

**City of New York
Office of Administrative Trials and Hearings**

Notice of Adoption of Rule

Pursuant to the authority vested in the Office of Administrative Trials and Hearings by Sections 1048, 1049 and 1049-a of the New York City Charter, and in accordance with the requirements of Section 1043 of the Charter, OATH has adopted amendments to Chapter 6 of Title 48 of the Rules of the City of New York.

The Environmental Control Board voted to approve a proposed version of these amendments on August 20, 2020. A proposed version of these amendments was published in The City Record on September 15, 2020. A public hearing was held on October 15, 2020. No testimony regarding the amendments was given at the public hearing, and OATH did not receive any written comments from the public. The Environmental Control Board voted to approve a final version of these amendments on December 17, 2020.

Statement of Basis and Purpose of Final Rule

The Office of Administrative Trials and Hearings (OATH) is adding a new subdivision (g) to Section 6-23 of Title 48 of the Rules of the City of New York and making corresponding amendments to subdivisions (e) and (f) of the Section. The provisions codified in Chapter 6 of Title 48 of the Rules of the City of New York govern Environmental Control Board adjudicatory proceedings, as well as other proceedings under the jurisdiction of OATH's Hearings Division.

Section 6-23 lists the requirements that an individual must meet in order to serve as a registered representative before OATH's Hearings Division. Subdivision (g) adds an additional requirement: mandating that all registered representatives who appear before OATH's Hearings Division present valid government-issued photo identification in order to file a notice of appearance for an in-person hearing, or to submit any motions in person, including but not limited to, requests to reschedule and motions to vacate a default.

This rule will facilitate the investigation of fraudulent submissions to OATH by ensuring that photo identification illustrating the identity of any person submitting a document to OATH's Hearings Division in person is recorded. This rule will also deter individuals from falsely claiming to be a respondent's representative with authority to act on the respondent's behalf at an in-person OATH hearing. This rule represents one step in OATH's continuing efforts to identify and to stop impersonators, and, thus, protect the integrity of OATH proceedings.

New material is underlined.
[Deleted material is in brackets.]

Section 1. Subdivisions e and f of section 6-23 of title 48 of the Rules of the City of New York are amended to read as follows:

(e) Exercise due diligence in learning and observing Tribunal rules and preparing paperwork;
[and]

(f) Be subject to discipline, including but not limited to suspension or revocation of the representative's right to appear before the Tribunal, for failing to follow the provisions of this subdivision and any other rules of the Tribunal. A list of representatives who have been suspended or barred from appearing may be made public[.]; and

Section 2. Section 6-23 of title 48 of the Rules of the City of New York is amended by adding a new subdivision g to read as follows:

(g) Provide valid government-issued photo identification acceptable to the Tribunal when filing notices of appearance for an in-person hearing or when submitting motions in person, including, but not limited to, reschedule requests and motions to vacate a default.