

8167

I N   S E N A T E

July 11, 2016

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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:

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     S 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,  
24    SUCH RECOMMENDATION MAY BE ACCEPTED BY THE DEPARTMENT IN THE SOLE  
25    DISCRETION OF THE COMMISSIONER.

26    C. WITHIN THIRTY DAYS AFTER THE EXPIRATION OF THE FORTY-FIVE DAY PERI-  
27    OD ALLOWED FOR THE FILING OF A RECOMMENDATION OR WAIVER BY THE COMMUNITY  
28    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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1 (I) HOLD A PUBLIC HEARING ON THE APPLICATION, (II) APPROVE THE APPLICA-  
2 TION OR DISAPPROVE IT, AND (III) FILE WITH THE COUNCIL ANY SUCH DECISION  
3 TO APPROVE, TOGETHER WITH THE APPLICATION, EXCEPT THAT IF THE DEPARTMENT  
4 WAIVES ITS PUBLIC HEARING, SUCH DEPARTMENT SHALL FILE WITH THE COUNCIL A  
5 WRITTEN STATEMENT OF SUCH WAIVER AND ANY DECISION TO APPROVE, TOGETHER  
6 WITH THE APPLICATION, WITHIN TEN DAYS AFTER THE EXPIRATION OF THE PERIOD  
7 ALLOWED FOR THE COMMUNITY BOARD FILING OF A RECOMMENDATION OR WAIVER  
8 PURSUANT TO SUBDIVISION B OF THIS SECTION. IF THE DEPARTMENT FAILS TO  
9 FILE WITH THE COUNCIL ANY DECISION TO APPROVE, TOGETHER WITH THE APPLI-  
10 CATION, AS PROVIDED IN THE PRECEDING SENTENCE, THE APPLICATION SHALL BE  
11 DEEMED TO HAVE BEEN DENIED, UNLESS THE APPLICANT SUBMITS A REQUEST IN  
12 WRITING TO THE DEPARTMENT FOR AN ADDITIONAL PERIOD OF TIME, WHICH SHALL  
13 NOT EXCEED ONE HUNDRED EIGHTY DAYS, TO CORRECT ANY DEFICIENCIES IN THE  
14 APPLICATION. UNLESS THE DEPARTMENT WAIVES ITS PUBLIC HEARING, FOR A  
15 PERIOD OF NOT LESS THAN FIFTEEN CALENDAR DAYS PRIOR TO THE DATE OF SUCH  
16 PUBLIC HEARING, THE APPLICANT SHALL POST NOTICE OF THE PUBLIC HEARING IN  
17 A PLACE CONSPICUOUS TO PUBLIC VIEW AT THE LOCATION OF THE PROPOSED NEWS-  
18 STAND. AT LEAST FIFTEEN DAYS PRIOR TO THE DATE OF SUCH HEARING, THE  
19 DEPARTMENT SHALL GIVE NOTICE TO THE COMMUNITY BOARD FOR THE DISTRICT IN  
20 WHICH THE NEWSSTAND IS PROPOSED TO BE LOCATED, TO THE PRESIDENT OF THE  
21 BOROUGH IN WHICH THE NEWSSTAND IS PROPOSED TO BE LOCATED AND TO THE  
22 COUNCIL MEMBER IN WHOSE DISTRICT THE NEWSSTAND IS PROPOSED TO BE  
23 LOCATED. NOT LESS THAN FIVE CALENDAR DAYS PRIOR TO THE DATE OF ANY SUCH  
24 HEARING, NOTICE OF THE HEARING SHALL BE PUBLISHED IN THE CITY RECORD AND  
25 IN ONE NEWSPAPER OF LOCAL CIRCULATION IN THE COMMUNITY WHERE THE NEWS-  
26 STAND IS PROPOSED TO BE LOCATED. NO OTHER NOTICE REQUIREMENTS SHALL  
27 APPLY TO HEARINGS FOR LICENSING OF NEWSSTANDS.

28 D. WITHIN TWENTY DAYS OF THE DATE THE APPLICATION IS RECEIVED BY THE  
29 COUNCIL PURSUANT TO SUBDIVISION C OF THIS SECTION, THE COUNCIL MAY  
30 RESOLVE BY THE MAJORITY VOTE OF ALL COUNCIL MEMBERS TO REVIEW THE APPLI-  
31 CATION. IF THE COUNCIL DOES NOT SO RESOLVE, THE APPROVAL OF THE APPLICA-  
32 TION BY THE DEPARTMENT SHALL BE FORWARDED TO THE MAYOR FOR APPROVAL  
33 PURSUANT TO SUBDIVISION F OF THIS SECTION, UNLESS, IN ACCORDANCE WITH  
34 THAT SUBDIVISION, THE APPLICATION IS ONE FOR WHICH THE MAYOR HAS DETER-  
35 MINED THAT SEPARATE AND ADDITIONAL MAYORAL APPROVAL IS NOT REQUIRED.

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

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

1 MINED THAT SUCH APPROVAL IS NOT REQUIRED FOR APPLICATIONS REVIEWED AND  
2 APPROVED PURSUANT TO THIS SECTION, OR ANY CATEGORY OF SUCH APPLICATIONS.  
3 S 2. This act shall take effect on the first of January next succeed-  
4 ing the date on which it shall have become a law.