



**THE CITY OF NEW YORK  
OFFICE OF THE CITY CLERK**

**Notice of Public Hearing and Opportunity to Comment on Proposed Rule**

**What are we proposing?** The Office of the City Clerk proposes to amend chapter 1 of title 51 of the Rules of the City of New York to add a provision defining what constitutes minor authorizations by the city planning commission and minor decisions related to real property by any other New York City board or commission pursuant to New York City Administrative Code § 3-211(c)(3)(x).

**When and where is the Hearing?** The Office of the City Clerk will hold a public hearing on the proposed rule. The public hearing will take place at 10:00am on Wednesday, December 29, 2021. To obtain the location of the public hearing, please email [lobbyist\\_helpdesk@cityclerk.nyc.gov](mailto:lobbyist_helpdesk@cityclerk.nyc.gov).

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

- **Website.** Submit comments to the Office of the City Clerk through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** Submit comments by email directly to the Office of the City Clerk at [lobbyist\\_helpdesk@cityclerk.nyc.gov](mailto:lobbyist_helpdesk@cityclerk.nyc.gov).
- **By Speaking at the Hearing.** To comment at the public hearing, registration in advance is required by: (1) emailing [lobbyist\\_helpdesk@cityclerk.nyc.gov](mailto:lobbyist_helpdesk@cityclerk.nyc.gov); or (2) signing up at the hearing prior to its commencement. Oral comments are limited to three minutes.

**Is there a deadline to submit written comments?** Written comments must be submitted no later than 10:00am on Wednesday, December 29, 2021.

**Do you need assistance to participate in the Hearing?** If you require a reasonable accommodation to participate in the hearing, including, but not limited to, a sign language interpreter, you must notify the Office of the City Clerk by emailing [lobbyist\\_helpdesk@cityclerk.nyc.gov](mailto:lobbyist_helpdesk@cityclerk.nyc.gov) no later than December 22, 2021.

**Can I review the comments made on the proposed rules?** Comments submitted online may be reviewed by visiting <http://rules.cityofnewyork.us>. After the hearing, copies of all submitted

written comments and a summary of all oral comments will be available to the public at the Office of the City Clerk, 141 Worth Street, New York, NY 10013 commencing on Thursday, December 30, 2021.

**What authorizes the Office of the City Clerk to make this rule?** Sections 48 and 1043 of the City Charter and section 212 of title 3 of the Administrative Code of the City of New York authorize the Office of the City Clerk to make this proposed rule.

**Where can I find the Office of the City Clerk’s rules?** The Office of the City Clerk’s rules are contained in title 51 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Office of the City Clerk must meet the requirements of Section 1043 of the City Charter when promulgating or amending rules. This notice is made according to the requirements of Section 1043 of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

New York City’s Lobbying Law, New York City Administrative Code § 3-211 *et seq.*, regulates the conduct of lobbyists and their clients. The law provides that under certain circumstances architects and engineers be afforded exceptions from the reporting requirements. Pursuant to Administrative Code § 3-211(c)(3)(x), authorizations by city planning pursuant to the zoning resolution and decisions related to real property by other boards or commissions designated as minor by the City Clerk are excluded from the reporting requirements of the lobbying law. This proposed rule amends chapter 1 of title 51 of RCNY by adding a subdivision defining what constitutes “minor” pursuant to Administrative Code § 3-211(c)(3)(x).

New material is underlined.

### **§1-17 Architects and Engineers Exception to Reportable Lobbying.**

(a) Generally. Architects and engineers that are attempting to influence with respect to a lobbying activity as defined by Administrative Code § 3-211(c)(1) *et seq.* are engaged in a reportable lobbying activity. However, such activity may be excluded if the architect’s or engineer’s activity is defined as an exclusion pursuant to Administrative Code § 3-211(c)(3) *et seq.*

(b) Architects and engineers who communicate with or appear before the city planning commission with respect to an authorization pursuant to the zoning resolution or before any other boards or commissions with respect to a decision related to real property designated as minor are excluded pursuant to Administrative Code § 3-211(c)(3)(x).

(c) General definitions.

(1) Enlargement. An “enlargement” is an addition to the floor area of an existing building or an increase in the size of any other structure, and shall not include any portion of an existing building or structure.

(2) Project. Unless otherwise specified, a “project” shall mean either a new building or structure, or an enlargement.

(d) Definition of Minor. An authorization by the city planning commission pursuant to the zoning resolution or a decision related to real property by any other New York City board or commission is “minor” if:

(1) the real property that is the subject of the proposed project is designated as “class one” as defined in section 1802 of the New York Real Property Tax Law and would remain so designated upon completion of any work done pursuant to such authorization; or

(2) it involves real property designated as “class two”, “class three” or “class four” as defined in section 1802 of the New York Real Property Tax law and the proposed project, if approved:

(i) would not exceed a construction cost of two hundred and fifty thousand dollars (\$250,000);

(ii) would not exceed three stories or 35 feet in height;

(iii) would not exceed a floor area of ten thousand (10,000) square feet;

(iv) would not exceed a lot coverage area of five thousand (5,000) square feet, whether the proposed project is an enlargement or a new building or structure; and

(v) does not involve more than two architects and/or three engineers working pursuant to their state-issued professional license on the proposed project being undertaken on such real property.

**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:** 2021 RG 042

**REFERENCE NUMBER:** Amendment of Lobbying Law Rules

**RULEMAKING AGENCY:** City Clerk

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: November 22, 2021

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of Lobbying Law Rules**

**REFERENCE NUMBER: CLERK-4**

**RULEMAKING AGENCY: Office of the City Clerk**

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

November 22, 2021  
Date