

## **New York City Department of Finance**

### **Notice of Opportunity to Comment on Proposed Rule**

**What are we proposing?** The New York City Department of Finance (“the Department”) is proposing an amendment to the Department’s rules to correct certain cross-references concerning certain parking violations.

**When and where is the hearing?** The public hearing is waived pursuant to section 1043(e)(iii) of the New York City Charter (“Charter”) on the ground that it would serve no public purpose.

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

- **Website.** You can submit comments to the Department through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [loewenbergerj@finance.nyc.gov](mailto:loewenbergerj@finance.nyc.gov).
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 375 Pearl Street, 30th Floor, New York, NY 10038, Attn: Jeremy Loewenberger.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Jeremy Loewenberger at (212) 748-6981.

**Is there a deadline to submit written comments?** The deadline to submit written comments is July 1, 2019.

**Can I review the comments made on the proposed rule?** You can review the comments that have been submitted online by visiting the NYC rules website: <http://rules.cityofnewyork.us/>. In addition, copies of all submitted comments concerning the proposed rule will be available to the public at NYC Department of Finance, Legal Affairs Division, 375 Pearl Street, 30th Floor, New York, NY 10038.

**What authorizes Department of Finance to make this rule?** New York State Vehicle and Traffic Law section 237, section 19-203 of the Administrative Code of the City of New York, and Charter sections 1043 and 1504 authorize the Department to make this proposed rule. This proposed rule was not included in the Department’s regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

**Where can I find the Department of Finance’s rules?** The Department’s rules can be found in Title 19 of the Rules of the City of New York at <http://rules.cityofnewyork.us>.

**What laws govern the rulemaking process?** The Department must meet the requirements of section 1043 of the Charter when creating or amending rules. This notice is made according to the requirements of section 1043 of the Charter.

## **STATEMENT OF BASIS AND PURPOSE**

Section 19-203(b) of the Administrative Code of the City of New York allows the Department to provide for penalties for parking violations. The Department's rule in 19 RCNY § 39-05 ("Rule 39-05") codifies all fines pertaining to parking violations issued in violation of 34 RCNY §§ 4-08 and 4-10. The Department adjudicates and then collects and processes these fines, remitting the fines to the Commissioner.

This proposed rule is being amended to correct certain cross-references concerning certain parking violations as defined in Rule 39-05.

The Department's authority for this rule is found in section 237 of the New York State Vehicle and Traffic Law, section 19-203 of the Administrative Code of the City of New York, and sections 1043 and 1504 of the 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

### **Amendment to Rule Relating to Parking Violations**

The paragraph immediately following the schedule of fines set forth in section 39-05 of Chapter 39 of Title 19 of the Rules of the City of New York is amended to read as follows:

As used in this section, the term "Restricted Area" means all of Manhattan south of the building line on the north side of 96th Street, and between the Hudson River and the East River. Within the Restricted Area, the fine for violations enumerated in paragraphs (c), [(i)](k), [(l)](o) and [(m)](p) is \$50.00 and for paragraph [(h)](i) the fine is \$45.00.

**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:** Amendment of Schedule of Parking Violations Fines

**REFERENCE NUMBER:** 2019 RG 037

**RULEMAKING AGENCY:** Department of Finance

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: May 17, 2019

**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: Amendment of Schedule of Parking Violations Fines**

**REFERENCE NUMBER: DOF-43**

**RULEMAKING AGENCY: Department of Finance**

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

May 17, 2019  
Date