

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

Notice of Adoption

Notice is hereby given that pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development ("HPD") by Sections 1043 and 1802 of the New York City Charter, HPD is adopting a new Chapter 57 to Title 28 of the Rules of the City of New York. HPD determined, pursuant to New York City Charter section 1043(e), that a public hearing on the proposed rule would serve no public purpose. A notice of proposed rulemaking was published in the City Record on February 26, 2021.

Statement of Basis and Purpose of Proposed Rule

The City Administrative Procedure Act provides that any person may petition any agency of the City of New York to consider the adoption of any rule, and requires each agency to prescribe by rule the procedure for submission, consideration, and disposition of such petitions. The adopted rule prescribes those procedures.

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 one. Title 28 of the Rules of the City of New York is amended by adding a new Chapter 57 to read as follows:

CHAPTER 57 PETITIONS FOR RULEMAKING

§ 57-01 Scope. This chapter governs the procedures by which the public may submit petitions for rulemaking to HPD pursuant to section 1043(g) of Chapter 45 of the New York City Charter, also known as the City Administrative Procedure Act, and the procedures for HPD consideration and disposition of such petitions.

§ 57-02 Definitions. As used in this chapter, the following terms have the following meanings.

(a) HPD. "HPD" means the Department of Housing Preservation and Development of the City of New York or any successor agency or department thereto.

(b) Person. "Person" means an individual, partnership, corporation or other legal entity, and any individual or entity acting in a fiduciary or representative capacity.

(c) Petition. "Petition" means a request or application for HPD to adopt a Rule.

(d) Petitioner. "Petitioner" means the Person who files a Petition.

(e) Rule. "Rule" has the same meaning as in section 1041(5) of the New York City Charter.

§ 57-03 Procedures for Submitting Petitions.

(a) Any Person may submit a Petition.

(b) The Petition must include:

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

(2) A statement of the Rule's purpose and HPD's authority to promulgate the Rule;

(3) The Petitioner's arguments in support of adopting the Rule;

(4) The period of time the Rule should be in effect;

(5) The name of the Petitioner or his or her authorized representative and at least one of the following: (A) mailing address, (B) telephone number, or (C) email address; and

(6) The signature of the Petitioner or his or her authorized representative.

(c) Any change in the information provided pursuant to paragraph five of subdivision b of this section must be reported promptly in writing to HPD by (1) mail or hand delivery to the Office of Legal Affairs of HPD at 100 Gold Street, 5th Floor, New York, New York 10038, ATTN: General Counsel; or (2) e-mail to rules@hpd.nyc.gov.

(d) The Petition must be typewritten.

(e) The Petition must be: (1) mailed or delivered to the Office of Legal Affairs of HPD at 100 Gold Street, 5th Floor, New York, New York 10038, ATTN: General Counsel; or (2) e-mailed to HPD at rules@hpd.nyc.gov.

§ 57-04 Procedures for Consideration of and Responses to Petitions.

(a) When a Petition is submitted to HPD in proper form, HPD will stamp or otherwise register receipt of the Petition with the date it was received and will assign the Petition a number or other unique identifier.

(b) HPD Response.

(1) After HPD receives a Petition submitted in proper form, HPD must, within sixty days from the date of the Petition's receipt, either:

(A) deny the Petition in writing, stating the reasons for denial, or

(B) grant the Petition in writing, stating HPD's intention to initiate rulemaking, by a specified date, concerning the subject of the Petition.

(2) HPD is not required to grant the entirety of a Petition and is not bound by the language proposed by a Petition. HPD may amend or modify a Petition's proposed language at HPD's discretion.

§ 57-05 No Appeal. HPD's decision to deny or grant a Petition is final and is not subject to judicial review.

Commissioner Louise Carroll
August 6, 2021