

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

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Office of Administrative Trials and Hearings (OATH) proposes to amend 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.

When and where is the Hearing? OATH will hold a public hearing on the proposed rule. The public hearing will take place **from 11:00 a.m. through 1:00 p.m. on May 18, 2022**. The hearing will be conducted by video conference and is accessible by:

- **Internet Video and Audio.** For access, visit:
<https://nyc-oath.webex.com/nyc-oath/j.php?MTID=m4c5f2b212c257053067a4dd70783aeed>

When prompted, enter Meeting ID: **2337 857 8841**
Password: **OATH**

- **Phone.** For access, dial: **1-646-992-2010**
When prompted, enter Meeting ID: **2337 857 8841##**

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

- **Website.** You can submit comments to OATH through the NYC rules website at <http://rules.cityofnewyork.us/>.
- **Email.** You can email written comments to Rules_Oath@oath.nyc.gov.
- **Mail.** You can mail written comments to OATH, Attention: Joy Thompson, Assistant General Counsel, 66 John Street, 11th Floor, New York, NY 10038.
- **Fax.** You can fax written comments to OATH, Attention: Joy Thompson, Assistant General Counsel, at (212) 436-0714.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing may speak for up to three minutes. Please access the public hearing by internet video and audio or by telephone using the instructions above.

Is there a deadline to submit written comments? You may submit written comments until **5:00 p.m. on May 18, 2022**.

What if I need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language

interpreter. You may contact us by email at enolan@oath.nyc.gov or by telephone at (212) 436-0708 to request a reasonable accommodation. Please tell us by **May 17, 2018**.

Can I review the comments made on the proposed rule? You can review the comments that have been submitted online by visiting the NYC rules website at <http://rules.cityofnewyork.us/>. Shortly after the public hearing, a summary of oral comments and copies of all written comments will be available to the public on OATH's website, at <https://www1.nyc.gov/site/oath/about/legal-resources-and-rule-making.page>.

What authorizes OATH to make this rule? Sections 1043 and 1049 of the New York City Charter. This proposed rule was not included in OATH's regulatory agenda for this Fiscal Year, because it was not contemplated at the time the regulatory agenda was created.

Where can I find OATH's rules? OATH's rules are located in title 48 of the Rules of the City of New York.

What laws govern the rulemaking process? This notice is made according to the requirements of section 1043 of the New York City Charter.

Statement of Basis and Purpose of Proposed Rule

The Office of Administrative Trials and Hearings (OATH) proposes to amend 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).

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-5036**

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

RULE TITLE: Amendment of Rules Relating to Proceedings Brought by City Commission on Human Rights

REFERENCE NUMBER: 2022 RG 025

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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: April 7, 2022

**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: Amendment of Rules Relating to Proceedings Brought by City Commission
on Human Rights**

REFERENCE NUMBER: OATH-ECB-116

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

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

April 9, 2022
Date