

## NOTICE OF PUBLIC HEARING

**Subject:** Opportunity to comment on proposed changes to Department of Parks and Recreation's recreation center fees.

**Date / Time:** May 17, 2013 at 10:00 a.m.

**Location:** Chelsea Recreation Center, 430 West 25th Street, New York, NY 10010

**Contact:** General Counsel  
Alessandro G. Olivieri  
Department of Parks and Recreation  
The Arsenal, Central Park,  
830 Fifth Avenue  
New York, NY 10065

### **Proposed Rule Amendment**

These rules are promulgated pursuant to the authority of the Commissioner of the Department of Parks and Recreation (the "Commissioner") under section 389, 533(a)(9) and 1043 of the New York City Charter. The Commissioner is authorized to establish and enforce rules for the use, government, and protection of public parks and of all property under the charge or control of the Department of Parks and Recreation (the "Department"). The Department proposes to revise § 2-14 of Chapter 2 to Title 56 of the Official Compilation of Rules of the City of New York.

These amendments were not included in the Department's regulatory agenda because the Department was not aware of the necessity for the amendments at the time the regulatory agenda was prepared.

### **Instructions**

- You may send written comments regarding the proposed rule by mail to the contact above or electronically through NYC RULES at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) on or before May 17, 2013.
- If you want to testify please notify Peter Schikler at (212) 360-1383 or email at [peter.schikler@parks.nyc.gov](mailto:peter.schikler@parks.nyc.gov).
- If you need a sign language interpreter or other reasonable accommodation at the hearing, please notify Peter Schikler at (212) 360-1383 or email [peter.schikler@parks.nyc.gov](mailto:peter.schikler@parks.nyc.gov) by May 3, 2013.
- Written comments and an audio recording of oral comments received at the hearing will be available for public inspection, as soon as practicable, between 9:00 a.m. and 5:00 p.m. at the Arsenal, Room 313, telephone number (212) 360-1313.

### **Statement of Basis and Purpose**

The purpose of this proposed rule is to:

- Enhance recreational opportunities for individuals between the ages of 18 and 24 years at the Department's recreation centers, and address public health and transitional needs of these individuals, by creating a \$25 membership fee category for this age group.
- Reflect the Department's effort to complement New York City's Young Men's Initiative and other key programs.
- Allow patrons and former patrons who once held Senior Citizen Memberships a second opportunity to be grandfathered into that membership category. The Department on July 1, 2011 increased the minimum age for Senior Citizen Membership from 55 to 62 years, but allowed patrons between the ages of 55 and 61 years to renew at the Senior Citizen rate, provided such renewals took place prior to expiration of their memberships. Some patrons, however, were unaware of this option and either allowed their memberships to expire or purchased a new membership at the Adult rate. These patrons and former patrons will again be allowed to purchase Senior Citizen Memberships, if they do so by December 31, 2013 (in the case of those who allowed their memberships to expire) or upon expiration of their current membership (in the case of those who, after July 1, 2011, purchased Adult Memberships).
- Clarify the age ranges for each membership fee category.

Deleted material is in [brackets]; new text is underlined.

Section 1. Section 2-14 of Title 56 of the Official Compilation of the Rules of the City of New York is amended to read as follows:

(a) For purposes of this section, the following terms shall have the following meanings:

**Recreation Center.** "Recreation Center" shall mean a building or structure located within property under the jurisdiction of the Department, with the primary purpose of providing recreational programming and other community activities.

**Adult Membership Fee.** "Adult Membership Fee" shall mean the membership fee for use of recreation centers in a particular class (i.e. Recreation Center [With an] with Indoor Pool, Recreation Center [Without] without Indoor Pool) for all patrons [who are eighteen (18) to sixty-two (62) years of age] between and including twenty-five (25) and sixty-one (61) years of age, not including session fees, except for patrons who otherwise qualify for the Senior Citizen Membership Fee. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

**Young Adult Membership Fee.** "Young Adult Membership Fee" shall mean the membership fee for use of recreation centers in a particular class (i.e. Recreation Center with Indoor Pool, Recreation Center without Indoor Pool) for all patrons between and including eighteen (18) and twenty-four (24) years of age, not including session fees. For patrons who, as of June 1, 2013, are between and including eighteen (18) and twenty-four (24) years of age and have six (6) months or more remaining on their Adult Membership, the Department will extend membership for three (3) months beyond the current expiration date. For patrons who, as of June 1, 2013, are between and including eighteen (18) and twenty-four (24) years of age and have less than six (6) months remaining on their Adult Membership, the Department will extend membership for one (1) month beyond the current expiration date. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

**Senior Citizen Membership Fee.** "Senior Citizen Membership Fee" shall mean the membership fee for use of recreation centers in a particular class (i.e. Recreation Center [With an] with Indoor Pool, Recreation Center [Without] without Indoor Pool) for all patrons sixty-two (62) years of age and over, not including session fees. [However, current Recreation Center Members who as of the effective date of this

rule are fifty-five (55) to sixty-two (62) years of age and who seek to renew their Membership may continue to do so at the Senior Citizen Membership Fee rate, provided such renewals takes place prior to any expiration date.] Patrons who held active Senior Citizen Recreation Center Memberships as of June 30, 2011, but allowed their membership to expire, have until December 31, 2013 to purchase a new membership at the Senior Citizen rate. Patrons who held active Senior Citizen Recreation Center Memberships as of June 30, 2011, but allowed their Senior Citizen Membership to expire and subsequently purchased an Adult Membership, may purchase a new membership at the Senior Citizen rate after the expiration of their current Adult Membership. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

**Child Membership Fee.** "Child Membership Fee" shall mean the membership fee for use of recreation centers in a particular class (i.e. Recreation Center [With an] with Indoor Pool, Recreation Center [Without] without Indoor Pool) for all patrons under eighteen (18) years of age, not including session fees. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

**Recreation Center [Without] without Indoor Pool.** "Recreation Center [Without] without Indoor Pool" shall include all recreation centers without indoor pools, including, but not limited to the following recreation centers: Hunts Point Recreation Center, Hamilton Fish Recreation Center, Thomas Jefferson Recreation Center, Von King Recreation Center, Sunset Recreation Center, Red Hook Recreation Center, J.H. Wright Recreation Center, Jackie Robinson Recreation Center, Al Smith Recreation Center, Pelham Fritz Recreation Center, Lost Battalion Hall Recreation Center, Sorrentino Recreation Center, Williamsbridge Oval Recreation Center, St. James Recreation Center, Faber Recreation Center, Lyons Recreation Center, Al Oerter Recreation Center, McCarren Recreation Center, Highbridge Recreation Center and Owen Dolen Recreation Center.

**Recreation Center [With] with Indoor Pool.** "Recreation Center [With] with Indoor Pool" shall include all recreation centers with indoor pools, including, but not limited to the following recreation centers: St. Mary's Recreation Center, Brownsville Recreation Center, Metropolitan Pool Recreation Center, St. John's Recreation Center, Asser Levy Recreation Center, Hansborough Recreation Center, Recreation Center 54, [Recreation Center 59] Gertrude Ederle, Tony Dapolito Recreation Center, Flushing Meadows Corona Park Aquatic Center, Chelsea Recreation Center, and Roy Wilkins Recreation Center.

**Session Fees.** "Session Fees" shall mean all fees associated with specific instructor-led courses including, but not limited to the following activities: aerobic classes, martial arts instruction, music lessons, and yoga classes.

(c) *Recreation Center Membership Fee Schedules as of [July 1, 2011] July xx, 2013.* The Commissioner shall charge a recreation center member subject to these provisions the amount set forth in the following schedule for an annual membership. Such annual membership does not include session fees.

Type of Recreation Center	Child Membership fee	<u>Young Adult Membership fee</u>	Adult Membership fee	Senior Citizen Membership Fee
Recreation Center with Indoor Pool	\$0	<u>\$25</u>	\$150	\$25
Recreation Center without Indoor Pool	\$0	<u>\$25</u>	\$100	\$25

**NEW YORK CITY LAW DEPARTMENT**

**100 CHURCH STREET**

**NEW YORK, NY 10007**

**212-788-1087**

**CERTIFICATION PURSUANT TO**

**CHARTER §1043(d)**

**RULE TITLE: Amendment of Recreation Center Rules**

**REFERENCE NUMBER: 2013 RG 022**

**RULEMAKING AGENCY: Department of Parks and Recreation**

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

Date: March 28, 2013

Acting Corporation Counsel

**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 Recreation Center Rules

**REFERENCE NUMBER:** DPR-4

**RULEMAKING AGENCY:** Department of Parks and Recreation

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/ Kelly Shultz

Mayor's Office of Operations

March 29, 2013

Date