

OFFICE OF THE MAYOR

MAYOR'S OFFICE OF CITYWIDE EVENT COORDINATION AND MANAGEMENT

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Street Activity Permit Office (SAPO) of the Office of Citywide Event Coordination and Management (OCECM) is proposing amendments to extend the existing moratorium on street fair applications to Calendar Year 2022, and to extend the Open Culture program expiration date.

When and where is the Hearing? OCECM will hold a public hearing on the proposed rule online. The public hearing will take place on October 19th, 2021 at 9:00 am.

Join through Internet:

- To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar:
<https://nycmayor.webex.com/nycmayor/j.php?MTID=m3013275c64148c76496e432533173800> Then follow the prompts.
- When prompted enter the following meeting password: b7eNF92PZwb

Join via phone only:

- To join the meeting by phone, use the following information to connect:
Phone: +1-646-992-2010
Access code: 2344 717 2870

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

- **Website.** You can submit comments to OCECM through the NYC rules Web site at www.nyc.gov/nycrules.
- **Email.** You can email written comments to saporules@cityhall.nyc.gov.
- **Mail.** You can mail written comments to Stefan Grybauskas, Director of Street Activity Permit Office, Mayor's Office of Citywide Event Coordination and Management, at 253 Broadway, 6th Floor, New York, NY 10007.
- **By Speaking at the Hearing.** Anyone wishing to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing saporules@cityhall.nyc.gov by October 18th, 2021 at 5:00pm. You can speak for up to three minutes. Each speaker will be timed.

Is there a deadline to submit written comments? Written comments must be received no later than 1pm on October 19th, 2021.

Do you need assistance to participate in the Hearing? Please inform OCECM if you need reasonable accommodation, such as a sign language interpreter. Request these services by email or mail at the address given above no later than October 12th, 2021 at 5:00pm.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at www.nyc.gov/nycrules. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OCECM.

What authorizes OCECM to make this rule? Section 1043 of the City Charter, Local Law 8 of 2021, as well as Executive Orders No. 100 and No. 105 of 2007 authorize OCECM to make this proposed rule. This proposed rule was not included in OCECM's regulatory agenda for this Fiscal Year because it was not contemplated when OCECM published the agenda.

Where can I find the OCECM rules? The OCECM rules are in title 50 of the Rules of the City of New York.

What rules govern the rulemaking process? OCECM 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 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Office of Citywide Events Coordination and Management (OCECM), Street Activity Permit Office (SAPO) administers New York City's permit system for street activities, block parties and fairs.

Each year prior to 2020, the first year of the COVID emergency, SAPO has issued permits to over 200 street fairs and over 5,000 other events, most of which include the use of multiple blocks over several days, the erection of structures, the vending of food, apparel and other goods and the use of amplified sound and the performance of music. Events like these require additional police officers which increases overtime costs to the City. These events also divert police officers from core crime fighting, public safety and counter terrorism duties.

To more effectively deploy police resources and control overtime costs, the New York City Police Department has recommended that SAPO exercise its discretion to deny permit applications for new events in calendar year 2022. The proposed rules will authorize SAPO to deny permit applications for street fairs if the street fair was not held in the calendar year 2019. Events that

received permits in calendar year 2019 will be eligible to receive permits again in calendar year 2022.

In addition, Local Law No. 8 of 2021 directed the Mayor's Office of Citywide Events Coordination and Management (OCECM) to establish an Open Culture program, pursuant to which an eligible art and cultural institution or cultural venue may utilize an open space for an artistic or cultural event. The law mandated that the program was to remain in effect until October 31, 2021, or until such later date as the office shall determine; provided, however, that the program could not remain in effect after March 31, 2022.

This proposed rule will enable the Open Culture program to continue after October 31, 2021, until March 31, 2022, and allow the Street Activity Permit Office (SAPO) within OCECM to issue street activity permits for this program in accordance with Local Law No. 8 of 2021.

OCECM authority for these rules is found in section 1043 of the New York City Charter, Local Law 8 of 2021, and Executive Order Nos. 100 and 105 of 2007.

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.

§ 1. Subdivision (i) of Section 1-03 of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

- (i) For Open Culture Events, the Director of SAPO may establish guidelines that restrict certain event elements, as well as activities that would require additional agency permits. Unless otherwise provided by law, the Open Culture program shall remain in effect until March 31, 2022, and the final application deadline for any Open Culture event shall be March 16, 2022.

§ 2. Subdivision (d) of Section 1-05 of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

- (d) For the calendar year [2021] 2022, the Director shall deny applications for street activity permits for street fairs not held in the calendar year 2019.

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

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NEW YORK, NY 10007

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**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Extension of Street Fair Moratorium and Open Culture Program

REFERENCE NUMBER: 2021 RG 075

RULEMAKING AGENCY: Office of Citywide Event Coordination and Management

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: September 13, 2021

Acting Corporation Counsel

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: Extension of Street Fair Moratorium and Open Culture Program

REFERENCE NUMBER: CECM-SAPO-14

RULEMAKING AGENCY: Citywide Event Coordination Management – Street Activity Permits Office

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 the violations pose significant risks to public health and safety.

/s/ Francisco X. Navarro

Mayor's Office of Operations

September 13, 2021

Date