

## NEW YORK CITY DEPARTMENT OF SMALL BUSINESS SERVICES

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The New York City Department of Small Business Services is proposing to repeal the following chapters of Title 66 of the Rules of the City of New York:

Chapter 6:	Industry Ownership Program
Chapter 7:	Industrial Security Grant Program
Chapter 8:	Commercial Security Grant Program
Chapter 9:	Energy Services

These rules were identified as part of a comprehensive rules review initiative undertaken by the NYC Mayor's Office of Operations working with the City's rulemaking agencies, the Law Department, and the Office of Management and Budget.

SBS has determined, pursuant to New York City Charter section 1043(e) that a public hearing on the repealed rules would serve no public purpose.

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

- **Website.** You can submit comments to the Department of Small Business Services through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [zbaraki@sbs.nyc.gov](mailto:zbaraki@sbs.nyc.gov).
- **Mail.** You can mail comments to Department of Small Business Services, Attn: Zen Baraki at 110 William Street, 7<sup>th</sup> Floor, New York, NY 10038.
- **Fax.** You can fax comments to Department of Small Business Services, Attn: Zen Baraki at 212-618-8987.

**Is there a deadline to submit written comments?** All written comments must be submitted on or before April 6, 2017.

**Can I review the comments made on the proposed repeal?** Yes, you can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online and copies of all written comments concerning the proposed repeal of the rules will be available to the public at 110 William Street, 7<sup>th</sup> Floor, New York, New York 10038.

**What authorizes Department of Small Business Services to make this rule?** Sections 1043 and 1301 of the City Charter authorize Department of Small Business Services to make these proposed rules.

**Where can I find the Department of Small Business Services rules?** The Department of Small Business Services rules are in Title 66 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Department of Small Business Services 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**

Chapter 6 of Title 66 of the New York City Rules outlines the Industry Ownership Program (the “Program”). This Program provided grants to certain industry groups to pay for eligible expenses in acquiring and renovating a building. Applications must have been submitted by the close of business on April 28, 1989. Therefore, because this Program no longer exists, the Department is proposing to repeal the rules.

Chapter 7 of Title 66 of the New York City Rules outlines the Industrial Security Grant Program (the “Program”). The Program provided grants to eligible industrial businesses to purchase security equipment. This Program no longer exists; therefore, the Department is proposing to repeal the rules.

Chapter 8 of Title 66 of the New York City Rules outlines the Commercial Security Grant Program (the “Program”). The Program provided grants to commercial businesses for the costs of purchasing and installing security equipment. The Program was part of New York City's commercial business retention effort. The program was designed to enable groups of commercial businesses in selected low and moderate income neighborhoods located in designated areas to obtain technical assistance provided by the Department and the New York City Police Department for proven, cost effective crime prevention techniques to reduce burglary, robbery, pilferage, and other threats to property and personal safety within the premises of participating merchants and in areas where participating merchants and other commercial businesses were located. This Program no longer exists; therefore, the Department is proposing to repeal the rules.

Chapter 9 of Title 66 of the New York City Rules outlines the Energy Services pursuant to Local Law No. 49 of 1987 (the “Program”). The Program provided a benefit to electricity redistributors who purchased electricity from a utility or any other person, corporation or other entity and on a metered or unmetered basis, resold or otherwise redistributed for any consideration such electricity to a non-residential energy user. This Program no longer exists; therefore, the Department is proposing to repeal the rules.

Working with the City’s rulemaking agencies, the Law Department, and the Office of Management and Budget, the Office of Operations conducted a retrospective rules review of the City’s existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. This proposed rule repeal was identified through this initiative.

Small Business Service’s authority for these rules is found in section 1043 and 1301 of the New York City Charter.

New material is underlined.  
[Deleted material is in brackets.]

Chapter 6 of Title 66 of the Rules of the City of New York, relating to the Industry Ownership Program, is hereby REPEALED.

Chapter 7 of Title 66 of the Rules of the City of New York, relating to the Industrial Security Grant Program, is hereby REPEALED.

Chapter 8 of Title 66 of the Rules of the City of New York, relating to the Commercial Security Grant Program, is hereby REPEALED.

Chapter 9 of Title 66 of the Rules of the City of New York, relating to Energy Services, is hereby REPEALED.

**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: Repeal of Expired Rules**

**REFERENCE NUMBER: 2016 RG 108**

**RULEMAKING AGENCY: Department of Small Business Services**

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: January 12, 2017

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

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

**RULE TITLE: Repeal of Expired Rules**

**REFERENCE NUMBER: SBS-7**

**RULEMAKING AGENCY: Department of Small Business Services**

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

January 12, 2017  
Date