

New York City Department of Finance

Notice of Adoption of Final Rule

Pursuant to the authority vested in the New York City Department of Finance (“DOF”) pursuant to New York City Charter §§ 1043(a) and 1504, New York City Administrative Code § 19-203 and Vehicle and Traffic Law § 237, DOF hereby adopts rules to allow stipulations under the Stipulated Fine Program and the Commercial Abatement Program for time periods preceding the date of an agreement and to clarify polices relating to late payments under such programs.

STATEMENT OF BASIS AND PURPOSE

Background and the Rulemaking Process

The New York City Department of Finance (“DOF”) is adopting the following rule change pursuant to the powers set forth in New York City Charter (“Charter”) §§ 1043(a) and 1504, as well as Vehicle and Traffic Law (“VTL”) § 237(3) and New York City Administrative Code (“Administrative Code”) § 19-203(c). A proposed version of these rules was published in the City Record on December 31, 2025. See City Record at 6602-04 (Dec. 31, 2025). DOF held a hearing for public comment on February 2, 2026. DOF received written and oral comments. DOF is grateful for the contributions of those who submitted comments.

The New York City Parking Violations Bureau (“PVB”), organized within DOF, is a tribunal responsible for adjudicating parking and camera violations within the City of New York, and possesses the authority to promulgate rules to resolve such violations efficiently and fairly. Chapter 39 of Title 19 of the Rules of the City of New York (“RCNY”) establishes a regulatory framework for the operations of the PVB, including provisions governing the Stipulated Fine Program and the Commercial Abatement Program. The Stipulated Fine Program is available for businesses that make expeditious deliveries, pick-ups or service calls. See 19 RCNY § 39-03.1(a). The Commercial Abatement Program is available for businesses that are otherwise not eligible to be enrolled in the Stipulated Fine Program. See 19 RCNY § 39-03.2(a). In these programs, businesses waive their right to a hearing and pay a fixed rate for certain violations below the face value of the fine. Stipulated Fine Program and Commercial Abatement Program participants are charged a fine for each type of eligible parking violation based on the rate at which businesses enrolled in the Fleet Program are found guilty of contested violations. This rule expands the Stipulated Fine Program and the Commercial Abatement Program to extend to violations occurring during time periods preceding the date of the agreement and to clarify polices relating to late payments under such programs.

Several commenters expressed concern regarding the rule making process or suggested broad changes in policy unrelated to the scope of this rulemaking. Other commenters encouraged DOF officials to opine on the substance of the rule at the hearing; however, the nature of a rulemaking hearing is to create an opportunity for the public, rather than city agency officials, to comment on the substance of the rule. See Charter § 1043(b).

One commenter offered suggestions to adjust parking violations based on the income of an applicable respondent and to incorporate photo evidence and other technological innovations into the ticket issuance process. These recommendations are outside of this particular rulemaking process, but are possible subjects of inquiry for future regulatory exercises.

Another commenter suggested that the Stipulated Fine Program and Commercial Abatement Program be extended to individuals. These programs are designed to fairly and efficiently resolve summonses for entities that, due to the nature of their operations and fleet size, appear with high frequency before the PVB. DOF has not currently concluded that there is an operational need to extend this program to individuals, who typically do not appear before the PVB with the same frequency.

One commenter, a State Assemblyperson, suggested that this rulemaking process be suspended because he asserted that neither he nor the City's Community Boards had been apprised of this rulemaking. The City Administrative Procedures Act directs rulemaking agencies to provide notice to Community Boards, but not state legislators. See Charter § 1043(b)(2). In promulgating this rule, DOF notified the City's Community Boards of this rulemaking. DOF is committed to soliciting and considering as much public input as possible and is willing to notify any party that expresses interest in future rulemakings.

One commenter suggested that DOF provide greater flexibility to the public in switching between hearing methods, particularly with respect to videographic hearing methods. PVB rules allow for hearings to be held in person, by mail or by website, using an electronic form. See 19 RCNY §§ 39-08, 39-15, 39-19. Additionally, the City promulgated rules in 2024 that authorize the use of virtual, but contemporaneous, videographic adjudication methods, and continues to maintain the authority to select the appropriate method of hearing in order to meet the needs of the PVB, based on considerations of due process, efficiency, workload, staffing and other resources and in accordance with other applicable PVB rules. See 19 RCNY §§ 39-08(b)(3), 39-19; City Record at 1287-93 (Mar. 13, 2024). This commenter requested that DOF afford respondents greater latitude by switching between different hearing methods upon such respondent's request. As such, this comment does relate to a rule change, but rather expresses concern about the implementation of existing DOF rules, specifically the exercise of the PVB's authority to select the appropriate method of hearing. See 19 RCNY §§ 39-08(b)(3). No further rulemaking is necessary at this time. Additionally, DOF's current implementation of its rules is appropriate given the considerations described above and codified in DOF rule.

One commenter suggested that DOF improperly disallows the submission of evidence at hearings, by requiring notarized documents. First, this is not a topic relevant to this particular rulemaking. Second, DOF has the discretion to require notarized documents to ensure that credible evidence is presented to the PVB. See *Bolofsky v. City of New York*, 164895/2025 (N.Y. Cty. Sup Ct., Jan 2, 2026) (further concluding that State Administrative Procedures Act § 302(4) does not mandate the PVB to consider affirmations in lieu of affidavits while conducting its hearings).

Substantive Provisions of This Rule

Sections one and four of this rule ensure that the same consequences that apply to violations for failure to pay fines in accordance with agreements entered into pursuant to the existing Stipulated Fine and Commercial Abatement Fine Programs apply to new agreements described in sections three and six of this rule, discussed below.

Sections two and five of this rule clarify that an enrollee of the Stipulated Fine Program or Commercial Abatement Program that fails to pay the reduced fine amount prior to the first penalty deadline is required to pay an unreduced fine. This policy is already set forth in the relevant agreement and document notices provided to enrollees, and this policy has been upheld as valid by the courts in the context of the Stipulated Fine Program. See *NYTDA, Inc. v. City of New York*, 2022 WL 824147 (E.D.N.Y.2022), at 11 & n.13. This rule change merely provides additional clarity to the public as to existing policy.

Sections three and six of this proposed rule amendment establish a business' ability to enter into an agreement with DOF under the Stipulated Fine Program and Commercial Abatement Program for the payment of fines that occurred prior to the date of the agreement. The stipulated fine and the commercial abatement fine amount rate is the rate in effect at the time of the applicable violation, but such reduced rate does not apply to adjudicated violations or violations subject to penalties for failure to pay in accordance with the applicable time schedule. In addition, businesses are required to stipulate all violations that occurred prior to the effective date of the agreement, which must include more than 500 outstanding violations, in order to enter into the agreement. Such an agreement may only be entered into once per calendar year.

One commenter, while supportive of this rule, expressed concern that this rule would create greater flexibility for large fleets, but not smaller fleets. This commenter encouraged DOF to consider additional safeguards or flexibility for small and mid-size fleets, such as limited cure periods, graduated responses to late payment, or targeted administrative discretion. These recommendations are outside of this particular rulemaking process, but are possible subjects of inquiry for future regulatory exercises. However, in light of this commenter's concern about mid-size fleets, DOF reduced the minimum number of outstanding violations so that more small and mid-size fleets can also avail themselves of the provisions this rule.

Two commenters expressed reservation regarding DOF's authority to promulgate this rule, implying that it should have been authorized by the City Council. However, the PVB's rulemaking power emanates from state law. See VTL § 237(3) and Administrative Code § 19-203(c). The Stipulated Fine Program has repeatedly been upheld by courts as within the PVB's authority to "adopt rules and regulations that further the purposes of the underlying statutory scheme." *Bolofsky v. City of New York*, 146 A.D.3d 693 (1st Dept. 2017). See also *NYTDA, Inc. v. City of New York*, 2022 WL 824147 (E.D.N.Y. 2022) and *SYSCO Metro New York, LLC v. The City of New York*, 2025 WL 2829369 (N.Y. Sup. 2025).

Two commenters expressed concern that the Stipulated Fine Program and Commercial Fine Program will expand illegal double parking and consequently reduce the speed of buses and vehicles serving people with disabilities within the City. DOF disagrees, and does not believe this rule will create a greater incentive for motorists to double park, causing public safety issues. As described above, the purpose of these programs is to fix stipulated penalty rates at the arithmetic average of the penalty that the respondent would otherwise receive if the respondent challenged the violation. As such, this program does not create additional incentive to commit violations. Rather, this amendment to the Stipulated Fine Program and Commercial Abatement Program rules promotes the interests of the PVB as a tribunal by allowing the PVB to more effectively administer, expedite and manage its docket. Businesses that make deliveries, pick-ups or service calls may have large volumes of outstanding violations. This rule relieves these businesses from adjudicating these large volumes of violations, which strains the resources of the PVB and congests the PVB docket. The parameters regarding scale and time period in these rule amendments strike a careful balance between preventing abuse and ensuring efficiency. Stated more succinctly, this is a rule relating to adjudicatory procedures, not a rule affecting the scope of substantive parking violations.

Finally, one commenter noted that VTL § 1809-a requires a mandatory surcharge for parking summonses payments, and suggested that these programs contravene this mandate. This is not accurate. DOF continues to charge and collect the surcharge amount, as required by law, through the Stipulated Fine Program and Commercial Abatement Program, which are both currently in operation. This rule change does not disrupt DOF's continued compliance.

Finally, one commenter posed a question, regarding whether an entity that is removed from the Stipulated Fine Program is also removed from the Fleet Program. Enrollment in the Fleet Program, see 19 RCNY § 39-03, is a requisite for participation in either the Stipulated Fine Program or the Commercial Abatement Program. See 19 RCNY §§ 39-03.1(c), 39-03.2(b). Under existing rules, where an entity accumulates more than \$350 of parking and camera judgment debt, they are removed from both the Fleet Program and the Stipulated Fine Program or the Commercial Abatement Program, as applicable. Similar removal requirements apply for Fleet Program enrollees, even where an entity does not participate in the Stipulated Fine Program or the Commercial Abatement Program. See 19 RCNY § 39-03(m).

Matter underlined is new. Matter in brackets [] is to be deleted.

“Will” 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.

Amendments to Rule Relating to Parking Violations

Section 1. Subdivision (c) of section 39-03.1 of Title 19 of the Rules of the City of New York is amended to read as follows:

(c) Failure to pay fines. The [agreement] agreements described in [subdivision] subdivisions (a) and (f) of this section shall further provide that if the owner fails to satisfy summonses that enter judgment status, where such judgment(s) total in the aggregate, including interest, more than \$350: (1) such summonses shall be subject to enforcement action pursuant to the provisions of this title and applicable law, including but not limited to the imposition of all fines and penalties provided for in subdivision (e) of this section; (2) the owner will be removed from the Stipulated Fine Program and Fleet Program; and (3) the agreement will be null and void with respect to all future summonses, and future summonses will be subject to the penalties provided in §39-07 of these rules to the same extent and in the same manner as if such agreement had not been in effect[.], with respect to agreements described in subdivision (f) of this section, summonses that were issued prior to the date of such agreement shall be subject to the penalties provided in §39-07 of these rules to the same extent and in the same manner as if such agreement had not been in effect.

§ 2. Paragraphs (1), (2) and (3) of subdivision (e) of section 39-03.1 of Title 19 of the Rules of the City of New York are amended to read as follows:

(1) The failure to pay the stipulated fine amount within 45 days after the Department of Finance system entry date for the summons will result in a penalty of \$10.00 and imposition of the original unreduced fine amount as provided in 19 RCNY § 39-05.

(2) The continued failure to pay the stipulated fine amount for an additional 45 days beyond the period stated in paragraph (1) of this subdivision will result in a further penalty of \$20.00 in addition to the penalty provided in paragraph (1) of this subdivision and imposition of the original unreduced fine amount as provided in 19 RCNY § 39-05.

(3) The continued failure to pay the stipulated fine amount for an additional 45 days beyond the period stated in paragraph (2) of this subdivision will result in a further penalty of \$30 in addition to the penalties provided in paragraphs (1) and (2) of this subdivision and imposition of the original unreduced fine amount as provided in 19 RCNY § 39-05.

§ 3. Section 39-03.1 of Title 19 of the Rules of the City of New York is amended by adding a new subdivision (f) to read as follows:

(f) Notwithstanding any other provision of this section to the contrary, no more than once per calendar year, the Commissioner of Finance may enter into an agreement with the owners of vehicles with commercial plates enrolled in the Fleet Program that are otherwise eligible for the Stipulated Fine Program established pursuant to subdivision (a) for the payment of stipulated fines in accordance with a reduced fine schedule for parking violations (“stipulated fine amounts”) for which summonses were issued prior to the date of such agreement provided that:

(1) the stipulated fine amounts applicable shall be the based on the reduced fine schedule established pursuant to subdivision (a) in effect at the time of the violation;

(2) such owner shall pay the stipulated fine amount for all outstanding violations issued for such owner's enrolled vehicles prior to the time that the agreement is entered into;

(3) such owner stipulates to greater than 500 outstanding violations in the agreement; and

(4) such stipulated fine rates shall not apply to any violations that have been adjudicated or for which a penalty has been imposed due to the failure to pay the applicable fine amount or stipulated fine amount.

§ 4. Subdivision (b) section 39-03.2 of Title 19 of the Rules of the City of New York is amended to read as follows:

(b) Failure to pay fines. The [agreement] agreements described in [subdivision] subdivisions (a) and (e) of this section shall further provide that if the owner fails to satisfy summonses that enter judgment status, where such judgment(s) total in the aggregate, including interest, more than \$350: (1) such summonses will be subject to enforcement action pursuant to the provisions of this title and applicable law, including but not limited to the imposition of all fines and penalties provided for in subdivision (d) of this section; (2) the owner will be removed from the Commercial Abatement Program and Fleet Program; and (3) the agreement will be null and void with respect to all future summonses, and future summonses will be subject to the penalties provided in §39-07 of these rules to the same extent and in the same manner as if such agreement had not been in effect[.],with respect to agreements described in subdivision (e) of this section, summonses that were issued prior to the date of such agreement shall be subject to the penalties provided in §39-07 of these rules to the same extent and in the same manner as if such agreement had not been in effect.

§ 5. Paragraphs (1), (2) and (3) of subdivision (d) of section 39-03.2 of Title 19 of the Rules of the City of New York are amended to read as follows:

(1) The failure to pay the commercial abatement fine amount within 45 days after the Department of Finance system entry date for the summons will result in a penalty of \$10.00 and imposition of the original unreduced fine amount as provided in 19 RCNY § 39-05.

(2) The continued failure to pay the commercial abatement fine amount for an additional 45 days beyond the period stated in paragraph (1) of this subdivision will result in a further penalty of \$20.00 in addition to the penalty provided in paragraph (1) of this subdivision and imposition of the original unreduced fine amount as provided in 19 RCNY § 39-05.

(3) The continued failure to pay the commercial abatement fine amount for an additional 45 days beyond the period stated in paragraph (2) of this subdivision will result in a further penalty of \$30 in addition to the penalties provided in paragraphs (1) and (2) of this subdivision and imposition of the original unreduced fine amount as provided in 19 RCNY § 39-05.

§ 6. Section 39-03.2 of Title 19 of the Rules of the City of New York is amended by adding a new subdivision (e) to read as follows:

(e) Notwithstanding any other provision of this section to the contrary, no more than once per calendar year, the Commissioner of Finance may enter into an agreement with the owners of vehicles with commercial plates enrolled in the Fleet Program that are otherwise eligible for the Commercial Abatement Fine Program established pursuant to subdivision (a) for the payment of

commercial abatement fine amounts in accordance with a reduced fine schedule for parking violations (“commercial abatement fine amounts”) for which summonses were issued prior to the date of such agreement provided that:

(1) the commercial abatement fine amounts applicable shall be based on the reduced fine schedule established pursuant to subdivision (a) in effect at the time of the violation;

(2) such owner shall pay the commercial abatement fine amount for all outstanding violations issued for such owner's enrolled vehicles prior to the time that the agreement is entered into;

(3) such owner stipulates to greater than 500 outstanding violations in the agreement; and

(4) such stipulated fine rates shall not apply to any violations that have been adjudicated or for which a penalty has been imposed due to the failure to pay the applicable fine amount or stipulated fine amount.