

## NEW YORK CITY BUSINESS INTEGRITY COMMISSION

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

**What are we proposing?** The New York City Business Integrity Commission (the “Commission” or “BIC”) is proposing changes to Title 17 of the Rules of the City of New York to add new rules to implement Section 1043(g) of the New York City Charter, which permits any person to petition a city agency to consider the adoption of any rule and requires each agency to have rules creating a procedure for such petitions.

**When and where is the hearing?** BIC will hold a public hearing on the proposed rule. The public hearing will take place via Microsoft Teams at 10:30 a.m. on February 22, 2023, using the following link and meeting information:

#### **Microsoft Teams Meeting**

##### **Join on your computer, mobile app or room device**

[Click here to join the meeting](#)

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MGEwY2RiMDAtNGE4Yy00MGRmLTkwODMtNzRIMGU1NGJiNDNh%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%22174443ef-91ea-48bf-9471-18a8de9e66f2%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGEwY2RiMDAtNGE4Yy00MGRmLTkwODMtNzRIMGU1NGJiNDNh%40thread.v2/0?context=%7b%22Tid%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22Oid%22%3a%22174443ef-91ea-48bf-9471-18a8de9e66f2%22%7d)

Meeting ID: 214 159 206 293

Passcode: 4E3LkM

[Download Teams](#) | [Join on the web](#)

##### **Or call in (audio only)**

[+1 646-893-7101,375020370#](tel:+16468937101375020370#) United States, New York City

Phone Conference ID: 375 020 370#

[Find a local number](#) | [Reset PIN](#)

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

- **Website.** You can submit comments to BIC through the NYC rules website at <http://rules.cityofnewyork.us>.
- **E-mail.** You can e-mail written comments to [nmathias@bic.nyc.gov](mailto:nmathias@bic.nyc.gov).
- **Mail.** You can mail written comments to Business Integrity Commission, 100 Church Street, 20th Floor, New York, NY 10007.

- **Fax.** You can fax written comments to BIC at (646) 500-7113.
- **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 [nmathias@bic.nyc.gov](mailto:nmathias@bic.nyc.gov) by February 21, 2023 at 5:00 p.m. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by February 21, 2023.

**What if I need assistance to participate in the hearing?** You must contact the Business Integrity 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 mail at 100 Church Street, 20th Floor, New York, NY 10007. You may also tell us by telephone at 212-437-0523 or e-mail at [nmathias@bic.nyc.gov](mailto:nmathias@bic.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by February 17, 2023.

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

**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, a transcript of the hearing and copies of the written comments will be available to the public on BIC's website.

**What authorizes BIC to make this rule?** Sections 1043 and 2101(b) of the City Charter and Section 16-504(d) of the Administrative Code authorize BIC to make these proposed rules. This proposed rule was included in BIC's published regulatory agenda.

**Where can I find BIC's rules?** BIC's rules are in Title 17 of the Rules of the City of New York.

**What laws govern the rulemaking process?** BIC 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**

Under section 2100 of the New York City Charter, the chair of the Business Integrity Commission has charge of the organization of the Commission and has authority to employ, assign, and superintend the duties of such officers and employees as may be necessary to carry out the Commission's regulatory duties. In 2017, the Commission delegated to the chair the authority to draft or direct to be drafted such proposed rules of the Commission as the chair may deem necessary and to carry out the associated rulemaking process.

The Commission is proposing to add new rules to implement Section 1043(g) of the New York City Charter, which permits any person to petition a city agency to consider the adoption of any rule and requires each agency to have rules creating a procedure for such petitions.

Specifically, these proposed rules would set forth the procedures that petitioners must follow in petitioning the Commission to consider a new rule. These proposed rules would also set forth the procedure the Commission must follow in considering and responding to petitions. The Commission, as it has previously done with the authority to draft proposed rules, would delegate to the chair of the Business Integrity Commission the authority to reject such petitions. If the chair wishes to adopt a petition, the chair will draft or direct to be drafted the rule proposed in the petition in accordance with the authority delegated in Section 15-01 of Chapter 3 of Title 17 of the Rules of the City of New York. Additionally, these rules would require the chair to deny or approve petitions within 60 days and would set forth a procedure for rejecting or adopting petitions. However, the Commission must still approve, by majority vote, any new rule before it is promulgated.

BIC's authority for these rules is found in Sections 1043(a) and 2101(b) of the New York City Charter.

New material is underlined; deleted text is in [] brackets.

Section 1. Chapter 3 of Title 17 of the Rules of the City of New York is amended by adding Subchapter A, entitled Proposed Rules, to include section 15-01 of chapter 3 of Title 17 of the Rules of the City of New York.

Section 2. Chapter 3 of Title 17 of the Rules of the City of New York is amended by adding subchapter B entitled Petitions for Rulemaking, to read as follows:

#### Subchapter B: Petitions for Rulemaking

##### § 16-01 Definitions.

For the purposes of this chapter, the following terms have the following meanings:

(a) Person. "Person" means a natural person or a business entity, including but not limited to a corporation, trust, estate, partnership, cooperative, association, firm, club or society.

(b) Petition. "Petition" means a request or application for the chair or Commission to adopt a Rule.

(c) Petitioner. "Petitioner" means the person who files a Petition.

(d) Rule. "Rule" shall have the meaning set forth in section 1041 of the City Administrative Procedure Act.

§ 16-02 Procedures for Submitting Petitions.

(a) Any Person may petition the chair to consider the adoption of a Rule. The Petition may be denied if it fails to include the following information:

(1) The Rule to be considered, with proposed language for adoption;

(2) Petitioner's arguments in support of adoption of the Rule;

(3) Petitioner's proposal for the time period the Rule should be in effect, if applicable;

(4) The name, address, telephone number, and email address of the Petitioner or his or her authorized representative;

(5) The signature of Petitioner or his or her representative.

(b) Any change in the name, address, telephone number, or email address of the Petitioner or his or her authorized representative must be reported to the Commission.

(c) All Petitions should be typewritten, if possible, but handwritten Petitions will be accepted provided they are legible.

(d) Petitions must be submitted via the email address identified on the Commission's website for the purpose of filing such Petitions, or by mailing or delivering the Petition to the Commission's General Counsel, 100 Church St., 20th Fl., New York, NY 10007.

§ 16-03 Procedures for Consideration of and Responses to Petitions.

If a Petition is submitted in proper form, the chair may, at the chair's discretion, deny the Petition, grant the Petition in Part or grant the Petition in its entirety. The chair's determination will be in writing to the Petitioner within 60 days from the date the Petition was received. If the Petition is granted entirely or in part, the chair's determination will state the Commission's intention to initiate rulemaking by a specified date. The chair is not bound by the language proposed by Petitioner but may amend or modify such proposed language at the chair's discretion. No rule of

the Commission will be promulgated except by vote of a majority of the Commission, in accordance with Section 1119 of the Charter.

**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:** Procedures for Submission and Processing of Rulemaking Petitions

**REFERENCE NUMBER:** 2021 RG 085

**RULEMAKING AGENCY:** Business Integrity 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

Date: January 5, 2023

Senior Counsel

**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: Procedures for Submission and Processing of Rulemaking Petitions**

**REFERENCE NUMBER: BIC-18**

**RULEMAKING AGENCY: Business Integrity 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

January 5, 2023

Date