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AN ORDINANCE RELATING TO WAGE THEFT

Chapter ____ of the City of Somerville Code of Ordinances is hereby amended by adding the following:

WHEREAS, encouraging greater compliance with state and federal wage laws benefits all workers by ensuring a level playing field in the labor market; and

WHEREAS, encouraging greater compliance with wage laws benefits those businesses that are already in compliance with existing wage laws; and

WHEREAS, those individuals affected by wage theft are often amongst the most vulnerable in our city and without access to sufficient resources and the time necessary to appeal for their unpaid wages; and

WHEREAS, the City of Somerville finds it necessary and appropriate to create a stronger disincentive for employers within its borders to violate wage and hour laws; Now, therefore,

The City of Somerville, its officials, boards and commissions, shall not issue or renew any business license or permit issued by the City of Somerville, or shall revoke any existing license, as follows:

(1) The City, by and through its officials, boards and commissions, may deny an application for any license or permit issued by it, if, during the ____ () year period prior to the date of the application, the applicant admitted guilt or liability or has been found guilty, liable or responsible, in any judicial or administrative proceeding, of committing or attempting to commit a violation of:

(a) Commonwealth of Massachusetts Payment of Wages Law, General Laws Chapter 149, Section 148, and any and all other state or federal laws regulating the payment of wages, including but not limited to General Laws Chapter 149, sections 27, 27G, 27H, 52D, 148A, 148B, 150C, 152, 152A, 159C, and G.L. c. 151, secs., 1B, 19 and 20; and

(b) The Fair Debt Collection Practices Act, 15 U.S.C. s.1692, or any other federal or state law regulating the collection of debt, as to the employees of the applicant or others who had performed work for said applicant.

(2) Any license or permit issued by the City of Somerville, its boards or commissions, may be revoked or suspended if, during the ____ () years prior to the issuance of the license, the licensee admitted guilt or liability or has been found guilty or liable in any judicial or

administrative proceeding or committing or attempting to commit a violation of any of the laws set forth in subsection (1) above.

- (3) The applicant or licensee is a person who was subject to a final judgment or other decision for violation of any of the laws set forth in subsection (1) above within the prior ____ () years and the judgment was not satisfied within the lawful period for doing same, or the expiration of the period for filing an appeal; or if an appeal is made, the date of the final resolution of that appeal and any subsequent appeal resulting in a final judicial affirmation of violation of any of the laws set forth in subsection (1) above.
- (4) The period of non-issuance, revocation or non-renewal shall be ____ (), and the licensee or the person who is the principal in a licensee shall not again be licensed in any other manner during such period.
- (5) Within fourteen (14) calendar days from the date that the notice of refusal to issue, revocation or refusal to renew notice is mailed to the applicant or licensee, the applicant or licensee may appeal such decision by filing a written notice of appeal setting forth the grounds therefor. Said notice shall be sent by certified mail, return receipt requested. The hearing shall be conducted by the board, commission or individual who made the decision not to issue, not to renew, or to revoke within thirty (30) days of receipt of such notice of appeal.
- (6) This law shall apply to any person or entity whose final administrative adjudication or judicial judgment or conviction was entered on or after July 1, 2013.
- (7) Application of this ordinance is subject to any applicable state or federal law.

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