

DOING BUSINESS IN NYC

GUIDE

For Small Business Owners



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DOING BUSINESS IN NEW YORK CITY

Are you a business owner? Are you planning to open a business? If so, please pay attention to the information contained in this brochure. It's designed to help you navigate New York City agencies and to insure that your business is in compliance with all required rules and regulations.



This publication was made possible thanks to Small BIDs Support Grant from NYC Mayor Eric Adams and help and guidance from NYC Department of Small Business Services

The Small Business Improvement District (BID) Support Grant Program fulfills a commitment in Mayor Eric Adams' "Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery" to "fortify NYC's commercial corridors, providing critical resources to small BIDs and helping launch new ones throughout the five boroughs"

THE FOLLOWING RULES APPLY TO ALL BUSINESSES

FALSE CLAIMS: Businesses are prohibited from making any false claims in selling, or offering to sell, consumer goods and services. This applies to both oral and written representation, including all sales and discounts claims and advertisement.

RECEIPTS: Every receipt must include:

- A full description of each item or service bought
- The cost of each item bought
- The amount of tax paid, listed separately
- The date of purchase
- The full legal name and address of the business
- The DCA license number of the business, if applicable

CREDIT CARD POLICY: Businesses that accept credit cards must conspicuously display all limitations on the use of the card (such as "\$10 minimum" or "additional identification is required") where customers and clients will see it.

REFUND POLICY: Businesses must post a sign disclosing their refund policy, credit or exchange policy and any conditions that apply. The sign should be posted at the place of payment. If there is no sign, businesses must accept return of goods for a refund if requested within 20 days of a purchase except for food, perishable, custom-made or custom-finished goods, and items sold "as is")

SPECIAL OFFERS: All advertising or promotional material must disclose limits on special offers. All ads offering services at a special price should indicate if:

- Certain prices are only available during certain days or times (for example if you have discount lunches on Mondays, it should say Mondays only)
- Special offer applies only when minimum or maximum amount are purchased (for example, free carwash when you buy ten)
- There are trade-in requirements (for example, bring your old ink cartridges to get a 15% off on new one)
- There are additional charges for deliveries or mail/online orders

CANCELING A CONTRACT: A contract for consumer services or goods may not be described as “non-cancelable” or “not subject to cancellation,” unless the seller has performed all obligations at the time of signing. If a consumer cancels, an additional fee or penalty for cancellation of the contract can be imposed only if it is specified in the contract.

PRICE DISPLAY: All merchandise should have price tag or label.

WEIGHTS AND MEASUREMENT: Merchants who sell merchandise by weight must have an authorized NEW YORK STATE CLASS III LEGAL-FOR-TRADE SCALE. The scale must pass a DCA (Department of Consumer Affairs) Inspection.

LAYAWAY PLANS: A “layaway plan” is an installment payment plan that requires at least four payments for an item costing more than \$50.

A merchant must disclose in writing the terms of the layaway plan including:

- Full description and total cost of item
- Tax
- Additional charges, if any, for delivery, layaway plan use, and cancellation
- Duration of the plan
- Payment schedule and any late charges or penalties for missed payments
- The store's refund policy
- Where and when merchandise will be held for the consumer, whether it has been removed from inventory

SELLING USED MERCHANDISE: Dealers of second-hand goods must be licensed by DCA. In any advertisement or sales transaction, a seller of used merchandise must clearly disclose, with labels as “used”, “antique”, “fleece mode” or “rebuilt” that the advertised items are not new.

SALES PROMOTIONS: If a prize is offered to a prospective customer for submitting to a sales promotion, at the time the prize is offered the customer must receive in writing:

- A full description of the exact prize, including its cash value as well as the price of the least and most expensive item or parcel
- A statement of all requirements, terms and conditions attached to the prize
- A statement that customer must submit to a sales promotion

ELECTRONIC STORES: All electronic stores within the five boroughs must be licensed by the New York City Department of Consumer Affairs. Each sales item in a display case or shelf must have the full selling price (before tax) attached to it with a stamp, tag or label, or displayed on a clearly visible sign. Keep records, ledgers, receipts and bills accurate, up to date and ready for inspection at any time, to avoid legal penalties.

FOOD RETAILERS: The laws that apply to stores that sell food require each store to show the unit price (the cost per measure-pound, pint, etc.) on the shelf below products. The market price should be marked on each item (Exceptions include frozen foods and sale items).

Labels on pre-packed fruits and vegetables must display:

- The net weight, price per pound, and total selling price

- The common name or description of the item

- The name and address of the packer or distributor

Private meat grading as “Top Grade” or “US Finest” may not be used in advertising unless the ad includes, in the same size print, the official USDA grade or a statement saying that meat has not been graded.

Scales must stand between buyer and seller so that the consumer can view the information about the scale, price per pound, and weight.

Food may not be sold in leaking, rusted, bloated, or excessively dented cans, punctured packages or vacuum-sealed containers where the vacuum has been unsealed.

Stores with outdoor displays of fruit, vegetable or flowers need a DCA Stoop line Stand license.

FURNITURE AND MAJOR APPLIANCE DELIVERY: The seller of furniture and major appliances must give the buyer a delivery date at the time the contract or sales slip is signed or written up.

If the merchandise is not delivered by the delivery date, the buyer can:

- Cancel with the full refund

- Get a new delivery date

- Receive a credit

- Select different merchandise

Refunds must be paid within two weeks and consumers have the same rights on the new delivery date as on the old.

The rule does not apply to “custom made” (not just ordered from a wholesaler) furniture, or if the failure was caused by the consumer.

When more than one delivery date is given, the provisions of this rule apply to the latest estimated delivery date.

IMMIGRATION SERVICES: Immigration service providers must provide a contract that itemized all services in English, as well as the language understood by the consumer.

They are also required to post signs stating they may not give legal advice: they have a bond, including information on where a claim must be filed, and that consumers may cancel any contract within three days and receive a full refund. Fines for noncompliance can range up to \$5,000 from one processing laundry to another.

THESE RULES DO NOT APPLY TO ATTORNEYS, NON-PROFIT ORGANIZATIONS, FEDERALLY ACCREDITED IMMIGRATION SERVICE PROVIDERS, ELECTED OFFICIALS AND GOVERNMENT EMPLOYEES. For more information, please call 311 and ask for the Immigration Services Guide.

JEWELERS: New York City law requires that all Jewelry appraisals must state in writing the monetary value used to calculate the item's worth. If that standard is the "retail replacement value," the consumer must be notified that the appraised value is only an approximation of actual retail value and that the consumer should not expect to sell item at the appraised value. A receipt for a sale of diamonds must include accurate diamond grading and carat weight information. You must provide a sales slip that discloses the composition of the item for any article of jewelry sold for more than \$75.00. When weight is provided in decimals, the figure should be accurate to the last decimal place: a .30 carat diamond may weigh between .295 and .304 (rounded to .30) carats.

When weight is provided in fractions, sellers must disclose that the diamond weights are not exact and give the reasonable range of weight for the fraction: on-half carat would cover between .47 and .54 carats.



Any treatment or enhancement to a gemstone such as tinting must be disclosed to every prospective customer, along with information on the permanence of the treatment and any special care required for the stone. All metal items marked “coin,” “coin silver,” “sterling” or “sterling silver” must contain the minimum amount of pure silver set by NYS law.

LAUNDRIES: Laundries, laundry agent drivers and laundry jobbers need a license from the Department of Consumer Affairs. The name and address of the licensee along with the business' DCA license number should be displayed on:

All vehicles carrying laundry

All bills, tickets, cards, advertising or stationary used or distributed by the licensee

Every bill of sale must state the consumer's name and address, along with the computation of the laundry charge

Independent contractor and jobbers must notify the Consumer Affairs Commissioner in writing when they move from one processing laundry to another. A licensee must notify the Commissioner when the premises of the licensed business are sold or name change of ownership of the premises is underway.

Coin operated laundries must have an attendant on the premises from 6 pm until closing. If there is no attendant from 6 am to 6 pm, a sign must be prominently placed on premises with letters and numerals at least two inches in height indicating the name, address and phone number for referring complaints and refund claims.



TRAVEL AGENCIES: Travel Agencies cannot charge more than one dollar over the established tariff charges for each ticket or service items sold. This includes procuring reservations or passenger accommodations from railroads, steamship companies, or air or bus lines. Breaking this City law restricting travel ticket sales can lead to fines, and/or jail time, for each violation.

This city law **DOES NOT APPLY** to tickets, reservations, or passenger accommodations to or from places outside of the continental United States and Canada, excluding Alaska: or to existing written contracts between any travel agency with corporations, firms or government agencies covering tourist or travel services.

RESTAURANTS, FOOD OPERATORS, AND OTHER BUSINESSES LICENSED BY NYC DEPARTMENT OF HEALTH AND MENTAL HYGIENE:

License, Permit and Course Information

The NYC Department of Health and Mental Hygiene issue many types of licenses and permits under the NYC Health Code. For information go to:
<http://www.nyc.gov/html/doh/html/home/home.shtml>

Click on the Licenses and Permits link on the left hand side of the page to find information about how to apply, regulations and requirements for the business categories listed below.

Animals

Beaches

Camps

Child Care

Food/Restaurants

Food/Mobile Food Vending

Mental Health Licensed Programs (NYS OMH)

Pools

Sauna, Steam Room

Sewage Systems

Smoke Free Air Act Exemptions

Tanning Establishments

Tattoo

Water

Radiological Equipment and Materials

You may need licenses and permits from other City and State Agencies. More information about opening or operating a business in New York City. Most employers in New York City are now required to provide paid sick leave to their employees. Read about the requirements of NYC's Paid Sick Leave Law at www.nyc.gov/dca

PROGRAMS AND HELP AVAILABLE FOR BUSINESS OWNERS:

BUSINESS SOLUTIONS:

NYC Business Solutions is a set of **FREE** services offered by the **NYC Department of Small Business Services** to help businesses start, operate, and expand in New York City. Whether you need financing assistance, legal advice, and ways to score new business opportunities with the City, recruiting advice, or help with permits or licenses, **NYC Business Solutions** can work for you – for **FREE**.

NEW: NYC Online Certification Portal

Introducing the launch of the **NYC Online Certification Portal** for **Minority and Women-owned Business Enterprises (M/WBEs)**, **Locally-Based Enterprises (LBE)**, and **Emerging Business Enterprises (EBE)**.

Don't miss out on any business opportunities! Visit [NYC.gov/certifyonline](https://nyc.gov/certifyonline) to:

- **Certify and recertify online**
- **Check the status of your application**
- **Review & update your business information**

ATTENTION TO RESTAURANT AND CAFES OWNER!

To apply for Open Restaurant program, please visit:

Department of Transportation <https://www.transportation.gov>

MORE HELP FOR BUSINESSES

311

<https://portal.311.nyc.gov>

Department of Small Business Services

<https://www.nyc.gov/site/sbs/index.page>

Department of Health

<https://www.health.ny.gov>

Department of Consumers Affairs

<https://www.nyc.gov/site/dca/index.page>

Department of Sanitation

<https://www.nyc.gov/assets/dsny/site/home>

Department of Environmental Protection

<https://www.nyc.gov/site/dep/index.page>

New York City Department of Sanitation

Information for business owners

The NYC Department of Sanitation keeps our City healthy, safe and clean by collecting, recycling and disposing of waste, cleaning streets and vacant lots, and clearing snow and ice. Businesses, however, must hire private carting companies for collection and disposal service. Sanitation's Enforcement Division monitors compliance with the laws governing clean streets – Business owners can avoid the most common fines by following these guidelines.

Hire a private carting service and display the required information. Contract with a private carter to pick up your commercial garbage and recyclables. Post your carter's sticker and pickup schedule in your window, and keep a copy of your contract or receipt easily available at your business.

Clean your sidewalk and gutters.

Be sure to clean your sidewalk area (extending 18 inches into the street). Sanitation's Enforcement Division checks sidewalks and gutters during a Regular schedule. Call 311 for enforcement times.

Clear snow and ice.

Snow and ice on a sidewalk can severely injure passersby – and your customers. After a winter storm, remove snow and ice to create a path that's at least four feet wide (but don't move it into the street), and clear space around fire hydrants, litter baskets and sidewalk corner ramps.



Remove tripping hazards and debris.

Storefront areas must be clear, without signs and other things on the sidewalk. In some locations, displaying products within three feet of the building is legal-if The display is lower than five feet high. Call 311 to learn If displays are allowed on a specific street.

Advertise your business -without creating more litter.

It's illegal to put flyers and business cards on car or truck windows - and to post them on City-owned property, such as lampposts and traffic signs.

Be sure to recycle.

Food establishments must recycle cardboard and metal, glass, and plastic containers. All other businesses must recycle paper, cardboard, bulk metal and textiles (if they account for more than 10% of waste). All businesses must recycle construction waste, with some Exceptions.

To learn more, visit [nyc.gov/recycle](https://www.nyc.gov/recycle) and click on Businesses.

Additional Information To Keep in Mind

When planning to open a business or a renovation, the business owner is responsible for hiring licensed professional/s to perform necessary work. Before signing a commercial lease agreement, you should carefully check zoning requirements to determine if your planned business can be legally open in chosen area. The business owner is responsible for obtaining all necessary working permits for your location. Business owners of a food establishment with a kitchen should contact NYC DEP to obtain information on grease trap requirements. Establishments without a grease trap may incur a fine. Additional rules and regulations may apply. Contact 311 or www.nyc.gov if you have any questions. Please note that information is available in many different languages, so regardless what language you speak, you will find help, advice and resources.



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