

## DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES

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

**What are we proposing?** Pursuant to Local Law 2 of 2016, the Department of Citywide Administrative Services (“DCAS”) is proposing to amend rules implementing a reimbursement program for qualifying nonpublic schools that procure certain security services.

**When and where is the hearing?** DCAS will hold a public hearing on the proposed rules. The public hearing will take place at 10:00 am to 12:00 pm on March 17, 2017. The hearing will be in the Auditorium at 125 Worth Street, New York, New York 10013.

This location has the following accessibility option(s) available:

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

- **Website.** You can submit comments to DCAS through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [contactdcas@dcas.nyc.gov](mailto:contactdcas@dcas.nyc.gov).
- **Mail.** You can mail comments to The Department of Citywide Administrative Services, c/o Finance External Reimbursement, 1 Centre Street-17<sup>th</sup> Floor, New York, New York 10007.
- **Fax.** You can fax comments to The Department of Citywide Administrative Services, at (212) 669-8992-Attn: Financial External Reimbursement.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 386-0040. You can also sign up in the hearing room before the hearing begins on March 17, 2017. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes, you must submit written comments by March 14, 2017.

**Do you need assistance to participate in the hearing?** You must tell DCAS by March 10, 2017 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 at the address given above. You may also tell us by telephone at (212) 386-0040. You must tell us by March 10, 2017.

**Can I review the comments made on the proposed rules?** You can review the comments submitted online by visiting <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 rules will be available to the public at The Office of the DCAS General Counsel at 1 Centre Street-19<sup>th</sup> Floor North, New York, New York 10007.

**What authorizes DCAS to make this rule?** Section 1043 of the New York City Charter (“City Charter”) and sections 10-172(c) and 10-172(m) of the Administrative Code of the City of New York (“Administrative Code”) authorize DCAS to make these proposed rules. These proposed rules were not included in DCAS’s regulatory agenda for this Fiscal Year because they were not contemplated when DCAS published the agenda.

**Where can I find DCAS’s rules?** DCAS’s rules are in title 55 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DCAS 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**

On January 5, 2016, Local Law 2 of 2016 (“the Law”) was enacted. The Law empowers the Mayor of the City of New York (“the Mayor”) to authorize a program to reimburse qualifying nonpublic schools for the cost of procuring certain security services. By letter dated March 30, 2016, the Mayor authorized this reimbursement program for the 2016-17 school year. The Law also authorizes the Mayor to designate an agency or agencies to administer the reimbursement program. By letter dated March 10, 2016, the Mayor designated the Department of Citywide Administrative Services (“DCAS”) as the Law’s administering agency. Finally, the Law authorizes DCAS to promulgate rules for the administration of the reimbursement program.

The amendment to the rules:

- Amends the date by which new and existing schools must submit their applications to participate in the reimbursement program for the 2017-2018 school year and for subsequent years in which the reimbursement program is authorized.

DCAS’s authority for these rules is found in sections 811 and 1043 of the New York City Charter and sections 10-172(c) and 10-172(m) of the Administrative Code of the City of New York.

New material is underlined.

“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.

## Proposed Rule Amendment

Paragraph (i) of subdivision (b) of section 14-03 of Title 55 of the Rules of the City of New York is amended to read as follows:

- (i) After completing HHS Accelerator's business and service applications, a school may access the application to participate in the Reimbursement Program. The application will be on a form prescribed by the Department and will be accessed through HHS Accelerator. For the [2016-17] 2017-2018 school year, and for any subsequent school year in which the Reimbursement Program is authorized, the deadline to submit a completed application is [November 1, 2016] May 15. [For any subsequent school year in which the Reimbursement Program is authorized, the deadline to submit a completed application is October 15]. This deadline applies to both new and existing schools that wish to participate in the Reimbursement Program. The Department [shall] will use such application to determine whether a school is qualified to participate in the Reimbursement Program.

**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 Governing Reimbursement of Nonpublic Schools for  
Certain Security Services**

**REFERENCE NUMBER: 2017 RG 010**

**RULEMAKING AGENCY: Department of Citywide Administrative Services**

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: February 13, 2017

**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: Amendment of Rules Governing Reimbursement of Nonpublic Schools for Certain Security Services**

**REFERENCE NUMBER: DCAS-4**

**RULEMAKING AGENCY: Department of Citywide Administrative Services**

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

February 10, 2017  
Date