

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of Section 105-06 to Chapter 100 of Title 1 of the Rules of the City of New York, regarding the procedure for petitioning for rules.

This rule was first published on October 14, 2021 and a public hearing thereon was held on November 15, 2021.

Dated: 11/19/21
New York, New York

/s/
Melanie E. La Rocca
Commissioner

Statement of Basis and Purpose of Rule

The Department of Buildings (“DOB”) is adding a new rule 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, this rule sets forth the procedures that petitioners must follow in petitioning DOB to consider a new rule. This rule also sets forth the procedure DOB must follow in considering and responding to petitions. Additionally, this rule requires DOB to deny or approve petitions within 60 days and sets forth a procedure for rejecting or adopting petitions.

The Department of Buildings’ authority for this rule is found in sections 643 and 1043 of the New York City Charter.

New material is underlined.

“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.

Subchapter E of chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new section 105-06 to read as follows:

§105-06 Petitions for Rulemaking.

(a) Definitions.

- (1) Person. "Person" means a natural person or a business entity, including but not limited to a corporation, trust, estate, partnership, cooperative, association, firm, club or society.
- (2) Petition. "Petition" means a written request or application for the Department to adopt a Rule.
- (3) Petitioner. "Petitioner" means the person who files a Petition.
- (4) Rule. "Rule" has the meaning set forth in § 1041 of the City Administrative Procedure Act.

(b) Procedures for Submitting Petitions.

- (1) Any Person may petition the Department to consider the adoption of a Rule. The Petition may be denied if it fails to include the following information:
 - (i) The Rule to be considered, with proposed language for adoption;
 - (ii) Petitioner's arguments in support of adoption of the Rule;

- (iii) Petitioner's proposal for the time period the Rule should be in effect, if applicable;
- (iv) Responses to any questions posed on a form provided by the Department for such Petitions;
- (v) The name, address, telephone number, and email address of the Petitioner or his or her authorized representative;
- (vi) The signature of Petitioner or his or her representative.

(2) Any change in the name, address or telephone number of the Petitioner or his or her authorized representative must be reported to the Department.

(3) All Petitions should be typewritten, if possible, but handwritten Petitions will be accepted provided they are legible.

(4) Petitions must be submitted via dobrules@buildings.nyc.gov or by mailing the Petition to the Department of Buildings, Regulatory Matters Unit, Office of the General Counsel, 280 Broadway, 7th Fl., New York, NY 10007.

(c) Procedures for Consideration of and Responses to Petitions. If a Petition is submitted in proper form, the Department will deny or approve the Petition within 60 days from the date it was received. The Department will either deny such Petition in a written statement or state in writing the Department's intention to initiate rulemaking by a specified date. The Department is not required to grant the entirety of a Petition and is not bound by the language proposed by Petitioner but may amend or modify such proposed language at the Department's discretion.