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BY WEBSITE SUBMISSION / NO HARDCOPY SENT:

<https://rules.cityofnewyork.us/rule/relating-to-set-out-times-for-collection>

Submitted to: New York City Department of Sanitation (DSNY)
Attn: Bureau of Legal Affairs
Re: Commentary in Support of **DSNY Proposed Rule Changes Relating to Set-Out Times for Collection** (Religious Accommodation)

To Whom it May Concern:

I submit this commentary in my capacity as a Registered Representative in matters before the Office of Administrative Trials and Hearings, the City's designated adjudicatory body, and in response to the Department of Sanitation of the City of New York's proposed amendments to its rules governing waste collection set-out times. I write in strong support of the proposed changes, particularly insofar as they provide reasonable and well-structured accommodation for residents whose religious observance extends from sunset on Fridays through sunset on Saturdays.

Accommodation of Sabbath Observance

The proposed amendments directly and thoughtfully address a longstanding conflict between existing set-out requirements and the religious obligations of Sabbath-observing communities. Under current rules, residents are generally required to place waste at the curb no earlier than 6:00 p.m. on the evening prior to scheduled collection, provided the material is contained in receptacles with tight-fitting lids. In areas with Saturday collection, this timing requirement can directly conflict with the commencement of the Sabbath at sunset on Friday.

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115 Forest Avenue, Unit 61, Locust Valley, NY 11560

The proposed rule-change resolves this conflict by permitting, in designated Saturday collection areas, set-out no earlier than one hour before sunset on Friday, provided that materials are placed in receptacles with tight-fitting lids. This accommodation appropriately recognizes sunset on Friday as a religious boundary of legal and practical significance for many residents, while maintaining the City's sanitation and public health objectives.

Legal Authority and Procedural Framework

The Department's proposal rests on clear and sufficient legal authority, including Sections 753 and 1043(a) of the New York City Charter and Section 16-120 of the New York City Administrative Code. The rulemaking process complies with the procedural requirements of Charter Section 1043 and incorporates meaningful safeguards to ensure transparency, accountability, and local participation.

Notably, the proposal requires Community Boards to affirmatively opt into the alternate schedule through written request; and assigns responsibility to those Boards for notifying affected residents. The Department's commitment to notifying Community Board Chairs and District Managers of the effective implementation date further reinforces procedural clarity and administrative coordination.

Consistency with Religious Accommodation Principles

The proposed amendments reflect well-established principles of reasonable religious accommodation. The accommodation is narrowly-tailored, limited to Saturday collection areas and implemented only upon demonstrated community need. It removes an otherwise unavoidable conflict between religious observance and compliance with municipal regulations, without imposing undue burden on the Department or compromising sanitation standards.

The continued requirement that materials be placed in receptacles with tight-fitting lids ensures that the accommodation remains compatible with operational and public health considerations.

Community Board Opt-In Mechanism

The opt-in structure provides a sound policy balance. It preserves local control, ensures that accommodations are implemented only where warranted, and avoids imposing uniform changes on communities that do not require or desire them. This approach aligns with the Department’s stated recognition that “every community has different needs” and reflects a measured, community-responsive regulatory design.

Advancing Inclusivity and Equity in Municipal Services

By addressing the practical realities faced by Sabbath-observing residents, the proposed rule changes advance inclusivity and equity in the delivery of core municipal services. They ensure that adherence to religious practice does not place residents at risk of noncompliance or penalty, and they reinforce the City’s commitment to serving its diverse population in a manner consistent with both legal obligations and civic fairness.

Additional Considerations

The proposal appropriately incorporates safeguards to preserve sanitation effectiveness and public health. The certification accompanying the rulemaking reflects that the amendments minimize compliance costs, achieve their stated purpose, and do not conflict with other applicable rules or regulations.

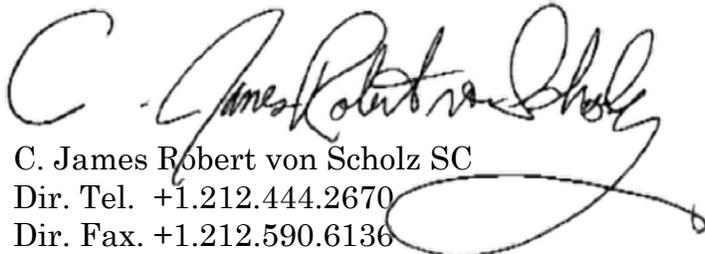
Conclusion

The proposed DSNY rule changes represent a careful, legally grounded, and operationally sound approach to religious accommodation. They strike an appropriate balance between respect for religious observance and the practical demands of municipal sanitation services, supported by clear authority, procedural safeguards, and community involvement.

For these reasons, I strongly support adoption of the proposed amendments as an important step toward more inclusive and equitable municipal regulation.

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Respectfully submitted,



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