

COMMISSION ON HUMAN RIGHTS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Commission on Human Rights (the “Commission”) is proposing to amend its rules to establish a process by which members of the public may submit a petition for the Commission to consider the adoption of rules.

When and where is the hearing? The Commission will hold a public hearing on the proposed rule. The public hearing will take place at 10 a.m. EST on October 14, 2021 and will be held online at <https://nyccchr.webex.com/nyccchr/j.php?MTID=mdd435388c4f0814615086253eb2a7301>.

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

- **Website.** You can submit comments to the Commission through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to policy@cchr.nyc.gov. Please include a reference in the subject line to “Propose Rules on Petitions for Rules.”
- **Mail.** You can mail comments to Office of the Chair, New York City Commission on Human Rights, 22 Reade Street, New York, New York 10007. Please note, however, that the Commission is currently working remotely and is experiencing a delay in mail delivery.
- **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 emailing policy@cchr.nyc.gov. You can also sign up during the hearing on October 14, 2021. You can speak for up to three minutes.

Is there a deadline to submit comments? You must submit written comments by **October 7, 2021**.

What if I need assistance to participate in the hearing? You must tell the Commission if you need a reasonable accommodation for a disability at the hearing. You must tell us if you need a sign language interpreter. You can email us at policy@cchr.nyc.gov. You may also tell us by telephone at (212) 416-0261. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 7, 2021.

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 <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a transcript of the hearing will be available to the public at the Commission’s website.

What authorizes the Commission to make this rule? Sections 905 and 1043 of the New York City Charter authorize the Commission to make this proposed rule.

Where can I find the Commission’s rules? The Commission’s rules are in title 47 of the Rules of the City of New York.

What laws govern the rulemaking process? The Commission 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 Commission is proposing to add new rules to implement Section 1043(g) of the New York City Charter, which permits any person to petition a city agency to consider the adoption of any rule and requires each agency to have rules creating a procedure for such petitions.

Specifically, these proposed rules would set forth the procedures that petitioners must follow in petitioning the Commission to consider a new rule. These proposed rules would also set forth the procedure the Commission must follow in considering and responding to petitions. Additionally, these rules would require the Commission to deny or approve petitions within 60 days and would set forth a procedure for rejecting or adopting petitions.

These proposed rules would amend title 47 of the Rules of the City of New York.

The Commission's authority for these rules is found in sections 905(e)(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. Section 1-03 of title 47 of the Official Compilation of the Rules of the City of New York is amended to add a new definition, in alphabetical order, to read as follows:

Rule. For purposes of this chapter, the term “rule” has the meaning set forth in § 1041 of the City Administrative Procedure Act.

Section 2. Chapter 1 of title 47 of the Official Compilation of the Rules of the City of New York is amended to add a new subchapter K:

SUBCHAPTER K

PETITIONS FOR AGENCY RULEMAKING

§ 1-101 Procedure for submitting petitions.

(a) Content of petitions. Any person may petition the Commission to consider the adoption of a rule. The petition should be typewritten and must include the following information:

- (1) A short statement of the purpose of the proposed rule, including an explanation of the problem or issue that the rule is intended to address and an explanation of how the proposed rule would serve to address the identified problem or issue;
- (2) Proposed language for the rule;
- (3) Notice of any local, state, or federal law or regulations of which the person is aware that may implicate the rule, including any laws or regulations that may necessitate such a rule, create potential issues of preemption, or could otherwise impact the application of the rule;
- (4) A short statement of any additional considerations that the person believes are relevant to the Commission's determination on the petition;
- (5) The name, address, telephone number, and email address of the person filing the petition or the person's authorized representative;
- (6) The signature of the person filing the petition, or their representative.

(b) *Submission of petitions.* All petitions must be submitted to the Office of the Chair at the email address identified on the Commission's website or by mailing or delivering the petition to the Office of the Chair.

(c) *Notice of change of contact information.* The person filing the petition must promptly notify the Commission of any change to their name, address, or telephone number during the period that the petition is under consideration by the Commission.

§ 1-102 Commission Procedures for Considering and Responding to Petitions for Rulemaking.

- (a) *Requests for supplemental information.* The Commission will determine whether additional information is required that would assist the Commission in assessing the petition and will promptly contact the person for any additional information that it determines may be helpful to its determination.
- (b) *Timing of determinations.* If a petition is submitted in proper form, as required by § 1-101, the Commission will provide written notice of its determination on the petition within 60 days from the date of receipt of the petition, or within 60 days of the receipt of supplemental information from the petitioner if the Commission requests such information pursuant to subdivision (a) of this section.
- (c) *Determinations.* The Commission has full discretion to grant or deny any portion of a petition for proposed rulemaking and may amend or modify the petitioner's proposed language. If any portion of a petition is approved by the Commission for future rulemaking, the Commission will provide the petitioner with a non-binding estimate of the timeframe for the proposed rule's publication. If a petition is denied in full, the Commission will take no further action.

**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: Submission of Rulemaking Petitions to Commission on Human Rights

REFERENCE NUMBER: CCHR-11

RULEMAKING AGENCY: City Commission on Human Rights

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

August 29, 2021
Date

**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: Submission of Rulemaking Petitions to Commission on Human Rights

REFERENCE NUMBER: 2021 RG 055

RULEMAKING AGENCY: Commission on Human Rights

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: August 27, 2021