

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Parks and Recreation (“Parks Department”) is proposing a rule amendment that would allow a person with a disability to apply for a reduced membership fee using additional forms of documentation than are allowed under the current rules. The reduced fee would cover the annual costs of membership at the Ocean Breeze Track & Field Complex and at the City’s recreation centers. Under the proposed amendment, a person with a disability would be allowed to submit documentation that is currently accepted by the New York State Office of Parks, Recreation and Historic Preservation for its Access Pass. Additionally, individuals who already have an Access Pass would continue to be able to use their pass as their form of identification when applying to the Parks Department for a reduced membership fee.

When and where is the Hearing? The Parks Department will hold a public hearing on the proposed rules. The public hearing will take place at 12:00pm on October 16, 2017. The hearing will be in the Parks Department’s hearing room in the Chelsea Recreation Center at 430 West 25th Street, New York, NY 10001

This location has the following accessibility option(s) available: wheelchair accessible, blind or low vision accessible.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department of Parks and Recreation through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@parks.nyc.gov.
- **Mail.** You can mail written comments to:

Darci Frinquelli, Assistant Counsel
The New York City Department of Parks & Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065
- **Fax.** You can fax written comments to Darci Frinquelli, Assistant Counsel, at 917-849-6742.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Darci Frinquelli at 212-360-1383. You can also sign up in the hearing room before the hearing begins on October 16, 2017. You can speak for up to three minutes.

Is there a deadline to submit written comments? You must submit written comments by October 16, 2017.

Do you need assistance to participate in the Hearing? You must tell the Office of General Counsel if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail or email at the addresses given above. You may also tell us by telephone at 212-360-1383. You must tell us by October 12, 2017.

Can I review the comments made on the proposed rules? You can review the comments made online concerning the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a recording of the hearing and copies of the written comments will be available to the public at the Office of the General Counsel. Please call 212-360-1383 for more information.

What authorizes the Parks Department to make this rule? Sections 389, 533(a)(9), and 1043 of the City Charter authorize the Parks Department to make this proposed rule. This proposed rule was not included in the Parks Department's regulatory agenda for this Fiscal Year because it was not contemplated when agencies needed to submit an agenda.

Where can I find the Parks Department's rules? The Parks Department's rules are in Title 56 of the Rules of the City of New York.

What rules govern the rulemaking process? The Parks Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the Charter.

Statement of Basis and Purpose

The Department proposes to amend § 2-13 and § 2-14 of Chapter 2 of Title 56 of the Rules of the City of New York. Under the amended rules, individuals will be able to use a wider array of documents to qualify for the Department's reduced membership fees for persons with disabilities at the Ocean Breeze Track & Field Athletic Complex and the City's recreation centers.

The purpose of these proposed rules is to:

- make it easier for individuals with disabilities to qualify for the reduced membership fees offered at the Ocean Breeze Track & Field Athletic Complex and the City's recreation centers.
- provide greater access to the accessible amenities, adaptive programming, and opportunities for social engagement and healthy exertion provided by the Department's facilities.

The Parks Department's authority for these rules is found in Sections 389, 533(a)(9), and 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. The definition of “Person with Disability Athletic Complex Membership Fee”, as set forth in subdivision (a) of section 2-13 of chapter 2 of title 56 of the Rules of the City of New York, is amended to read as follows:

Person with Disability Athletic Complex Membership Fee. “Person with Disability Athletic Complex Membership Fee” means the membership fee for use of the Ocean Breeze Park Track & Field Athletic Complex for all patrons who present government-issued photo identification along with one of the following documents when purchasing or renewing a membership:

- New York City Department of Transportation Parking Permit for People with Disabilities (PPPD);
- MTA Access-A-Ride ID card;
- MTA Reduced Fare ID card; [or]
- Certification from the New York State Office of Mental Health that the patron is receiving services from a program it licenses, operates, certifies, or funds;
- Certification from the New York State Office for People with Developmental Disabilities that the patron is eligible to receive services from a program it licenses, operates, certifies, or funds;
- Certification from the New York State Commission for the Blind that the patron has a central visual acuity of 20/200 or less or limitation in the field of vision such that the

widest diameter of the visual field subtends an angle no greater than 20 degrees in the better eye with the use of a correcting lens; or

- New York State Parks Individual Access Pass.

This membership fee does not include the Track & Field Practice Fee. Membership includes, but is not limited to, use of the Track & Field Area during designated times, fitness equipment, recreational programs, and group fitness classes. Documents presented to the Department will not be retained after the applicant's eligibility for the membership fee is determined.

Section 3. The definition of "Person with Disability Membership Fee", as set forth in subdivision (a) of section 2-14 of chapter 2 of title 56 of the Rules of the City of New York, is amended to read as follows:

Person with Disability Membership Fee. "Person with Disability Membership Fee" means the membership fee for use of recreation centers for all patrons who present government-issued photo identification along with one of the following documents when purchasing or renewing a membership:

- New York City Department of Transportation Parking Permit for People with Disabilities (PPPD);
- MTA Access-A-Ride ID card;
- MTA Reduced Fare ID card; [or]
- Certification from the New York State Office of Mental Health that the patron is receiving services from a program it licenses, operates, certifies, or funds;
- Certification from the New York State Office for People with Developmental Disabilities that the patron is eligible to receive services from a program it licenses, operates, certifies, or funds;
- Certification from the New York State Commission for the Blind that the patron has a central visual acuity of 20/200 or less or limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees in the better eye with the use of a correcting lens; or
- New York State Parks Individual Access Pass.

This membership does not include session fees. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers. Documents presented to the Department will not be retained after the applicant's eligibility for the membership fee is determined.