

New York City Department of Finance

Notice of Public Hearing and 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 concerning fines for parking violations to conform to proposed rule amendments promulgated by the New York City Department of Transportation (“DOT”) to make clear that misuse and fraudulent use of agency authorized parking permits is a violation of DOT rules.

When and where is the hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place at 2:00pm on May 22, 2018. The hearing will be in the DOT Bid Room, at 55 Water Street, Concourse Level, New York, NY 10041. The entrance to the Bid Room is located on the southeast corner of 55 Water Street facing the NYC Vietnam Veterans Memorial Plaza.

This location has the following accessibility option available:

Wheelchair Accessible

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.
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, NY 11201, Attn: Jeremy Loewenberger.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Jeremy Loewenberger at (718) 488-2491.
- **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 Joan Best at (718) 488-2007, or you can sign up in the hearing room before the hearing begins on May 22, 2018. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is May 22, 2018.

What if I need assistance to participate in the hearing? You must tell the DOT Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell the DOT Office of Legal Affairs if you need a sign language interpreter. You can tell the DOT Office of Legal Affairs by mail at the following address: Michael Marsico, Assistant Commissioner, New York City Department of Transportation, Bureau of Parking, 34-02 Queens

Boulevard, Room 256m, Long Island City, NY 11101. You may also tell the DOT Office of Legal Affairs by telephone at (212) 839-6500. You must tell the DOT Office of Legal Affairs by May 15, 2018.

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 and a summary of oral comments from the hearing will be available to the public a few days after the hearing at NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, NY 11201.

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 New York City Charter (“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, other than imprisonment, for parking violations. The Department’s rule in 19 RCNY § 39-05 (“Rule 39-05”) codifies all fines pertaining to parking violations in violation of 34 RCNY § 4-08. The Department adjudicates and then collects and processes these fines, remitting the fines to the Commissioner. The Department cannot collect and process a fine without that fine being specified in Rule 39-05.

This proposed rule is being amended to conform to the proposed rule amendments to 34 RCNY § 4-08 that are in the process of being enacted by DOT. The proposed rule amendments to 34 RCNY § 4-08 are being enacted by DOT to make clear that misuse and fraudulent use of agency authorized parking permits is a violation of DOT rules.

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 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

Amendment to Rule Relating to Parking Violations

1. Section 39-05 of Chapter 39 of Title 19 of the Rules of the City of New York is amended by adding a new subsection (x) to read as follows:

§ 39-05 Amount of Fines.

Scheduled fines. The following schedule of fines shall apply to violations listed below:

Violation	
<u>(x) Misuse and fraudulent use of a parking permit in violation of 34 RCNY § 4-08(o)(3)(iv)</u>	<u>\$50.00</u>

**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 Fines to Establish Fine for Misuse of Parking Placards

REFERENCE NUMBER: 2018 RG 026

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: March 27, 2018

**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: Amendment of Schedule of Parking Fines to Establish Fine for Misuse of
Parking Placards**

REFERENCE NUMBER: DOF-38

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 a cure period is not practicable under the circumstances.

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

March 27, 2018
Date