



Legislation Text

File #: Int 2097-2020, Version: *

Int. No. 2097

By Council Members Kallos, Louis, Chin, Gjonaj and Levin

A Local Law to amend the administrative code of the city of New York, in relation to accessibility in small businesses

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding new section 22-1007 to read as follows:

§ 22-1007 Accessibility fund for small businesses. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Chain business. The term “chain business” means an establishment that is part of a group of four or more establishments that share a common owner or principal who owns at least 30 percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in section 681 of the general business law.

Commissioner. Notwithstanding section 22-1001 of this chapter, the term “commissioner” means the commissioner of the department of small business services, the commissioner of the mayor’s office for people with disabilities or its successor agency, or any other designee of the mayor.

Small business. The term “small business” means a for-profit or not-for-profit entity, excluding government entities, that is not a chain business and that employs no more than 100 employees. The number of employees of such small business shall consist of an average of all persons that performed work for the small business for compensation on a full-time, part-time or temporary basis for all payroll periods occurring in the 90 days prior to the date on which such property owner or tenant applies for the fund set forth in subdivision b

of this section, as demonstrated by the payroll documentation of such entity, in accordance with rules promulgated by the commissioner.

Storefront. The term “storefront” means a premises owned or operated by a small business that is open to the public and is a public accommodation as defined in section 12181 of title 42 of the United States code.

b. The commissioner shall, subject to appropriation, operate a program that provides loans, grants, in-kind services or in-kind materials, or some combination, to small business tenants and property owners for the purpose of making physical features of their storefront accessible to people with disabilities. Any funding provided to a small business shall not exceed 250,000 dollars in total value per storefront. No loan provided through such program shall include an annual interest rate higher than three percent.

c. 1. The commissioner shall set a timeline for the review of applications for the program operated pursuant to subdivision b, the approval or rejection of such applications, and the disbursement of the approved loan or grant amount, if applicable, which shall not exceed 90 days in total for each such application.

2. Any loan, grant, services or materials provided by the program operated pursuant to subdivision b shall be made available to the person or entity responsible for bearing the cost of the construction project that would make such storefront accessible, whether the property owner or tenant of such storefront, provided however that both the property owner and the tenant must consent to the receipt of such loan, grant, services or materials unless a prior contractual agreement between the parties requires otherwise.

3. As a condition of the receipt of a loan, grant, services or materials pursuant to subdivision b, the commissioner may require the storefront’s property owner to agree to decrease the rent charged to their tenant for the use of such storefront by half the value of such loan, grant, services or materials received, distributed across the remainder of the rental term in a manner agreed upon by such property owner and tenant.

d. The commissioner shall promulgate rules to implement the requirements of this section.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner, as defined by subdivision a of section 22-1007 of this local law, shall take such measures as are necessary for the

implementation of this local law, including the promulgation of rules, before such date.

SJ
LS #9004, 13913
9/1/20