



Human Resources
Administration
Department of
Social Services

Office of Legal Affairs
Public Solicitation Section

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7/09

Steven Banks
Commissioner

N.Y.C. PUBLIC SOLICITATION LICENSE GUIDELINES

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Pursuant to Title 21, Chapter 1, Section 21-111 of the Administrative Code of the City of New York (1997), all non-profit organizations shall be licensed in order to solicit contributions for charitable purposes in the City of New York. In addition, registration shall have been obtained from the New York State Department of State. The State determines if a non-profit organization is exempt from registering under current law.

An application (Form W-704A) for a license to solicit from the general public may be obtained at no charge by contacting Lynda Parry, Public Solicitation Officer, at the City of New York Human Resources Administration/Department of Social Service, Office of Legal Affairs, Public Solicitation Section, 150 Greenwich Street, New York, New York 10007 or by telephone at (929) 221-6539, in writing or via e-mail at parryl@hra.nyc.gov.

1. APPLICATION FORM

In accordance with the New York City Rules and Regulations, Section (2), all applications shall be completed on Form W704A as provided by the Public Solicitation Section. Applications submitted shall contain all applicable information as requested therein. In addition, the following information is also required:

- a) The name and address of the Organization as it appears on the Certificate of Incorporation, and the name under which it intends to solicit contributions.

- b) Names and addresses, for home and business, of all Officers and Directors of the organization.
- c) The specific method(s) of Solicitation requested (see Section 3 below).
- d) The name and address, if any, of professional fundraiser, commercial co-venture or fund raising council, the state registration number and a copy of the agreement thereto.

The completed application for solicitation shall be filed with the Public Solicitation Section at least ten (10) days prior to the effective date of the requested solicitation, but no earlier than two (2) months. Organizations requesting a license for events such as a telethon, walkathon, an evening at the theatre, or an auction shall be granted three (3) months prior to the effective date to submit application in order that the fund-raising and advertising activities can be completed. (See Rules and Regulations 13 and 14).

2. DOCUMENTS REQUIRED

Every non-profit organization, society, association or corporation shall file with its application a Certified Resolution of Authorization to Solicit (See Rules & Regulations (3)). In addition, a Certificate of Incorporation, an existing bank account number with balance on hand and printed booklets/pamphlets/literature about the organization shall be submitted.

3. ELIGIBILITY REQUIREMENTS

Licenses will not be issued to individuals but to non-profit groups, organizations, associations and corporations. Registrations shall be verified with the Department of State before a license is issued. Certain organizations are exempt by order of the Department of State from registering with the State if the organization

did not intend to solicit, and/or its earnings are less than \$25,000. per year. However, in order to solicit contributions in New York City, the organization is required to be licensed by the Public Solicitation Section.

a) Types of Licenses

Licenses, which are issued to charitable organizations for public solicitation and may be legally authorized, are as follows:

- 1) Street Solicitation involving soliciting pledges for walk-a-thons/bike-a-thons; door-to-door canvassing with kits; soliciting with receptacles.
- 2) Indoor Solicitation involving collection in public places where volunteers stand or sit with receptacles and solicit contributions; collection at public functions where collections are taken at mass meetings; operation of a thrift shop, rummage sale, book sale, bazaar; sale of tickets for fundraising purposes such as auctions: soliciting for preparation of a telethon.
- 3) Events such as rummage sales, book sales, bazaars or soliciting pledges for walkathons, telethons may be conducted either indoors or outdoors.
- 4) Soliciting solely by telephone, mail or through the media does not require a license from this Department.

In certain inclement weather, rain dates may be granted (See Rules & Regulations (19.3)). Other requests are issued for specific time periods dependent upon the type of license requested but, in any event, not to exceed one (1) year. (See Section 3a above).

Non-profit organization participating as a vendor in a street fair approved by the Mayor's Office (Community Assistance Unit) shall apply to the Public Solicitation Section for a license to conduct solicitation at the fair.

No two organizations shall be licensed to solicit in the same area on the same day; except where the organizations are involved as vendors at a street fair approved by the Mayor's Office.

Dates issued for licenses granted are in accordance with requests and the Public Solicitation Section's calendar of licenses issued.

Licenses may be amended or cancelled by the Director of Public Solicitation only.

No gambling, lottery, raffles, drawings of games of chance shall be permitted in connection with a function for which a license has been issued (See Rules & Regulations (7)). Non-profit organization wishing to conduct games of chance must contact the Department of State.

4. SUBMISSION OF SAMPLES

Organizations that are licensed by the Public Solicitation Section shall be required to submit samples of receptacles and ID are used in its campaign (See Rules & Regulations (15)). Receptacles used are accepted with the Organization's design, form or style, showing the Organization's name and address (no post office address shall be permitted). Also, receptacles shall bear the Public Solicitation Section's sticker showing the number of the license, the dates in force and the place of solicitation. Receptacles used shall be number consecutively. The first three (3) labels of the campaign shall be submitted to the Public Solicitation Section adhering to instructions below:

- a) Label number one (1) shall be affixed to the receptacle in the manner in which the organization will use it to solicit from the public. After

approval this becomes the official soliciting receptacle.

- b) Label numbers two (2) and three (3) shall be prepared as number one (1) except that only the labels covering the receptacles shall be submitted.
- c) The printing on the label shall be clearly visible to the eye. Also the word "volunteer" shall appear in bold print on the label.
- d) A completed sample (label 3 and ID) shall be forwarded to the New York City Police Department by the Public Solicitation Section.
- e) Licenses issued for the thrift shops, rummage sales or flea markets do not require submission of samples.

All labels, ID's and receptacles shall be cleared for use in each campaign by the Public Solicitation Section and prominently displayed while soliciting.

Upon expiration of the license, all receptacles shall be removed from all locations by the organization (See Rules & Regulations (1

It is the organization's responsibility to request renewal of a license.

5. SPECIFIC AUTHORIZATION

Soliciting on privately owned property requires the owners consent (See Rules & Regulations (16)). Proof of such consent must be submitted to the Public Solicitation Section before the license can be issued.

The last week in May shall be set-aside on an annual basis for the Poppy Campaign by the Veterans of Foreign

Wars. No other license for indoor or outdoor solicitations will be issued during this period (See Rules & Regulations (19), (3)).

6. DISTANCE BETWEEN SOLICITORS - RULES OF CONDUCT

The distance of one (1) city block shall separate solicitors along the same street (See Rules & Regulations (19), (6)). Tables, stands and other props shall be situated near the curb line.

The use of children under the age of eighteen (18) for soliciting purposes under the authority of a license issued by the Public Solicitation Section is prohibited. (See Rules & Regulations (19), (2)).

7. FINANCIAL STATEMENTS

Ten (10) days after the expiration of the license a financial statement (Form 537g) concerning the funds collected must be submitted complete and in detail and signed by the proper officer of the organization (See Rules & Regulations (12)). If a financial statement cannot be supplied within the ten-day period, the licensee must request in writing an extension of an additional but not more than ten (10) days.

The organization's Certified Accountant's Report shall be submitted to the Department at the end of its fiscal year.

8. EXEMPTIONS

Churches and religious organizations, educational institutions with state approved curricula with solicitations confined to its student body, alumni, patriotic, fraternal or social organizations, chartered by the Board of Regents, all have the authority to solicit without the need for a license from the Public

Solicitation Section. (See State Executive Law, Article 7A, Section 172(a)).

9. CONCLUSION

The Commissioner of Social Services is charged with the mandate to control the soliciting of contributions from the public. The Department acts as the City's "watchdog" in the charity solicitation field as it applies to non-profit organizations. It guides the organizations through the process of soliciting and ensures the registration and reporting of contributions by the public. Any violation of the public solicitation law will be brought to the attention of the Department of State.

**Each application submitted shall be examined carefully to ensure that it meets the criteria set forth above. Submission of an application does not necessarily guarantee approval.*

(3/06)