

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Parks and Recreation (“the Department”) is proposing to amend its rules to clarify the requirements for individuals and groups applying to reserve ballfields and courts under the jurisdiction of the Department.

When and where is the Hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on August 8, 2024. The hearing will be in at the Chelsea Recreation Center located at 430 West 25th Street, Manhattan.

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

- **Website.** You can submit comments to the Department through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to nyc.rules@parks.nyc.gov.
- **Mail.** You can mail written comments to: Christine Cocheteux, The New York City Department of Parks & Recreation, The Arsenal, Central Park, 830 Fifth Avenue, New York, NY 10065.
- **Fax.** You can fax written comments to 212-360-1373.
 - **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 calling 212-360-1327. You can also sign up in the hearing room before the hearing begins on August 8, 2024. You may speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? You must submit written comments by August 8, 2024.

Do you need assistance to participate in the Hearing? You must tell the Office of General Counsel 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 mail or email at the addresses given above. You may also tell us by telephone at 212-360-1327. You must tell us by Monday, July 29, 2024.

Can I review the comments made on the proposed rules? You can review the comments made online concerning the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online and copies of all written comments concerning the proposed rules will be available to members of the public, who may request them mail or email at the addresses given above. You may also request the comments by telephone at 212-360-1327.

What authorizes the Department to make this rule? Sections 389, 533(a)(9), and 1043 of the City Charter authorize the Parks Department to make this proposed rule. This proposed rule was not included in the Parks Department's regulatory agenda for this Fiscal Year because it was not contemplated when agencies needed to submit an agenda.

Where can I find the Department's rules? The Department's rules are in Title 56 of the Rules of the City of New York.

What rules govern the rulemaking process? The Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the Charter.

Statement of Basis and Purpose

The Department proposes to revise § 2-09 and 2-12 of Chapter 2, Title 56 of the Rules of the City of New York. The proposed rules clarify the requirements for individuals and groups applying to reserve ballfields and courts under the jurisdiction of the Department and update the athletic permit fees.

The proposed rules intend to address the dominance of for-profit organizations that have greater resources to obtain permitted space, and thus, ensure better equity and fair access for non-profit and local organizations. The proposed rules would also seek to reduce or eliminate empty permitted fields and discourage permit holders from requesting unneeded space, ensuring greater access for local community residents. Overall, the rule changes seek to improve customer service, increase transparency of the permitting process, and better manage the increased demand for the Department's ballfields.

Specifically, the proposed rules:

- Give additional guidance to individuals and groups applying to reserve ballfields and courts under the jurisdiction of the Department.
 - The rules are expanded to apply the existing process for athletic field permits to athletic courts.
 - The rules add a definition for the term “Game” which distinguishes organized games from pick-up games and establishes the game activities that will be eligible for returning rights.
 - The rules add a definition for the term “Practice.”
 - The rules establish a payment deadline of 14 days before a season's start date, or no more than 3 days after permit acceptance for applications less than 14 days before a season's start date.
 - The rules clarify the types of activities that qualify for non-renewable “practice” permits to include recreation, clinics, camps, and training.
- Streamline the permit application and review process by specifying when the Department will accept applications for new and returning permit applicants.
 - The rules clarify and redefine the “renewal” and “new” permit periods and add a “first come, first served” application period.
 - The rules establish that online applications made during the “first come, first served” application period must be submitted 7 or more days prior to the event date.
 - The rules establish an approval process for out-of-season sport permits.
- Establish clear parameters regarding which permit applicants will be required to submit proof of insurance in order to reserve ballfields and courts under the jurisdiction of the Department.
 - The rules clarify that the Department will require that any individual or organization receiving over 50 hours of permits in a season must provide proof of insurance with the City of New York as an additional insured. The required insurance must be active for the entirety of the permitted time. This amendment will ensure that individuals and organizations receiving the greatest amount of time on Department ballfields have the resources to handle potential injuries and property damage.

- Clarify and expand the permit categories and priority classifications established by the agency.
 - The rules make clear that different categories of permits will be issued depending on whether the applicant is a not-for-profit entity or a for-profit entity and whether the permit requested is for a game or practice.
 - The rules incorporate these categories into the existing permit review process.
- Update athletic permit fees.
 - The rules introduce fees for youth sports if reserved by for-profit organizations. Permits for youth sports reserved by verified not-for-profit organizations will remain free.
 - The rules change the basis for establishing fees from the sport being played to the type of field being reserved.
 - The rules change the structure for field light fees.
- Increase access, equity, and fairness in the permitting process:
 - The rules establish that a digital copy of the permit may be submitted as valid proof during inspections.
 - The rules establish guidelines that allow the Department to revoke permits based on providing false information or failing to use the space allocated in the permit.
- Make other administrative changes to the rules consistent with the above goals.

The Department’s authority for these rules is found in Sections 389, 533(a)(9), and 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

“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. Subdivision b of section 2-09 of Title 56 of the RCNY is amended to read as follows:

b. The Department shall charge groups [in which the majority of players are over the age of 18] and individuals for the use of fields and playing surfaces in accordance with the table below. The Department may from time to time elect to offer athletic permit hourly fee discounts through special incentives and programs as identified, developed, and implemented by the Department.

[Field and Playing Surfaces

Field Lights (when used by groups 18 years of age & over)	\$ 25.00 per hour
Cricket, football, lacrosse, rugby, soccer, and ultimate disc fields (when used by groups 18 years of age & over)	\$ 16.00 per hour
Baseball, softball, and volleyball turf/soft surface fields (when used by groups 18 years of age & over)	\$ 12.50 per hour

Baseball, softball, roller hockey, volleyball, and basketball hardtop playing surfaces (when used by groups 18 years of age & over)	\$ 8.00 per hour]
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<u>Facility</u>	<u>Adult (when used by groups 18 years of age & over)</u>	<u>Youth (For-Profit) (when used by for-profit organizations serving groups 17 years of age & younger)</u>	<u>Youth (Not-For-Profit) (when used by verified not-for-profit organizations serving groups 17 years of age & younger)</u>
<u>Synthetic Turf Fields (Large and/or Full Field)</u>	<u>\$ 41.00 per hour</u>	<u>\$ 15.00 per hour</u>	<u>\$ 0 per hour</u>
<u>Synthetic Turf Fields (Multipurpose)</u>	<u>\$ 28.00 per hour</u>	<u>\$ 10.00 per hour</u>	<u>\$0 per hour</u>
<u>Natural Fields</u>	<u>\$ 24.00 per hour</u>	<u>\$ 10.00 per hour</u>	<u>\$ 0 per hour</u>
<u>Hard Top Surfaces</u>	<u>\$ 20.00 per hour</u>	<u>\$ 5.00 per hour</u>	<u>\$ 0 per hour</u>
<u>Field Light Fee (to be added to field fee)</u>	<u>\$ 15.00 per hour</u>	<u>\$ 5.00 per hour</u>	<u>\$ 0 per hour</u>

Section 2. Section 2-12 of Title 56 of the RCNY is amended to read as follows:

2-12 Ballfield and Athletic Court

a. The following terms (as they are used in this section) will have the meanings listed below:

“Adult League.” Adult Leagues are [Adult Recreation] adult sports leagues, including, but not limited to [community based organization] recreation leagues, competitive leagues, independent leagues, college leagues and corporate leagues.

“Adult Recreation.” Adult Recreation refers to a category of applicants for and holders of permits for the use of ballfields or courts by participants who are 18 years old or older for athletic activity that are not within the category of [Youth Recreation] Adult League. Pick-up games of

any kind are considered Adult Recreation. Permits for Adult Recreation will be considered Practice permits.

“Game.” Game refers to a scheduled, organized, and structured official league game with set rules involving multiple teams or participants hosted by a Youth League or an Adult League, which is being officiated and results recorded. Permits for pick-up games, which are any games not included in the above definition, will be considered Practice permits.

"New Applicant." New Applicant(s) are:

1. those applicant(s) that received permits for the previous year or season, and wish to apply for a different number of hours, or a different number of ballfields or courts at the same location for which a permit was held in the previous year or season;
2. applicant(s) who have never sought permits for the use of a particular ballfield or court before; or
3. Returning Applicant(s) who include new or additional requests in their permit application(s) are treated as New Applicant(s) for such new or additional permit requests.

“Not for Profit.” Not-for-Profit shall mean a not-for-profit corporation organized under the laws of New York State, or another state, in good standing and authorized to do business in New York State, and recognized by the Internal Revenue Service as a 501(c)(3) organization.

“Practice.” Practice includes activities hosted by a Youth League, Youth Recreation, Adult League, or Adult Recreation applicant other than Games, such as team practices, pick-up games, scrimmages, clinics, and camps.

"Returning Applicant." Returning Applicant(s) are those Youth League and Adult League applicant(s) listed as active on the New York City Athletic Organization Database requesting the same number of hours, and number of ballfields or courts at a location as they received under permit(s) for the previous year or season.

"Seasonal Applicant." Seasonal Applicant(s) are all applicants who are not within the category of Short Term Permit Applicants.

"Short Term Permit Applicant." Short Term Applicant(s) are applicants that request permits to use ballfield(s) or court(s) for no more than four (4) days of athletic activity within a seven (7) day period. The request must not be connected with any other request for a ballfield or court permit during the same season.

"Youth League." Youth Leagues are [Youth Recreation] youth sports leagues, including, but not limited to high school leagues, little leagues, community based organization leagues, and unaffiliated leagues.

"Youth Recreation." Youth Recreation refers to a category of applicants for and holders of permits for athletic activity with participants who are all 17 years old or younger that are not within the category of Youth League. Youth Recreation shall also include school recreation programs

(grade school through high school athletic programs) regardless of the age of the participants. Permits for Youth Recreation will be considered Practice permits.

b. Permit Application Process.

1. Any person who wishes to reserve a ballfield or court of any size under the jurisdiction or management of the Department for basketball, handball, baseball, softball, cricket, roller hockey, volleyball, football, lacrosse, rugby, ultimate frisbee, soccer, or any other ballfield or court sport must obtain a written permit from the Department. Any person applying for a permit on behalf of a group or athletic league must indicate that they are doing so on the permit application. Only one (1) individual per group or athletic league may apply for a permit. Tennis permit regulations are separately addressed in 56 RCNY § 2-01.
2. The permit applicant must submit all applications to the Department's borough permit office in the borough where the requested ballfield or court is located. Applications may be submitted via postal mail, through the Department's website, or in-person [or via facsimile (fax)]. Permit applications received by the borough permit office will be date and time stamped to acknowledge receipt. Applicants must apply separately to each borough permit office where they are seeking a ballfield or court. Permit applications submitted through the Department's website must be submitted at least 7 days before the first requested date.
3. In order to process applications in advance of the start date for each season, the Department has established seasonal application periods. Applications (for each of the respective periods) will not be accepted prior to the start date for a given application period. For the purpose of this section the seasonal application periods for the following seasons are:

Season	Spring and Summer Season (<u>April 1-August 31</u>)	Fall Season (<u>September 1-November 30</u>)	Winter Season (<u>December 1-March 31</u>)
<u>Renewal Permit Application Period</u>	November 15 through [January 15] <u>December 14</u>	April 15 through [June 15] <u>May 14</u>	September 15 through [November 1] <u>October 14</u>
<u>New Permit Application Period</u>	<u>December 15 through January 15</u>	<u>May 15 through June 1</u>	<u>October 15 through November 1</u>
<u>Remaining Application Period (first come, first served)</u>	<u>January 16 through August 23</u>	<u>June 2 through November 23</u>	<u>November 2 through March 23</u>

4. [For purposes of this section, the seasonal recreational periods are as follows:

Season		Spring and Summer Season	Fall Season	Winter Season
Seasonal Recreational Period		March 17 through August 31	September 1st through November 30	December 1 through March 16

5.] The Department reserves the right to determine appropriate recreational usage for each ballfield or court. Permits shall be issued for the use of individual ballfields or courts designed for a specific sport, (e.g., baseball or soccer) at any time during the year. Ballfields that are designed to host a variety of sports will be allocated as follows: during the spring/summer season priority will be given to applications received during the renewal or new application periods for bat and ball sports such as baseball and softball and including but not limited to cricket, and during the fall/winter seasons priority will be given to sports played on rectangular ballfields, such as football and soccer. The Department may consider an out-of-season permit application for ballfields or courts after the Renewal Permit and New Permit Application Periods for ballfields and courts that are designed to host a variety of sports (e.g., baseball in the fall, soccer in the spring) provided there are not qualified applicants for the priority seasonal uses set forth above. After the start of the applicable season, all permits will be processed in the order received and according to categorizations and priorities outlined in these rules. Permit holders granted permits for out-of-season use will not be treated as a Returning Applicant should they apply the year following the issuance of an out-of-season permit. No grass ballfields will be available during the winter season.

- [6.] 5. Applications received (during the relevant application period) will be categorized by the following factors:
- i. Youth or Adult [Recreation]
 - ii. Returning or New Applicants
 - iii. Game or Practice
 - iv. Not-for-Profit or other applicant
 - v. Short Term or Seasonal Applicants

[7.] 6. For Applications received during the relevant application period, the Department will first consider y[Y]outh Game [Recreation] permit requests before any a[A]dult Game [Recreation] permit requests and youth Practice permit requests before any adult Practice permit requests. Youth [Recreation] applicants that are also Returning Applicant(s) and have fully complied with a) the terms and conditions of the previous season's permits and b) all other Department rules and regulations, will be given preference to use the same dates and times allotted to them in the previous season that were requested during the renewal or new application periods, up to the maximum allowable hours per season as detailed in section 2-12 (c)(10). Permits issued after the renewal or new application period will not be subject to renewal. The Department will also consider the following factors when allocating Youth [Recreation] permits:

- i. whether the applicant is part of NYC Parks Programming or is part of a Youth League.

- ii. whether the Youth League is part of an official school league.
- iii. whether the permit application is for a Game or a Practice.
- iv. whether the Short Term Permit Applicant(s) can be accommodated before allocating permits for Seasonal Applicants.
- [iv.] v. whether the Department can accommodate newly established Youth Leagues in order to equitably allocate ballfield and court usage as between newly established and Returning Applicant Youth Leagues.
- [v.] vi. due to space limitations, the Department may reject permit requests from applicants that seek the reservation of ballfields or courts for [practice sessions] Practice. Permits issued for [practice sessions] Practice will not be treated as part of a Returning Applicant's previous season's permits for purposes of determining whether an applicant is a New Applicant or a Returning Applicant.
- vii. whether the applicant is a Not-For-Profit organization.

[8.] 7. For applications received during the relevant application period, after the Department has accommodated the y[Y]outh Game [Recreation] applications, the Department will process a[A]dult Game [Recreation] permit requests, and after the Department has accommodated the youth Practice applications, the Department will process adult Practice permit requests. Adult [Recreation] applicants that are also Returning Applicants and have 1) fully complied with the terms and conditions of the previous season's permits and 2) all other Department rules and regulations, will be given preference to use the same dates and times allotted in the previous season that were requested during the renewal or new application periods, up to the maximum allowable hours per season as detailed in section 2-12 (c)(10). Permits issued after the renewal or new application period will not be subject to renewal. The Department will also consider the following factors:

- i. whether the applicant is part of an Adult League.
- ii. whether Short Term Permit Application(s) can be accommodated before allocating permits for Seasonal Applications.
- iii. whether the permit application is for a Game or a Practice.
- iv. whether the Department can accommodate newly established Adult Leagues in order to equitably allocate ballfield usage as between newly established and Returning Applicant Adult Leagues.[iv.] v. Due to space limitations, the Department may reject permit applications that seek the reservation of ballfields or courts for practice sessions. Permits issued for practice sessions will not be treated as part of a Returning Applicant's previous season's permits for purposes of determining whether an applicant is a New Applicant or a Returning Applicant.

[9.] 8. Applications received after the relevant application period will be processed on a first come, first served basis, after all Applications received during the relevant application period are processed.

c. Permit requirements and limitations.

- 1. The Department reserves the right to leave ballfield or court time unpermitted at various locations for other authorized uses, to accommodate Departmental use, for maintenance purposes, or to allow other unpermitted activity.

2. The Department reserves the right to move permit holders to another location if necessary, as determined by the Department, or assign a permit applicant to a location other than the location(s) the applicant requested.
3. The Department reserves the right to cancel permitted ballfield or court activity due to inclement weather and/or conditions that can result in long-term damage to the ballfield or court.
4. This section does not apply to use of a ballfield or court that is subject to a license agreement to maintain and operate specified ballfields or courts during the times the licensee is authorized to use the ballfield or court.
5. Permit applicants receiving more than 50 hours of permitted activity during any season are required to maintain commercial general liability insurance effective for the duration of the permitted time covering the event and use of the facility with minimum limits of One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in aggregate, naming the City of New York, together with its officers, directors, and employees, as additional insureds Such permit applicants shall provide a certificate of insurance and any other document as reasonably required by the Department demonstrating the required commercial general liability insurance to the Department.
6. The Department reserves the right to require a clean-up bond [and/or liability insurance] for the use of a ballfield or court [, in which case the City shall be named as an additional insured]. The factors considered by the Department to determine whether a bond [or insurance are] is required for such event or game are: (i) estimated number of spectators expected to attend, (ii) involvement of vendors (where permitted by the Department), (iii) past history of the league or event, or (iv) such other factors as the Department may reasonably consider.
- [6.] 7. All permit holders must have their permit(s), and any other documents required by the Department or any other City agency, in their possession at the time and site of the proposed activity. A digital copy of the permit and any other documents would meet this requirement.
- [7.] 8. Any transfer of permit(s) requires the approval of the [athletic permit coordinator of the borough in which the ballfields or courts are located] Citywide Athletic Permits Coordinator. Once approved, the transfer must take place in the office of the Department staff responsible for issuing ballfield permits in the relevant borough with both transferor and transferee present. A permit may not be transferred in any other way.
- [8.] 9. All permits are revocable at any time and at the discretion of the Commissioner, or at the discretion of the Commissioner's designated representative. Reasons for revocation include, but are not limited to: (i) providing incorrect or false information on an application form or in any other documentation submitted to the Department, (ii) failure to adhere to Department rules or the conditions of the permit, [and] (iii) the use, by adults, of a permit issued for a Youth [League] permit holder, (iv) failure to use permitted space during time designated on permit, and (v) bringing any portable toilets, portable light towers, storage containers, or any other similar items on to any permitted field or court without the authorization and approval of the Citywide Athletic Permit office. The permit holder has the right to appeal the revocation of a permit to the [Department's General Counsel] Citywide Athletic Permit Coordinator, within ten (10) days immediately following the mailing of notice of revocation by the Department.

Said appeal must be in writing. The decision of the [Department's General Counsel shall be] Citywide Athletic Permit Coordinator is final.

- [9.] 10. The maximum number of [reserved] renewal hours that any person or entity [(other than a Youth League)] holding a permit may have is 32 per week [, except in parks where there are more than ten (10) ballfields available for permitted use] on all approved permits for the relevant season, unless otherwise approved by the Citywide Athletic Permit Coordinator. If the Department determines that ballfields or courts are in high demand, the Department may approve a permit application in part and reject it in part, granting the permit holder some fraction of the requested ballfield or court time and/or granting permits for alternate locations.
- [10.] 11. The Department may inspect any ballfield or court to determine if the permit holder is utilizing all of its permitted time. In the event that the Department determines the permit holder is not using all of the permitted time, the Department may reduce the amount of permitted time.
- [11.] 12. If the use of ballfields or courts constitutes a special event as outlined in 56 RCNY § 2-08, a special event permit shall be required in addition to the relevant ballfield permits. If the use of ballfields or courts involves vending as outlined in 56 RCNY § 1-05(b), vending permits shall be required in addition to the relevant ballfield permits.
13. Payment for permit fees is due 14 days before the applicable season start date. For any permit applications submitted and granted less than 14 days before the season start date, permit fees will be due within 3 business days of the application approval.

**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 Relating to Permits for Use of Ballfields and Courts

REFERENCE NUMBER: 2024 RG 031

RULEMAKING AGENCY: Department of Parks and Recreation

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 25, 2024

**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 Relating to Permits for Use of Ballfields and Courts

REFERENCE NUMBER: DPR-20

RULEMAKING AGENCY: Department of Parks and Recreation

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/ Grace Francese
Mayor's Office of Operations

June 26, 2024
Date