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COMMUNITY BOARD 12-MANHATTAN

# TLC LICENSING MANUAL

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## I. Introduction

The purpose of this TLC Licensing Manual (this “**Manual**”) is to provide applicants for a livery base license – whether new or renewal – with the information necessary to appear before and receive an opinion from Community Board 12-Manhattan (“**CB12M**” or the “**Board**”) on their application.

In New York City, livery base stations are required to request a letter of non-objection from their local community board when first applying for a license issued by the Taxi and Limousine Commission (the “**TLC**”) and every three years after receiving a license to renew it.

For CB12M, all requests are paired with the review and consideration of the Board’s Licensing Committee. The Licensing Committee meets monthly to deliberate on applications presented to it, including by livery base stations. This Manual provides a comprehensive guide for livery base stations to review as they prepare for their submission to CB12M. This Manual does not provide detailed information about other aspects of TLC licensing process, except that it provides useful links to resources that may provide that additional detail.

## II. Scope

CB12M is a community board with authority granted under the Chapter 70 of the [New York City Charter](#). CB12M represents the Washington Heights and Inwood neighborhoods of Manhattan (New York County). This district runs from 155<sup>th</sup> Street to 220<sup>th</sup> Street / Ninth Avenue – “river to river,” meaning both the eastern and western borders of Manhattan. This Manual applies to any livery base station that is located within the description of the district.

In New York City, the legal requirements regarding licensing related to taxis for hire are set forth in Title 19, Chapter 5 of the New York City Administrative Code, which could be found [here](#), as well as TLC’s rules, which could be found [here](#).

## III. Community Board 12-Manhattan

CB12M requires that livery base stations for any application provide the following materials no later than the Friday prior to the meeting (check the Board’s calendar on [its website](#) for scheduling details) for consideration by its Licensing Committee. The members of the Licensing Committee may ask any question related to these materials for their edification, and failing to provide a response at a meeting of the Licensing Meeting *could* result in a recommendation to withdraw or a vote to object the application.

For new livery base stations, applicants proposing to open within the district submits their letter requesting a non-objection from CB12M, noting that CB12M may take up to 60 days to provide its response. For existing livery base stations, stations within the district must provide their letter requesting a non-objection from CB12M at least 60 days prior to the

expiration of their existing license. A request for a non-objection associated with a renewal may not obtain their CB12M response before the expiration of the license, if with 60 calendar days was not provided.

The letter should contain the date, the name of the principal of the livery base station, the address of the livery base station, and any information that may be relevant to the Licensing Committee's deliberation. The subject line of the letter should read: "Request for Non-Objection of Livery Base License – [Insert Name of Livery Base Station]". The letter should be addressed to "Community Board 12-Manhattan".

The letter must be signed by a principal of the legal entity associated with the livery base station. The signatory may electronically sign the letter (see [here](#) for New York's Electronic Signatures and Records Act and the implementing regulations by OTI with further details) or hand sign with blue or black ink.

A letter is automatically deemed insufficient if the letter is signed by anyone other than a "principal" of the legal entity associated with the livery base station. It is generally understood that a "principal" of a legal entity is someone with ownership interest in that legal entity. It is not a person authorized to act as agent for the legal entity, including a representative or legal counsel.

The letter can be submitted:

- (1) **PREFERRED METHOD:** Via email to [cb12m@cb.nyc.gov](mailto:cb12m@cb.nyc.gov) with a copy to [BusinessMR@tlc.nyc.gov](mailto:BusinessMR@tlc.nyc.gov); or
- (2) Via certified mail with return receipt requested; or
- (3) Overnight delivery service with proof of mailing; or
- (4) In-person at the Board's office during business hours.<sup>1</sup>

The letter will be provided to the Licensing Committee for review.

#### **IV. Important Considerations for the Licensing Committee**

Beyond the letter, the Licensing Committee will also factor in other pertinent details for each application, including the following factors. The TLC provides information about the livery base licensing process on its website [here](#).

##### **a. Police Input**

CB12M solicits the input of its local New York Police Department precincts (*i.e.*, the 33<sup>rd</sup> Precinct and the 34<sup>th</sup> Precinct) as applicable to each application. Such input includes criminal history taking place at the location of the livery base station, as well as recorded 311 complaints related to the livery basis station. While the input of these precincts is not

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<sup>1</sup> The Board's office is open Monday through Friday from 9:00a.m. ET to 5:00p.m. ET, except for holidays prescribed by the City of New York as shown [here](#).

dispositive in the Licensing Committee's consideration, the input is strongly considered by the Licensing Committee when rendering its decision.

b. Community Input

CB12M is an advisory board serving the interests of the community, as described in Section II above. Thus, CB12M solicits the input of members of the community for each application. While the input of community members is not dispositive in the Licensing Committee's consideration, the input is reviewed and weighed by the Licensing Committee, as appropriate, depending on the content and tenor of the input.

c. Additional Considerations

CB12M is an advisory board serving the interests of the community, as described in Section II above. Thus, CB12M has a particular interest in (1) seeing that members of its community benefit from the addition of a livery base station and (2) that the livery base station is capable of operating in a safe and sound manner. To accomplish these goals, the Licensing Committee is empowered to probe about the operations. By way of example, the Licensing Committee is likely to ask about whether the livery base station intends to hire from members in the community.

**V. Licensing Committee Voting Process**

Unless withdrawn, each livery base station appearing before a meeting of the Licensing Committee will receive a vote by the Licensing Committee. The Licensing Committee must reach quorum (which is at least a majority of the voting members) to vote on matters. See Chapter 70 of the New York City Charter; *see also*, Section 10.7 of the CB12M Bylaws.

Of the voting members, a majority of those present must vote "Yes" for the Licensing Committee to recommend a non-objection to the Board. If a majority of those present vote in combination "No" and "Abstain," the Licensing Committee recommends an objection to the Board. A voting member that has a conflict of interest may not vote, and the number of members voting will change by minus one when determining the outcome. In such a case, the voting member must state for the record what their conflict of interest is. Chapter 68 of the New York City Charter specifies the meaning of "conflicts of interest."

The Licensing Committee may stipulate their non-objection on certain actions. The Licensing Committee may set deadlines for submitting proof that a stipulation was satisfied, and failure to meet the deadline will result in changing the Licensing Committee's recommendation from a non-objection to an objection.

The Licensing Committee presents its recommendations to the next general meeting of the Board, where the final recommendation made to TLC is determined. When the vote is entered, the Chairperson of the Board will sign a letter addressed to the TLC containing information about the livery base station and the Board's recommendation.

## **VI. Confidentiality of Materials**

CB12M is a governmental agency and is subject to New York's Freedom of Information Law (Public Officers Law §§ 85 *et seq.*). When submitting the letter, livery base stations are required to request confidential treatment of their application materials to protect the possibility of disclosure. See Public Officers Law §§ 87(2)(d), 89. A failure to request confidential treatment may subject the letter and any related materials to disclosure if a person makes a request to CB12M pursuant to the Freedom of Information Law.

As follows, livery base stations are encouraged to include the words "Confidential Treatment Requested" on all materials for which they seek such treatment, and to provide to CB12M a note stating that the livery base station is seeking such treatment under the applicable provisions of the Public Officers Law and why.

## **VII. Acting as Agent**

It is common for livery base stations to hire a representative or attorney to act as agent on their behalf. Unless otherwise provided in this Manual, livery base stations appearing before CB12M may be represented by such agent. However, the responsibility for the application ultimately rests with the livery base station and its principals. Therefore, if an agent is unable to adequately answer a question about the application, the Licensing Committee may count such failure to answer against the application, which could be considered as part of their vote and recommendation.

It is equally as important that agents are clear to livery base stations about the services they offer. It is unlawful in New York to hold oneself out as an attorney without being barred in the State of New York – this is commonly referred to as unauthorized practice of law. See New York Judiciary Law § 487. Presenting one's services as legal services, or promising treatment of materials as being privileged, is not lawful if the person rendering the services is not admitted and registered in New York. If an agent is not admitted and registered in New York as an attorney and is suspected of violating this law in CB12M meetings, CB12M reserves the right to report such information to the Manhattan District Attorney's Office.

## **VIII. Related Information and Questions**

The Executive Committee of CB12M may review applications under certain circumstances, including failure of the Licensing Committee to reach quorum.

Livery base stations should direct questions about this Manual and the Licensing Committee's process to [cb12m@cb.nyc.gov](mailto:cb12m@cb.nyc.gov), where they will be appropriately routed or fielded. Please visit the Board's website [here](#) for additional details about this process, as well as the TLC's website [here](#) for additional information about livery base licenses.