

New York City Civic Engagement Commission

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Civic Engagement Commission is proposing rules setting forth a minimum age requirement for participation in the citywide participatory budget program pursuant to Charter § 3202.

When and where is the Hearing? The Civic Engagement Commission will hold a public hearing on the proposed rule. The public hearing will take place at 5:30 PM on June 22, 2022. The hearing will be conducted by video conference and is accessible by:

- **Internet Video and Audio.** For access, visit: <https://civicengagement.webex.com/civicengagement/j.php?MTID=m51da06cbb1818d0a8e1cd33bc3ef335> When prompted, use Meeting number 2634 042 2342 and password CECpublichearing
- **Phone.** For access, dial 1-408-418-9388 . When prompted, use Access code 2634 042 2342.

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

- **Website.** You can submit comments to the Civic Engagement Commission through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to info@civicengagement.nyc.gov
- **Mail.** You can mail comments to NYC Civic Engagement Commission, 253 Broadway, 2nd Floor, New York, NY 10007
- **Fax.** You can fax comments to info@civicengagement.nyc.gov
- **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 info@civicengagement.nyc.gov or calling 646-769-6020. You can speak for up to three minutes.

Comments may be provided in a language other than English.

Is there a deadline to submit comments? Yes, you must submit written comments by Tuesday, June 21, 2022.

What if I need assistance to participate in the hearing? You must tell the Civic Engagement Commission if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by email or mail at the addresses given above. You may also tell us by telephone at 646-769-6020. You must tell us by Friday, June 17, 2022.

What if I need language assistance to participate in the hearing? You must tell the Civic Engagement Commission if you need language interpretation in the hearing. You can tell us by email or mail at the addresses given above. You may also tell us by telephone at 646-769-6020. You must tell us by Friday, June 17, 2022.

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 summary of oral comments concerning the proposed rule will be available to the public at the Civic Engagement Commission, www.nyc.gov/civicengagement

What authorizes the Civic Engagement Commission to make this rule? Section 3202 of the Charter authorizes the Commission to make this proposed rule. This proposed rule was not included in the Civic Engagement Commission's regulatory agenda for this fiscal year.

Where can I find the Civic Engagement Commission's rules? The Commission's rules are located in Title 73 of the Rules of the City of New York.

What rules govern the rulemaking process? The Civic Engagement 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 the Proposed Rule

In November 2018, New York City voters approved a ballot initiative proposed by the 2018 Charter Revision Commission that established the New York City Civic Engagement Commission. The proposal was codified as Chapter 76 of the New York City Charter. Chapter 76 directs the Civic Engagement Commission to implement the citywide participatory budgeting ("PB") program established under section 225-a of the Charter.

The goal of the program is to promote the participation of residents in identifying and expressing preferences among recommendations for local projects to be considered for inclusion in the executive budget. Section 3202(a)(1)(e) provides that any New York City resident at least 16 years of age may participate in the citywide PB program and authorizes the commission to establish by rule a minimum age requirement lower than 16 years of age.

The proposed rule would set the minimum age for the citywide PB program at 11 years of age. Allowing New Yorkers ages 11 and up to participate in the citywide PB program is in line with the eligibility requirements for the City Council's participatory budgeting program and the PB program that the Department of Education operates in middle schools throughout the city.

Section 3202(a)(1)(e) of the Charter also authorizes the Commission to impose restrictions for the protection of minors who participate in the citywide PB program. The proposed rule would require that children between the ages of 13 and 17 obtain parental or guardian consent before registering

an account on the Commission’s digital platform that enables city residents to submit and vote for participatory budgeting proposals, currently hosted at <https://www.participate.nyc.gov/>. Children under the age of 13 are prohibited from registering an account. Nevertheless, children who are unable to register an account will be able to use other methods to participate in the citywide PB program, including through paper ballots.

Section 1. Title 73 of the Rules of the City of New York is amended by adding a new chapter 2 to read as follows:

2-01 Definitions.

“Citywide participatory budgeting program.” The term “citywide participatory budgeting program” means the program established pursuant to section 225-a of the charter of the city of New York and implemented pursuant to paragraph 1 of subdivision a of section 3202 of such charter.

“Commission.” The term “commission” means the New York city civic engagement commission or the chair acting on behalf of the commission.

“Digital platform.” The term “digital platform” means an online platform used by the commission to enable city residents to submit, comment on and vote for participatory budgeting proposals.

2-02 Minimum age requirement. A resident of New York city at least 11 years of age is eligible for participation in the citywide participatory budgeting program.

2-03 Restrictions for the protection of children.

a. Children under the age of 13 may not register an account on the digital platform.

b. Children ages 13 through 17 may not register an account on the digital platform unless they receive parental or guardian consent to register such account. This subdivision does not apply to a child who is a legally emancipated adult.

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

100 CHURCH STREET

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CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Participatory Budgeting Program Rules

REFERENCE NUMBER: 2022 RG 041

RULEMAKING AGENCY: Civic Engagement Commissions

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

Date: May 5, 2022

Acting Corporation Counsel

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: Participatory Budgeting Program Rules

REFERENCE NUMBER: CEC-2

RULEMAKING AGENCY: Civic Engagement Commission

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

May 6, 2022

Date