

**City of New York
Office of Administrative Trials and Hearings**

Notice of Adoption of Rule

The Office of Administrative Trials and Hearings (OATH) has adopted amendments to its Rules of Practice in subchapter C of chapter 2 of title 48 of the Rules of the City of New York to update cross-references to other rules.

A proposed version of these amendments was published in The City Record on April 15, 2022. A public hearing was held on May 18, 2022. No testimony regarding the amendments was given at the public hearing, and OATH did not receive any written comments from the public.

Statement of Basis and Purpose of Rule

The Office of Administrative Trials and Hearings (OATH) is amending sections 2-23, 2-24, 2-28, and 2-31 of its Rules of Practice, located in subchapter C of chapter 2 of title 48 of the Rules of the City of New York, to update cross-references to other rules. These sections apply to cases brought by the New York City Commission on Human Rights pursuant to the City Human Rights Law, codified in title 8 of the New York City Administrative Code and title 47 of the Rules of the City of New York.

Deleted material is in [brackets].

New text is underlined.

Section 1. Section 2-23 of subchapter C of chapter 2 of title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-23 Proceedings Before Referral to OATH. Proceedings before the case is docketed at OATH are governed by the Commission's rules [(47 RCNY §§ 1-01 to 1-62)] in chapter 1 of title 47 of the Rules of the City of New York.

§ 2. Subdivision (a) of section 2-24 of subchapter C of chapter 2 of title 48 of the Rules of the City of New York is amended to read as follows:

(a) Notwithstanding the provisions of 48 RCNY § 1-26, only the petitioner may docket a case at OATH. The petitioner must docket a case by delivering to OATH a completed intake sheet, the notice of referral required by the Commission's rules (47 RCNY § [1-71] 1-61), the pleadings and any amendments to the pleadings, any notices of appearances filed with the petitioner pursuant to the Commission's rules (47 RCNY § 1-15), and any changes [of address] in contact information filed with the petitioner pursuant to the Commission's rules (47 RCNY § [1-16] 1-04(h)).

§ 3. Section 2-28 of subchapter C of chapter 2 of title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-28 Settlement Conferences. In addition to or instead of the conduct of settlement conferences pursuant to §§ 1-30 and 1-31 of this title, the administrative law judge may in his or her discretion, on the request of any party, refer the case for a settlement conference to be conducted by the Commission's Office of Mediation and Conflict Resolution pursuant to the Commission's rules (47 RCNY subchapter [F] H). In the discretion of the administrative law judge, proceedings at OATH may be stayed, in whole or in part, pending completion of such settlement conference or for any shorter period of time.

§ 4. Section 2-31 of subchapter C of chapter 2 of title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-31 Proceedings After Issuance of Report and Recommendation. Proceedings following issuance by the administrative law judge of the report and recommendation in the case are governed by the Commission's rules (47 RCNY §§ [1-75, 1-76] 1-66 to 1-69, and 47 RCNY subchapters I and J).