

## OFFICE OF THE MAYOR

### MAYOR'S OFFICE OF CITYWIDE EVENT COORDINATION AND MANAGEMENT

#### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Mayor's Office of Citywide Event Coordination and Management (CECM) is establishing rules for Open street events.

**When and where is the Hearing?** CECM will hold a joint public hearing on the proposed rule with DOT. The public hearing will take place on April 22, 2024, at 10:00am.

#### **Join through Internet:**

- To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar: <https://www.microsoft.com/microsoft-teams/join-a-meeting> Then follow the prompts.
- If prompted enter the following meeting ID and password:
  - Meeting ID: 250 183 928 896
  - Passcode: GjaAM

#### **Join via phone only:**

- To join the meeting by phone, use the following information to connect:  
Phone: +1 332-910-6701,, 798 637 830#  
Phone Conference ID: 798 637 830

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

- **Website.** You can submit comments to CECM through the NYC rules Web site at [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules).
- **Email.** You can email written comments to [saporules@cityhall.nyc.gov](mailto:saporules@cityhall.nyc.gov).
- **Mail.** You can mail written comments to Raynard Edwards, Director of Street Activity Permit Office, Mayor's Office of Citywide Event Coordination and Management, at 253 Broadway, 6<sup>th</sup> Floor, New York, NY 10007.
- **By Speaking at the Hearing.** Anyone wishing to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing [saporules@cityhall.nyc.gov](mailto:saporules@cityhall.nyc.gov) by April 21, 2024 at 5:00pm. You can speak for up to three minutes. Each speaker will be timed.

**Is there a deadline to submit written comments?** Written comments must be received no later than 1pm on April 22, 2024.

**Do you need assistance to participate in the Hearing?** Please inform CECM if you need reasonable accommodation, such as a sign language interpreter. Request these services by email or mail at the address given above no later than April 15, 2024, at 5:00pm.

**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 [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules). A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at CECM.

**What authorizes CECM to make this rule?** Section 1043 of the City Charter, Local Law 8 of 2021, as well as Executive Order No. 105 of 2007 authorize CECM to make this proposed rule. This proposed rule was not included in CECM's regulatory agenda for this Fiscal Year because it was not contemplated when CECM published the agenda.

**Where can I find the CECM rules?** The CECM rules are in title 50 of the Rules of the City of New York.

**What rules govern the rulemaking process?** CECM 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 Rule**

Section 19-107.1 of the Administrative Code, as added by Local Law 55 of 2021, requires the Department of Transportation (DOT) to promulgate rules for the Open Streets Program. Pursuant to its rules, DOT has authorized the Mayor's Office of Citywide Event Coordination and Management (CECM), which oversees the Street Activity Permit Office (SAPO), to promulgate rules relating to the issuance of an Open Streets event permit for activities taking place on a designated Open Street.

### **Open Street Event**

The permanent Open Street Program allows for various activities on Open Streets designated by DOT and encourages local businesses and schools to embrace these new public spaces. These proposed SAPO rules would maximize opportunities for the public to hold events on Open Street locations while also ensuring that the City has advance notice of all Open Street activity so that events may happen in an orderly fashion while also ensuring that the Open Streets remain available for everyday use and enjoyment by the public. In addition, these proposed rules would govern the issuance of permits to hold events on Open Streets, including rules regarding submission and processing of event applications, approval or denial of event applications, appeals of denials of Open Street event permits and fees for the use of Open Streets.

CECM's authority for these rules is found in section 1043 of the New York City Charter, Local Law 8 of 2021, and Executive Order Nos. 100 and 105 of 2007, which established and conferred rulemaking authority upon the Coordinator of Citywide Special Events.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**Section 1. The definition of “Civic event”, as set forth in Section 1-01 of chapter 1 of title 50 of the Rules of the City of New York, is amended, and new definitions of “Open Street,” “Open street event”, “Open street partner” and "Open street partner event” are added, to read as follows:**

**"Civic event"** means a Plaza, Open Street, Open Street Partner or Street event that is sponsored by a documented not-for-profit organization that is open to the public, may offer free services or information to the community, and does not have a fundraising component or include the sale of goods or services. Civic events include, but are not limited to, artistic/cultural performances, classes, religious worship or educational gatherings that support the mission of the sponsoring, documented not-for-profit organization. Civic events may not include signs or banners displaying sponsors or supporter logos that exceed ten percent (10%) of the face of the sign or banner.

**"Open Street"** means a street or segment of a street within the jurisdiction of the Department of Transportation, designated by the Department of Transportation as such, on which motor vehicle access is controlled by barriers and signage or other traffic calming measures, and on which priority is given to pedestrians, individuals using bicycles, and other non-vehicular street users. Open Streets may be designated on a variety of street types, including shared streets.

**"Open street event"** means a Street event small, Street event medium, Street event large, Extra-large event or Civic event, within an Open Street where the activity will interfere with or obstruct the regular use of such Open Street but shall not include activities conducted pursuant to a valid film, parade or construction permit.

**"Open street partner"** means a community organization as defined in section 19-107.1 of the administrative code designated by the Department of Transportation pursuant to such section to manage or assist with the management of an Open Street.

"Open street partner event" means a Civic event on an Open street for which the applicant is solely the Open street partner for such Open street.

**§ 2. Paragraph 6 of subdivision c of section 1-03 of chapter 1 of title 50 of the Rules of the City of New York is amended to read as follows:**

(6) plans outlining components of the proposed Street event, Plaza event, Open street, or Open Culture event.

**§ 3. Subdivisions c, g, i, and j of section 1-04 of chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:**

(c) SAPO will make available applications for Plaza event and Open street event permits to the community board(s) for the community district(s) that encompass(es) the Pedestrian plaza(s) or Open street(s) in which the proposed Plaza or Open street event is to take place and to the Pedestrian plaza partner(s) or Open street partner(s) for the Pedestrian plaza(s) or Open street(s) in which the proposed Plaza event or Open street event is to take place.

(g) For Street events, Block parties, Farmer's markets, Open Culture events, Clean-ups, Open street events and for Pedestrian plaza events, SAPO shall notify the community board in which the proposed event will take place that the application is available for agency review and comment on the [CEMS] Citywide Event Management Systems ("CEMS") database. SAPO shall notify the Pedestrian plaza partner for the Pedestrian plaza in which a proposed Plaza event will take place that the application is available for review in the CEMS database. SAPO will notify the Open street partner for the Open Street in which a proposed Open street event will take place that the application is available for review in the CEMS database.

(i) The Pedestrian plaza partner or Open street partner shall forward its recommendation for approval or denial of a Plaza event application or Open street event

application to SAPO for further processing. If the Pedestrian plaza or Open street partner has recommended approval with conditions or recommended denial of a Plaza event or Open street event permit application, SAPO shall also notify the Applicant of the Applicant's opportunity to comment on such recommendation to SAPO.

(1) If the Pedestrian plaza or Open street partner recommends approval with conditions or recommends denial of the permit application, an Applicant shall have five (5) business days from the receipt of the notification to file written comments with SAPO.

(2) If the Pedestrian plaza or Open street partner recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the Pedestrian plaza or Open street partner gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.

(j) Upon receipt of an event application, the application will be available for review via the [Citywide Event Management Systems "CEMS"] CEMS database by the Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Community Board and the Pedestrian plaza or Open street partner if a Plaza or Open street event is involved. Additional copies may also be sent to other agencies, including, but not limited to, the Department of Health and Mental Hygiene, the Department of Consumer Affairs, the New York City Transit Authority, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency.

**§ 5. Subdivisions a, b and c, of section 1-05 of chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:**

(a) The Director of SAPO shall take into consideration any recommendations or comments received from community boards and Pedestrian plaza or Open street partners, where applicable, or City agencies or other government agencies in determining whether to approve, approve with conditions, or deny a Street event permit application, Plaza event permit application, Open street event permit application or Open Culture event permit application. At any time during the review of an application for a street activity permit, Plaza event permit, Open street event permit or Open Culture event permit, the Director of SAPO or Executive Director of CECM or his or her designee may require the submission by the Applicant of such additional information that he or she deems necessary to evaluate the application or the qualifications of the Applicant or to implement the requirements of these rules.

(b) The Director shall have the authority to deny an application, to condition the approval of an application, or to revoke a Street event, Plaza event, Open street event or Open Culture event permit, based on the following:

- (1) Applicant's past or present failure to make payment of the processing fee; or
- (2) Applicant's past or present failure to make payment to, or reach satisfactory agreement with all agencies, (e.g., the Department of Sanitation regarding a clean-up deposit); or
- (3) Applicant's past or present failure to present proof that all necessary and proper licenses, permits, insurance or authorizations have been received; or
- (4) Applicant's past or present failure to make payment to, or reach satisfactory agreement with, SAPO regarding a Street event fee, Plaza event fee, Open street event fee, or Open Culture Event fee; or
- (5) Applicant's past or present failure to comply with applicable laws or rules; or

(6) Applicant's past or present failure to comply with a condition imposed on a permit issued previously to the Applicant; or

(7) Applicant proposes activities that would be in violation of law, rule or regulation; violate subdivisions 1, 4, 5, 6 or 7 of § 240.00 of the Penal Law; or would otherwise present an unreasonable danger to the health or safety of the applicant, event participants or other members of the public or cause damage to public or private property; or

(8) Applicant's past or present failure to provide the Director or Executive Director of CECM with any additional information which he or she has determined to be necessary to evaluate the application or the qualifications of the Applicant; or

(9) Applicant for an Open Culture Event proposes activities that would violate the applicable guidelines for the Open Culture program.

(c) In addition to the provisions of subdivision (b) of this section, the Director shall have the authority to deny an application, condition the approval of an application or revoke a Street event permit, Plaza event permit, Open street event permit, or Open Culture event permit on any or all of the following grounds:

(1) The Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Department of Health and Mental Hygiene, the Department of Buildings, the Department of Consumer Affairs, the New York City Transit, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency that received a copy of a Street event permit application or a Plaza event application for comment, has notified the Director of SAPO of its disapproval and the reasons therefor; or

(2) the proposed activity, when considered in conjunction with other proposed activities, would produce an excessive burden on the community, City services or City personnel; or

(3) the information provided on the application or forms or documentation required to be submitted is false, misleading, incomplete or inaccurate; or

(4) approval of the application is not in the best interest of the community, City or general public for reasons that may include, but are not limited to, lack of good character, honesty, integrity or financial responsibility of the Applicant. If the Director determines that the application shall be denied on the ground that the Applicant lacks good character, honesty, integrity or financial responsibility, the Director shall notify the Applicant that the application has been denied and shall specify the reason for such denial. The Applicant may thereafter respond to the Director's determination and appeal such denial pursuant to the provisions of 50 RCNY § 1-06

**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: Open Streets Events**

**REFERENCE NUMBER: CECM-SAPO-17**

**RULEMAKING AGENCY: Citywide Event Coordination & Management**

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

March 14, 2024

Date

**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: Open Streets Events**

**REFERENCE NUMBER: 2024 RG 011**

**RULEMAKING AGENCY: Citywide Event Coordination & Management**

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: March 14, 2024

Senior Counsel