

## COMMISSION ON HUMAN RIGHTS

### Notice of Adoption

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the New York City Commission on Human Rights (“Commission”) by section 905(e)(9) of the New York City Charter and in accordance with the requirements of Section 1043 of the Charter, that the Commission has adopted new rules to establish a process by which members of the public may submit a petition for the Commission to consider the adoption of rules.

The required public hearing was held on October 14, 2021.

### Statement of Basis and Purpose of Rule

The Commission adds 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 rules set forth the procedures that petitioners must follow in petitioning the Commission to consider a new rule. These rules also set forth the procedure the Commission must follow in considering and responding to petitions. Additionally, these rules require the Commission to deny or approve petitions within 60 days and would set forth a procedure for rejecting or adopting petitions.

These rules would amend title 47 of the Rules of the City of New York.

The Commission’s authority for these rules is found in sections 905(e)(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. Section 1-03 of title 47 of the Official Compilation of the Rules of the City of New York is amended to add a new definition, in alphabetical order, to read as follows:

Rule. For purposes of this chapter, the term “rule” has the meaning set forth in § 1041 of the City Administrative Procedure Act.

Section 2. Chapter 1 of title 47 of the Official Compilation of the Rules of the City of New York is amended to add a new subchapter K:

## SUBCHAPTER K

### PETITIONS FOR AGENCY RULEMAKING

#### § 1-101 Procedure for submitting petitions.

- (a) Content of petitions. Any person may petition the Commission to consider the adoption of a rule. The petition should be typewritten and must include the following information:
- (1) A short statement of the purpose of the proposed rule, including an explanation of the problem or issue that the rule is intended to address and an explanation of how the proposed rule would serve to address the identified problem or issue;
  - (2) Proposed language for the rule;
  - (3) Notice of any local, state, or federal law or regulations of which the person is aware that may implicate the rule, including any laws or regulations that may necessitate such a rule, create potential issues of preemption, or could otherwise impact the application of the rule;
  - (4) A short statement of any additional considerations that the person believes are relevant to the Commission's determination on the petition;
  - (5) The name, address, telephone number, and email address of the person filing the petition or the person's authorized representative;
  - (6) The signature of the person filing the petition, or their representative.
- (b) Submission of petitions. All petitions must be submitted to the Office of the Chair at the email address identified on the Commission's website or by mailing or delivering the petition to the Office of the Chair.
- (c) Notice of change of contact information. The person filing the petition must promptly notify the Commission of any change to their name, address, or telephone number during the period that the petition is under consideration by the Commission.

#### § 1-102 Commission Procedures for Considering and Responding to Petitions for Rulemaking.

- (a) Requests for supplemental information. The Commission will determine whether additional information is required that would assist the Commission in assessing the petition and will promptly contact the person for any additional information that it determines may be helpful to its determination.
- (b) Timing of determinations. If a petition is submitted in proper form, as required by § 1-101, the Commission will provide written notice of its determination on the petition within 60 days from the date of receipt of the petition, or within 60 days of the receipt of supplemental

information from the petitioner if the Commission requests such information pursuant to subdivision (a) of this section.

- (c) *Determinations.* The Commission has full discretion to grant or deny any portion of a petition for proposed rulemaking and may amend or modify the petition's proposed language. If any portion of a petition is approved by the Commission for future rulemaking, the Commission will provide the petitioner with a non-binding estimate of the timeframe for the proposed rule's publication. If a petition is denied in full, the Commission will take no further action.