



**BOARD OF CORRECTION
CITY OF NEW YORK**

ANTICIPATED REGULATORY AGENDA FY 2027

Pursuant to chapter 45 of the New York City Charter (City Administrative Procedure Act), the New York City Board of Correction (the “Board”) sets forth its regulatory agenda for the City’s fiscal year (“FY”) 2027:

1. **SUBJECT:** Amending Board Rules (“Minimum Standards”) to ensure timely and fulsome access to counsel by people in the custody of the New York City Department of Correction (“DOC”) (“people in custody”).
 - a. Reason: On December 12, 2025, the Board received a rulemaking petition from various organizations, requesting amendments to the Minimum Standards to address concerns with the attorney visiting process, such as wait times, conditions of visiting spaces, confidentiality, among other issues. The Board accepted the petition. Materials submitted by the petitioners are available here: <https://www.nyc.gov/site/boc/meetings/20260210.page>
 - b. Anticipated Contents: Amendment of sections 1-08 (a) and 1-08 (c) of the Minimum Standards.
 - c. Objective: Add requirements for the facilitation of in-person and virtual visits of people in custody by attorneys and legal assistants.
 - d. Legal basis: Section 626(e) of the New York City Charter.

- e. Types of individuals and entities likely to be affected: All people in custody, DOC, and attorneys and legal assistants visiting people in custody in-person or virtually.
 - f. Other relevant laws: None.
 - g. Approximate Schedule: Second Quarter of FY 2027.
2. **SUBJECT**: Removing continuing variances from the variance process and incorporating active continuing variances into the Minimum Standards following an analysis of their status and efficacy.
- a. Reason: The Board is currently undergoing rulemaking to align differing variance processes across three separate chapters (Correctional Facilities, Mental Health, and Health Care). As part of this amendment process, and based on public comments, the Board has concerns about the use of the continuing variance process (variances granted indefinitely) to circumvent legal rulemaking requirements. Accordingly, the Board will analyze active continuing variances to determine if they shall be codified, with the aim of amending the Minimum Standards to remove continuing variances.
 - b. Anticipated Contents: Repeal of rules that reference continuing variances in Chapters 1 and 2 of the Minimum Standards, and amendments of sections currently suspended or modified by an active continuing variance.
 - c. Objective: Eliminate a process that may be used to modify the Minimum Standards indefinitely outside of the rulemaking process set forth in the City Administrative Procedure Act.
 - d. Legal basis: Section 626(e) of the New York City Charter.
 - e. Types of individuals and entities likely to be affected: All people in custody, DOC, and the Correctional Health Authority.

- f. Other relevant laws: None.
- g. Approximate Schedule: Fourth Quarter of FY 2027.