

## 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 the governing framework 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 11 AM on Tuesday, June 6, 2023. The hearing will be conducted by video conference and is accessible by:

- **Internet Video and Audio.** For access, visit: <https://bit.ly/JunePublicHearing>
- **Phone.** For access, dial +1-408-418-9388. When prompted, use the Meeting ID 2633 273 5675 and the password mBdWuUka588.

**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 the NYC Civic Engagement Commission at [info@civicengagement.nyc.gov](mailto:info@civicengagement.nyc.gov)
- **Mail.** You can mail comments to NYC Civic Engagement Commission, 22 Reade Street 4<sup>th</sup> Floor, New York, NY 10007
- **Fax.** You can fax comments to [info@civicengagement.nyc.gov](mailto: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](mailto: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 Monday, June 5, 2023.

**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 Tuesday, May 30, 2023.

**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 Tuesday, May 30, 2023.

**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](http://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 program established under section 225-a of the Charter.

The citywide participatory budgeting program promotes the participation of residents in identifying and expressing preferences among recommendations for local projects to be considered for inclusion in the executive budget. Also known as “The People’s Money,” New York City’s participatory budgeting allows all New Yorkers age 11 and up, regardless of citizenship status, to vote on projects to address local community needs.

Pursuant to Mayoral letter, dated March 28, 2023, the Mayor has delegated to the Commission the budget power under section 225-a of the Charter to determine the appropriate local projects that are selected through participatory budgeting. The process set forth in these proposed rules will apply in future fiscal years unless local projects are selected after a timely participatory budgeting process pursuant to sections 225-a and 3202 of the Charter and are enumerated in the executive and adopted budgets.

City residents will be able to vote for local projects in the borough in which they live. In the 2023 cycle, each borough will have the following number of projects on their borough ballot:

- Bronx Ballot: There will be 8 projects listed.
- Brooklyn Ballot: There will be 10 projects listed.
- Queens Ballot: There will be 9 projects listed.
- Manhattan Ballot: There will be 8 projects listed.
- Staten Island Ballot: There will be 4 projects listed.

These proposed rules set forth the procedures and criteria for the citywide participatory budgeting program. Consistent with the Commission's obligation to "provide opportunities for public participation throughout the city" and "establish multiple methods of public participation," these rules provide for the solicitation of ideas for local projects from the public through various means, including convening borough committees. Charter §§ 3202(a)(1)(a), (a)(1)(d).

In furtherance of the Commission's goal of facilitating greater civic engagement in historically underrepresented or underserved communities and across a wide swath of the City's population, local projects must address the needs of certain enumerated communities. To help meet unmet needs, funding is allocated by borough, based on a weighted average of the borough population and the percentage of the borough population that is below the city poverty measure. Consistent with the Mayoral delegation to the Commission, the cost of any project may not exceed the amount determined by the Civic Engagement Commission to be available for such project and sufficient to complete such project. The aggregate cost of all projects may not exceed the total amounts appropriated for local projects, without the approval of the Office of Management and Budget.

Consistent with the Mayoral delegation letter, the Commission retains the final authority to select which local projects are funded in accordance with these rules. Charter §§ 225-a, 3202(a)(1). In making its final selection, the Commission must give due consideration to which local projects received the most votes in each borough.

This proposed rule also repeals the current chapter 2 of Title 73, which governs the minimum age requirement for participation in the citywide participatory budgeting program. The substance of the current chapter 2 is added to section 2-07 of the proposed rule.

The authority for this rule is found in sections 1043 and 3202 of the New York City Charter.

Section 1. Chapter 2 of Title 73 of the Rules of the City of New York is REPEALED and a new chapter 2 is added to read as follows:

**§ 2-01 Purpose and scope.**

These rules set forth the procedures and criteria for the citywide participatory budgeting program authorized pursuant to sections 225-a and 3202 of the charter. Such rules shall apply unless the executive and adopted budgets enumerate local projects that were selected after a timely participatory budgeting process pursuant to sections 225-a and 3202 of the charter.

## **§ 2-02 Definitions.**

Borough ballot. The term “borough ballot” means a ballot, approved by the Commission, that lists and briefly describes each local project in a specific borough or, if approved by the Commission, an alternative, specified geographic area.

Capital project. The term “capital project” has the meaning as such term is defined in section 210 of the charter.

City poverty measure. The term “city poverty measure” means the citywide poverty rate as calculated by the mayor’s office for economic opportunity or successor office or agency.

Citywide participatory budgeting. The term “citywide participatory budgeting” refers to the program established in section 225-a of the 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 local projects.

Expense project. The term “expense project” means a project that may be funded with amounts appropriated in the expense budget and is not a capital project.

Local project. The term “local project” means a project that is eligible to be placed on a borough ballot and funded pursuant to sections 225-a and 3202 of the charter and this chapter.

**§ 2-03 Project Eligibility Requirements.** To be eligible for placement on a borough ballot, a local project must satisfy all of the following criteria:

(a) The project must be an expense project;

(b) The total cost of the project must not exceed the amount determined by the Commission to be available for such project and must be sufficient to complete such project;

(c) The project must be completed within a single city fiscal year; and

(d) The project shall address the needs of immigrant communities, individuals with limited English proficiency, people with disabilities, youth, students, seniors, veterans, groups or categories of residents that have been historically underrepresented or underserved by city government or another community need identified through the idea generation process as set forth in section 2-05.

## **§ 2-04 Target Funding Allocation.**

(a) To the extent practicable, the Commission will calculate target funding allocations for each borough which targets may be adjusted as necessary.

(b) Target borough allocations will be calculated using a weighted average of borough population and the percentage of the borough population below the poverty guidelines, as set by the city poverty measure.

## **§ 2-05 Idea generation.**

(a) The Commission will solicit ideas from the public for local projects to be funded pursuant to this chapter. Ideas may be submitted to the Commission by individuals or organizations.

(b) The Commission may convene a borough committee for each borough comprised of residents who make recommendations for local projects to be placed on the borough ballot. Recommendations of such borough committees have no binding effect on the Commission.

(c) The Commission will conduct outreach to residents to inform them of examples of local projects, and options for voting for local projects on the borough ballot in person and through the digital platform.

## **§ 2-06 Ballot Selection Criteria.**

The Commission will select, from among the proposals submitted pursuant to section 2-05, local projects to be placed on the borough ballot for each borough. In making its selection, the Commission will consider the following factors:

(a) The number of people served by the local project;

(b) The geographic distribution of local projects;

(c) The extent to which a local project fulfills an unmet need or gap in service or augments existing programming; and

(d) The extent to which a local project serves one or more of the groups identified in subdivision (d) of section 2-03.

## **§ 2-07 Voting Process.**

(a) Any resident of the city of New York 11 years of age or older is eligible to vote for local projects, subject to the following restrictions for the protection of children:

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

2. 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 paragraph does not apply to a child who is a legally emancipated adult.

(b) The following voting procedures apply:

(1) A resident may cast votes only for local projects located within their borough of residence or, if approved by the Commission, within an alternative geographical unit;

(2) A resident may cast only one borough ballot;

(3) A resident may vote for multiple local projects on the borough ballot.

(c) A borough ballot may be cast online via the digital platform or in person.

## **§ 2-08 Final Selection Process**

(a) The Commission will tabulate the total number of votes cast for each local project.

(b) The Commission retains the final authority to select which local projects that were placed on the borough ballots receive funding from the Commission.

1. In making such selection, the Commission must consider which local projects received the largest number of votes in each borough and the factors identified in section 2-06.

2. For a local project that requires the use of city personnel or property or the substantial participation or cooperation of one or more city agencies, the Commission shall obtain the concurrence of the affected agency or agencies before making a final determination to select such local project. For a local project that relates to an area of expertise of a city agency, the Commission will inform such agency of such project's selection.

(c) The aggregate cost of all local projects selected by the Commission for funding shall not exceed the total amounts appropriated for local projects.

**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:** Rules Governing Citywide Participatory Budgeting Program

**REFERENCE NUMBER:** 23 RG 021

**RULEMAKING AGENCY:** Civic Engagement Commission

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: April 24, 2023

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Rules Governing Citywide Participatory Budgeting Program**

**REFERENCE NUMBER: CEC-3**

**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

April 24, 2023  
Date