



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

EXECUTIVE ORDER NO. 246

EMERGENCY ORDER REGARDING WAIVER OF FEES RELATED TO THE OPERATION
OF STORM DAMAGED BUSINESSES

February 20, 2013

WHEREAS, Executive Order 225, issued January 26, 2013, contains a proclamation extending a state of emergency in the City of New York, and such proclamation remains in effect for a period not to exceed thirty days or until rescinded, whichever occurs first;

WHEREAS, on October 26, 2012, the Governor issued a declaration of emergency for all counties in the State of New York, including the City of New York, and such declaration remains in effect for a period not to exceed six months or until rescinded, whichever occurs first;

WHEREAS, a severe storm (Hurricane Sandy) hit New York City recently causing heavy flooding, power outages, and widespread damage and disrupting the operation of businesses offering services that are essential to the economic well-being of the city and to the health and wellbeing of residents;

WHEREAS, the expeditious repair and reconstruction of buildings damaged by the storm and the resumption of business in storm damaged areas will be encouraged and incentivized by waiving certain fees that would otherwise be payable to agencies of the city for

permits, licenses and inspections required by law in order for such businesses to rebuild and to operate;

NOW, THEREFORE, it is hereby ordered:

§ 1. Pursuant to the powers vested in me by Paragraph g of Subdivision 1 of Section 24 of the New York Executive Law to suspend any local laws, ordinances, or regulations, or parts thereof, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery therefrom, I hereby suspend, subject to the provisions of Section 2 of this Order, the following fees as set forth in the Administrative Code of the City of New York (Administrative Code) or the Rules of the City of New York (RCNY):

a. The Department of Consumer Affairs. Fees required by Administrative Code § 20-250(c), Administrative Code § 20-314, and Administrative Code § 20-501(b) and 6 RCNY § 2-362(m)(1).

b. Department of Environmental Protection. Fees required by Administrative Code §§ 24-136, 24-137, 24-138, 24-139 and 24-140.

c. Department of Buildings. Application, permit and inspection fees required by Administrative Code § 28-112 for the following work: plumbing, scaffolds, sidewalk sheds, fences, signs, boilers, demolition, elevators, construction, limited alterations and after hours variances as well as fees required by Administrative Code § 27-3018 with respect to electrical work.

d. Department of Transportation. Fees required by 34 RCNY § 2-03 with respect to street opening permits, building operations and construction activity permits, debris containers, sidewalk construction permits, vault permits and canopy permits.

e. Fire Department.

(1) Fees required by New York City Fire Code Sections A03.1(3) and A03.1(37) with respect to the inspection and testing of liquid motor fuel dispensing system installations.

(2) Fees required by New York City Fire Code Section A03.1(20) with respect to acceptance testing of fire protection systems, including fire alarm systems, fire extinguishing systems and fire pumps.

(3) Fees required by New York City Fire Code Section A03.1(45) and Fire Department rule 3 RCNY §4601-01(e) with respect to plan examinations applicable to review of design and installation documents for liquid motor fuel dispensing systems and fire protection systems.

f. Landmarks Preservation Commission. Fees required by 63 RCNY § 13-04 with respect to certificates of appropriateness and certificates of no effect.

g. Department of Small Business Services. Fees required by 66 RCNY §4-01 with respect to waterfront construction work, equipment use permits, mooring permits, fill work permits and certificates of completion.

§ 2. The suspension of any fee required by local law, ordinance, or regulation pursuant to Section 1 of this Order shall apply only with respect to fees payable in connection with the recovery from the effects of Hurricane Sandy of businesses that were in operation as of October 26, 2012, and that meet the eligibility criteria of this section as determined by the NYC Restoration Business Acceleration Team (RBAT) within the Office of the Mayor. The suspension of fees shall apply to fees payable in connection with the repair or reconstruction of space occupied or to be occupied by the business or the alteration or repair of systems serving only such business space and that are owned by the business. Eligible fees paid prior to the effective date of this order may be refunded. Businesses eligible for suspension of fees pursuant to this order must meet the following criteria:

a. As of October 26, 2012, the business must have been located in space that is either: (i) in a building within the boundaries of a Disaster Recovery Area, as defined in section 3 of this order; or (ii) in a building that, after Hurricane Sandy, was assigned a red, yellow or green placard by the Department of Buildings; and


b. The owner of the business must apply to RBAT for a waiver of applicable fees pursuant to this order on forms and in a manner to be prescribed by RBAT. The owner must submit written certification signed by such owner or such other documentation as may be required by RBAT, confirming that: (i) the space occupied by such business suffered substantial damage as a result of Hurricane Sandy that has interfered significantly with and that continues to interfere significantly with the operation of such business in the manner in which it operated prior to Hurricane Sandy; and (ii) the business currently occupies or intends to re-occupy space in the same building or in a new building at the site.

§ 3. For the purposes of this order the term Disaster Recovery Area means:

a. The area within Hurricane Evacuation Zones A and B, as designated by the New York City Office of Emergency Management on the New York City Hurricane Zone Maps in effect as of October 29th, 2012; or

b. The area within any Business Recovery Zone created by the Department of Small Business Services and delineated on maps published on such department's web site.

§4. This Order shall take effect immediately. It shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.



Michael R. Bloomberg
Mayor