



Navigating NYC Government: What Businesses Need To Know

Our Services

The Business Outreach Team can help a business:

Resolve an issue by connecting to agencies or utilities

Government Liaison and Compliance Services:

- Violations Support
- Permit or License Troubleshooting
- Street Maintenance, Sign, or Fixture Assistance
- Utility Support
- Facility Disruption Support
- Government Regulations Guidance

Recover from a disaster or emergency

Business Emergency Services:

- Emergency Updates and Recovery Expediting
- Emergency Business Relocation
- Business Emergency Grants
- Emergency Preparedness Planning

What You Will Learn Today



The Agenda

I. Requirements to operate legally in New York City

- a. Starting a business
- b. Finding a space
- c. Obtaining permits and licenses
 - Demonstration of NYC Business Express

II. Violations

- a. Common violations and how to avoid them
- b. How to read a violation
- c. What to do if a business received a violation

I. Requirements to Operate Legally in NYC

This section will cover the steps that a business should take to operate legally in New York City

- Creating a business structure
- Obtaining a federal tax identification number
- Obtaining a Certificate of Authority
- Creating a business bank account
- Finding a space that meets zoning requirements
- Reading and signing a lease
- Obtaining business insurance

I. Requirements to Operate Legally in NYC

a. Starting a Business

Create a Business Structure

There are different types:

Sole Proprietorship or Partnership

- What are they?
 - Business owner assumes full liability. Applicants can use their social security number or personal tax identification number to file for a Business Certificate**
- How does a business apply to create this structure?
 - Go to www.nyc.gov/businessexpress and search "Certificate of Assumed Name"

**Businesses that do not operate under an assumed name do not have to file for a Business Certificate

I. Requirements to Operate Legally in NYC

a. Starting a Business

Create a Business Structure Cont'd

Corporation

- What is it?
 - There are different types of Corporations – they have less liability than a sole proprietorship
 - The proof of incorporation is the corporation filing receipt
- How does a business apply to create this structure?
 - Go to www.nyc.gov/businessexpress and search "Certificate of Assumed Name for Corporations"

It's important to get legal advice when deciding which business structure is right for a business. Our NYC Business Solutions Centers can connect businesses to pro-bono lawyers that can provide assistance. Visit www.nyc.gov/nycbusiness for the nearest Center or call 311 and ask for "NYC Business Solutions Centers."

a. Starting a Business

Obtain Federal Tax ID

What is it?

- A Federal Tax identification number is like a Social Security number for a business - it identifies the business with the federal government
- This is also referred to as an Employer Identification Number (EIN)

What does a business do with it?

- It is the means by which a business owner pays taxes to the federal government
- Even Sole Proprietors will need a federal tax ID if they plan to hire employees
- The employer's responsibilities include withholding, depositing, reporting, and paying employment taxes.

How does a business apply for the ID?

- Visit www.nyc.gov/businessexpress and search for "Employer Identification Number"
- Or, visit www.irs.gov and search for a "SS-4 form."

I. Requirements to Operate Legally in NYC

a. Starting a Business

Certificate of Authority

What is it?

- The Certificate of Authority is proof that a business is paying sales taxes to the state and city
- It allows retail and resale businesses to collect sales taxes

How does a business obtain this Certificate?

- They are distributed by the NYS Department of Taxation and Finance
- Visit www.nyc.gov/businessexpress and search "sales tax vendor"
- Or, businesses can visit the Department of Taxation and Finance
 - Businesses in all boroughs except Queens should go to:
 - 55 Hanson Pl. in Brooklyn or call 718-722-2030
 - Queens businesses **only** should go to:
 - 80-02 Kew Gardens Rd or call 718-459-6791

I. Requirements to Operate Legally in NYC

a. Starting a Business

Create a Business Bank Account

What is it?

- This is separate from a personal bank account
- It legitimizes a business for tax purposes

How does a business open this account?

- A business can open this account at any bank
- Businesses will need a Business Certificate or a corporation filing receipt

I. Requirements to Operate Legally in NYC

b. Finding Space

What is zoning?

- Zoning determines the size and use of buildings and where they are located
- It is regulated by the Department of City Planning
- New York City is divided into three basic zoning districts: residential (R), commercial (C), and manufacturing (M)

How does a business find zoning information for a location?

- The Department of City Planning maintains detailed zoning maps
- Visit www.nyc.gov/businessexpress and search “zoning maps”
- The Business Outreach Team can help businesses read and understand zoning maps

I. Requirements to Operate Legally in NYC

b. Finding Space

Read and Sign Lease: Commercial leases

- All leases should be reviewed by a lawyer before signing (not a Notary Public)
- It's crucial to have a thorough understanding of the terms of the lease before you sign it. Examples of basic terms include:
 - Basic rent
 - Additional charges (such as real estate taxes)
 - Utilities
 - Security deposit
 - Length of term of the Lease (when does it start/end)
 - Permitted uses
 - Subletting rights
 - Repairs and maintenance

NYC Business Solutions provides a course on commercial leasing strategies. And remember, the NYC Business Solutions Centers can connect you to pro-bono lawyers that can provide assistance. Visit www.nyc.gov/nycbusiness to register for a course or to find the Center nearest you.

Notary Publics (Notarios in Spanish)

Information about Notary Publics

- They are not licensed to dispense legal advice
- Their **only** job is to certify that the documents they will notarize are presented by the person on the signature line
- They **do not** certify that the documents are truthful or factual
- They cannot charge more than \$2 dollars per signature per document to notarize forms

b. Finding Space

Obtain Business Insurance

Coverage falls under some of the following categories:

- Property
- Liability
- Auto
- Workers' Compensation and Disability
- Business Interruption
- Crime Insurance
- Employee Benefits/Health
- Business Life Insurance

Commercial Landlords should require proof of liability insurance before a lease is signed

Information on business insurance can be found at the NYS Department of Insurance: <http://www.ins.state.ny.us/>

Demonstration of NYC Business Express

The screenshot shows the NYC Business Express website. At the top, there is a navigation bar with links for Residents, Business, Visitors, Government, Office of the Mayor, Search, Email Updates, and Contact Us. Below this is a secondary navigation bar with Sign In, Create New Account, and Set Text Size options. The main header features the NYC Business Express logo, a Wizard, Incentives, and Index menu, a search bar with a GO button, and icons for Home Page, Help, and Feedback. The main content area is divided into three columns. The left column has a Sign In section with email and password fields and a Sign In button, along with links for Forgot Password and Create New Account. Below this is a photo of a smiling woman. The middle column has a Welcome to NYC Business Express! section with a paragraph about the site's purpose, followed by buttons for Wizard and Incentives Estimator, and a paragraph about regulatory information. The right column has an EasyStart section with a paragraph about requirements, a Did You Know? section with a Development Coordinator Initiative sub-section, and a paragraph about the city's initiative to help real estate professionals.

II. Common Violations & How to Avoid Them

Buildings

Developing Plans

- Businesses *must* hire a licensed professional such as an architect or engineer to do the plans for the construction

Obtaining Permits

- The engineer or architect can contract with licensed professionals such as a plumber, contractor or electrician to obtain the necessary permits and do the work. A business owner can also contract with these licensed professionals, but the workers will not be able to get a permit to do the work if they are not licensed.

Violation Category: Working without a permit

Disability Guidelines

- The Americans with Disabilities Act of 1990 outlines accessibility guidelines for buildings and facilities for individuals with disabilities
 - These requirements are detailed and can be reviewed at:
<http://www.access-board.gov/adaag/html/adaag.htm>

Violation Category: Construction Code

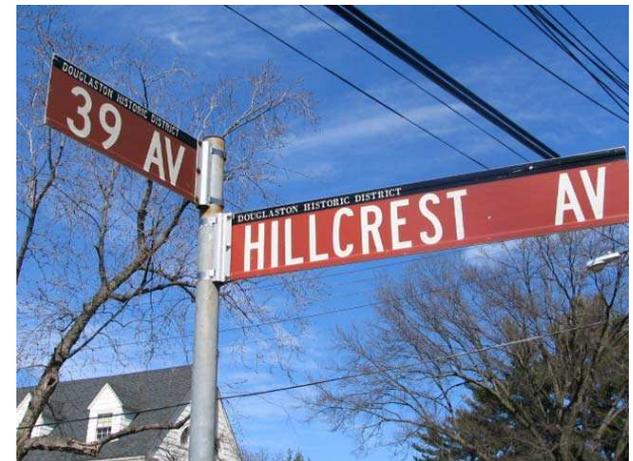
II. Common Violations & How to Avoid Them

Landmarks and Historic Districts

Additional permits, issued by the Landmarks Preservation Commission, are required to open a business in a historic district or a landmarked building

How does a business find out if it is in one of these areas?

- Historic Districts have brown street signs
- The Landmarks Preservation Commission maintains maps with all landmarked buildings
- Visit www.nyc.gov/businessexpress and search “landmark”
 - This links to the full regulations, landmark maps and applications for work permits



II. Common Violations & How to Avoid Them

Exterior Signage

Flat Signs that are 6 sq. feet or less

- No permits are required

Signs and Awnings larger than 6 sq. ft

- These signs must be installed by a sign hanger that is licensed by the Department of Buildings
- These sign hangers will know how to get the bi-annual permit to hang the sign
- Visit www.nyc.gov/businessexpress and search “Storefront sign requirements” for links to the full regulations and a list of licensed sign hangers

Illuminated Signs

- The same rules apply as above, but a business will also need a licensed electrician

Canopies are only legal for medical centers and hotels

- Just because you see it, doesn't mean it is legal!

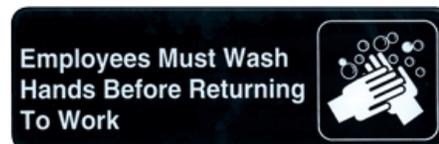
Violation Category: Working without a permit

II. Common Violations & How to Avoid Them

Required Interior Signage

Businesses are required to post certain signs in their establishment – signs must be in English. Signs include but are not limited to:

- Certificate of Occupancy
- Exit and Exit Directional Signs
 - signs must be conspicuously posted
- Sale of cigarettes to minors (if applicable)
- “No Smoking”
 - signs must be posted at all entrances as required including bathrooms, stairwells on each floor, bulletin boards, and other prominent places
- Wash Hands sign must be posted at all hand wash stations and restrooms
 - Business owners can pick up Wash Hands signs and No Smoking signs at the Department of Health and Mental Hygiene



Violation Category: Failure to display required signage

II. Common Violations & How to Avoid Them

Required Interior Signage

There are a number of other required signs for establishments that serve food or alcohol:

These include:

- Liquor license
- No Alcohol Served to Minors
- Danger of Drinking While Pregnant
- Place of Assembly Permit (for 75 or more seats)

To find the full list of required signage and where to get it, visit www.nyc.gov/businessexpress and search “Required Posters and Signs for Restaurants”

II. Common Violations & How to Avoid Them

Fire Safety

Businesses must be in full compliance with FDNY fire code

Regulations include:

- Posted record of monthly fire alarm testing
- Posted record of sprinkler inspection
- Tagging each fire extinguisher with a record of annual inspection
- A building's evacuation plans must be accessible in the manager's office

Visit www.nyc.gov/fdny and click on Bureau of Fire Prevention

II. Common Violations & How to Avoid Them

Noise Codes

The Department of Environmental Protection regulates that establishments cannot make noise reaching outside a business' physical space above 42 decibels as measured from within a nearby residence

- 42 decibels is louder than a whisper but softer than normal conversation

This applies to *any* establishment including:

- Bars and restaurants, nightclubs, factories, stores playing music

Construction Noise

- Construction businesses must use noise mitigation strategies when using common equipment such as jackhammers or cranes
- For links to the complete regulations visit www.nyc.gov/businessexpress and search "construction noise"

Violation Category: Non-compliance

II. Common Violations and How to Avoid Them



Consumer Protection Laws

Consumer Protection laws are regulated by the Department of Consumer Affairs

Credit Card Policy

- Businesses must conspicuously place the credit card policy by the register

Refund Policy

- Businesses must conspicuously place the refund card policy by the register

Violation Category: Failure to display required signage

II. Common Violations & How to Avoid Them

Consumer Protection Laws

Single Item Price Policy

- Business Owners must place the price of an item somewhere where customers can see it
- Customers should not have to ask "How much is this?"

Receipt Policy

- Customers must automatically receive a receipt
- The receipt must contain the contact information for the business, including a telephone number and DCA license number (if applicable)

The Department of Consumer Affairs publishes a helpful guide for Businesses, "What Businesses Need to Know"

- To download, visit www.nyc.gov/businessexpress and search "What Businesses Need to Know"

II. Common Violations & How to Avoid Them

Loading and Unloading

Unloading delivery vehicles must be an *active* function

- This means that the people making the delivery must be unloading the entire time a vehicle is parked
- Commercial vehicles can only park in areas designated for commercial parking

Vehicles are subject to a fine if they are idling

Common Violations & How to Avoid Them



Commercial Collections Programs

New York City has solutions that can help business owners reduce the costs of commercial vehicle violations

Commercial Collections Programs	
Fleet Program	
<ul style="list-style-type: none">- A free program that helps businesses find information about their parking tickets- A business can join if it has one or more vehicles registered or leased under the company's name and address- Companies are then given a penalty-free period to answer those tickets	
NYC Delivery Solutions	Commercial Abatement Program
<ul style="list-style-type: none">- Businesses agree to waive the right to contest parking tickets, and instead, pay reduced parking fines- Eligible businesses must own or lease one or more commercial vehicles that make fast pick-ups, deliveries, and/or service calls	<ul style="list-style-type: none">- Businesses not eligible for NYC Delivery Solutions can participate in the Commercial Abatement Program- Participants agree to pay pre-set, reduced fines for each offense

To apply, go to the Department of Finance at: <http://www.nyc.gov/dof> and search "Commercial Collections Programs"

Sidewalk Regulations – Garbage pickup

How does a business get its garbage picked up?

- Business must contract with a private company for carting

How does a business find a carter?

- The Business Integrity Commission (BIC) regulates commercial carting and maintains a list of authorized companies
- New businesses should call the BIC at 212-676-6219 to obtain information about its private carter routing district
 - Routing districts are based on address and the BIC will tell the business which company to contact
- The company will give the business a decal to place on the storefront, demonstrating that the business is in compliance

Sidewalk Usage

Zero Visibility Rules

Businesses may use sidewalk 3 ft from the property line to display merchandise (except where zoning restrictions apply***)

- Merchandise is the items a business sells
- Merchandise does not include street furniture, gumball machines, bike racks, planters and fixed coin rides etc.
 - To display these items, businesses must apply for revocable consent from Department of Transportation
 - Visit www.nyc.gov/businessexpress and search “revocable consent” for links to more information and an application

Other important sidewalk regulations:

- Businesses cannot exchange money on the sidewalk
- Businesses cannot have unpermitted stands
- Businesses cannot have anything on the sidewalk that impedes pedestrian flow
- A-Frame stands are illegal



Violation Category: Sidewalk Obstruction

*** To find out if a business is on a restricted street, contact the Business Outreach Team at 212-618-8810 or bot_eru@sbs.nyc.gov

Sidewalk Usage

Stoop Line Stand Permit

What is it?

- The sidewalk display of certain merchandise requires a Stoop Line Stand Permit
- Items are: fruits, vegetables, soft drinks, cigars, cigarettes, tobacco, confectionaries, ice cream, flowers, newspapers

How does a business apply?

- Permits are distributed by the Department of Consumer Affairs
- Visit www.nyc.gov/businessexpress and search for "Stoop Line Stand"

II. Common Violations & How to Avoid Them

Sidewalk Upkeep

Businesses are required to keep their sidewalk clean for *one (2)* hour period each day

This two hour time slot is called a ***routing time***

- Routing times are issued by the Department of Sanitation
- Businesses can only receive a summons for a dirty sidewalk during its routing time
- A business must display a Department of Sanitation decal with their routing time

Call 311 and ask for the Department of Sanitation to get a routing time and decal

Common Violations & How to Avoid Them

Sidewalk Upkeep

Businesses must keep the sidewalk clean from the storefront to the curb and then 18 inches into the street from the curb



II. Common Violations & How to Avoid Them

Sidewalk Upkeep – Snow and Ice Removal

A business owner must clean the snow and/or ice from the sidewalk within four hours after snow has stopped falling

- If the snow stopped falling after 9pm the previous evening, the business owner must remove the snow by 11am that day

A business owner must clear a path from the storefront to the curb. Excess snow can be placed in a pile adjacent to the path – snow cannot be thrown in the street.

II. Common Violations & How to Avoid Them

Sidewalk Repair

Owners of commercial buildings are responsible for sidewalk upkeep and maintenance

Businesses should read leases very carefully before signing and check to see if there are specific provisions related to sidewalk maintenance

II. Violations

What happens if you receive a violation?

Even businesses that make the best efforts to comply with regulations can receive violations

Understanding what to do with a violation can be confusing – and it's important to deal with them as soon as possible

If a business has trouble understanding a violation, contact the Business Outreach Team and we'll help you understand how to comply

Violations

How to read a violation

Department of Buildings issues three types of Notices of Violations: Universal, Boiler, and Elevator. Although the NOVs look different, each has the same elements that are pointed out below.

Respondent
The party who the City agency names as responsible for the violation and for answering the NOV

Place of Occurrence
Notes the location where the violation occurred as well as the date of occurrence and some basic building information

Computer No. / Infraction Code
Computer code used internally at ECB and Buildings to determine specific infraction

Provision of Law
Indicates the section of law violated

Violating Condition Observed
Contains the inspector's detailed description of the violation. Read this section carefully, since there may be multiple conditions included as part of the violation.

Cure Date
Indicates the deadline given to cure or fix the problem that caused the violation. You are generally given 35 days to correct the violating condition and certify correction. If no date is shown, your violation cannot be cured and you are required to attend an ECB hearing.

Violation No.
Your NOV number

Hazardous
If the violation is for a hazardous condition, this box will be checked

Second Offense
If you have already been issued an NOV for the same violation, it will be indicated here

Remedy
Indicates a possible remedy for correcting the violation. Read this section carefully since there may be multiple conditions of the violation, each requiring evidence of compliance for certification.

For more information, go to: <http://www.nyc.gov/html/dob/html/violations/ecbviorefguide.shtml>

Hearing Information
You must attend an ECB hearing on the date indicated unless the violation has been cured or a stipulation has been offered by mail and accepted.

Note: cure dates and hearing dates are two different dates.

NOV=Notice of Violation

ECB=Environmental Control Board

Thank You!

**NYC BUSINESS
SOLUTIONS** ←

Thank you!

To obtain a copy of this presentation or any other materials used as part of the Seminar for Latino Business Associations, please visit the event website at: www.nyc.gov/latinobusiness

For more information on starting a business:
www.nyc.gov/businessexpress

For more information and resources for a business, or to locate the nearest NYC Business Solutions Center:
www.nyc.gov/nycbusiness

To resolve an issue by connecting to agencies or utilities, contact the Business Outreach Team at: 212-618-8810 or bot_eru@sbs.nyc.gov