

DOING BUSINESS ACCOUNTABILITY PROJECT
QUESTIONS AND ANSWERS ABOUT THE DOING BUSINESS DATA FORM
LAND USE ACTIONS

What is the purpose of this *Data Form*?

To collect accurate, up-to-date identification information about land use applicants in order to comply with Local Law 34 of 2007 (LL 34), the recently passed campaign finance reform law. LL 34 limits municipal campaign contributions from the principal officers, owners and senior managers of certain land use applicants, and mandates the creation of a *Doing Business Database* to allow the City to monitor and enforce the law. The information requested in this *Data Form* must be provided, regardless of whether the applicant or the individuals associated with it make or intend to make campaign contributions. No sensitive personal information will be disclosed to the public.

Why have I received this *Data Form*?

The land use application that is being filed pursuant to NYC Charter § 195 (office space), § 197-c (ULURP) and/or § 201 (zoning text amendment) is considered a business dealing with the City under LL 34. Applications are not complete and, in the case of applications filed under NYC Charter § 197-c or § 201, will not be certified unless this *Data Form* is completed (62 RCNY § 2-02(a)(1)). For applications filed by City agencies, the designated developer or sponsor must complete the Data Form. In addition to land use applications, most types of contracts, franchises, concessions, grants, economic development agreements, pension fund investments and real property transactions with the City are also considered business dealings.

Which land use applicants do not need to complete this form?

Homeowners applying in regard to their one, two or three family dwellings are excluded from the law's coverage and do not need to complete this *Data Form*. Neighborhood, community or similar associations organized on a non-profit basis are similarly excluded. Other not-for-profit applicants, however, are covered by LL 34 and must complete the form.

What individuals will be included in the *Doing Business Database*?

The principal officers, owners and certain senior managers of applicants listed in the *Doing Business Database* are themselves considered to be doing business with the City and will be included in the *Database*.

- **Principal Officers** are the Chief Executive Officer (CEO), Chief Financial Officer (CFO) and Chief Operating Officer (COO), or their functional equivalents. See the *Data Form* for examples of titles that apply.
- **Principal Owners** are individuals who own or control 10% or more of the applicant. This includes stockholders, partners and any other individual with an ownership or controlling interest in the applicant.
- **Senior Managers** include anyone who, either by job title or actual duties, has substantial discretion and high-level oversight regarding the project that is the subject of this or any other land use application. Unless the applicant is an individual, at least one Senior Manager must be listed, or the *Data Form* will be considered incomplete.

If senior managers are not involved with the project related to this *Data Form*, but are involved with projects that are the subject of other land use applications, should they be listed?

Yes. All senior managers who meet the above criteria and are involved with projects that are the subject of any other land use application covered by LL 34 must be disclosed. This includes the senior managers for applications which are proceeding separately and/or are already approved, provided that such applications are considered business dealings with the City under LL34.

I provided some of this information on the VENDEX Questionnaire; do I have to provide it again?

Although the *Doing Business Data Form* and the VENDEX Questionnaire request some of the same information, they serve entirely different purposes. In addition, the *Data Form* requests information concerning senior managers, which is not part of the VENDEX Questionnaire.

Will the information on this *Data Form* be available to the public?

The names and titles of the officers, owners and senior managers reported on the *Data Form* will be made available to the public, as will information about the applicant itself. However, personal identifying information, such as home address, home phone number and date of birth, will not be disclosed to the public, and home address and phone number information will not be used for communication purposes.

No one in my organization plans to contribute to a candidate; do I have to fill out this *Data Form*?

Yes. All applicants are required to return this *Data Form* with complete and accurate information, regardless of the history or intention of the applicant or its officers, owners and/or senior managers to make campaign contributions. The *Doing Business Database* must be complete so that the Campaign Finance Board can verify whether future contributions are in compliance with LL 34.

I have already completed a *Doing Business Data Form*. Do I have to submit another one?

Yes. An applicant is required to submit a *Doing Business Data Form* each time it enters a transaction that is considered a business dealing with the City. However, the *Data Form* has both a No Change option, which only requires an applicant to report its EIN and sign the last page, and a Change option, which allows an applicant to only fill in applicable information that has changed since the previous completion of the *Data Form*. No applicant should have to fill out the entire *Data Form* more than once.

How does a person remove him/herself from the *Doing Business Database*?

Any person who believes that s/he should not be listed may apply for removal from the *Database* by submitting a Request for Removal. Reasons that a person would be removed include his/her no longer being the principal officer, owner or senior manager of the applicant, or the applicant no longer being in business. Applicants may also update their information by submitting an update form. Both of these forms are available online at nyc.gov/mocs (once there, click MOCS Programs) or by calling 212-788-8104.

How long will an applicant and its officers, owners and senior managers remain listed on the *Doing Business Database*?

For § 197-c and most § 195 applicants, from the date of certification (§ 197-c) or application (§ 195) until:

- 120 days after the City Council files its decision with the Mayor; or
- If no action is taken by the City Council, then until 140 days after the City Planning Commission files its decision with the City Council; or
- If the Mayor vetoes the City Council's action, then until 120 days after the 10 day period for the City Council to override the Mayor's veto.

For § 201 applicants, from the date of certification until:

- 120 days after the City Council files its decision with the Mayor

For § 195 applicants when the City is leasing office space, from the date of application until:

- One year after the execution of any lease agreement

For information on other types of transactions, contact the Doing Business Accountability Project at 212-788-8104.

What are the new campaign contribution limits for people doing business with the City?

Contributions to City Council candidates are limited to \$250; to Borough President candidates \$320; and to candidates for citywide office \$400 – per election cycle. Please contact the NYC Campaign Finance Board for more information at www.nyccfb.info, or 212-306-7100.

The *Data Form* is to be returned to the City agency that provided it (DCP, EDC, HPD, etc.)

If you have any questions about the *Data Form* please contact the Doing Business Accountability Project at 212-788-8104 or DoingBusiness@cityhall.nyc.gov.

