

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Parks and Recreation (“Parks Department”) is considering changing its rules to reduce fees for veterans and people with disabilities at the Ocean Breeze Park Track & Field Athletic Complex and the City’s recreation centers.

When and where is the Hearing? The Parks Department will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on Monday, March 28, 2016. The hearing will be in the Parks Department’s hearing room in the Chelsea Recreation Center at 430 West 25th Street, New York, NY 10001.

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

- **Website.** You can submit comments to the Department of Parks and Recreation through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@parks.nyc.gov.
- **Mail.** You can mail written comments to:

Darci Frinquelli, Assistant Counsel
The New York City Department of Parks & Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065

- **Fax.** You can fax written comments to Darci Frinquelli, Assistant Counsel, at 917-849-6742.
- **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 Darci Frinquelli at 212-360-1383. You can also sign up in the hearing room before the hearing begins on March 28, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? You must submit written comments by March 28, 2016.

Do you need assistance to participate in the Hearing? You must tell the Office of General Counsel if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail or email at the addresses given above. You may also tell us by telephone at 212-360-1383. You must tell us by March 18, 2016.

Can I review the comments made on the proposed rules? You can review the comments made online concerning the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days

after the hearing, a recording of the hearing and copies of the written comments will be available to the public at the Office of the General Counsel. Please call 212-360-1383 for more information.

What authorizes the Parks Department to make this rule? Sections 389, 533(a)(9), and 1043 of the City Charter authorize the Parks Department to make this proposed rule. This proposed rule was not included in the Parks Department's regulatory agenda for this Fiscal Year because it was not contemplated when agencies needed to submit an agenda.

Where can I find the Parks Department's rules? The Parks Department's rules are in Title 56 of the Rules of the City of New York.

What rules govern the rulemaking process? The Parks Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the Charter.

Statement of Basis and Purpose

The Department proposes to revise § 2-13 and § 2-14 of Chapter 2, Title 56 of the Rules of the City of New York. The rules will establish new membership fee categories for the Ocean Breeze Park Track & Field Athletic Complex and the City's recreation centers, with a reduced membership fee for veterans and people with disabilities. The rules will also create practice fee categories for veterans and people with disabilities at the Ocean Breeze Park Track & Field Athletic Complex.

The purpose of these proposed rules is to:

- Provide more recreational opportunities for veterans and individuals with disabilities at the Department's facilities by reducing membership fees for these groups.
- Honor our veterans by offering them affordable access to opportunities to be healthy and active members of our community.
- Ensure individuals with disabilities can enjoy the accessible amenities and adaptive programming offered at our facilities.
- Provide greater access to opportunities for social engagement, community interaction, and healthy exertion provided by the Department's facilities.

The proposed rule also establishes identification requirements for the young adult and senior memberships.

The Parks Department's authority for these rules is found in Sections 389, 533(a)(9), and 1043 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.

Section 1. The definitions appearing in Subdivision (a) of Section 2-13 of Title 56 of the Rules of the City of New York are re-ordered alphabetically; the definitions of “Adult Athletic Complex Membership Fee,” “Adult Track & Field Practice Fee,” “Senior Citizen Athletic Complex Membership Fee,” “Senior Citizen Track & Field Practice Fee,” “Young Adult Athletic Complex Membership Fee,” and “Young Adult Track & Field Practice Fee” are amended; and definitions for “Person with Disability Athletic Complex Membership Fee,” “Person with Disability Track & Field Practice Fee,” “Veteran Athletic Complex Membership Fee,” and “Veteran Track & Field Practice Fee” are added in alphabetical order, to read as follows:

Adult Athletic Complex Membership Fee. “Adult Athletic Complex Membership Fee” means the membership fee for use of the Ocean Breeze Track & Field Athletic Complex for patrons between and including twenty-five (25) and sixty-one (61) years old, except for patrons who qualify for the Veteran Athletic Complex Membership Fee or the Person with Disability Athletic Complex Membership Fee. This membership fee does not include the Track & Field Practice Fee. Membership includes, but is not limited to, use of the Track & Field Area during designated times, fitness equipment, recreational programs, and group fitness classes.

Adult Track & Field Practice Fee. “Adult Track & Field Practice Fee” means the Track & Field Practice Fee for all patrons between and including twenty-five (25) and sixty-one (61) years old[s], except for patrons who qualify for the Veteran Track & Field Practice Fee or the Person with Disability Track & Field Practice Fee.

Person with Disability Athletic Complex Membership Fee. “Person with Disability Athletic Complex Membership Fee” means the membership fee for use of the Ocean Breeze Park Track & Field Athletic Complex for all patrons who present government-issued photo identification along with one of the following documents when purchasing or renewing a membership:

- New York City Department of Transportation Parking Permit for People with Disabilities (PPPD);
- MTA Access-A-Ride ID card;
- MTA Reduced Fare ID card; or
- New York State Parks Individual Access Pass.

This membership fee does not include the Track & Field Practice Fee. Membership includes, but is not limited to, use of the Track & Field Area during designated times, fitness equipment, recreational programs, and group fitness classes.

Senior Citizen Athletic Complex Membership Fee. “Senior Citizen Athletic Complex Membership Fee” means the membership fee for use of the Ocean Breeze Track & Field Athletic Complex for patrons sixty-two (62) years old and over. This membership fee does not include the Track & Field Practice Fee. Membership includes, but is not limited to, use of the Track & Field Area during designated times, fitness equipment, recreational programs, and group fitness classes. Patrons must present government-issued photo identification to demonstrate eligibility for the Senior Citizen Athletic Complex Membership Fee.

Senior Citizen Track & Field Practice Fee. “Senior Citizen Track & Field Practice Fee” means the Track & Field Practice Fee for all patrons sixty-two (62) year old and over. Patrons must present government-issued photo identification to demonstrate eligibility for the Senior Citizen Track & Field Practice Fee.

Veteran Athletic Complex Membership Fee. “Veteran Athletic Complex Membership Fee” means the membership fee for use of the Ocean Breeze Track & Field Athletic Complex for all patrons who present one of the following forms of documentation when purchasing or renewing a membership:

- New York City IDNYC with Veteran Designator;
- New York State DMV Driver's License or Non-Driver ID with Veteran Designator;
- United States Uniformed Services Identification Card for Retired Personnel (DD-2 RET);
- U.S. Department of Veterans' Affairs Veterans Hospital Identification Card (VHIC);
- Armed Forces of the United States Report of Transfer or Discharge (DD-214) with government-issued photo identification; or
- National Guard Bureau Report of Separation & Record of Service (NGB-22) with government-issued photo identification.

This membership fee does not include the Track & Field Practice Fee. Membership includes, but is not limited to, use of the Track & Field Area during designated times, fitness equipment, recreational programs, and group fitness classes.

Veteran Track & Field Practice Fee. “Veteran Track & Field Practice Fee” means the Track & Field Practice Fee for all patrons who present one of the following forms of documentation:

- New York City IDNYC with Veteran Designator;
- New York State DMV Driver's License or Non-Driver ID with Veteran Designator;
- United States Uniformed Services Identification Card for Retired Personnel (DD-2 RET);
- U.S. Department of Veterans' Affairs Veterans Hospital Identification Card (VHIC);
- Armed Forces of the United States Report of Transfer or Discharge (DD-214) with government-issued photo identification; or
- National Guard Bureau Report of Separation & Record of Service (NGB-22) with government-issued photo identification.

Young Adult Athletic Complex Membership Fee. “Young Adult Athletic Complex Membership Fee” means the membership fee for use of the Ocean Breeze Track & Field Athletic Complex for patrons between and including eighteen (18) and twenty-four (24) years old. This membership fee does not include the Track & Field Practice Fee. Membership includes, but is not limited to, use of the Track & Field Area during designated times, fitness equipment, recreational programs, and group fitness classes. Patrons must present government-issued photo identification to demonstrate eligibility for the Young Adult Athletic Complex Membership Fee.

Young Adult Track & Field Practice Fee. “Young Adult Track & Field Practice Fee” means the Track & Field Practice Fee for all patrons between and including eighteen (18) and twenty-four (24) year olds. Patrons must present government-issued photo identification to demonstrate eligibility for the Young Adult Track & Field Practice Fee.

Section 2. The fee schedules appearing in definitions appearing in Subdivisions (b) and (c) of Section 2-13 of Title 56 of the Rules of the City of New York are amended as follows:

(b) *Ocean Breeze Track & Field Athletic Complex Membership Fees.* The annual membership does not include Track & Field Session Fees or Track & Field Practice Fees. The Ocean Breeze Park Track & Field Athletic Complex [member the following amount an]annual membership fees are:

Child Athletic Complex Membership Fee	Young Adult Athletic Complex Membership Fee	Adult Athletic Complex Membership Fee	Senior Citizen Athletic Complex Membership Fee	<u>Person with Disability Athletic Complex Membership Fee</u>	<u>Veteran Athletic Complex Membership Fee</u>
\$0	\$25	\$100	\$25	<u>\$25</u>	<u>\$25</u>

(c) *Track & Field Practice Fees.* The Track & Field Practice Fees to use the Track & Field Area are:

Child Track & Field Practice Fee	Young Adult Track & Field Practice Fee	Adult Track & Field Practice Fee	Senior Citizen Track & Field Practice Fee	<u>Person with Disability Track & Field Practice Fee</u>	<u>Veteran Track & Field Practice Fee</u>
\$10	\$50	\$150	\$25	<u>\$25</u>	<u>\$25</u>

Section 3. The definitions appearing in Subdivision (a) of Section 2-14 of Title 56 of the Rules of the City of New York are re-ordered alphabetically; the definitions of “Adult Membership Fee,” “Adult Membership Fee (with valid IDNYC Card),” “Senior Citizen Membership Fee,” and “Young Adult Membership Fee” are amended; and definitions for “Person with Disability Membership Fee” and “Veteran Membership Fee” are added in alphabetical order, to read as follows:

Adult Membership Fee. “Adult Membership Fee” means the membership fee for use of recreation centers for all patrons between and including 25 and 61 years of age, except for patrons who [otherwise]qualify for [the Senior Citizen Membership Fee, the Veteran Membership Fee or the Person with Disability Membership Fee. This membership fee does not include session fees. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

Adult Membership Fee (with valid IDNYC Card). “Adult Membership Fee (with valid IDNYC Card)” means the membership fee for use of recreation centers for all patrons who present a valid IDNYC Card when purchasing or renewing a membership and who are between and including 25 and 61 years of age, except for patrons who qualify for the Senior Citizen Membership Fee, the Veteran Membership Fee, or the Person with Disability Membership Fee. This membership does not include session fees. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

Person with Disability Membership Fee. “Person with Disability Membership Fee” means the membership fee for use of recreation centers for all patrons who present government-issued

photo identification along with one of the following documents when purchasing or renewing a membership:

- New York City Department of Transportation Parking Permit for People with Disabilities (PPPD);
- MTA Access-A-Ride ID card;
- MTA Reduced Fare ID card; or
- New York State Parks Individual Access Pass.

This membership does not include session fees. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers.

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

Recreation Center With Indoor Pool. "Recreation Center 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 Recreation Center, Tony Dapolito Recreation Center, Flushing Meadows Corona Park Aquatic Center, Chelsea Recreation Center, and Roy Wilkins Recreation Center.

Senior Citizen Membership Fee. "Senior Citizen Membership Fee" means the membership fee for use of recreation centers for all patrons 62 years of age and over. [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.] This membership fee does not include session fees. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers. Patrons must present government-issued photo identification to demonstrate eligibility for the Senior Citizen Membership Fee.

Veteran Membership Fee. "Veteran Membership Fee" means the membership fee for use of recreation centers for all patrons who present one of the following forms of documentation when purchasing or renewing a membership:

- New York City IDNYC with Veteran Designator;

- New York State DMV Driver's License or Non-Driver ID with Veteran Designator;
- United States Uniformed Services Identification Card for Retired Personnel (DD-2 RET);
- U.S. Department of Veterans' Affairs Veterans Hospital Identification Card (VHIC);
- Armed Forces of the United States Report of Transfer or Discharge (DD-214) with government-issued photo identification; or
- National Guard Bureau Report of Separation & Record of Service (NGB-22) with government-issued photo identification.

This membership does not include session fees. 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" means the membership fee for use of recreation centers for all patrons between and including 18 and 24 years of age. [For patrons who, as of June 1, 2013, are between and including 18 and 24 years of age and have 6 months or more remaining on their Adult Membership, the Department will extend membership for 3 months beyond the current expiration date. For patrons who, as of June 1, 2013, are between and including 18 and 24 years of age and have less than 6 months remaining on their Adult Membership, the Department will extend membership for 1 month beyond the current expiration date.] This membership fee does not include session fees. Membership includes, but is not limited to, use of fitness equipment, indoor pools and computer resource centers. Patrons must present government-issued photo identification to demonstrate eligibility for the Young Adult Membership Fee.

Section 4. Subdivision (b) of Section 2-14 of title 56 of the Rules of the City of New York is amended as follows:

(b) No person shall use any recreation center and/or participate in activities requiring the payment of a session fee as defined in this section unless such person has paid the applicable annual membership fee set forth in subdivision (c) of this section[*] in addition to any applicable session fees.

Section 5. Subdivision (c) of Section 2-14 of title 56 of the Rules of the City of New York is amended as follows:

(c) [*Recreation Center Membership Fee Schedules as of July 1, 2011.* 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.]*Recreation Center Membership Fee Schedules.* 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	Young Adult Membership fee	Adult Membership fee	Adult Membership Fee (with valid IDNYC Card)	<u>Veteran Membership Fee</u>	<u>Person with Disability Membership Fee</u>	Senior Citizen Membership Fee
Recreation Center with Indoor Pool	\$0	\$25	\$150	\$135	<u>\$25</u>	<u>\$25</u>	\$25
Recreation Center without Indoor Pool	\$0	\$25	\$100	\$90	<u>\$25</u>	<u>\$25</u>	\$25

**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 Recreation Center Membership Rules

REFERENCE NUMBER: 2015 RG 134

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
Acting Corporation Counsel

Date: February 11, 2016

**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)**

1. **RULE TITLE: Amendment of Recreation Center Membership Rules**
2. **REFERENCE NUMBER: DPR-8**

RULEMAKING AGENCY: DPR

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

February 11, 2016
Date