

**City of New York
Office of Administrative Trials and Hearings**

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Office of Administrative Trials and Hearings (OATH) proposes to amend Section 6-23 of Title 48 of the Rules of the City of New York, regarding the responsibilities of registered representatives before the OATH Hearings Division, by requiring registered representatives to present government-issued photo identification when filing documents with the OATH Hearings Division in person.

When and where is the Hearing? OATH will hold a public hearing on the proposed rule. The public hearing will take place from **11:00 a.m. through 12:00 p.m.** on **October 15, 2020**. The hearing will be conducted by video conference and is accessible by:

- **Internet Video and Audio.** For access, visit:
<https://nyc-oath.webex.com/nyc-oath/j.php?MTID=mfc26b39f28448d2cae70e5aaa9e39698>
When prompted, enter **Meeting ID: 173 135 1747**
Password: OATHpublic
- **Phone.** For access, dial: 1-646-992-2010 or 1-408-418-9388.
When prompted, enter **Meeting ID: 173 135 1747##**

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

- **Website.** You can submit comments to OATH through the NYC rules website at <http://rules.cityofnewyork.us/>.
- **Email.** You can email written comments to Rules_Oath@oath.nyc.gov.
- **Mail.** You can mail written comments to OATH, Attention: Joy Thompson, Assistant General Counsel, 100 Church Street, 12th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to OATH, Attention: Joy Thompson, Assistant General Counsel, at 212-361-1900.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rules at the public hearing may speak for up to three minutes. Please access the public hearing by internet video and audio or by telephone using the instructions above.

Is there a deadline to submit written comments? You may submit written comments until **5:00 p.m.** on **October 15, 2020**.

What if I need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may contact us by email at enolan@oath.nyc.gov or by telephone at (212) 436-0708 to request a reasonable accommodation. Please tell us by **October 14, 2020**.

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 at <http://rules.cityofnewyork.us/>. Shortly after the public hearing, a summary of oral comments and copies of all written comments will be available to the public on OATH's website, at <https://www1.nyc.gov/site/oath/about/legal-resources-and-rule-making.page>.

What authorizes OATH to make this rule? Sections 1048, 1049 and 1049-a of the New York City Charter authorize OATH to make this proposed rule. This proposed rule is included in OATH's regulatory agenda for this Fiscal Year.

Where can I find OATH's rules? OATH's rules are in Title 48 of the Rules of the City of New York.

What laws govern the rulemaking process? OATH 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 New York City Charter.

Statement of Basis and Purpose of Proposed Rule

The Office of Administrative Trials and Hearings (OATH) is proposing to add a new subdivision (g) to Section 6-23 of Title 48 of the Rules of the City of New York, and to make corresponding amendments to subdivisions (e) and (f) of such Section. The provisions codified in Chapter 6 of Title 48 of the Rules of the City of New York govern ECB adjudicatory proceedings, as well as other proceedings under the jurisdiction of the OATH Hearings Division.

Section 6-23 lists the requirements that an individual must meet in order to serve as a registered representative before the OATH Hearings Division. Subdivision (g) would add an additional requirement: mandating that all registered representatives who appear before the OATH Hearings Division present valid government-issued photo identification in order to file a notice of appearance for an in-person hearing, or to submit any motions in person including, but not limited to, requests to reschedule and motions to vacate a default.

This proposed rule would facilitate the investigation of fraudulent submissions to OATH by ensuring that photo identification illustrating the identity any person submitting a document to the OATH Hearings Division in person is recorded. This proposed rule amendment will also deter individuals from falsely claiming to be a respondent's representative with authority to act on the respondent's behalf at an in-person OATH hearing. This proposed rule represents one step in OATH's continuing efforts to identify and to stop impersonators, and thus protect the integrity of OATH proceedings.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivisions e and f of section 6-23 of title 48 of the Rules of the City of New York are amended to read as follows:

(e) Exercise due diligence in learning and observing Tribunal rules and preparing paperwork;
[and]

(f) Be subject to discipline, including but not limited to suspension or revocation of the representative's right to appear before the Tribunal, for failing to follow the provisions of this subdivision and any other rules of the Tribunal. A list of representatives who have been suspended or barred from appearing may be made public[.]; and

Section 2. Section 6-23 of title 48 of the Rules of the City of New York is amended by adding a new subdivision g to read as follows:

(g) Provide valid government-issued photo identification acceptable to the Tribunal when filing notices of appearance for an in-person hearing or when submitting motions in person, including, but not limited to, reschedule requests and motions to vacate a default.