

**CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Housing Preservation and Development (“HPD”) is proposing new rules relating to filing bedbug reports by owners pursuant to Administrative Code section 27-2018.2.

When and where is the hearing? HPD will hold a virtual public hearing on the proposed rules using Webex Event Center. The public hearing will take place at 10:00 AM – 11:00 AM on July 19, 2022.

To participate in the public hearing, enter the Webex URL:
<https://nychpd.webex.com/nychpd/j.php?MTID=m99b4ad00497679bf290c0e5649aa8dd0>

If prompted to provide a password or number, please enter the following:

Meeting number (access code): 2346 511 0612

Meeting password: TZdfBRqM223

You may also join the hearing via audio device or dial in via phone. To dial in, please use the following dial in number and participant code:

Join from a mobile device (attendees only)

[+1-646-992-2010](tel:+1-646-992-2010),[,23465110612##](tel:+1-646-992-2010) United States Toll (New York City)

[+1-408-418-9388](tel:+1-408-418-9388),[,23465110612##](tel:+1-408-418-9388) United States Toll

Join by phone

+1-646-992-2010 United States Toll (New York City)

+1-408-418-9388 United States Toll

Join by video system, application or Skype for business

Dial [23465110612@webex.com](tel:23465110612@webex.com)

You can also dial 173.243.2.68 and enter your meeting number

If you have low bandwidth or inconsistent internet connection, use the dial-in option for the hearing. this will reduce the possibility of dropped audio and stutters.

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

- **Website.** You can submit comments to HPD through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@hpd.nyc.gov.

- **Mail.** You can mail comments to Deputy Commissioner AnnMarie Santiago, Department of Housing Preservation and Development, 100 Gold Street, Room 601, New York, N.Y. 10038.
- **Fax.** You can fax comments to Deputy Commissioner AnnMarie Santiago at 212 863-7010.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling 212 863-8603 or by emailing at rifenm@hpd.nyc.gov. by 5:00 PM on July 18, 2022. Please sign up in advance if you can. You can speak for 3 minutes.

Is there a deadline to submit comments? The deadline for submission of comments is July 19, 2022.

What if I need assistance to participate in the hearing? You must tell HPD if you need a reasonable accommodation of a disability at the hearing. You can tell us by mail at the address given above. You may also tell us by telephone at 212 863-8603. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by July 1, 2022.

This hearing has the following accessibility option(s) available: Simultaneous transcription for people who are deaf or hard of hearing and audio-only access for persons with vision impairments.

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 rules will be available to the public.

What authorizes HPD to make these rules? Sections 1043 and 1082 of the New York City Charter (“City Charter”), and section 27-2090 of the Administrative Code of the City of New York authorize HPD to make these proposed rules. These rules were not included in HPD’s regulatory agenda for this Fiscal Year because they were not anticipated.

Where can I find HPD’s rules? The agency’s rules are in title 28 of the Rules of the City of New York.

What laws govern the rulemaking process? HPD 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 Proposed Rules

Administrative Code section 27-2018.2 provides that owners of multiple dwellings annually report to the Department of Housing Preservation and Development (HPD) information regarding bedbug infestations and compliance with tenant notification requirements. Section 27-2018.2 specifically requires that such reporting be made on an electronic form established by HPD. The agency must provide the bedbug report information publicly pursuant to section 27-2018.2(f).

Based on public feedback, HPD made a paper form available for property owners who are not able to file electronically due to lack of email or access to a computer. HPD is proposing rules that will clarify that only non-corporate owners, who generally own smaller buildings and may have less available resources for electronic submission, may submit paper reports, as well as clarifying that submission of paper bedbug reports by corporate owners will be rejected and the submission will be deemed noncompliant. Corporate owners, including corporations, LLCs, condominium corporations, cooperatives, and other corporate ownership types must use the electronic form as stated in section 27-2018.2.

This proposed rule will make it easier for smaller property owners to file the required bedbug reports while ensuring that corporate property owners continue to meet the electronic filing requirements. Section 59-01(a) reiterates the reporting requirements created by Administrative Code section 27-2018.2 to provide context for the rule. However, these requirements are clearly established in the Administrative Code and therefore were in effect prior to this rulemaking.

New material is underlined

Section one. A new chapter 59 is added to Title 28 of the rules of the city of New York to read as follows:

CHAPTER 59
BEDBUG INFESTATION

§59-01. Submission of Bedbug Reports by Owners.

(a) An owner of a multiple dwelling is required to submit a report to the Department annually. Such report must include information regarding bedbug infestations in dwelling units during the previous year and compliance with tenant notification requirements, as provided in section 27-2018.2 of the New York city administrative code. Such report must be submitted on the electronic form provided by the Department on its website, provided, however, that owners of multiple dwellings who are registered pursuant to section 27-2098 as an individual or joint owner or other non-corporate form, may file such report on a paper form as approved by the Department if they are unable to use an electronic format for such submission because they do not have email or computer access. Owners who are registered in corporate form, including, but not limited to limited liability corporations, condominium corporations, cooperatives, and other corporate ownership types will continue to be required to submit annual bedbug reports in electronic format.

(b) Except as otherwise provided in subdivision a of this section, a report required to be submitted by an owner pursuant to section 27-2018.2 in electronic format that is submitted on a paper form, will be considered noncompliant with such section, and will be rejected by the Department.

**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: Amendment of Rules Regarding Bedbug Report Submissions

REFERENCE NUMBER: 2022 RG 028

RULEMAKING AGENCY: Department of Housing Preservation and Development

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
Senior Counsel

Date: March 25, 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 Regarding Bedbug Report Submissions

REFERENCE NUMBER: HPD-87

RULEMAKING AGENCY: Department of Housing Preservation and Development

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