

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Housing Preservation and Development (“HPD”) is proposing to repeal Chapter 35 of Title 28 of the Rules of the City of New York, the “Neighborhood Entrepreneurs Program”. This rule was 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.

When and where is the Hearing? HPD has determined, pursuant to New York City Charter section 1043(e), that a public hearing on the proposed rule would serve no public purpose.

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

- **Website.** You can submit comments to HPD through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@hpd.nyc.gov.
- **Mail.** You can mail written comments to Nancy Batterman, Department of Housing Preservation and Development, 100 Gold Street, Room 5-U4, New York, New York 10038.
- **Fax.** You can fax written comments to HPD, (212) 863-8375, ATTN: Nancy Batterman.
- **Hearing.** HPD has determined, pursuant to New York City Charter section 1043(e) that a public hearing on the proposed rule would serve no public purpose.

Is there a deadline to submit written comments? All written comments must be submitted before the close of business on December 14, 2017.

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 <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and an audiotape of oral comments concerning the proposed rules will be available to the public at the Department of Housing Preservation and Development, 100 Gold Street, Office of Legal Affairs, New York, NY 10038.

What authorizes HPD to make this rule? Sections 1043 and 1802 of the City Charter authorize HPD to make this proposed rule.

Where can I find the HPD rules? The HPD rules are in title 28 of the Rules of the City of New York.

What laws govern the rulemaking process? HPD 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 35 of Title 28 of the Rules of the City of New York were adopted in 2002 to establish the procedures for selecting buildings for the Neighborhood Entrepreneurs Program (“NEP”), notifying tenants of such selection and the rental adjustments made in conjunction with the program, and carrying out rehabilitation and disposition of buildings in the program. NEP enabled neighborhood-based private property owners to own and manage clusters of occupied and vacant City-owned buildings. The program has been completed and there are no more properties to be disposed of.

This rule was 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. The initiative identified 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.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Chapter 35 of Title 28 of the Rules of the City of New York, relating to the Neighborhood Entrepreneurs Program, is hereby REPEALED.

Commissioner Maria Torres-Springer
November 14, 2017

**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 Neighborhood Entrepreneurs Program Rules

REFERENCE NUMBER: 2017 RG 086

RULEMAKING AGENCY: Department of Housing Preservation and Development

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: September 2, 2017

**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: Repeal of Neighborhood Entrepreneurs Program Rules

REFERENCE NUMBER: HPD-46

RULEMAKING AGENCY: Department of Housing Preservation and Development

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

September 25, 2017
Date