

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Notice of Opportunity to Comment on Proposed Rule

What are we proposing? The Department of Housing Preservation and Development (“HPD”) proposes to add a new Chapter 57 to Title 28 of the Rules of the City of New York to comply with section 1043(g) of the City Administrative Procedure Act.

When and where is the Hearing? HPD has determined, pursuant to New York City Charter section 1043(e), that a public hearing on the proposed rule 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 HPD through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to rules@hpd.nyc.gov.
- **Mail.** You can mail written comments to Brenda Nelson, 100 Gold Street, Room 5-S, New York, New York 10038.
- **Fax.** You can fax written comments to HPD, 212-863-8375, ATTN: Daniel Y. Shin.
- **Speaking at the Hearing.** HPD will not hold a hearing on the proposed rule because HPD has determined, pursuant to New York City Charter section 1043(e), that a public hearing on the proposed rule would serve no public purpose. This means you cannot comment on the proposed rule by speaking at a hearing.

Is there a deadline to submit written comments? All written comments must be submitted on or before March 29, 2021.

Can I review the comments made on the proposed rule? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the comment deadline, copies of all comments submitted online and copies of all written comments concerning the proposed rule will be available to the public.

What authorizes HPD to make this rule? Sections 1043 and 1802 of the City Charter authorize HPD to make this proposed rule. This proposed rule was not included in HPD’s regulatory agenda for this fiscal year because it was not anticipated that this rulemaking would be required.

Where can I find the HPD rules? The HPD rules are in Title 28 of the Rules of the City of New York.

What rules govern the rulemaking process? HPD must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The City Administrative Procedure Act provides that any person may petition any agency of the City of New York to consider the adoption of any rule, and requires each agency to prescribe by rule the procedure for submission, consideration, and disposition of such petitions. The proposed rule would prescribe those procedures.

HPD's authority for this rule is found in sections 1043 and 1802 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. Title 28 of the Rules of the City of New York is amended by adding a new Chapter 57 to read as follows:

Chapter 57 PETITIONS FOR RULEMAKING

§ 57-01 Scope. This chapter governs the procedures by which the public may submit petitions for rulemaking to HPD pursuant to § 1043(g) of Chapter 45 of the New York City Charter, also known as the City Administrative Procedure Act, and the procedures for HPD consideration and disposition of such petitions.

§ 57-02 Definitions. As used in this chapter, the following terms have the following meanings.

- (a) HPD. "HPD" means the Department of Housing Preservation and Development of the City of New York or any successor agency or department thereto.
- (b) Person. "Person" means an individual, partnership, corporation or other legal entity, and any individual or entity acting in a fiduciary or representative capacity.
- (c) Petition. "Petition" means a request or application for HPD to adopt a Rule.
- (d) Petitioner. "Petitioner" means the Person who files a Petition.
- (e) Rule. "Rule" has the same meaning as in § 1041(5) of the New York City Charter.

§ 57-03 Procedures for Submitting Petitions.

- (a) Any Person may submit a Petition.
- (b) The Petition must include:
 - (1) The Rule to be considered, with proposed language for adoption;

(2) A statement of the Rule's purpose and HPD's authority to promulgate the Rule;

(3) The Petitioner's arguments in support of adopting the Rule;

(4) The period of time the Rule should be in effect;

(5) The name, address, telephone number and email address of the Petitioner or his or her authorized representative;

(6) The signature of the Petitioner or his or her authorized representative.

(c) Any change in the information provided pursuant to paragraph five of subdivision b of this section must be reported promptly in writing to HPD by (1) mail or hand delivery to the Office of Legal Affairs of HPD at 100 Gold Street, 5th Floor, New York, New York 10038, ATTN: General Counsel; or (2) e-mail to rules@hpd.nyc.gov.

(d) The Petition must be typewritten.

(e) The Petition must be: (1) mailed or delivered to the Office of Legal Affairs of HPD at 100 Gold Street, 5th Floor, New York, New York 10038, ATTN: General Counsel; or (2) e-mailed to HPD at rules@hpd.nyc.gov.

§ 57-04 Procedures for Consideration of and Responses to Petitions.

(a) When a Petition is submitted to HPD in proper form, HPD will stamp or otherwise register receipt of the Petition with the date it was received and will assign the Petition a number or other unique identifier.

(b) HPD Response.

(1) After HPD receives a Petition submitted in proper form, HPD must, within sixty days from the date of the Petition's receipt, either:

(A) deny the Petition in writing, stating the reasons for denial, or

(B) grant the Petition in writing, stating HPD's intention to initiate rulemaking, by a specified date, concerning the subject of the Petition.

(2) HPD is not required to grant the entirety of a Petition and is not bound by the language proposed by a Petition. HPD may amend or modify a Petition's proposed language at HPD's discretion.

§ 57-05 No Appeal. HPD's decision to deny or grant a Petition is final and is not subject to judicial review.

Commissioner Louise Carroll
February 26, 2021