

OFFICE OF THE MAYOR

MAYOR'S OFFICE OF CITYWIDE EVENT COORDINATION AND MANAGEMENT

STREET ACTIVITY PERMIT OFFICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Street Activity Permit Office (SAPO) of the Office of Citywide Event Coordination and Management (OCECM) is proposing amendments to extend the existing moratorium on street fair applications to Calendar Year 2017.

When and where is the Hearing? SAPO will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 AM, December 2, 2016. The hearing will be in Hearing Room A at the Office of Administrative Trials and Hearings, located at 100 Church Street, 12th Floor, NY, NY 10007.

This location has the following accessibility options available: "Accessibility Not Applicable."

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

- **Website.** You can submit comments to SAPO through the NYC rules Web site at www.nyc.gov/nycrules.
- **Email.** You can email written comments to saporules@cityhall.nyc.gov.
- **Mail.** You can mail written comments to Dawn Tolson, Director of Street Activity Permit Office, of Citywide Event Coordination and Management at 253 Broadway, 6th Floor, New York, NY 10007.
- **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 Dawn Tolson at (212) 788-1440 by close of business on December 1, 2016. You can also sign up in the hearing room before the hearing begins. You can speak for up to three minutes. Each speaker will be timed.

Is there a deadline to submit written comments? Written comments must be received no later than close of business on December 2, 2016.

Do you need assistance to participate in the Hearing? You must tell OCECM/SAPO 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 at the address given above. You must tell us by the close of business on Monday, November 28, 2016.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at www.nyc.gov/nycrules. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OCECM/SAPO.

What authorizes SAPO to make this rule? Section 1043 of the City Charter as well as Executive Orders No. 100 and No. 105 authorize SAPO to make this proposed rule. This proposed rule was not included in SAPO's regulatory agenda for this Fiscal Year because it was not contemplated when SAPO published the agenda.

Where can I find the SAPO rules? The SAPO rules are in title 50 of the Rules of the City of New York.

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

Statement of Basis and Purpose of Proposed Rule

The Office of Citywide Events Coordination and Management (OCECM), Street Activity Permit Office (SAPO) administers New York City's permit system for street activities, block parties and fairs.

Each year SAPO issues permits to over 200 street fairs and over 5,000 other events, most of which include the use of multiple blocks over several days, the erection of structures, the vending of food, apparel and other goods and the use of amplified sound and the performance of music. Events like these require additional police officers which increases overtime costs to the City. These events also divert police officers from core crime fighting, public safety and counter terrorism duties.

To more effectively deploy police resources and control overtime costs, the New York City Police Department has requested that SAPO exercise its discretion temporarily to deny permits for additional events scheduled for calendar year 2017. The proposed rules will authorize SAPO to deny permits to these events only if the event was not held in the calendar year 2016. Events that received permits in calendar year 2016 will be eligible to receive permits again in calendar year 2017.

SAPO authority for these rules is found in section 1043 of the New York City Charter and Executive Order No. 105 of 2007.

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 1-05(d) of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as set forth below.

(d) For the calendar year [2016] 2017, the Director shall deny applications for street activity permits for street fairs not held in the calendar year [2015] 2016.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Street Fair Moratorium

REFERENCE NUMBER: 2016 RG 093

RULEMAKING AGENCY: Office of Citywide Event Coordination and Management

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: October 28, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Street Fair Moratorium

REFERENCE NUMBER: CECM-SAPO-8

RULEMAKING AGENCY: Office of Citywide Event Coordination and Management

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

October 28, 2016
Date