

EXECUTIVE ORDER No. 133

APRIL 27, 2010

ENHANCED ACCESS TO THE NEW YORK CITY RULEMAKING PROCESS

WHEREAS, this Administration is committed to utilizing modern and innovative technologies to ensure that local government is open, transparent, and accessible to the public;

WHEREAS, the City's website, nyc.gov, is designed to offer the public an unprecedented level of access to government information and services;

WHEREAS, since 2002, this Administration has further expanded nyc.gov by consolidating data so that the public can more easily gain access to information about multiple government agencies;

WHEREAS, Charter Chapter 45, known as the City Administrative Procedure Act ("CAPA"), establishes the procedures by which City agencies adopt rules necessary to carry out the powers and duties delegated to them by, or pursuant to, federal, state or local law;

WHEREAS, CAPA was drafted with the goal of providing the public with an opportunity to participate in the rulemaking power afforded to City agencies;

WHEREAS, providing the public with notice of a proposed rule and an opportunity to enter written and/or oral testimony into the record are important elements in the achievement of this goal;

WHEREAS, with this goal in mind, the City amended CAPA in 2008 to require City agencies to electronically submit notice of any proposed rule change to each member of the City Council, each Community Board, members of the media, and civic organizations no later than the time at which such agencies submit their notice to The City Record for publication;

WHEREAS, creating a centralized, efficient, and state-of-the-art information portal that allows the public both to monitor the rulemaking initiatives of various City agencies and provide comment on proposed rule changes, will further facilitate public

access to the rulemaking processes set forth under CAPA;

WHEREAS, the establishment of an online portal, to be known as NYC RULES, will inform the public about rulemaking initiatives that are pending in various City agencies and allow the public to provide comments on proposed rule changes;

NOW THEREFORE, by the power vested in me as the Mayor of the City of New York, it is hereby ordered:

Section 1. NYC RULES is hereby established to provide the public with information regarding the rulemaking activities of various City agencies, as well as an opportunity to comment on such activities, to facilitate greater openness, transparency, and accessibility in City government.

§ 2. NYC RULES shall be implemented and maintained by the Department of Information Technology and Telecommunications (“DOITT”), in collaboration with the Department of Citywide Administrative Services (“DCAS”).

§ 3. All City agencies engaging in rulemaking activity shall comply with this order in a manner consistent with CAPA.

§ 4. All City agencies engaging in rulemaking activity must state in their notice of a public hearing for a proposed rule that members of the public may also submit comments on the rule electronically through NYC RULES at www.nyc.gov/nycrules.

§ 5. Every City agency must transmit an electronic copy of its notice of a public hearing for a proposed rule to DCAS at nycrules@dcas.nyc.gov, or a successor address upon notice, no later than the date such notice is published in The City Record.

§ 6. DCAS shall upload to NYC RULES all notices that it receives pursuant to section 5 of this order on the date that DCAS publishes them in The City Record.

§ 7. DOITT shall ensure that NYC RULES has a comment box accompanying the posted notice of an agency’s proposed rule that allows members of the public to enter comments regarding the proposal. DOITT shall: (a) keep open such comment box for as long as the period for submission of written comments is held open by the rulemaking agency; and (b) provide the rulemaking agency with all comments submitted to NYC RULES via the comment box as soon as practicable after receipt, but in no event later than three (3) days after the period for submission of written comments has expired.

§ 8. The rulemaking agency shall enter into the record and preserve all comments it receives from DOITT regarding the agency’s proposed rule together with any other testimony submitted to the agency under CAPA.

§ 9. The rulemaking agency must transmit an electronic copy of its notice of adoption of a final rule, including a notice of adoption of an emergency rule, to DCAS at

nycrules@dcas.nyc.gov, or a successor address upon notice, no later than the date such notice is published in The City Record.

§ 10. DCAS shall upload to NYC Rules all such notices that it receives pursuant to section 9 of this order on the date that DCAS publishes them in The City Record.

§ 11. Each City agency must transmit an electronic copy of its regulatory agenda, to the extent it has one, to DCAS at nycrules@dcas.nyc.gov.

§ 12. DCAS shall upload to NYC RULES all such regulatory agendas it receives pursuant to section 11 of this Order on the date such agenda is published in The City Record.

§ 13. DOITT shall ensure that each notice regarding a proposed and final rule is made available to the public on NYC RULES for at least two years after the adoption of the final rule. DOITT shall also ensure that each regulatory agenda is made available to the public on NYC RULES for at least two years following its publication.

§ 14. The Order shall take effect immediately.

Michael R. Bloomberg
Mayor