



**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 remove automatic extensions granted due to a late enrollment per RCNY § 1-11(c)(2) and (3).

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 via zoom at 10:00am on August 18, 2022. To obtain the zoom link, please email 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.
- **By Speaking at the Hearing.** To comment at the public hearing, registration in advance is required by: (1) emailing 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 August 15, 2022.

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 no later than 10:00am on August 15, 2022.

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 transcript of all oral comments will be available upon request by emailing lobbyist_helpdesk@cityclerk.nyc.gov.

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. The proposed rule was included in the office's regulatory agenda.

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 Administrative Code § 3-211 *et seq.*, regulates the conduct of lobbyists and their clients. Pursuant to the Administrative Code, every lobbyist and client has a duty to enroll in e-Lobbyist and file requisite reports. Per RCNY § 1-03(a)(1), the lobbyist/client must enroll in e-Lobbyist within ten (10) days of retention and per Admin Code § 3-213 lobbyists must file their statements of registration within fifteen (15) days.

RCNY §§ 1-11(c)(2) and (3) grant lobbyists and clients an automatic extension when a filing is late due to the lobbyist's client's, or the client's lobbyist's, failure to enroll in e-Lobbyist. This automatic filing extension lasts until two days after the lobbyist's client, or the client's lobbyist, enrolls in e-Lobbyist, or until an administrative enrollment has been completed on the client's or lobbyist's behalf. This extension can be virtually unlimited in time and scope because, although an automatic extension only lasts until two days after the other party enrolls, the lobbyist's client or client's lobbyist may in some cases be very delayed in enrolling in e-Lobbyist. Moreover, the automatic filing extension is not only unlimited in time and scope but leaves room for potential misuse, and accordingly the City Clerk looks to remove it. Filers are already afforded the opportunity to request administrative enrollments and filing extensions when they are unable to file requisite reports due to a late enrollment. These alternative remedies render the unlimited enrollment extensions provided by RCNY § 1-11(c)(2) and (3) unnecessary.

New material is underlined.

[Deleted material is contained in brackets.]

Section 1. Subdivision c of Section 1-03 and Subdivision c of Section 1-11 of Chapter 1 of Title 51 of the Rules of the City of New York are amended to read as follows:

§ 1-03 e-Lobbyist Enrollment.

(c) *Non-Enrollment Extension.* If a lobbyist's client or a client's lobbyist fails to enroll by the applicable deadline, such lobbyist or client must request an extension to file any Report pursuant to section 1-11(a)(1) of the Rules. [If such lobbyist or client fails to timely request an extension,

the Report will be deemed late if the Report is filed after the filing deadline set forth in sections 1-11(c)(2) and (3) of the Rules.]

§ 1-11 Extension of a Filing Deadline.

(c) *Automatic Extensions.*

(1) If the filing deadline of a Report falls on a Saturday, Sunday or City holiday, the filing deadline will be extended to the following business day.

[(2) If a statement of registration cannot be filed due to the client's failure to enroll in e-Lobbyist pursuant to section 1-03 of the Rules, and an extension, as set forth in section 1-03(c) of the Rules, has not been requested, the filing deadline of the statement of registration will be extended to two (2) business days after the date the client enrolls or an administrative enrollment has been completed on the client's behalf.]

[(3) If a client annual report cannot be filed due to the lobbyist's failure to enroll in e-Lobbyist pursuant to section 1-03 of the Rules, and an extension, as set forth in section 1-03(c) of the Rules, has not been requested, the filing deadline of the client annual report will be extended to two (2) business days after the date the lobbyist enrolls or an administrative enrollment has been completed on the lobbyist's behalf.]

[(4)] (2) If there is a system-wide problem with e-Lobbyist the City Clerk will notify all filers of such problem and the filing deadline may be extended to a date established by the City Clerk upon consideration of the nature and length of the system-wide problem.

**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 Lobbyist Filing Requirement

REFERENCE NUMBER: 2022 RG 047

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: June 28, 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 Lobbyist Filing Requirement

REFERENCE NUMBER: CLERK-5

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

June 29, 2022
Date