

**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 (OATH) 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 chapters 1 and 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 April 15, 2021. A proposed version of these amendments was published in The City Record on April 26, 2021. A public hearing was held on June 3, 2021. 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 June 10, 2021.

Statement of Basis and Purpose of Proposed Rule

The Office of Administrative Trials and Hearings (OATH) is amending its Rules of Practice, currently found in chapters 1 and 6 of title 48 of the Rules of the City of New York. 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.

Pursuant to the authority set forth in subdivision 1 of Charter section 1049, this rule amends subdivision (e) of section 1-26 of title 48 of the Rules of the City of New York to clarify that provision and to correct grammatical errors. Pursuant to the authority set forth in Charter sections 1049 and 1049-a, this rule also adds a new paragraph (3) to subdivision (a) of section 6-08 of such title to clarify that the Chief Administrative Law Judge of OATH may, in his or her discretion, remove cases from the Hearings Division to the Trials Division. These amendments will increase transparency in the management of proceedings.

New material is underlined.

[Deleted material is in brackets.]

Section 1. Subdivision (e) of section 1-26 of Title 48 of the Rules of the City of New York is amended to read as follows:

(e) [Cases] Each case docketed with the Trials Division [are] is subject to review by the Chief Administrative Law Judge, who shall determine whether the case [should] shall proceed at the Trials Division or be removed to the Hearings Division.

§ 2. Subdivision (a) of section 6-08 of Title 48 of the Rules of the City of New York is amended by adding a new paragraph (3) to read as follows:

(3) Each case docketed with the Hearings Division is subject to review by the Chief Administrative Law Judge, who shall determine whether the case shall proceed at the Hearings Division or be removed to the Trials Division.



THE CITY OF NEW YORK
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Hon. Joni Kletter
Chief Administrative Law Judge
Office of Administrative Trials and Hearings

Re: Authority of Chief Administrative Law Judge to Transfer Petitions Between
Divisions

No. 2020 RG 109

Dear Commissioner Kletter:

Pursuant to New York City Charter § 1043 subd. c, the above-referenced rule has been reviewed and determined to be within the authority delegated by law to your agency.

Sincerely,

/s/ Steven L. Goulden

STEVEN GOULDEN
Senior Counsel
Division of Legal Counsel

cc: Frank Ng (OATH)
Olga Statz (OATH)
Joy Thompson (OATH)
Francisco Navarro (Operations)