITY BOARD FOR THE DISTRICT IN WHICH THE NEWSSTAND IS PROPOSED TO BE LOCATED, TO THE PRESIDENT OF THE BOROUGH IN WHICH THE NEWSSTAND IS PROPOSED TO BE LOCATED AND TO THE COUNCIL MEMBER IN WHOSE DISTRICT THE NEWSSTAND IS PROPOSED TO BE LOCATED. NOT LESS THAN FIVE CALENDAR DAYS PRIOR TO THE DATE OF ANY SUCH HEARING, NOTICE OF THE HEARING SHALL BE PUBLISHED IN THE CITY RECORD AND IN ONE NEWSPAPER OF LOCAL CIRCULATION IN THE COMMUNITY WHERE THE NEWSSTAND IS PROPOSED TO BE LOCATED. NO OTHER NOTICE REQUIREMENTS SHALL APPLY TO HEARINGS FOR LICENSING OF NEWSSTANDS.

D. WITHIN TWENTY DAYS OF THE DATE THE APPLICATION IS RECEIVED BY THE COUNCIL PURSUANT TO SUBDIVISION C OF THIS SECTION, THE COUNCIL MAY RESOLVE BY THE MAJORITY VOTE OF ALL COUNCIL MEMBERS TO REVIEW THE APPLICATION. IF THE COUNCIL DOES NOT SO RESOLVE, THE APPROVAL OF THE APPLICATION BY THE DEPARTMENT SHALL BE FORWARDED TO THE MAYOR FOR APPROVAL PURSUANT TO SUBDIVISION F OF THIS SECTION, UNLESS, IN ACCORDANCE WITH THAT SUBDIVISION, THE APPLICATION IS ONE FOR WHICH THE MAYOR HAS DETERMINED THAT SEPARATE AND ADDITIONAL MAYORAL APPROVAL IS NOT REQUIRED.

E. IF THE COUNCIL RESOLVES TO REVIEW AN APPLICATION PURSUANT TO SUBDIVISION D OF THIS SECTION, THE COUNCIL SHALL HOLD A PUBLIC HEARING, AFTER GIVING PUBLIC NOTICE NOT LESS THAN FIVE DAYS IN ADVANCE OF SUCH HEARING. THE COUNCIL SHALL TAKE FINAL ACTION ON THE APPLICATION AND SHALL FILE WITH THE MAYOR ITS RESOLUTION, IF ANY, WITH RESPECT TO THE APPLICATION, EXCEPT THAT IF, IN ACCORDANCE WITH SUBDIVISION F OF THIS SECTION, THE APPLICATION IS ONE FOR WHICH THE MAYOR HAS DETERMINED THAT SEPARATE AND ADDITIONAL MAYORAL APPROVAL IS NOT REQUIRED, THE COUNCIL SHALL FILE ITS RESOLUTION WITH THE DEPARTMENT. SUCH FILING OF THE RESOLUTION SHALL TAKE PLACE WITHIN FIFTY DAYS OF THE FILING OF THE APPLICATION WITH THE COUNCIL PURSUANT TO SUBDIVISION C OF THIS SECTION. THE AFFIRMATIVE VOTE OF A MAJORITY OF ALL THE COUNCIL MEMBERS SHALL BE REQUIRED TO APPROVE OR DISAPPROVE THE APPLICATION. IF WITHIN THE TIME PERIOD PROVIDED FOR IN THIS SUBDIVISION, THE COUNCIL FAILS TO ACT OR FAILS TO ACT BY THE REQUIRED VOTE ON AN APPLICATION, THE COUNCIL SHALL BE DEEMED TO HAVE APPROVED THE APPLICATION.

F. THE CONSENT SHALL BE UPON SUCH CONDITIONS AS MAY BE PROVIDED IN THE APPROVAL OF THE APPLICATION BY THE DEPARTMENT, AND SHALL BE REVOCABLE AT ANY TIME BY SUCH DEPARTMENT. THE SEPARATE AND ADDITIONAL APPROVAL OF THE MAYOR SHALL BE NECESSARY TO ITS VALIDITY, UNLESS THE MAYOR HAS DETER-

MINED THAT SUCH APPROVAL IS NOT REQUIRED FOR APPLICATIONS REVIEWED AND APPROVED PURSUANT TO THIS SECTION, OR ANY CATEGORY OF SUCH APPLICATIONS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.