

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 132

Introduced by Council Members Gonzalez, Brewer, Chin, James, Koppell, Nelson, Reyna, Eugene, Koo, King, Van Bramer, Dromm, Rodriguez, Gennaro, Greenfield and Jackson.

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to providing business owners the ability to indicate a language preference for agency inspections.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 15 of the New York city charter, is amended to read as follows:

f. 1. The office of operations shall develop a business owner's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises business owners of their rights as they relate to agency inspections. The bill of rights shall include, but not be limited to, notice of every business owner's right to: i) consistent enforcement of agency rules; ii) compliment or complain about an inspector or inspectors, and information sufficient to allow a business owner to do so; iii) contest a notice of violation before the relevant local tribunal, if any; iv) an inspector who behaves in a professional and courteous manner; v) an inspector who can answer reasonable questions relating to the inspection, or promptly makes an appropriate referral; [and] vi) an inspector with a sound knowledge of the applicable laws, rules and regulations; vii) *access information in languages other than English; and viii) request language interpretation services for agency inspections of the business.*

2. To the extent practicable, the office of operations shall develop and implement a plan to distribute the bill of rights to all relevant business owners, including via electronic publication on the internet, and to notify such business owners if the bill of rights is subsequently updated or revised. The office of operations shall also develop and implement a plan in cooperation with all relevant agencies to facilitate distribution of a physical copy of the bill of rights to business owners or managers at the time of an inspection, except that if the inspection is an undercover inspection or if the business owner or manager is not present at the time of the inspection, then a copy of the bill of rights shall be provided as soon as practicable.

3. To the extent practicable, the office of operations shall develop and implement a plan for each business owner to indicate the language in which such owner would prefer that agency inspections of the business be conducted. To the extent practicable, the office of operations shall also develop and implement a plan to inform all relevant agencies of such respective language preference.

4. The bill of rights shall serve as an informational document only and nothing in this subdivision or in such document shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 2. Section 561 of the New York city charter is amended to read as follows:

§ 561. Permits. *a.* The board of health in its discretion may grant, suspend or revoke permits for businesses or other matters in respect to any subject dealt with in the health code and regulated by the department and may prescribe reasonable fees for the issuance of said permits. Whenever the board of health in the health code authorizes the issuance, suspension or revocation of a permit by the commissioner, his action shall be subject to review by the board of health upon an appeal by the party aggrieved under such rules as the board may provide. Such rules may provide in

what cases an appeal may stay the action of the commissioner until final determination by the board of health, but notwithstanding any such rule the board of health shall have power to grant or refuse a stay in any particular case.

b. Every application for a permit or a renewal of an existing permit issued by the commissioner pursuant to this section shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such permit be conducted or alternatively for which language interpretation services be provided. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 3. Chapter 3 of title 17 of the administrative code of the city of New York is amended by adding a new subchapter 1 to read as follows:

Subchapter 1 Administrative provisions

§ 17-301 Language preference for inspections. Every application for a license or a permit, or the renewal of an existing license or an existing permit to be issued by the commissioner pursuant to this chapter shall provide an opportunity for the applicant to indicate the language in which such applicant would prefer that inspections in connection with such license or permit be conducted or alternatively for which language interpretation services be provided. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

§ 4. Section 20-107 of the administrative code of the city of New York is amended to read as follows:

§ 20-107 Application; filing fee; license fee. *a.* All applications for licenses shall be made to the commissioner or the commissioner's designee in such form and detail as shall be prescribed.

b. Every application for a license or the renewal of an existing license shall provide an opportunity for the applicant to indicate the language in which he or she would prefer that inspections in connection with such license be conducted. Nothing in this subdivision nor any failure to comply with such preference shall be construed so as to create a cause of action or constitute a defense in any legal, administrative, or other proceeding.

c. Except as specifically provided in chapter two, every application shall include the license fee for the full license term. If the license is not issued, the lesser of fifty dollars or one-half of the amount of the annual license fee shall be retained by the department as a non-returnable filing fee. In the event a license is issued for less than the full license term, the applicable fee shall be decreased proportionately to the nearest half year, except that in no case shall the fee be less than the fee for one-half year. Where a two year license is surrendered for a reason other than suspension or revocation and less than one year of the license term has expired, the licensee may apply for a refund of an amount equal to one year's license fee. Except as otherwise specifically provided for in chapter two, reference to fees, license fees or any other word of similar import shall be deemed to be the license fee for one year. Notwithstanding any inconsistent provision of this section, whenever the commissioner increases or decreases the term of a type of license pursuant to section 20-108 of this chapter, the fee for such license shall be increased or decreased proportionately and the amount of refund due upon surrender of such license before the expiration of the term for a reason other than suspension or revocation shall be prorated to the unexpired term.

§ 5. This local law shall take effect one hundred and twenty days after its enactment into law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 10, 2013 and approved by the Mayor on December 17, 2013.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 132 of 2013, Council Int. No. 1191-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.