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Mayor de Blasio Signs "Fair Chance Act"

June 29, 2015

NEW YORK—Mayor de Blasio today signed into law eight pieces of legislation – Intro. 318-A, in relation to prohibiting discrimination based on a person’s arrest record or criminal conviction; Intro. 125-B, in relation to licensing car wash businesses; and Intros 456-A, 723-A, 724-A, 725-A, 726-A, and 729-A, related to the City’s outreach and accessibility efforts for small businesses.

“Today, we ‘ban the box’ in New York City. This bill opens the door to jobs for New Yorkers who have already paid their debt to society, rather than condemning them to a grim economic future. Now, all applicants will get a fair shot at the opportunities that can lead them on a pathway to success,” said **Mayor de Blasio**. “I want to thank Speaker Mark-Viverito for her leadership, as well as Manhattan Borough President Brewer and Council Member Williams for sponsoring this legislation.”

The first bill, Intro. 318-A, strengthens provisions of the City’s Human Rights Law that prohibit discrimination based on an individual’s record of arrest or criminal conviction. In order to combat employment discrimination, the bill will prohibit employers from inquiring about candidates’ criminal records until after they have made a conditional offer of employment, and require them to provide a written copy of the inquiry, analysis, and supporting documentation to applicants. The bill imposes similar restrictions on licensing agencies, with exemptions for licensing activities in relation to explosives, pistols, handguns, rifles, shotguns, and other deadly weapons. The employment provisions include exemptions for public and private employers who are required by law to conduct criminal background checks, and for several City agencies including the Police Department, Fire Department, Department of Correction, and Department of Probation. This bill was passed by the City Council on June 10.

“From establishing significant protections for consumers and the environment to addressing unlawful discrimination in employment, these laws will make New York City a more just place to live and work,” said **Council Speaker Melissa Mark-Viverito**. “Those who have paid their debt to society deserve a fair chance at employment, and the Fair Chance Act will ensure that the employment process limits unlawful discrimination based on an applicant’s criminal background. By licensing car wash businesses, the City will be able to make sure that all car washes operating in the City are in compliance with all applicable laws and regulations; this law will give DCA another tool to use to help consumers in this

city. I thank my Council colleagues and the administration for their continued partnership on issues that make a difference in the lives of New Yorkers.”

“Intro 318 strengthens the New York City Human Rights Law in several important ways, making it the strongest in the nation by ensuring greater access to employment for many of our residents with criminal histories,” said **NYC Human Rights Commissioner Carmelyn P. Malalis**. “Under this legislation, the Human Rights Commission is charged with enforcing its key protections, including, among many others, a prohibition to inquire about a job applicant’s criminal history until after a conditional offer of employment is extended. At that point, employers may only consider criminal history in their hiring decisions through a tailored analysis. The Commission looks forward to working with the Mayor’s Office and the City Council to ensure that barriers to employment for individuals with past arrests or convictions are removed so many of our fellow New Yorkers have access to jobs and can keep rebuilding their lives.”

“I am proud New York City will now join the ranks of more than 17 states and 100 cities to give all applicants a fair chance. This is one of the strongest Ban the Box bills in the nation, and will ensure that all New Yorkers, including those with convictions for previous mistakes, will have an equal opportunity to compete for jobs that they qualify for. Though the legislation does not require employers to hire any particular applicant, it delays the background check, thus supplementing preexisting law that says employers cannot deny a job because of a record unless there is a direct relationship to the job. Not only does employment strengthen communities and lower recidivism, but employers will have access to a broader range of qualified candidates to consider,” said **Council Member Jumaane Williams**. “I would like to thank Mayor de Blasio, Speaker Mark-Viverito, Manhattan Borough President Gale Brewer, Civil Rights Committee Chair Mealy and the vibrant group of elected officials and advocates who worked tirelessly to pass this landmark legislation.”

“We call this bill the Fair Chance Act because that’s what it will give everyone. We will not let the mere fact that a person was arrested become a black mark that closes every door,” said **Manhattan Borough President Gale A. Brewer**. “When these New Yorkers are free to build a better future, we’ll all be better off. I’m proud to have sponsored this bill, both as a Council Member and now in partnership with Council Member Williams, and am thrilled to see the mayor sign it into law today.”

“I am pleased and excited that Mayor de Blasio will sign Int. 318-A bill into law. This is a very important piece of legislation that will prohibit employers from discriminating against applicants based on their criminal history. The goal of 318 is to make sure that people with pending arrests or prior convictions are given a fair chance to gain employment,” said **Council Member Darlene Mealy**.

The second bill, Intro. 125-B, will amend the administrative code of the City of New York in relation to licensing car washes. The bill will require that car wash businesses obtain a two-year license from the Department of Consumer Affairs. Applicants must certify that they have complied with local environmental laws and regulations, and obtained the required surety bond in order to obtain, renew, or maintain a car wash license. Applicants also must certify that there are no outstanding final judgments or warrants arising out of a violation of this law. This bill was passed by the City Council on June 10. In his remarks, the Mayor thanked the bill’s sponsors, Speaker Mark-Viverito and Council Member Miller.

“By requiring car washes to obtain a license from DCA, the Car Wash Accountability Act enhances protections for both consumers and workers,” said **Department of Consumer Affairs Commissioner Julie Menin**. “DCA will be evaluating an applicant’s ‘fitness’ to operate a business, which will include an assessment of past judicial actions, particularly related to the repeated underpayment or non-payment

of wages. This important provision will allow DCA to ensure that car washes are engaged in fair business practices and proper labor practices.”

The final package of bills, Intros. 456-A, 723-A, 724-A, 725-A, 726-A, and 729-A, will educate small businesses on rules and regulations, as well as provide mechanisms for the analysis of fines and feedback from business owners. Intro. 456-A would require the Office of Administrative Trial and Hearings to issue monthly reports on dismissals of civil penalty violations, and to help identify and address issues that may be leading to such dismissals. Intro. 723-A will require the development of protocols for inspector interactions with non-English speakers during agency inspections. Intro. 724-A will create small business advocates within the Department of Small Business Services that will help business owners obtain appropriate services from the Department and help businesses navigate New York City’s regulatory environment. Intro. 725-A requires the Mayor’s Office of Operations to do additional outreach to inspected businesses, and to provide and publicize an online customer service survey for business owners to share their experience after being inspected by City agencies. Intro. 726-A will require the Department of Consumer Affairs to organize, conduct, and report on business education events twice a year in each borough in order to educate local business about DCA rules in a given industry. Lastly, Intro. 729-A will require the Department of Consumer Affairs to issue an annual report cataloguing and analyzing the violations that it dismissed through its tribunal. These laws were passed by the City Council on June 10. In his remarks, the Mayor thanked the bills’ sponsors, Speaker Mark-Viverito, Council Member Rosenthal, Council Member Chin, Council Member Cornegy, Council Member Espinal, and Council Member Gentile.

“Language access protocols will ensure that our inspectors communicate clearly with business owners, regardless of their preferred language. Clear communications, in any language, will help business owners meet inspection standards,” said **Mindy Tarlow, Director of the Mayor’s Office of Operations**. “In addition, incorporating feedback from businesses into agency inspector customer service training will ensure that the City’s inspectors are aware of what is important to the business community as they perform their work.”

“As the City’s central, independent administrative law court, the mission of the Office of Administrative Trials and Hearings is to provide an accessible, fair and neutral court with clear processes and transparent decision-making so that New Yorkers who have been issued a summons or alleged violation have the opportunity to have their day in court and also feel confident that their defense has been heard and considered fairly. It is my hope that small businesses in New York City know that OATH has made the hearing process as accessible and as convenient as possible by offering One-Click (online) Hearings, Hearings by Phone, and Hearings by Mail, which make it possible for all restaurants and other small business to contest alleged violations at their convenience, and without having to come to a hearing in person. Additionally, OATH is moving in the direction of having all in-person hearings called close to the time that is listed on the summons. Today, OATH welcomes the opportunity to share information with the City Council, the Mayor’s Office and the City’s enforcement agencies to further strengthen its commitment to being a transparent and independent decision-making body,” said **OATH’s Chief Administrative Law Judge, Commissioner Fidel F. Del Valle**.

“Restaurateurs in my district report receiving frivolous summons that require them to take off work to go to a hearing, which then results in a dismissal. On the other hand, tenants report that valid Department of Buildings violations get dismissed because landlords can afford lawyers, who find loopholes to get the landlords off the hook without making necessary repairs. This bill will bring to light the reasons violations are dismissed so appropriate steps can be taken for a fair outcome,” said **Council Member Helen Rosenthal**.

“Our city has great services for small businesses, but many of our small businesses do not know how to access these programs or whom to turn to when they have questions about the City's rules and regulations. With Intro. 724 to create small business advocates, small businesses will now have a voice and a shepherd within the city government who can help them access and navigate City agencies and speak up for them when there are issues,” said **Council Member Margaret Chin**.

“The six small business bills being signed into law today are designed to ensure that the city government’s interactions with small businesses are helpful and transparent, not stressful and disruptive. This package is further evidence of the determination of this Council and administration to support small business success in every way we can. I congratulate each sponsor and thank Speaker Mark-Viverito and Mayor de Blasio for their leadership, as well,” said **Council Member Robert E. Cornegy, Jr., Chair of the Committee on Small Business**.

“Mom and Pop stores are a vital part of the fabric and culture of our City. We must do what we can to create a business-friendly environment that stimulates growth and creates more job opportunities for all New Yorkers. Intro. 726-A will proactively educate small businesses regarding rules and regulations with which they must comply. With the passage of these pieces of legislation, we are taking a big step forward in the effort to make our city more business friendly. I commend the Speaker for initiating this legislative package and thank Mayor de Blasio for quickly signing these bills into law,” said **Council Member Rafael L. Espinal, Jr., Chair of the Committee on Consumer Affairs**.

“Every year, small businesses across the city are subject to numerous violations that are frequently dismissed by the Department of Consumer Affairs tribunals at a later date. This wastes the time of the tribunal’s judges, rips off the New York City taxpayer and places small business owners in a position to constantly fight violations only to later learn that they are being thrown out,” said **Council Member Vincent Gentile**. “This bill will identify trends in violations that are frequently thrown out and will require the DCA to submit an annual report which will in turn minimize waste in the City’s handling of the Department of Consumer Affairs cases. This law will make the process fairer for City employees, taxpayers, and business owners alike. I look forward to this bill’s implementation and its findings.”

Media Contact

pressoffice@cityhall.nyc.gov
(212) 788-2958