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THE CITY RECORD

BILL DE BLASIO

Mayor

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOROUGH PRESIDENT - QUEENS

MEETING

The Queens Borough Board will meet jointly with Borough Cabinet Monday, July 11, 2016 at 5:30 P.M., in the Queens Borough President Conference Room, 120-55 Queens Boulevard, 2nd Floor, Kew Gardens, NY 11424.

Accessibility questions: Jeong-ah Choi, (718) 286-2860, jchoi@queensbp.org, by: Monday, July 11, 2016 4:00 P.M.



jy6-11

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Melinda Katz, on **Thursday, July 14, 2016** at 10:30 A.M., in the Borough President's Conference Room located at 120-55 Queens Boulevard, Kew Gardens, NY 11424, on the following items:

CD Q09 - ULURP #C 160189 ZSQ

IN THE MATTER OF an application submitted by Eric Palatnik P.C. on behalf of Siberian Ice, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the NYC Zoning Resolution to allow a Use Group 12 (eating and drinking establishment with dancing) in the cellar level of an existing 2-story building on property, located at **86-13 Lefferts Boulevard** in an R4-1/ C2-4 District, Block 9273, Lot 89, zoning map 14b, Richmond Hill, Borough of Queens.

CD Q03 - ULURP #C 160246 ZSQ

IN THE MATTER OF an application submitted by LGA Parking, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 1,775 spaces and to allow some of such spaces to be located on the roof of a proposed garage building, on property located at **102-05 Ditmars Boulevard** (Block 1641, Lot 1) in a C4-2 District, Borough of Queens, Community District 3. (Related: ULURP #C 160283 ZSQ, #C 160284 ZSQ)

CD Q03 - ULURP #C 160283 ZSQ

IN THE MATTER OF an application submitted by LGA Parking, LLC pursuant to Sections 197-c and 201 of New York City Charter for the grant of a special permit pursuant to Section 74-743 (a)(2) of the Zoning Resolution to modify the height and setback requirements of Section 33-432 (In Other Commercial District), the side yard requirements of Section 33-25 (Minimum Required Side Yards), and the rear yard requirements of Section 33-26 (Minimum Required Rear Yards) in connection with a proposed garage building on **property**

generally bounded by Grand Central Parkway, a line approximately 125 feet northwesterly of 25th Avenue, Ditmars Boulevard and 23rd Avenue (Block 1641, Lot 1) in C4-2 and R3X Districts, within a large-scale general development, Borough of Queens, Community District 3. (Related: ULURP #C 160246 ZSQ, #C 160284 ZSQ)

CD Q03 - ULURP #C 160284 ZSQ
IN THE MATTER OF an application submitted by LGA Parking, LLC pursuant to Sections 197-c and 201 of New York City Charter for the grant of a special permit, pursuant to Section 74-743 (a)(2) of the Zoning Resolution to modify the sign regulations of Section 32-643 (Illuminated non-flashing signs), Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 District Boundaries), in connection with a proposed garage building on property generally bounded by Grand Central Parkway, a line approximately 125 feet northwesterly of 25th Avenue, Ditmars Boulevard and 23rd Avenue (Block 1641, Lot 1), in C4-2 and R3X Districts, within a large-scale general development, Borough of Queens, Community District 3. (Related: ULURP #C 160246 ZSQ, #C 160283 ZSQ)

CD Q02 - ULURP #160249 PCQ
IN THE MATTER OF an application submitted by NYC Police Department and the Department of Citywide Administrative Services, Pursuant to Section 197-c of the NYC Charter, for the site selection and acquisition of property, located at **59-64 and 59-66 54th Avenue** (Block 2656, Lots 75 and 80) for use as a vehicle storage facility, Zoning Map No. 13c, Maspeth, Borough of Queens.

CD Q12 - ULURP #160306 ZMQ
IN THE MATTER OF an application submitted by 125-22 Owners LLC, pursuant to Sections 197-c and 201 of the NYC Charter, for an amendment of the Zoning Map. No. 19a by **establishing within an existing R3A District a C2-3 overlay bounded by a line midway between 125th Avenue and 126th Avenue, a line 785 northeasterly of 174th Place, 126th Avenue, and a line 730 feet northeasterly of 174th Place**, Borough of Queens, as shown on a diagram (for illustrative purposes only) dated May 23, 2016.

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

Accessibility questions: Jeong-ah Choi, 718-286-2860, jchoi@queensbp.org, by: Thursday, July 14, 2016 10:00 A.M.



• jy8-14

CITY COUNCIL

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Council Committee Room, 16th Floor, 250 Broadway, New York City, NY 10007, commencing at 11:00 A.M., Monday, July 11, 2016:

WOODHULL HOSPITAL

BROOKLYN CB - 03 20165648 HHK

Application submitted by New York City Health and Hospitals Corporation ("HHC"), pursuant to Section 7385(6) of the HHC Enabling Act, for approval to lease approximately 13,000 square feet of land within the parking lot on the campus of Woodhull Hospital and Mental Health Center, located at 179 Throop Avenue to Comunilife, Inc., to facilitate the development of a six-story building with 89 studio apartments for low-income individuals and low-income individuals living with mental illness.

WILLIAM H. SCHOFIELD HOUSE

BRONX - CB 10 20165535 HKX (N 160297 HKX)

The proposed designation by the Landmarks Preservation Commission [DL-487/LP-2395] pursuant to Section 3020 of the New York City Charter of the landmark designation of the William H. Schofield House, located at 65 Schofield Street (Block 5628, Lot 146), as an historic landmark.

**GREEN-WOOD CEMETERY CHAPEL
FORT HAMILTON PARKWAY ENTRANCE**

BROOKLYN - CB 7 20165536 HKK (N 160298 HKK)

The proposed designation by the Landmarks Preservation Commission [DL-487/LP-1233] pursuant to Section 3020 of the New

York City Charter of the landmark designation of the Green-Wood Cemetery Chapel and the Fort Hamilton Parkway Entrance, located at 500 25th Street (Block 902, Lot 1 in part), as an historic landmark.

VAN SICKLEN HOUSE

BROOKLYN - CB 15 20165537 HKK (N 160300 HKK)

The proposed designation by the Landmarks Preservation Commission [DL-487/LP-2145] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Van Sicklen House, located at 27 Gravesend Neck Road (Block 7123, Lot 64), as an historic landmark.

57 SULLIVAN STREET HOUSE

MANHATTAN - CB 2 20165538 HKM (N 160293 HKM)

The proposed designation by the Landmarks Preservation Commission [DL-487/LP-2344] pursuant to Section 3020 of the New York City Charter of the landmark designation of 57 Sullivan Street House, located at 57 Sullivan Street (Block 489, Lot 2), as an historic landmark.

**ST. MICHAEL'S EPISCOPAL CHURCH, PARISH HOUSE
AND RECTORY**

MANHATTAN - CB 7 20165539 HKM (N 160292 HKM)

The proposed designation by the Landmarks Preservation Commission [DL-487/LP-2281] pursuant to Section 3020 of the New York City Charter of the landmark designation of St. Michael's Episcopal Church, Parish House and Rectory, located at 201 West 99th Street (aka 800-812 Amsterdam Avenue, 225 West 99th Street and 227 West 99th Street (Block 1871, Lots 24 and 29), as an historic landmark.

JOHN WILLIAM AND LYDIA ANN BELL AHLES HOUSE

QUEENS - CB 11 20165540 HKQ (N 160295 HKQ)

The proposed designation by the Landmarks Preservation Commission [DL-487/LP-2541] pursuant to Section 3020 of the New York City Charter of the landmark designation of John William and Lydia Ann Bell Ahles House, located at 39-24 - 39-26 213th Street (Block 6236, Lot 18), as an historic landmark.

PEPSI-COLA SIGN

QUEENS - CB 02 20165541 HKQ (N 160294 HKQ)

The proposed designation by the Landmarks Preservation Commission [DL-488/LP-1653] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Pepsi-Cola Sign, located at 4-09 47th Road, Long Island City (Block 21, Lot 120), as an historic landmark.

VANDERBILT MAUSOLEUM

STATEN ISLAND - CB 02 20165542 HKR (N 160296 HKR)

The proposed designation by the Landmarks Preservation Commission [DL-487/LP-1208] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Vanderbilt Mausoleum (Block 934, Lot 250 in part), as an historic landmark.

PARK SLOPE HISTORIC DISTRICT EXTENSION II

BROOKLYN CB - 06 20165543 HKK (N 160299 HKK)

The proposed designation by the Landmarks Preservation Commission [DL-487/LP-2558] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Park Slope Historic District Extension II, as an historic district.

**PARK SLOPE HISTORIC DISTRICT EXTENSION II
BOUNDARIES ARE:**

Area I of the Park Slope Historic District Extension II consists of the property bounded by a line beginning at the southeast corner of 6th Avenue and St. Mark's Avenue, extending easterly along the southern curblineline of St. Mark's Avenue and southeasterly along the southwestern curblineline of Flatbush Avenue, southwesterly and southerly along the northeastern and eastern property lines of 76 St. Mark's Avenue (aka 78 and 80 St. Mark's Avenue and 244 Flatbush Avenue), southerly along a portion of the eastern property line of 87 6th Avenue, easterly along a portion of the northern property line of 87 6th Avenue, southerly along the eastern property lines of 87 through 95 6th Avenue to the southern curblineline of Prospect Place, easterly along said curblineline, southerly along the eastern property line of 92 Prospect Place, westerly along the southern property lines of 92 through 82 Prospect Place and a portion of the southern property line of 105 6th Avenue, southerly along eastern property line of 95 Park Place (Block 939, Lot 71) to the southern curblineline of Park Place, westerly along said curblineline, southerly along the eastern property line of 117 6th Avenue (aka 80 Park Place), easterly along a portion of the northern property line of 119 6th Avenue, southerly along the eastern property line of 119 6th Avenue, easterly along a portion of the northern property line of 121 6th Avenue, southerly along the western property line of 92 Park Place,

easterly along the southern property lines of 92 through 120 Park Place, southerly along the eastern property line of 109 Sterling Place to the northern curblineline of Sterling Place, westerly along said curblineline, southerly across Sterling Place and along the eastern property line of 94-96 Sterling Place, westerly along the southern property lines of 94-96 through 80 Sterling Place, northerly along the western property line of 80 Sterling Place to the southern curblineline of Sterling Place, westerly along said curblineline, crossing 6th Avenue, and continuing along said curblineline, southerly along the western property line of 128 6th Avenue (aka 66 and 70 Sterling Place), westerly along the northern property line of 130 6th Avenue, southerly along the western property lines of 130 through 136 6th Avenue, westerly along the southern property lines of 64 through 12 Sterling Place, northerly along the western property line of 12 Sterling Place to the southern curblineline of Sterling Place, easterly along said curblineline, northerly across Sterling Place and along the western property line of 25 Sterling Place, easterly along the northern property lines of 25 through 31 Sterling Place, northerly along the western property line of 34 Park Place, to the southern curblineline of Park Place, easterly along said curblineline, northerly across Park Place and along the western property lines of 71 Park Place (aka 114 6th Avenue and 71-83 Park Place) through 108 6th Avenue, westerly along the southern property lines of 106 6th Avenue and 64 through 10 Prospect Place, northerly along the western property line of 10 Prospect Place and across Prospect Place, continuing along the western property lines of 9 Prospect Place and 10 St. Mark's Avenue, across St. Mark's Avenue to its northern curblineline, westerly along said curblineline, northerly along the western property line of 7 St. Mark's Avenue, easterly along the northern property lines of 7 through 49 St. Mark's Avenue, southerly along the eastern property line of 49 St. Mark's Avenue, easterly along the northern property lines of 53 and 55 St. Mark's Avenue, southerly along the eastern property line of 55 St. Mark's Avenue, easterly along the northern property line of 57 St. Mark's Avenue, southerly along the eastern property line of 57 St. Mark's Avenue, easterly along the northern property line of 59 St. Mark's Avenue, southerly along the eastern property line of 59 St. Mark's Avenue to the southern curblineline of St. Mark's Avenue, easterly along said curblineline, across 6th Avenue to the eastern curblineline of 6th Avenue, and northerly along said curblineline to the point of the beginning.

Area II of the Park Slope Historic District Extension II consists of the property bounded by a line beginning at the southwest corner of Sterling Place and Flatbush Avenue, extending southerly along the eastern property line of 184 Sterling Place, westerly along the southern property line of 184 Sterling Place, northerly along the western property line of 184 through 148 Sterling Place, northerly along the western property line of 148 Sterling Place, across Sterling Place to its northern curblineline, westerly along said curblineline, northerly along the western property line of 147 Sterling Place, easterly along the northern property lines of 147, 149 and 151 Sterling Place, southerly along the eastern property line of 151 Sterling Place and across Sterling Place to its southern curblineline, easterly along said curblineline to the point of the beginning.

Area III of the Park Slope Historic District Extension II consists of the property bounded by a line beginning at the southwest corner of Plaza Street West and St. John's Place, extending southerly along the western curblineline of Plaza Street West, westerly along the southern property line of 1-3 Plaza Street West (aka 1-5 8th Avenue and 254-266 St. John's Place), across 8th Avenue to the western curblineline of 8th Avenue, northerly along said curblineline to the southwest corner of 8th Avenue and St. John's Place, easterly across 8th Avenue and along the southern curblineline of St. John's Place to the point of the beginning, Borough of Brooklyn.

Area IV of the Park Slope Historic District Extension II consists of the property bounded by a line beginning at the northwest corner of 6th Avenue and Union Street, extending westerly along the northern curblineline of Union Street, northerly along the western property lines of 204 6th Avenue (aka 787-793 Union Street) through 194 6th Avenue, westerly along the southern property lines of 70 through 12 Berkeley Place, northerly along the western property line of 12 Berkeley Place to the southern curblineline of Berkeley Place, easterly along said curblineline, southerly along the eastern property line of 70 Berkeley Place, easterly along the northern property line of 194 Berkeley Place and across 6th Avenue to its eastern curblineline, southerly along said curblineline, easterly along the northern property line of 201 6th Avenue, southerly along a portion of the eastern property line of 201 6th Avenue, westerly along a portion of the southern property line of 201 6th Avenue, southerly along the eastern property lines of 201 through 207 6th Avenue to the northern curblineline of Union Street, westerly along said curblineline and across 6th Avenue to the point of the beginning.

Area V of the Park Slope Historic District Extension II consists of the property bounded by a line beginning at the southwest corner of Plaza Street West and Lincoln Place, extending southeasterly along the curving western curblineline of Plaza Street West, across Berkeley Place,

continuing along said curblineline to the northwest corner of Plaza Street West and Union Street, westerly along the northern curblineline of Union Street to a point in said curblineline formed by its intersection with a line extending northerly from the eastern property line of 902 Union Street, southerly along said line to the southern curblineline of Union Street, westerly along said curblineline to a point formed by its intersection with a line extending southerly from the western property line of 941 Union Street, northerly across Union Street and along the western property line of 941 Union Street, westerly along the southern property line of 284 Berkeley Place, northerly along the western property line of 284 Berkeley Place and across Berkeley Place to its northern curblineline, westerly along said curblineline, northerly along the western property line of 21 Plaza Street West (aka 21-37 Plaza Street West, 269-279 Berkeley Place, and 266 Lincoln Place) to the southern curblineline of Lincoln Place, and easterly along said curblineline to the point of the beginning.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing in the Council Committee Room, 16th Floor, 250 Broadway, New York City, NY 10007, commencing at 1:00 P.M., Monday, July 11, 2016.

Accessibility questions: City Council Land Use Division (212) 482-5175, by: Thursday, July 07, 2016 5:00 P.M.



fy5-11

NOTICE IS HEREBY GIVEN that the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Committee Room, City Hall, New York City, NY 10007, commencing at 9:30 A.M., Tuesday, July 12, 2016:

**BROADWAY/SHERMAN AVENUE REZONING
MANHATTAN CB - 12 C 150438 ZMM**

Application submitted by Acadia Sherman Avenue LLC, pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3a:

- changing from an R7-2 District to an R9 District property bounded by a line perpendicular to the easterly street line of Broadway distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and the southerly street line of Dongan Place, a line 270 feet southwesterly of Arden Street, Sherman Avenue and Broadway; and
- establishing within a proposed R9 District a C2-4 District bounded by a line perpendicular to the easterly street line of Broadway distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and the southerly street line of Dongan Place, a line 270 feet southerly of Arden Street, a line 100 feet northwesterly of Sherman Avenue, and Broadway.

**BROADWAY/SHERMAN AVENUE REZONING
MANHATTAN CB - 12 N 160164 ZRM**

Application submitted by Acadia Sherman Avenue LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 12.

Matter in underline is new, to be added;
 Matter in ~~strikeout~~ is to be deleted;
 Matter within # # is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution

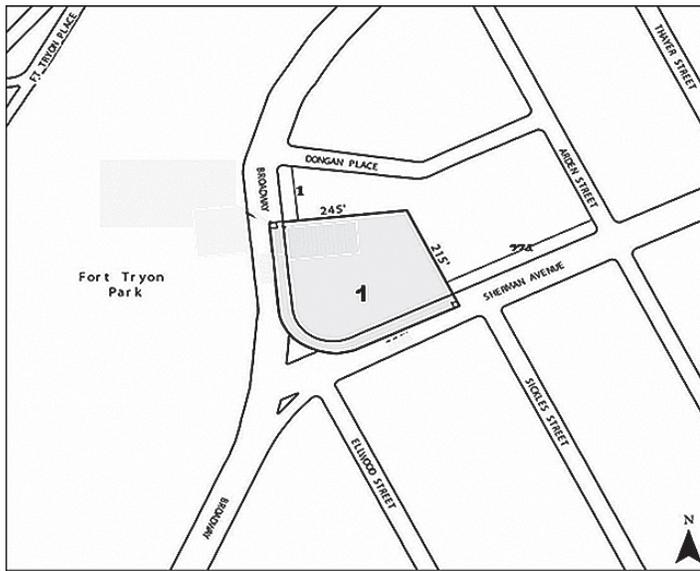
APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

MANHATTAN * * *

Manhattan Community District 12
 In the R9A and R8X Districts within the area shown on the following Map 1:

Map 1 - [date of adoption]



Mandatory Inclusionary Housing Area (MIHA)

1 [date of adoption] MIH Program Option 2 [Section 23-d)(3)]

Portion of Community District 12, Manhattan

* * *

 Mandatory Inclusionary Housing area see Section 23-154(d)(3)

Area 1 [date of adoption] – MIH Program Option 2 and Deep Affordability Option

Portion of Community District 12, Manhattan

* * *

Accessibility questions: City Council Land Use Division (212) 482-5175, by: Monday, July 11, 2016 5:00 P.M.



jy6-12

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, July 13, 2016 at 10:00 A.M.

**BOROUGH OF BROOKLYN
No. 1**

DUMBO AMENDED BUSINESS IMPROVEMENT DISTRICT

CD 2 **N160374 BDK**

IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the DUMBO Business Improvement District pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning amending the DUMBO Business Improvement District.

**BOROUGH OF MANHATTAN
No. 2**

625 WEST 57TH STREET

CD 4 **N 160069 ZRM**

IN THE MATTER OF an application submitted by Durst Pyramid LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the provisions of Article IX, Chapter 6 (Special Clinton District).

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article IX: Special Purpose District

Chapter 6: Special Clinton District

* * *

96-34

Special Regulations in Northern Subarea C1

In Area C1-1, within Within Northern Subarea C1, Special Use

Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A, the following of this Chapter, are subject to the special #use# regulations of this Section. In addition, the special Inclusionary Housing regulations, #use# and special permit regulations set forth in this Section shall apply: in Area C1-1.

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in APPENDIX F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-residential floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

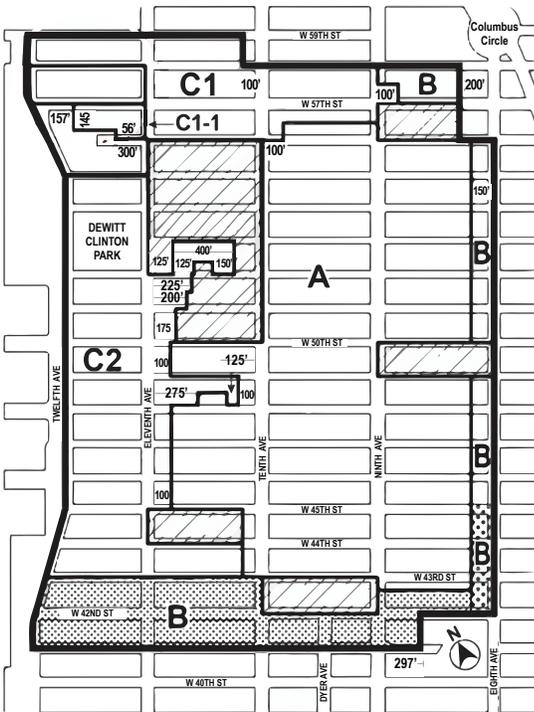
- (1) In Special Use Regulations Areas C1-1 and C1-2, tThe following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:
 - (i) automobile showrooms or sales with preparation of automobiles for delivery; and
 - (ii) automobile repairs.
- (2) #Transient hotels# shall not be permitted within the portion of Area C1-1 that is located between Eleventh Avenue and a line 250 feet west of Eleventh Avenue, and in the portion located between West 57th Street and a line 100 feet south of West 57th Street, except by special permit of the City Planning Commission, pursuant to the provisions of this paragraph (b)(2).

The City Planning Commission may permit #transient hotels#, resulting from a #development#, #enlargement#, #extension# or change of #use#, provided that the Commission shall find that such #transient hotel# is so located as to not impair the essential character of, or the future use or development of the surrounding area. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

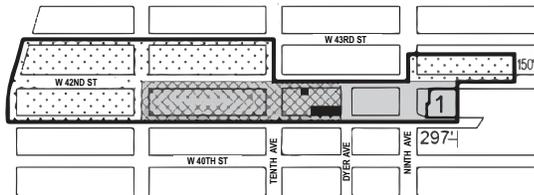
Appendix A - Special Clinton District Map

[EXISTING MAP]



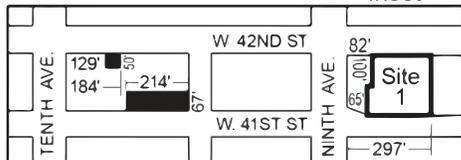
- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
 - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
 - Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
- C** Other Areas
 - C1 Northern Subarea
 - C1-1 Special Use Regulations Area
 - C2 Western Subarea
- Excluded Area

42nd Street Perimeter Area

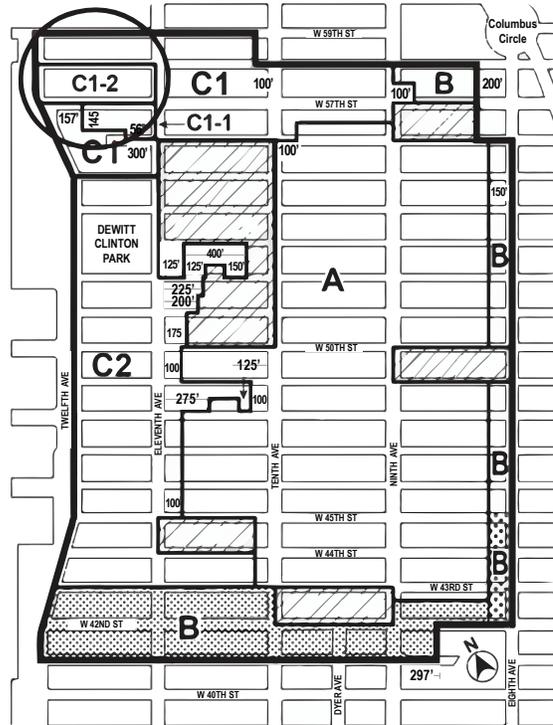


- Subarea 1 of 42nd Street Perimeter Area
- Subarea 2 of 42nd Street Perimeter Area
- Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies
- Site 1 Where Special Parking Regulations apply (See Inset)
- Transit Facility (See Inset)

Inset

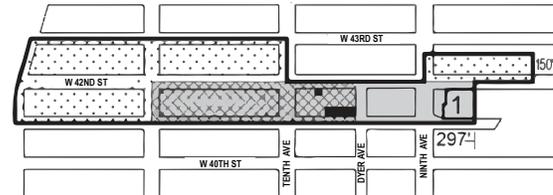


[PROPOSED MAP]



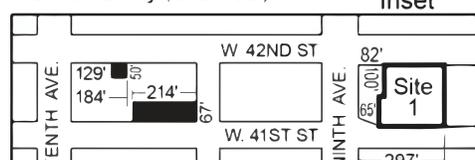
- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
 - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
 - Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
- C** Other Areas
 - C1 Northern Subarea
 - C1-1 Special Use Regulations Area
 - C1-2 Special Use Regulations Area
 - C2 Western Subarea
- Excluded Area

42nd Street Perimeter Area



- Subarea 1 of 42nd Street Perimeter Area
- Subarea 2 of 42nd Street Perimeter Area
- Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies
- Site 1 Where Special Parking Regulations apply (See Inset)
- Transit Facility (See Inset)

Inset



* * *

No. 3

40 RECTOR STREET OFFICE SPACE

CD 1 N 160381 PXM
IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property, located at 40 Rector Street (Block 55, Lot 1026) (NYPD offices).

No. 4

230 PARK AVENUE

CD 5 N 160382 PXM
IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property, located at 230 Park Avenue (Block 1300, Lot 1) (Office of Court Administration offices).

BOROUGH OF QUEENS

No. 5

38TH STREET AND 31ST AVENUE REZONING

CD 1 C 150135 ZMQ
IN THE MATTER OF an application submitted by the 30-70 Astoria LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a by changing from an R5B District to an R6B District property bounded by a line 140 feet northwesterly of 38th Street, a line 420 feet northeasterly of 31st Avenue, a line midway between 37th Street and 38th Street, and a line 100 feet northeasterly of 31st Avenue, as shown on a diagram (for illustrative purposes only) dated March 28, 2016.

Nos. 6, 7 & 8

BARNETT AVENUE REZONING

No. 6

CD 2 C 160103 ZMQ
IN THE MATTER OF an application submitted by Sunnyside-Barnett Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9b and 9d as follows:

- 1. changing from an M1-1 District to an M1-1/R6 district property bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the northerly centerline prolongation of 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50th Street; and
2. establishing a Special Mixed Use District (MX-17) bounded by the southerly boundary line of the Long Island Rail Road Right-of-Way (Main Line), the northerly centerline prolongation of 52nd Street, Barnett Avenue, and the northerly prolongation of the westerly streetline of 50th Street

as shown on a diagram (for illustrative purposes only) March 28, 2016.

No. 7

CD 2 N160101 ZRQ
IN THE MATTER OF an application submitted by Sunnyside-Barnett Associates LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter in underline is new, to be added;
Matter in strikethrough is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Queens

* * *

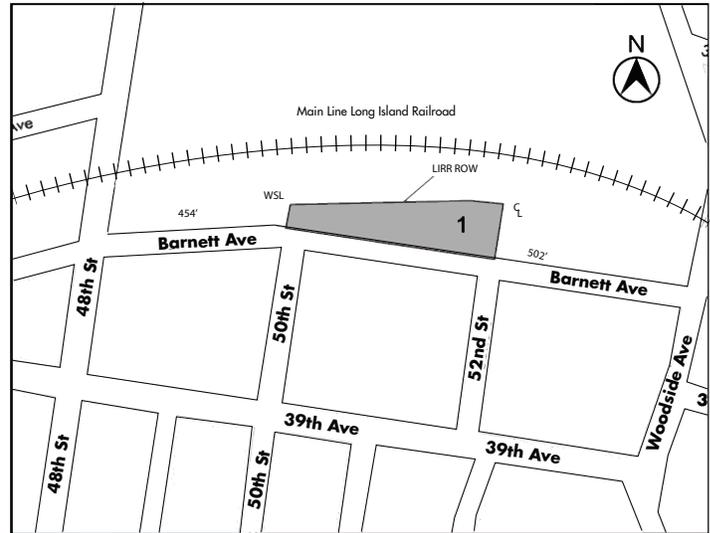
Queens Community District 2

In the R6, R7A and R7X Districts within the areas shown on the following Maps 1, and 2 and 4:

* * *

Map 4 - (date of adoption)

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)

Area 1 (date of adoption) - MIH Program Option 2

Portion of Community District 2, Queens

* * *

No. 8

N160102 ZRQ

CD 2
IN THE MATTER OF an application submitted by Sunnyside-Barnett Associates LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to establish that R6 districts in Mandatory Inclusionary Housing areas area allowed a maximum FAR of 3.6, to establish Mixed-Use District MX-17 (M1-1/R6) and to modify height and setback regulations in MX-17 (M1-1/R6).

Matter in underline is new, to be added;
Matter in strikethrough is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Article II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

* * *

23-10
OPEN SPACE AND FLOOR AREA REGULATIONS
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

23-15
Open Space and Floor Area Regulations in R6 through R10
Districts
R6 R7 R8 R9 R10

* * *

23-154
Inclusionary Housing

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in Paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in Paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in Paragraph (c) of this Section. Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in Paragraph (d) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

* * *

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Paragraph (b), except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table, as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 ¹	2.20	2.42
R6 ^{2,3} R6A R7-2 ¹	2.70	3.60
R7A R7-2 ²	3.45	4.60
R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

¹ for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

² for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

³ for #zoning lots# in #Mandatory Inclusionary Housing areas#

* * *

**Article XII
Special Purpose Districts**

**Chapter 3
Special Mixed Use District**

* * *

**123-60
SPECIAL BULK REGULATIONS**

* * *

**123-63
Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts**

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151 (Basic regulations for R6 through R9 Districts), shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-153 (For Quality Housing buildings), or Section 23-155 (Affordable independent residences for seniors), as applicable.

* * *

However, in #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-154 (Inclusionary Housing). The locations of such districts are specified in APPENDIX F of this Resolution.

#Special Mixed Use District#	Designated #Residence District#
MX 2 - Community District 2, Brooklyn	R7A R8A
MX 8 - Community District 1, Brooklyn	R6 R6A R6B R7A
MX 11 - Community District 6, Brooklyn	R7-2

MX 13 – Community District 1, The Bronx	R6A R7A R7X R8A
MX 14 - Community District 6, The Bronx	R7A R7X
MX 16 – Community Districts 5 and 16, Brooklyn	R6A R7A R7D R8A
<u>MX 17 - Community District 2, Queens</u>	<u>R6</u>

* * *

**123-66
Height and Setback Regulations**

* * *

**123-662
All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations**

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

- (1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, the height of a #building or other structure#, or portion thereof, located within 10 feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with Paragraph (c) of this Section. Beyond 10 feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed the maximum #building# height specified in Table A. However, a #building or other structure# may exceed such maximum #building# height by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above the maximum #building# height does not exceed 80 percent of the gross area of that #story# directly below it.

Table A
HEIGHT AND SETBACK FOR ALL BUILDINGS
IN MEDIUM AND HIGH DENSITY
NON-CONTEXTUAL DISTRICTS
(in feet)

District	Maximum Base Height	Maximum #Building# Height
R6	60	110
R7-1 R7-2	60	135
R7-3	85	185
R8	85	210
R9	85	225
R9-1	85	280
R10	110	350

- (2) In #Special Mixed Use District# 15 in the Borough of Manhattan, where the designated #Residence District# is an R7-2 District, the height and setback regulations of Paragraph (a)(1) of this Section shall not apply. In lieu thereof, the height and setback regulations of this paragraph, (a)(2), shall apply.
 - (i) A #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, shall rise to a minimum height of 60 feet, and may rise to a maximum height of 85 feet, except for dormers permitted in accordance with Paragraph (c) of this Section.
 - (ii) At least 70 percent of the #aggregate width of street walls# shall be located on the #street line# and shall extend to the minimum base height of 60 feet or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line#.
 - (iii) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location provisions of this Paragraph, (a)(2). Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of a #building or other structure# shall not exceed a maximum #building#

height of 135 feet. However, a #building or other structure# may exceed a height of 135 feet by four #stories# or 40 feet, whichever is less, provided that the gross area of each #story# located above 135 feet does not exceed 80 percent of the gross area of that #story# directly below it.

- (3) In #Special Mixed Use District# 17 in the Borough of Queens, where the designated #Residence District# is an R6 District, the height and setback regulations of Paragraph (a)(1) of this Section shall be modified such that a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, may rise to a maximum base height of 85 feet provided that such #building or other structure# contains #affordable housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

123-90 SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 16: (4/20/16) Ocean Hill/East New York, Brooklyn

The #Special Mixed Use District# - 16 is established in Ocean Hill and East New York in Brooklyn as indicated on the #zoning maps#.

#Special Mixed Use District# - 17: ([date of adoption]) Sunnyside, Queens

The #Special Mixed Use District# - 17 is established in Sunnyside in Queens as indicated on the #zoning maps#.

No. 9

MITCHELL-LINDEN LIBRARY SITE

CD 7 C 160247 PQQ IN THE MATTER OF an application submitted by the Queens Public Library and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 31-32 Union Street (Block 4414, Lots 1333-1339) for continued use as a library.

No. 10

ROSEDALE LIBRARY SITE

CD 13 C 160248 PQQ IN THE MATTER OF an application submitted by the Queens Public Library and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property, located at 144-20 243rd Street (Block 13549, Lot 7) for continued use as a library.

No. 11

NYPD VEHICLE STORAGE FACILITY

CD 2 C 160249 PCQ IN THE MATTER OF an application submitted by the NYC Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property, located at 59-64 and 59-66 54th Avenue (Block 2656, Lots 75 and 80) for use as a vehicle storage facility.

YVETTE V. GRUEL, Calendar Officer City Planning Commission 120 Broadway, 31st Floor, New York, NY 10271 Telephone (212) 720-3370



j28-jy13

COMMUNITY BOARDS

PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 01 Tuesday, July 12, 2016, 1:00 P.M., 22 Reade Street, Spector Hall, New York City, NY.

BSA# 2016-4135-BZ 20 Pine Street

IN THE MATTER OF a special permit to permit the operation of a physical culture establishment (La Palestra) in portions of the basement and sub-cellar levels of an existing building, C5-5 zoning district.

jy6-12

BOARD OF CORRECTION

NOTICE

Please take note that the next meeting of the Board of Correction will be held on July 12th, at 9:00 A.M. The location of the meeting will be 125 Worth Street, New York, NY 10013, in the Auditorium on the 2nd Floor. At that time there will be a discussion of various issues concerning New York City's correctional system.

jy6-12

DESIGN AND CONSTRUCTION

PUBLIC HEARINGS

PLEASE TAKE NOTICE, that in accordance with Sections 201-204 (inclusive) of the New York State Eminent Domain Procedure Law ("EDPL"), a public hearing will be held by the New York City Department of Design and Construction, on behalf of the City of New York in connection with the acquisition of certain properties for roadway improvement at the Amboy Road and Huguenot Avenue intersection (Capital Project HWD104-05) - Borough of Staten Island.

The time and place of the hearing is as follows:

DATE: July 20, 2016

TIME: 10:00 A.M.

LOCATION: Community Board No. 3 1243 Woodrow Road, 2nd Floor, Staten Island, NY 10309

The purpose of this hearing is to inform the public of the proposed acquisition of certain street beds and adjacent properties and to review the public use to be served by the project and the impact on the environment and residents. The scope of this Capital Project includes the reconstruction of roadways, sidewalks and curbs.

The properties proposed to be acquired are located in the Borough of Staten Island as follows:

Amboy Road from approximately 60 feet west of Huguenot Avenue to Kingdom Avenue; Huguenot Avenue from Amboy to approximately 210 feet north of Amboy Road, as shown on Damage and Acquisition Map No. 4230.

The properties affected include the following areas as shown on the Tax Map of the City of New York for the Borough of Staten Island:

- Block 6332, part of Lot 6; and
- Beds of Amboy Road from approximately 60 feet west of Huguenot Avenue to Kingdom Avenue.

There are no proposed alternate locations.

Any person in attendance at this meeting shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed acquisition. Each speaker shall be allotted a maximum of five (5) minutes. In addition, written statements may be submitted to the General Counsel at the address stated below, provided the comments are received by 5:00 P.M. on July 27, 2016, (Five (5) working days from public hearing date).

NYC Department of Design and Construction Office of General Counsel, 4th Floor 30 - 30 Thomson Avenue Long Island City, NY 11101

Please note: Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts and objections raised at the public hearing.



jy8-14

PLEASE TAKE NOTICE, that in accordance with Sections 201-204 (inclusive) of the New York State Eminent Domain Procedure Law ("EDPL"), a public hearing will be held by the New York City Department of Design and Construction, on behalf of the City of New York in connection with the acquisition of certain properties for roadway improvement at the South Avenue and Forest Avenue intersection (Capital Project HWR300-03) - Borough of Staten Island.

The time and place of the hearing is as follows:

DATE: July 21, 2016

TIME: 10:00 A.M.

LOCATION: DDC Field Office

1000 South Avenue, Suite 103,
Staten Island, NY 10314.

The purpose of this hearing is to inform the public of the proposed acquisition of certain street beds and adjacent properties and to review the public use to be served by the project and the impact on the environment and residents. The scope of this Capital Project includes the reconstruction of sewers, roadways, sidewalks and curbs.

The properties proposed to be acquired are located in the Borough of Staten Island as follows:

South Avenue from Netherland Avenue to Forest Avenue as shown on Damage and Acquisition Map No. 4231.

The properties affected include the following areas as shown on the Tax Map of the City of New York for the Borough of Staten Island:

- Block 1270, part of Lots 1, 165, 12, 147, and 144
- Block 1262, part of Lots 1, 15, 18, 19, 20, 28 and
- Beds of South Avenue from Netherland Avenue to Forest Avenue

There are no proposed alternate locations.

Any person in attendance at this meeting shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed acquisition. Each speaker shall be allotted a maximum of five (5) minutes. In addition, written statements may be submitted to the General Counsel at the address stated below, provided the comments are received by 5:00 P.M. on July 28, 2016, (Five (5) working days from public hearing date).

NYC Department of Design and Construction
Office of General Counsel, 4th Floor
30 - 30 Thomson Avenue
Long Island City, NY 11101

Please note: Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts and objections raised at the public hearing.



☛ jy8-14

PLEASE TAKE NOTICE, that in accordance with Sections 201-204 (inclusive) of the New York State Eminent Domain Procedure Law ("EDPL"), a public hearing will be held by the New York City Department of Design and Construction, on behalf of the City of New York in connection with the acquisition of certain properties for roadway improvement at the Victory Boulevard and Clove Road intersection (Capital Project HWR005-04) - Borough of Staten Island.

The time and place of the hearing are as follows:

DATE: July 21, 2016.

TIME: 12:00 P.M.

LOCATION: DDC Field Office
1000 South Avenue, Suite 103,
Staten Island, NY 10314.

The purpose of this hearing is to inform the public of the proposed acquisition of certain street beds and adjacent properties and to review the public use to be served by the project and the impact on the environment and residents. The scope of this Capital Project includes roadway reconstruction.

The properties proposed to be acquired are located in the Borough of Staten Island as follows:

Victory Boulevard from Seneca Avenue to Grand Avenue as shown on Damage and Acquisition Map No. 4227.

The properties affected include the following areas as shown on the Tax Map of the City of New York for the Borough of Staten Island:

- Block 247, part of Lots: 30, 38;
- Block 328, part of Lot 60;
- Block 604, part of Lots: 26, 29, 30, 34;
- Block 651, part of Lots: 1, 9, 10, 12
- Beds of Victory Boulevard from Seneca Avenue to Grand Avenue.

There are no proposed alternate locations.

Any person in attendance at this meeting shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed acquisition. Each speaker shall be allotted a maximum of five (5) minutes. In addition, written statements may be submitted to the General Counsel at the address stated below, provided the comments are received by 5:00 P.M. on July 28, 2016, (Five (5) working days from the public hearing date).

NYC Department of Design and Construction
Office of General Counsel, 4th Floor
30 - 30 Thomson Avenue
Long Island City, NY 11101

Please note: Those property owners who may subsequently

wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts and objections raised at the public hearing.



☛ jy8-14

EMPLOYEES' RETIREMENT SYSTEM

MEETING

Please be advised that the next Regular Meeting of the Board of Trustees of the New York City Employees' Retirement System has been scheduled for Thursday, July 14, 2016 at 9:30 A.M. to be held at the New York City Employees' Retirement System, 335 Adams Street, 22nd Floor, Boardroom, Brooklyn, NY 11201-3751.

jy7-13

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN that the Franchise and Concession Review Committee will hold a public meeting on Wednesday, July 13, 2016, at 2:30 P.M., at 2 Lafayette Street, 14th Floor Conference Room, Borough of Manhattan.

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, 253 Broadway, 9th Floor, New York, NY 10007 (212) 788-0010, no later than **SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING.**

jy1-13

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, July 12, 2016, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

39-37 47th Street - Sunnyside Gardens Historic District 184038 - Block 148 - Lot 32 - Zoning: R4

CERTIFICATE OF APPROPRIATENESS

A rowhouse with Colonial Revival style details designed by Clarence Stein and Henry Wright and built in 1927. Application is to legalize the rebuilding of the front stoop without Landmarks Preservation Commission permit(s).

39-39 47th Street - Sunnyside Gardens Historic District 183771 - Block 148 - Lot 131 - Zoning: R4

CERTIFICATE OF APPROPRIATENESS

A rowhouse with Colonial Revival style details designed by Clarence Stein and Henry Wright and built in 1927. Application is to legalize the rebuilding of the front stoop without Landmarks Preservation Commission permit(s).

39-36 47th Street - Sunnyside Gardens Historic District 183455 - Block 149 - Lot 50 - Zoning: R4

CERTIFICATE OF APPROPRIATENESS

A rowhouse with Colonial Revival style details, designed by Clarence Stein, Henry Wright, and Frederick Ackerman and built in 1925. Application is to construct a retaining wall at the front yard.

178-16 Murdock Avenue - Addisleigh Park Historic District 183620 - Block - Lot 6 Zoning: R2

CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style house designed by P. Maher and built in 1926. Application is to legalize the installation of a fence without Landmarks Preservation Commission permit(s).

114 Noble Street - Greenpoint Historic District

181461 - Block 2569 - Lot 19 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
 A wood frame house built in 1852. Application is to replace the stoop.

130 Montague Street - Brooklyn Heights Historic District
180506 - Block 249 - Lot 26 - **Zoning:** R7-1/C1-3
CERTIFICATE OF APPROPRIATENESS
 A Gothic Revival style rowhouse built in 1850-60 and later altered with storefronts at the basement and parlor floor. Application is to install signage.

315 Vanderbilt Avenue - Clinton Hill Historic District
183206 - Block 1929 - Lot 7 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
 A commercial building built in the 1940s. Application is to install a barrier-free access ramps and an egress stair.

394-396 Vanderbilt Avenue - Fort Greene Historic District
180372 - Block 1959 - Lot 50 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
 A pair of transitional Italianate/Neo-Grec style rowhouses designed by Thomas B. Jackson. Application is to construct a rear-yard addition and install a barrier-free access ramp at the areaway.

17 South Elliott Place - Fort Greene Historic District
184546 - Block 2099 - Lot 32 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
 An Italianate style house built in 1870. Application is to construct a rear yard addition.

347 Adelphi Street - Fort Greene Historic District
186136 - Block 2121 - Lot 10 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
 An Italianate style rowhouse built c. 1859. Application is to replace windows.

128 Water Street - DUMBO Historic District
185860 - Block 38 - Lot 1 - **Zoning:** M1-2/R8A
CERTIFICATE OF APPROPRIATENESS
 An Industrial neo-Classical style factory building designed by William Higginson and built in 1908. Application is to install storefront infill.

271 Macon Street - Bedford-Stuyvesant/Expanded Stuyvesant Heights Historic District
181255 - Block 1847 - Lot 76 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
 An Italianate style rowhouse built c. 1872-73. Application is to legalize the installation of windows without Landmarks Preservation Commission permit(s).

332 Macon Street - Bedford-Stuyvesant/Expanded Stuyvesant Heights Historic District
180959 - Block 1669 - Lot 6 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
 An Italianate style rowhouse built c. 1873. Application is to legalize the installation of entrance infill without Landmarks Preservation Commission permit(s).

96 Decatur Street - Bedford-Stuyvesant/Expanded Stuyvesant Heights Historic District
183193 - Block 1858 - Lot 13 - **Zoning:** R6A
CERTIFICATE OF APPROPRIATENESS
 A Romanesque/Renaissance Revival style rowhouse designed by Henry Olmsted & Sons and built in 1892. Application is to construct a rooftop bulkhead, install a deck and stair, and modify a bay window.

317 Decatur Street - Bedford-Stuyvesant/Expanded Stuyvesant Heights Historic District
184427 - Block 1678 - Lot 76 - **Zoning:** R6B
CERTIFICATE OF APPROPRIATENESS
 A Romanesque/Renaissance Revival style rowhouse designed by G.H. Madigan and built in 1892. Application is to construct a rooftop addition.

121 Congress Street - Cobble Hill Historic District
182470 - Block 295 - Lot 34 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS
 An Italianate style rowhouse built in 1850 - 1855. Application is to alter the façade, install windows and install ironwork.

536 1st Street - Park Slope Historic District
168018 - Block 1077 - Lot 13 - **Zoning:** R7B
CERTIFICATE OF APPROPRIATENESS
 A Neo-Renaissance style rowhouse built in 1909. Application is to construct a rear yard addition.

888 St. John's Place - Crown Heights North Historic District II
185424 - Block 1255 - Lot 23 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS
 A Romanesque/Renaissance Revival style rowhouse designed by Frederick L. Hine and built circa 1897. Application is to alter the areaway.

576 Bergen Street - Prospect Heights Historic District
178622 - Block 1144 - Lot 16 - **Zoning:** R6B

CERTIFICATE OF APPROPRIATENESS
 A Neo-Grec style rowhouse designed by Benjamin Estes and built c. 1884. Application is to construct rooftop and rear yard additions, alter the areaway and install a railing.

90 Hudson Street - Tribeca West Historic District
183578 - Block 179 - Lot 17 - **Zoning:** C6-2A
CERTIFICATE OF APPROPRIATENESS
 A Romanesque Revival style warehouse building built in 1881-82. Application is to install a platform and barrier-free access ramp.

35 West 10th Street - Greenwich Village Historic District
184437 - Block 574 - Lot 62 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS
 A building originally built in 1831-32, and altered in the late-19th century. Application is to construct rooftop and rear yard additions and excavate the rear yard.

85-89 Jane Street - Greenwich Village Historic District
181551 - Block 642 - Lot 70, 72 - **Zoning:** C4-4A, R6
CERTIFICATE OF APPROPRIATENESS
 A stable and carriage house built c. 1885, now a garage and factory building; and a garage building built in 1919. Application is to alter the facades and construct rooftop additions.

422 Hudson Street - Greenwich Village Historic District
185114 - Block 583 - Lot 2 - **Zoning:** C1-6
CERTIFICATE OF APPROPRIATENESS
 An Italianate style rowhouse built in 1853. Application is to legalize painting elements of the façade without Landmarks Preservation Commission permit(s), and to replace windows at the storefront.

246 West 11th Street - Greenwich Village Historic District
184960 - Block 613 - Lot 12 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS
 A Greek Revival style rowhouse built in 1842. Application is to a remove a studio window dormer, construct rooftop and rear yard additions, excavate the cellar, and alter the areaway and front façade.

83 Horatio Street - Greenwich Village Historic District
178133 - Block 643 - Lot 71 - **Zoning:** C4-4A, R6
CERTIFICATE OF APPROPRIATENESS
 A Greek Revival style house built in 1852-53. Application is to demolish an existing addition, construct rooftop and rear yard additions, perform excavation, and replace the cornice.

30 Grove Street - Greenwich Village Historic District
178333 - Block 588 - Lot 12 - **Zoning:** R6
CERTIFICATE OF APPROPRIATENESS
 A vernacular Greek Revival style townhouse with early Italianate style and transitional features built in 1851-52. Application is to replace entry stairs and areaway fence, and to alter the areaway.

740 Broadway, aka 2 Astor Place - NoHo Historic District
185730 - Block 545 - Lot 26 - **Zoning:** M1-5B
CERTIFICATE OF APPROPRIATENESS
 A Beaux-Arts style loft building designed by Francis H. Kimball and built in 1910-12. Application is to replace entrance infill.

363 Lafayette Street - NoHo Historic District Extension
186969 - Block 530 - Lot 17 - **Zoning:** M1-5B
CERTIFICATE OF APPROPRIATENESS
 A vacant lot. Application is to construct a new building.

120 Prince Street - SoHo-Cast Iron Historic District
186394 - Block 500 - Lot 16 - **Zoning:** M1-5A
CERTIFICATE OF APPROPRIATENESS
 A Neo-Grec style building designed by Fred S. Schlesinger and built in 1892-93. Application is to establish a master plan governing the future installation of painted wall signs.

89 Grand Street aka 36 Greene Street - SoHo-Cast Iron Historic District
186253 - Block 230 - Lot 25 - **Zoning:** M1-5B
CERTIFICATE OF APPROPRIATENESS
 A Neo-Grec style store building designed by W. Hume and constructed in 1877. Application is to modify window openings.

75 Spring Street - SoHo-Cast Iron Historic District Extension
186202 - Block 496 - Lot 40 - **Zoning:** M1-5B
CERTIFICATE OF APPROPRIATENESS
 A Romanesque Revival style store building designed by Robert Lyons and built in 1898. Application is to construct bulkheads, install a fence, and raise a parapet.

339 West 29th Street - Lamartine Place Historic District
164417 - Block 753 - Lot 16 - **Zoning:** RB8
CERTIFICATE OF APPROPRIATENESS
 A Greek Revival style rowhouse with Renaissance Revival style elements originally built in 1846-47, altered in 1951 by Harry Gerson. Application is to modify rooftop and rear additions constructed prior to designation and to alter the façade.

347 West End Avenue - West End - Collegiate Historic District
184951 - Block 1185 - Lot 70 - **Zoning:** R10A R8B

CERTIFICATE OF APPROPRIATENESS

An Eclectic Renaissance style rowhouse designed by Lamb and Rich and built in 1891. Application is to construct rear yard and rooftop additions and modify masonry openings.

252 West 71st Street - West End - Collegiate Historic District Extension

177750 - Block 1162 - Lot 55 - **Zoning:** R8B
CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style rowhouse designed by Thom & Wilson and built in 1892. Application is to construct rooftop and rear yard additions and alter the fenestration.

252 West 76th Street - West End - Collegiate Historic District Extension

182601 - Block 1167 - Lot 59 - **Zoning:** R8B
CERTIFICATE OF APPROPRIATENESS

A Beaux-Arts style apartment building designed by Ralph S. Townsend and built in 1902-03. Application is to install a barrier-free access ramp, alter the areaway, modify the entrance steps, and install an entrance marquee.

466-468 Columbus Avenue - Upper West Side/Central Park West Historic District

184172 - Block 1213 - Lot 32 - **Zoning:** C1-8A, EC-2

CERTIFICATE OF APPROPRIATENESS

A commercial building built in 1894, altered by William and Donald Freed in 1961, and altered and enlarged pursuant to Certificate of Appropriateness 06-7569 by Gruzen Samton LLP. Application is to demolish the existing building and construct a new building.

1111 Park Avenue - Park Avenue Historic District

180974 - Block 1518 - Lot 69 - **Zoning:** 6B

CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style apartment building designed by Schwartz & Gross and built in 1924-25. Application is to establish a master plan governing the future installation of windows.

169 East 71st Street - Upper East Side Historic District

178626 - Block 1406 - Lot 28 - **Zoning:** R8B

CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse designed by John Sexton and built in 1866. Application is to construct rooftop and rear yard additions.

7 East 84th Street - Metropolitan Museum Historic District

184952 - Block 1496 - Lot 8 - **Zoning:** R8B

CERTIFICATE OF APPROPRIATENESS

A rowhouse built in 1884-85 and redesigned as a Neo-Regency style residence by Augustus N. Allen in 1906, and further modified with a garage at the ground floor installed prior to designation. Application is to alter the front and rear facades.

215 East 61st Street - Treadwell Farm Historic District

186281 - Block 1416 - Lot 8 **Zoning:** R8B

CERTIFICATE OF APPROPRIATENESS

A rowhouse designed by A. & S. Bussell and built in 1875, and later altered. Application is to install a door enframingent.

34 East 62nd Street - Upper East Side Historic District

182440 - Block 1376 - Lot 48 - **Zoning:** R8B

CERTIFICATE OF APPROPRIATENESS

A vacant lot. Application is to construct a new building.

1112 Park Avenue - Park Avenue Historic District

184050 - Block 718 - Lot 1 - **Zoning:** R10 R8B

CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style apartment building designed by Emery Roth and built in 1926-1927. Application is to install chimney flues.

127 East 92nd Street - Carnegie Hill Historic District

178929 - Block 1521 - Lot 13 - **Zoning:** C1-8X R8B

CERTIFICATE OF APPROPRIATENESS

A Neo-Grec/Queen Anne style rowhouse designed by C. Abbott French & Co. and built in 1886-87. Application is to construct rooftop and rear yard additions.

1150 Fifth Avenue - Expanded Carnegie Hill Historic District

182272 - Block 1602 - Lot 1 - **Zoning:** R10

CERTIFICATE OF APPROPRIATENESS

A Neo-Georgian style brick apartment building designed by J.E.R. Carpenter and built in 1923-24. Application is to construct a rooftop addition.

267 West 139th Street - St. Nicholas Historic District

181740 - Block 2025 - Lot 1 - **Zoning:** R7-2

CERTIFICATE OF APPROPRIATENESS

An Eclectic Italianate style apartment house designed by McKim Mead and White and built in 1891-92. Application is to replace fire escapes.

j28-jy12

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on

Tuesday, July 19, 2016 at 9:30 A.M., a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Please note that the order and estimated times are subject to change. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

ITEMS FOR PUBLIC HEARINGEast Midtown Properties

Item No. 1

LP-2554

Graybar Building, 420 Lexington Avenue (aka 420-430 Lexington Avenue), Manhattan

Landmark Site: Borough of Manhattan Tax Map Block 1280, Lot 60

Item No. 2

LP-2556

Pershing Square Building, 125 Park Avenue (aka 101-105 East 41st Street; 100-108 East 42nd Street; 117-123 Park Avenue; 127-131 Park Avenue), Manhattan

Landmark Site: Borough of Manhattan Tax Map Block 1296, Lot 1

Item No. 3

LP-2557

Shelton Hotel, 523 Lexington Avenue (aka 523-527 Lexington Avenue; 137-139 East 48th Street; 136-140 East 49th Street), Manhattan

Landmark Site: Borough of Manhattan Tax Map Block 1303, Lot 53

Item No. 4

LP-2555

Beverly Hotel (now Benjamin Hotel), 557 Lexington Avenue (aka 125-129 East 50th Street; 557-565 Lexington Avenue), Manhattan

Landmark Site: Borough of Manhattan Tax Map Block 1305, Lot 20

Item No. 5

LP-2559

Hotel Lexington, 511 Lexington Avenue (aka 509-515 Lexington Avenue; 134-142 East 48th Street), Manhattan

Landmark Site: Borough of Manhattan Tax Map Block 1302, Lot 51

Brooklyn Property

Item No. 6

LP-2575

Empire State Dairy, 2840 Atlantic Avenue (aka 2840-2844 Atlantic Avenue; 181-185 Schenck Avenue), Brooklyn

Landmark Site: Borough of Brooklyn Tax Map Block 3964, Lot 8 in part

Accessibility questions: Lorraine Roach-Steele, 212-669-7815, lroach-steele@pc.nyc.gov, by: Tuesday, July 12, 2016 5:00 P.M.



jy5-18

SMALL BUSINESS SERVICES**■ PUBLIC HEARINGS**

NOTICE OF A JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and the New York City Department of Small Business Services to be held on Monday, July 11, 2016, at 2 Lafayette Street, 14th Floor Auditorium, Borough of Manhattan, commencing at 2:30 P.M. relative to:

AMENDMENT of the concession agreement between the New York City Department of Small Business Services and FirstFlight Helicopters, LLC d/b/a Saker Aviation Services ("Operator") for the operation of the Downtown Heliport, located at 6 East River Piers, New York, NY. The amendment extends the expiration date of the concession agreement through April 30, 2021 with two (2) one (1) year renewal options exercisable at the sole discretion of the City and establishes new minimum annual guarantee amounts for Year 9, Year 10 and the extended term of the concession agreement. Operator will pay the following minimum annual guarantee amounts:

Year 9:	\$814,855;
Year 10:	\$848,098;
Extended Operating Year 1:	\$882,870.02;
Extended Operating Year 2:	\$919,068.00;
Extended Operating Year 3:	\$956,749.00;
Option Year 1:	\$995,976.00;
Option Year 2:	\$1,036,811.00.

The amended concession agreement will also (i) reduce the maximum number of tourist flights allowed, (ii) require the cessation of tourist flights over land, (iii) require air quality monitoring and (iv) require Operator to actively research additional mitigation of noise and emissions

and implement any such technology as it becomes commercially feasible.

A draft copy of the amended concession agreement may be reviewed or obtained at no cost, commencing Wednesday, June 29, 2016, through July 11, 2016, between the hours of 10:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the New York City Economic Development Corporation, located at 110 William Street, 6th Floor, New York, NY 10018.

Individuals requesting sign language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) (212) 504-4115

j24-jy11

TRANSPORTATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, July 27, 2016. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor South West, New York, NY 10041, or by calling (212) 839-6550.

#1 IN THE MATTER OF proposed revocable consent authorizing 33rd Street Investors IV LLC, to construct, maintain and use stairs, together with railing, on the north sidewalk of East 33rd Street, east of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- From the Approval Date to June 30, 2017 - \$563/annum
For the period July 1, 2017 to June 30, 2018 - \$577
For the period July 1, 2018 to June 30, 2019 - \$591
For the period July 1, 2019 to June 30, 2020 - \$605
For the period July 1, 2020 to June 30, 2021 - \$619
For the period July 1, 2021 to June 30, 2022 - \$633
For the period July 1, 2022 to June 30, 2023 - \$647
For the period July 1, 2023 to June 30, 2024 - \$661
For the period July 1, 2024 to June 30, 2025 - \$675
For the period July 1, 2025 to June 30, 2026 - \$689
For the period July 1, 2026 to June 30, 2027 - \$703

the maintenance of a security deposit in the sum of \$3,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 IN THE MATTER OF a proposed revocable consent authorizing 807 Manhattan Avenue Holding LLC, to continue to maintain and use nine (9) lampposts, together with electrical conduits in on the sidewalks of Manhattan Avenue and Calyer Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2016 to June 30, 2026 - \$1,350/per annum.

the maintenance of a security deposit in the sum of \$2,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#3 IN THE MATTER OF a proposed revocable consent authorizing East 27 Hotel LLC, to construct, maintain and use a stair, together with railing, on the north sidewalk of East 27th Street, east of Fifth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- From the Approval Date to June 30, 2017 - \$3,731/annum
For the period July 1, 2017 to June 30, 2018 - \$3,830
For the period July 1, 2018 to June 30, 2019 - \$3,929
For the period July 1, 2019 to June 30, 2020 - \$4,028
For the period July 1, 2020 to June 30, 2021 - \$4,127
For the period July 1, 2021 to June 30, 2022 - \$4,226
For the period July 1, 2022 to June 30, 2023 - \$4,325
For the period July 1, 2023 to June 30, 2024 - \$4,424
For the period July 1, 2024 to June 30, 2025 - \$4,523
For the period July 1, 2025 to June 30, 2026 - \$4,622
For the period July 1, 2026 to June 30, 2027 - \$4,721

the maintenance of a security deposit in the sum of \$10,000 and the

insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 IN THE MATTER OF a proposed revocable consent authorizing Federal Reserve Bank of New York, to continue to maintain and use conduits and cables in the existing facilities of the Empire City Subway Company (limited) in Liberty Street, Maiden Lane and John Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$35,867
For the period July 1, 2017 to June 30, 2018 - \$36,785
For the period July 1, 2018 to June 30, 2019 - \$37,703
For the period July 1, 2019 to June 30, 2020 - \$38,621
For the period July 1, 2020 to June 30, 2021 - \$39,539
For the period July 1, 2021 to June 30, 2022 - \$40,457
For the period July 1, 2022 to June 30, 2023 - \$41,375
For the period July 1, 2023 to June 30, 2024 - \$42,293
For the period July 1, 2024 to June 30, 2025 - \$43,211
For the period July 1, 2025 to June 30, 2026 - \$44,129

the maintenance of a security deposit in the sum of \$44,500 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 IN THE MATTER OF a proposed revocable consent authorizing Lincoln Center for the Performing Arts, Inc., to continue to maintain and use a tunnel under and across West 65th Street, west of Broadway, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$34,233
For the period July 1, 2017 to June 30, 2018 - \$35,109
For the period July 1, 2018 to June 30, 2019 - \$35,985
For the period July 1, 2019 to June 30, 2020 - \$36,861
For the period July 1, 2020 to June 30, 2021 - \$37,737
For the period July 1, 2021 to June 30, 2022 - \$38,613
For the period July 1, 2022 to June 30, 2023 - \$39,489
For the period July 1, 2023 to June 30, 2024 - \$40,365
For the period July 1, 2024 to June 30, 2025 - \$41,241
For the period July 1, 2025 to June 30, 2026 - \$42,117

the maintenance of a security deposit in the sum of \$40,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

#6 IN THE MATTER OF a proposed revocable consent authorizing Lincoln Center for the Performing Arts, Inc., to continue to maintain and use an underground garage under and along the north sidewalk of West 65th Street, east of Amsterdam Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$63,123.16
For the period July 1, 2017 to June 30, 2018 - \$64,739
For the period July 1, 2018 to June 30, 2019 - \$66,355
For the period July 1, 2019 to June 30, 2020 - \$67,971
For the period July 1, 2020 to June 30, 2021 - \$69,587
For the period July 1, 2021 to June 30, 2022 - \$71,203
For the period July 1, 2022 to June 30, 2023 - \$72,819
For the period July 1, 2023 to June 30, 2024 - \$74,435
For the period July 1, 2024 to June 30, 2025 - \$76,051
For the period July 1, 2025 to June 30, 2026 - \$77,667

the maintenance of a security deposit in the sum of \$140,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

#7 IN THE MATTER OF a proposed revocable consent authorizing Pacific Associates LLC, to maintain and use a fenced-in area on the north sidewalk of Pacific Street, between Vanderbilt and Underhill Avenues, at 893 Pacific Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$1,890
For the period July 1, 2017 to June 30, 2018 - \$1,938
For the period July 1, 2018 to June 30, 2019 - \$1,986
For the period July 1, 2019 to June 30, 2020 - \$2,034
For the period July 1, 2020 to June 30, 2021 - \$2,082
For the period July 1, 2021 to June 30, 2022 - \$2,130
For the period July 1, 2022 to June 30, 2023 - \$2,178
For the period July 1, 2023 to June 30, 2024 - \$2,226
For the period July 1, 2024 to June 30, 2025 - \$2,274
For the period July 1, 2025 to June 30, 2026 - \$2,322

the maintenance of a security deposit in the sum of \$2,400 and the

insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#8 IN THE MATTER OF a proposed revocable consent authorizing Pacific Associates LLC, to maintain and use a fenced-in area on the north sidewalk of Pacific Street, between Vanderbilt and Underhill Avenues, at 895 Pacific Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$1,890
- For the period July 1, 2017 to June 30, 2018 - \$1,938
- For the period July 1, 2018 to June 30, 2019 - \$1,986
- For the period July 1, 2019 to June 30, 2020 - \$2,034
- For the period July 1, 2020 to June 30, 2021 - \$2,082
- For the period July 1, 2021 to June 30, 2022 - \$2,130
- For the period July 1, 2022 to June 30, 2023 - \$2,178
- For the period July 1, 2023 to June 30, 2024 - \$2,226
- For the period July 1, 2024 to June 30, 2025 - \$2,274
- For the period July 1, 2025 to June 30, 2026 - \$2,322

the maintenance of a security deposit in the sum of \$2,400 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#9 IN THE MATTER OF a proposed revocable consent authorizing The Parkchester South Condominium, to continue to maintain and use conduits under and across certain streets, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2016 to June 30, 2017 - \$63,006
- For the period July 1, 2017 to June 30, 2018 - \$64,619
- For the period July 1, 2018 to June 30, 2019 - \$66,232
- For the period July 1, 2019 to June 30, 2020 - \$67,845
- For the period July 1, 2020 to June 30, 2021 - \$69,458
- For the period July 1, 2021 to June 30, 2022 - \$71,071
- For the period July 1, 2022 to June 30, 2023 - \$72,684
- For the period July 1, 2023 to June 30, 2024 - \$74,297
- For the period July 1, 2024 to June 30, 2025 - \$75,910
- For the period July 1, 2025 to June 30, 2026 - \$77,523

the maintenance of a security deposit in the sum of \$77,600 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#10 IN THE MATTER OF a proposed revocable consent authorizing United Nations, to construct, maintain and use guard booths, electrical conduits, post and portion of street used in connection with loading bays, on the south side of East 48th Street adjacent to the United Nations existing loading dock area, east of Franklin Delano Roosevelt Drive, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026, and provides among other terms and conditions for compensation payable to the City according to the following schedule:

The annual estimated cost of posting is \$357,000 per year

there is no security deposit and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

jy7-27

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York, in partnership with PropertyRoom.com, posts vehicle and heavy machinery auctions online every week at: <http://www.propertyroom.com/s/7300>

All auctions are open to the general public, and registration is free.

Vehicles can be viewed in person by appointment at: KenBen Industries, 364 Maspeth Avenue, Brooklyn, NY 11211. Phone: (718) 802-0022

a28-06

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nydcas.ny/browse/home>.

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j4-d30

POLICE

■ NOTICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

The following listed property is in the custody of the Property Clerk Division without claimants:
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES (All Boroughs):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j4-d30

PROCUREMENT

“Compete To Win” More Contracts!

Thanks to a new City initiative - “Compete To Win” - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more

small businesses than before.

● Win More Contracts at nyc.gov/competetowin

“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”

HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
● Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
● Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
● Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children’s Services (ACS)
Department for the Aging (DFTA)
Department of Consumer Affairs (DCA)
Department of Corrections (DOC)
Department of Health and Mental Hygiene (DOHMH)
Department of Homeless Services (DHS)
Department of Probation (DOP)
Department of Small Business Services (SBS)
Department of Youth and Community Development (DYCD)
Housing and Preservation Department (HPD)
Human Resources Administration (HRA)
Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit www.nyc.gov/hhsaccelerator

ADMINISTRATION FOR CHILDREN’S SERVICES

■ AWARD

Human Services/Client Services

- HOMEMAKER SERVICES - Renewal - PIN# 06812P0001003R001 - AMT: \$16,675,448.37 - TO: The Dannelisse Corp., 16 East 40th Street, New York, NY 10016.
● FAMILY FOSTER CARE - Renewal - PIN# 06811P0020005R001 - AMT: \$40,419,253.96 - TO: The Children’s Village, 1 Echo Hills, Dobbs Ferry, NY 10522.
● TREATMENT FAMILY FOSTER CARE - Renewal - PIN# 06811P0025011R001 - AMT: \$17,356,601.26 - TO: The Children’s Village, 1 Echo Hills, Dobbs Ferry, NY 10522.

● jy8

CITY UNIVERSITY

COLLEGE OF STATEN ISLAND-PURCHASING

■ SOLICITATION

Construction/Construction Services

PUBLIC SAFETY MONITORING AND COMMAND CENTER PHASE II - Competitive Sealed Bids - PIN# IFB DLS160038 - Due 7-27-16 at 3:00 P.M.

Renovate the interior offices of the Public Safety Office, located in Building 2A-108 Suite, (675 square feet) in accordance with Invitation for Bids No. DLS160038.

Bidder shall have been in the commercial renovation and construction business for three years and have performed and completed work similar in size, scope, complexity and nature for a period of at least three (3) years as of the Bid Due Submission Date.

A mandatory Pre-Bid Conference and walk-thru is scheduled at the College of Staten Island, 2800 Victory Boulevard, Staten Island, NY, Conference Room, Building 3A-202, Tuesday, July 12, 2016 at 10:30 A.M.

Any contract that results from this advertisement shall be governed by the IFB, by the University’s standard contract and/or Purchase Order Terms and Conditions, and Appendix A-Standard Clauses for New York State Contract.

Contact with CUNY: The Procurement Lobbying Act (PLA) Applies to this Solicitation. Under the requirements of the PLA, all communications regarding advertised projects are to be channeled through the Designated Contact. Communication with respect to this procurement initiated by or on behalf of an interested vendor through others than the Designated Contact may constitute an “impermissible contact” under NYS law and could result in disqualification of that vendor.

If you are interested in providing these services and meet all of the foregoing requirements, then please send an email to purchasing@csi.cuny.edu, indicating reference number IFB DLS160038, your company name, mailing address, phone, fax and email address to request the Invitation for Bid (IFB) documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

City University, 2800 Victory Boulevard, 3A-102, Staten Island, NY 10314. Diane Squires (718) 982-2450; Fax: (718) 982-2456; diane.squires@csi.cuny.edu

● jy8

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ AWARD

Goods

GRP: DONALDSON EMISSIONS RETROFIT - Competitive Sealed Bids - PIN# 8571600020 - AMT: \$1,062,000.00 - TO: Stewart and Stevenson Power Products LLC, 180 Route 17 South, Lodi, NJ 07644.

● GRP: DETROIT DIESEL ENGINES - Competitive Sealed Bids - PIN# 8571600289 - AMT: \$375,000.00 - TO: Stewart and Stevenson Power Products LLC, 180 Route 17 South, Lodi, NJ 07644.

● jy8

SIGN BLANKS, ALUMINUM - Other - PIN# 8571500568 - AMT: \$1,946,730.42 - TO: Mandel Mental Inc., Dba Us Standard Sign Co., 11400 W Addison Street, Franklin Park, IL 60131.

Original: Vendor Big Apple Sign Corp. Dba Bug Apple Visual Group. Basis for Buy-Against; Non-Delivery by Original Vendor

● jy8

■ SOLICITATION

Services (other than human services)

FACADE INSPECTION SERVICES - Request for Proposals - PIN# 85616P0008 - Due 8-11-16 at 2:00 P.M.

The New York City Department of Citywide Administrative Services (“DCAS”)/Asset Management Division (“AM”) is seeking an appropriately qualified architectural firm to provide inspection services for the facade and other appurtenances at DCAS managed buildings throughout the City of New York.

There will be an optional Pre-Proposal Conference on July 20, 2016, at

11:00 A.M., at One Centre Street, 18th Floor (North), Bid Room, New York, NY 10007.

By registering your contact information on the form provided at the following web address, <http://a856-internet.nyc.gov/nycvendonline/home.asp>, you will be able to view and download a copy of the RFP. Alternatively, a copy of the RFP can be obtained or picked up from DCAS at its Office of Citywide Procurement, 1 Centre Street, 18th Floor (North), New York, NY 10007, between the hours of 9:00 A.M. and 5:00 P.M. on a regular City work day.

This project is subject to goals for project participation by Minority and Women Owned Business Enterprise (MWBES) as required by Local Law 1 of 2013.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Citywide Administrative Services, 1 Centre Street, 18th Floor North, New York, NY 10007. Victor Emenanjanor (212) 386-0420; Fax: (646) 500-7094; vemenanjanor@dcas.nyc.gov

◀ jy8

COMPTROLLER

■ SOLICITATION

Goods and Services

CORRECTION: NOTICE OF INTENT TO ENTER INTO NEGOTIATIONS FOR A BOARD PORTAL - Negotiated Acquisition - Other - PIN# 015-16818700 IT - Due 7-18-16 at 12:00 P.M.

CORRECTION: In accordance with Section 3-04 of the New York City Procurement Policy Board Rules, the New York City's Comptroller's Office (the "Comptroller's Office"), as custodian and investment advisor to the five (5) New York City Retirement Systems (combined, the "Systems"), is seeking to enter into negotiations with a firm to deliver a board portal to support the \$161 billion of the total assets it manages.

The Notice of Intent will be available for download from the Comptroller's website at <http://comptroller.nyc.gov/> on or about July 1, 2016. To download the Notice of Intent, select "Forms and RFPs" then "RFPs and Solicitations" then "Asset Management RFPs." Click on link provided to "Register." Expressions of interest are due July 18, 2016 by 12:00 P.M. (ET).

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Comptroller, 1 Centre Street, Room 800 South, New York, NY 10007. Aya Gurriel (212) 669-2756; agurriel@comptroller.nyc.gov

jy1-8

EDUCATIONAL CONSTRUCTION FUND

FINANCE

■ SOLICITATION

Services (other than human services)

INSURANCE BROKERAGE AND ADVISORY SERVICES - Request for Proposals - PIN# 7184728000 - Due 7-22-16 at 12:00 P.M.

The New York City Educational Construction Fund ("ECF") is seeking proposals from organizations that are capable of providing insurance brokerage and consulting services to a public benefit corporation organized under State of New York law. A copy of the Request for Proposal (RFP) for Insurance Brokerage and Advisory Services may be obtained from ECF by contacting the Fund at (718) 472-8287. Responses to the RFP must be received at the Fund's offices by 12 NOON, July 22, 2016.

New York City Educational Construction Fund
30-30 Thomson Avenue, 1st Floor
Long Island City, NY 11101

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Educational Construction Fund, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Helena Viteri (718) 472-8287; Fax: (718) 752-5222; hviteri@nycsca.org

j28-jy12

HOUSING AUTHORITY

SUPPLY MANAGEMENT

■ SOLICITATION

Goods

SMD PEST CONTROL PRODUCTS - Competitive Sealed Bids - PIN# RFQ 63899 MF - Due 7-28-16 at 10:30 A.M.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at the time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Marjorie Flores (212) 306-4728; marjorie.flores@nycha.nyc.gov

◀ jy8

Goods and Services

SMD MAINTENANCE PAINTING OF APARTMENTS - VARIOUS DEVELOPMENTS LOCATED IN THE FIVE (5) BOROUGHES OF NEW YORK CITY - Competitive Sealed Bids - Due 8-9-16

PIN# 63907 - Redfern Houses, Queens - Due at 10:00 A.M.
PIN# 63909 - Isaacs Houses, Holmes Towers and Robbins Plaza, Manhattan - Due at 10:05 A.M.

The Term of the contract is One (1) Year. The contractor must paint complete apartments based on the estimated number of apartments of a particular size.

NYCHA reserves the right to extend the bids once prior to the bid opening date for one (1) week.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: <http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page>. Once on that page, please make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing" followed by "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at the time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Mimose Julien (212) 306-8141; Fax: (212) 306-5109; mimose.julien@nycha.nyc.gov

◀ jy8

HUMAN RESOURCES ADMINISTRATION

■ INTENT TO AWARD

Services (other than human services)

CHANGE MACHINE SUBSCRIPTION AND SUPPORT SERVICES - Sole Source - Available only from a single source - PIN# 16USMMI30101 - Due 7-11-16 at 2:00 P.M.

HRA/MIS intends to enter into sole source negotiations with "The Financial Clinic" for the change machine subscription and support services which are being requested by EIS. The Financial Clinic will support NYC's "HRA" and its nine Domestic Violence Non-Residential Service Providers through its comprehensive training, technical assistance, and software services. Over the past 4 years, the Clinic has provided training, technical assistance, and tools to support the Non-Res Providers to successfully embed financial security strategies into their work. As a result of these supports, all 9 of the Non-Res Providers staff are addressing financial security barriers with the survivors they serve. The leadership teams at the Non-Res Providers have adopted a robust financial security model and are collecting and leveraging financial security data in marketing materials and fundraising. All materials, data collection systems and other features on Change Machine were developed by Financial Clinic and are not offered by any other provider.
E-PIN: 09616S0002 Term: 4/1/2016 - 3/31/2018 Amount: \$139,510.00

Organizations that believe they are qualified to provide these services or are interested in similar future procurements, may express their interest by letter addressed to Chukus Obicheta, Office of Contracts, 150 Greenwich Street, 37th Floor, New York, NY 10007.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Human Resources Administration, 150 Greenwich Street, 37th Floor, New York, NY 10007. Chukus Obicheta (929) 221-6401; obicheta@hra.nyc.gov

jy1-8

CONTRACTS

■ AWARD

Human Services/Client Services

JOBS-PLUS SERVICES - Renewal - PIN# 09612P0004002R001 - AMT: \$3,150,000.00 - TO: Henry Street Settlement, 40 Montgomery Street, New York, NY 10002. Term: 3/15/2016 - 3/14/2019

• jy8

NYC HEALTH + HOSPITALS

■ SOLICITATION

Services (other than human services)

LEARNING MANAGEMENT SYSTEM - Request for Proposals - PIN# 037-0002 - Due 7-26-16 at 1:00 P.M.

Mandatory Pre-Proposal Conference is scheduled on Tuesday, July 19, 2016 at 2:00 P.M., at 199 Water Street, 31st Floor Conference Room. Please RSVP to larishd@nychhc.org by July 15, 2016.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYC Health + Hospitals, 160 Water Street, 13th Floor, New York, NY 10038. David Larish (212) 442-3869; larishd@nychhc.org

• jy8

PARKS AND RECREATION

■ VENDOR LIST

Construction/Construction Services

PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR") AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND

RECONSTRUCTION PROJECTS

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

*Firms that are in the process of becoming a New York City-certified M/WBE may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has began the Certification process.

Application documents may also be obtained on-line at: <http://a856-internet.nyc.gov/nycvendoronline/home.asap>; or <http://www.nycgovparks.org/opportunities/business>

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6781; dmwbe.capital@parks.nyc.gov

j4-d30

CONTRACTS

■ SOLICITATION

Construction/Construction Services

CONSTRUCTION OF ADULT FITNESS EQUIPMENT, MISTING STATION, RECONSTRUCTION OF SYNTHETIC TURF BALLFIELD NUMBER 7 - Competitive Sealed Bids - PIN# 84616B0137 - Due 8-2-16 at 10:30 A.M.

Located at Canton Avenue and Stratford Road in the Parade Ground, Brooklyn. Contract #B068-115M.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

To request the Plan Holder's List, please call the Blue Print Room at (718) 760-6576.

The Cost Estimate Range is under \$650,000 for this project.
● **RECONSTRUCTION OF THE TODDLER PLAY AREA, BASKETBALL COURTS AND HANDBALL COURTS AND CONSTRUCTION OF A SYNTHETIC TURF FIELD AND ADULT FITNESS AREA IN PAUL W. KOLBERT PLAYGROUND** - Competitive Sealed Bids - PIN# 84616B0160 - Due 8-2-16 at 10:30 A.M.

Located south of Avenue L between East 17th and East 18th Streets, Brooklyn. Contract #B150-115M.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013.

To request the Plan Holder's List, please call the Blue Print Room at (718) 760-6576.

The Cost Estimate Range is under \$650,000 for this project.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York, Parks and Recreation. A separate check/money order is required for

each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows - Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6855; juan.alban@parks.nyc.gov

◀ jy8

REVENUE

■ AWARD

Services (other than human services)

PROCESSING MOBILE FOOD TRUCK - Competitive Sealed Bids - PIN# Q131-MT

The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Ronald Baretela, of 25-67 125th Street, Flushing, NY 11354, for the operation of one (1) processing mobile truck, at Frank Principe/Maurice Park: Park entrance to softball fields on Maurice Avenue, Queens. The concession, which was solicited by a Request for Bids, will operate pursuant to a permit agreement for a five (5) year term. Compensation to the City is as follows: in each operating year of the permit, permittee shall pay the City a minimum annual fee (Year 1: \$1,000.00, Year 2: \$1,100.00, Year 3: \$1,150.00, Year 4: \$1,200.00, Year 5: \$1,250.00).

◀ jy8

■ SOLICITATION

Services (other than human services)

OPERATION OF RESTAURANT AND BANQUET FACILITY

- Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# Q10-A-R-2016 - Due 8-31-16 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a significant Request for Proposals ("RFP") for the operation, renovation, and maintenance of a restaurant and banquet facility, at 201-10 Cross Island Parkway, Queens.

There will be a recommended site visit on July 27, 2016, at 12:00 P.M. We will be meeting at 201-10 Cross Island Parkway, Bayside, NY 11360, off the Cross Island Parkway between 201st and 202nd Streets in Queens. If you are considering responding to this RFP, please make every effort to attend this recommended site visit. All proposals submitted in response to this RFP must be submitted no later than August 31, 2016, at 3:00 P.M.

Hard copies of the RFP can be obtained, at no cost, commencing on July 1, 2016, through August 31, 2016, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download, commencing on June 30, 2016 through August 31, 2016, on Parks' website. To download the RFP, visit www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFP's description.

For more information or to request to receive a copy of the RFP by mail, prospective proposers may contact Alexander Han, Director of Concessions, at (212) 360-3457 or at Alexander.Han@parks.nyc.gov.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)
(212) 504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Alex Han (212) 360-3457; Fax: (917) 849-6642; alexander.han@parks.nyc.gov

jy1-15

OFFICE OF PAYROLL ADMINISTRATION

PROCUREMENT AND CONTRACT ADMINISTRATION

■ SOLICITATION

Services (other than human services)

INSTALLATION, OPERATION, AND MAINTENANCE OF BEVERAGE AND SNACK VENDING MACHINES - Competitive Sealed Bids - PIN# 13116VENDMAC001 - Due 7-21-16 at 3:00 P.M.

The Financial Information Services Agency (FISA) and the Office of Payroll Administration (OPA) on behalf of the City of New York requests bids for the installation, operation, and maintenance of beverage and snack vending machines for the offices located at 450 West 33rd Street in the borough of Manhattan. The solicitation package is available for download, at no cost, from The City Record On-Line (CROL) at <http://www.nyc.gov/cityrecord>. You must register with The City Record in order to download the solicitation. Alternatively, the solicitation package can be downloaded, at no cost, from OPA's website at <http://www.nyc.gov/html/opa/html/home/home.shtml>.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Office Of Payroll Administration 450 West 33rd Street, 4th Floor, New York, NY 10001. Harold Hornstein (212) 742-5941; Fax: (212) 857-1004; hornstein@payroll.nyc.gov

j24-jy11

PROBATION

CONTRACT PROCUREMENT

■ AWARD

Human Services/Client Services

ARCHES TRANSFORMATIVE MENTORING INTERVENTION

- Competitive Sealed Proposals/Pre-Qualified List - Judgment required in evaluating proposals - PIN# 7811610001004 - AMT: \$386,000.00 - TO: The Children's Village, One Echo Hills, Dobbs Ferry, NY 10522.

The contractor has been awarded by means of the HHS Accelerator Method, pursuant to 3-16 of the Procurement Policy Board Rules.

◀ jy8

AGENCY RULES

ADMINISTRATIVE TRIALS AND HEARINGS

■ NOTICE

Office of Administrative Trials and Hearings Environmental Control Board

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) in accordance with Sections 1049-a and 1043 of the New York City Charter. OATH ECB amends 48 RCNY §3-100 of its rules of procedure and repeals its Air Code Penalty Schedule in Section 3-102 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York. The proposed rule amendments and repeal were published in *The City Record* on April 15, 2016, and a public hearing was held on May 16, 2016.

Five members of the public attended the public hearing. No one testified at the public hearing concerning this rule amendment and repeal and OATH did not receive any written comments.

Statement of Basis and Purpose

The Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) is centralizing and streamlining its hearings to make it more efficient for the public to have their cases heard. As part of this process, OATH ECB is amending 48 RCNY §3-100, which instructs Hearing Officers to impose penalties set forth in OATH ECB's rules, to instruct Hearing Officers to impose penalties set forth in the current or future rules of enforcement agencies.

In addition, OATH ECB is repealing its Air Code Penalty Schedule. This schedule is found in 48 RCNY §3-102, and contains penalties for summonses issued by the New York City Department of Environmental Protection (DEP) for violations of the Air Code. At the same time, DEP will also enact a penalty schedule within its own rules at 15 RCNY Chapter 43. In the future, OATH ECB will repeal all penalty schedules in its rules at Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY) so that they, like the Air Code Penalty Schedule, can be relocated to the rules of the agencies with primary rulemaking and policymaking jurisdiction over the laws underlying the violations.

Although OATH ECB is empowered to impose penalties under the New York City Charter and has until now promulgated penalty schedules, the enforcement agencies have the expertise to recommend appropriate penalties based on the severity of each violation and its effect on City residents. Moving the penalty schedule will also make it easier for the public to find the penalties, which will be located within the same chapter as the rules supporting the violations alleged in the summonses. Finally, the rule repeal will speed up the rulemaking process by eliminating the need for OATH ECB approval of proposed or amended penalties for agency rules that have already gone through the City Administrative Procedure Act ("CAPA") rulemaking process. The public will still have the opportunity to comment on proposed penalties during this process.

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

"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 1. Section 3-100 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended to read as follows:

Whenever a respondent is found in violation of any [of the following provisions] provision of the New York City Administrative Code, Rules of the City of New York, New York City Health Code, New York State Public Health Law, New York Codes, Rules and Regulations, New York City Zoning Resolution, New York State Vehicle and Traffic Law, or New York State Environmental Conservation Law, and the summons (as defined in §6-01 of this Title) for such violation is returnable to the Environmental Control Board, any civil [penalties] penalty recommended by a Hearing Officer pursuant to §3-57(a) [and/or], any default [penalties] penalty imposed pursuant to §3-81(a) and in accordance with §1049-a(d)(1)(d) of the Charter, and/or] any civil [penalties] penalty imposed for admissions of violation(s) pursuant to §3-32 or late admissions pursuant to §3-81(b) will be imposed pursuant to the [penalty schedules] Penalty Schedules set forth below. If no Penalty Schedule is contained in these rules, any such civil penalty and default penalty will be imposed pursuant to the Penalty Schedule contained in the rules of the agency with primary jurisdiction to enforce the provisions of law related to the violation alleged in the summonses.

Please note that some of the penalties in the Penalty Schedules set forth below are established by law as flat penalties. Thus, for some of the penalties set forth below, no range of dollar amounts is set forth in the Administrative Code or other applicable law. However, solely for the convenience of the public, these flat penalties are included in the Penalty Schedules set forth below, to ensure, to the extent possible, that these Penalty Schedules are comprehensive.

§ 2. The Air Code Penalty Schedule, found in Section 3-102 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is REPEALED, effective May 6, 2016.

FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

I hereby find, and represent to the Mayor, that there is a substantial need for the implementation, immediately upon its final publication in The City Record, of the repeal of the Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) Air Code Penalty Schedule and of the amendment of 48 RCNY §3-100.

This declaration is made pursuant to Section 1043(f)(1)(c) of the City Charter. OATH ECB is in the process of repealing the penalty schedules contained in its rules so that they can be relocated to the rules of the enforcement agencies with primary rulemaking and policymaking jurisdiction over the laws underlying the violations. As

part of this effort, OATH ECB proposed the repeal of the Air Code Penalty Schedule contained within its rules and proposed amendments to 48 RCNY §3-100, instructing Hearing Officers to impose penalties set forth in the current or future rules of enforcement agencies. In conjunction with this proposed repeal and amendment, DEP enacted an Air Code Penalty Schedule within its own rules at 15 RCNY Chapter 43, which became effective May 6, 2016.

Because DEP's Air Code Penalty Schedule is now in effect, there is substantial need for the earlier implementation of the repeal of OATH ECB's Air Code Penalty Schedule and amendment to 48 RCNY §3-100. Immediate implementation of the repeal and rule amendment will minimize confusion for the public by having only one penalty schedule in effect applicable to violations of the Air Code.

Without this finding, the repeal of the OATH ECB Air Code Penalty Schedule and amendment to 48 RCNY §3-100 will not take effect until the end of June 2016. In order to avoid public confusion as to which penalty schedule applies to violations of the Air Code, there is a substantial need for bringing these rules into effect immediately upon publication in The City Record.

/s/ Fidel F. Del Valle

Fidel F. Del Valle, Commissioner
Chief Administrative Law Judge, OATH
Chairperson and Executive Director, ECB

APPROVED: */s/ Bill de Blasio*
Bill de Blasio
Mayor

DATE: *June 23, 2016*

• jy8

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Office of Administrative Trials and Hearings Environmental Control Board (OATH ECB) proposes to amend the Department of Buildings (DOB) Penalty Schedule by amending two existing infractions related to Site Safety Managers/ Coordinators and site-specific safety orientation programs, and adding five new infractions related to Construction Superintendents. This schedule is found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York. It contains penalties for notices of violation issued by DOB.

When and where is the Hearing? OATH ECB will hold a public hearing on the proposed rule. The public hearing will take place at **10:00 A.M. on Tuesday, August 9, 2016**. The hearing will be in the OATH ECB Conference Room, located at 66 John Street, 10th Floor, New York, NY 10038.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to OATH ECB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to Rules_Oath@oath.nyc.gov.
- **Mail.** You can mail written comments to OATH ECB, Attention: Simone Salloum, Assistant General Counsel, 66 John Street, 10th Floor, New York, NY 10038.
- **Fax.** You can fax written comments to OATH ECB, (212) 361-1900.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Elizabeth Nolan at (212) 436-0708. You can also sign up in the hearing room before the hearing begins on August 9, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? You may submit written comments up to August 9, 2016.

Do you need assistance to participate in the Hearing? You must tell OATH ECB staff if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 436-0708. You must tell us by Wednesday, August 2, 2016.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OATH ECB's office, located at 66 John Street, 10th Floor, New York, NY 10038.

What authorizes OATH ECB to adopt this rule? Section 1049-a and 1043 of the New York City Charter and Section 28-204.1 of Chapter 2 of Title 28 of the Administrative Code authorize ECB to adopt this

proposed rule. This proposed rule was not included in OATH ECB's regulatory agenda for this Fiscal Year because it was not contemplated when OATH ECB published the agenda.

Where can I find OATH ECB's rules? OATH ECB's rules are in Title 48 of the Rules of the City of New York.

What laws govern the rulemaking process? OATH ECB must meet the requirements of Section 1043 of the Charter when creating or changing rules. This notice is made according to the requirements of Sections 1043(b) and Section 1049-a of the Charter.

Statement of Basis and Purpose

OATH ECB is proposing an amendment to the Department of Buildings (DOB) Penalty Schedule, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, to continue to promote a zero tolerance policy for safety-related violations and to ensure that penalties for safety-related infractions serve as an effective deterrent.

The proposed amendment to the penalty schedule will add five new infractions and amend two existing infractions:

- The proposed five new infractions reflect penalties for the broadened range of jobs that require a Construction Superintendent's supervision and the duties and responsibilities of a Construction Superintendent. The

proposed new infractions will allow DOB to effectively enforce the new provisions found in Section 3301-02 of Chapter 3300 of Title 1 of the Rules of the City of New York (effective May 30, 2016), and assist DOB in meeting its mission of enhancing the quality of life for all New Yorkers and making New York City a safer place.

- The amendments to the two existing infractions increase penalty amounts and clarify the infraction descriptions. Failing to designate or provide a Site Safety Manager or Site Safety Coordinator results in unsafe jobsites that are ill-equipped to handle situations involving public or worker safety. In addition, site-specific safety orientation programs prepare workers to perform their jobs properly and in a safe manner, mitigating hazards related to construction work.

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

Section 1. Buildings Penalty Schedule II, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York ("Buildings Penalty Schedule"), is amended by adding two new entries relating to Subdivision (c) of Section 3301-2 of Title 1 of the Rules of the City of New York, and one new entry relating to Paragraph 7 of such Subdivision, after the entry for 1 RCNY 103-04(b)(5)(iii), "Removal of shed or protective measure without Department approval," to read as follows:

Section of Law	Classification	Violation Description	Cure	Stipulation	Standard Penalty (\$)	Mitigated Penalty (\$)	Default Penalty (\$)	Aggravated I Penalty (\$)	Aggravated I Default Penalty (\$)	Aggravated II Penalty (\$)	Aggravated II Default - Maximum Penalty (\$)
1 RCNY 3301-02(c)	<u>Class 1</u>	<u>Construction Superintendent failed to perform duties per rule.</u>	No	No	\$10,000	No	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000
1 RCNY 3301-02(c)	<u>Class 2</u>	<u>Construction Superintendent failed to perform duties per rule.</u>	No	No	\$5,000	Yes	\$25,000	\$10,000	\$10,000	\$10,000	\$10,000
1RCNY 3301-02 (c)(7)	<u>Class 1</u>	<u>Construction Superintendent failed to immediately notify the department of conditions as required.</u>	No	No	\$2,500	No	\$12,500	\$6,250	\$25,000	\$12,500	\$25,000

Section 2. Buildings Penalty Schedule II, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is amended by adding a new entry relating to Section 28-401.20 of the New York City Administrative Code after the entry for NYC Admin. Code 28-401.9, "Failure to file evidence of compliance with Workers Comp, law and/or disability benefits law," to read as follows:

Section of Law	Classification	Violation Description	Cure	Stipulation	Standard Penalty (\$)	Mitigated Penalty (\$)	Default Penalty (\$)	Aggravated I Penalty (\$)	Aggravated I Default Penalty (\$)	Aggravated II Penalty (\$)	Aggravated II Default - Maximum Penalty (\$)
<u>NYC Admin. Code 28-401.20</u>	<u>Class 1</u>	<u>Licensee/registrant failed to fully and completely cooperate as per section.</u>	No	No	\$5,000	No	\$25,000	\$12,500	\$25,000	\$25,000	\$25,000

Section 3. Buildings Penalty Schedule II, found in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, is amended by adding a new entry relating to Section 3301.3 of the Building Code and Subdivisions (b) and (c) of Section 3301-02 of Title 1 of the Rules of the City of New York after the entry for BC 3301.2 & 27-1009(a), "Failure to institute/maintain safety equipment measures or temporary construction - No handrails," to read as follows:

Section of Law	Classification	Violation Description	Cure	Stipulation	Standard Penalty (\$)	Mitigated Penalty (\$)	Default Penalty (\$)	Aggravated I Penalty (\$)	Aggravated I Default Penalty (\$)	Aggravated II Penalty (\$)	Aggravated II Default - Maximum Penalty (\$)
<u>BC 3301.3 & 1 RCNY 3301-02(b), (c)</u>	<u>Class 1</u>	<u>Failure to designate and/or have Construction Superintendent present at site as required.</u>	No	No	\$10,000	No	\$25,000	\$25,000	\$25,000	\$25,000	\$25,000

Section 4. The entry for BC 3310.5 & 27-1009(d), "Failure to have Site Safety Manager or Coordinator present as required," and the entry for 28-110.1, "Failure to conduct workers' site-specific safety orientation program per site safety plan," found in Buildings Penalty Schedule II in Section 3-103 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, are amended to read as follows:

Section of Law	Classification	Violation Description	Cure	Stipulation	Standard Penalty (\$)	Mitigated Penalty (\$)	Default Penalty (\$)	Aggravated I Penalty (\$)	Aggravated I Default Penalty (\$)	Aggravated II Penalty (\$)	Aggravated II Default - Maximum Penalty (\$)
BC 3301.3 & BC 3310.5 & BC 3310.5.2[& 27-1009(d)]	Class 1	Failure to designate and/or have Site Safety Manager or Site Safety Coordinator present at site as required.	No	No	\$[2,400] 10,000	[Yes] No	\$[12,000] 25,000	\$[6,000] 12,500	\$[24,000] 25,000	\$[12,000] 25,000	\$25,000
[28-110.1] BC 3310.10	Class 1	Failure to conduct [workers'] a site-specific safety orientation program for all workers [per site safety plan].	No	No	\$[1,200] 2,500	No	\$[6,000] 12,500	\$[3,000] 6,250	\$[12,000] 25,000	\$[6,000] 12,500	\$25,000

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
(212) 356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Buildings Penalty Schedule (Violations Related to Construction Safety)

REFERENCE NUMBER: 2016 RG 043

RULEMAKING AGENCY: Environmental Control Board

I certify that this office has reviewed the above-referenced proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: May 26, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
(212) 788-1400**

**CERTIFICATION/ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Buildings Penalty Schedule (Violations Related to Construction Safety)

REFERENCE NUMBER: OATH-ECB-68

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the violations pose significant risks to public health and safety.

/s/ Francisco X. Navarro
Mayor's Office of Operations

May 26, 2016
Date

Accessibility questions: Liz Nolan, (212) 436-0708, by: Tuesday, August 2, 2016 5:00 P.M.



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Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing?

The Office of Administrative Trials and Hearings (OATH) proposes to modify Sections 6-05, 6-17, 6-18 and 6-19, and add a new Section 6-28, of Chapter 6 of Title 48 of the Rules of the City of New York. The change clarifies that certain decisions of the OATH Hearing officers in the OATH Hearings Division are not final decisions and that timely payment of penalties may be waived under certain conditions.

When and where is the hearing? OATH will hold a public hearing on the proposed rule. The public hearing will take place at 2:00 P.M. on August 9, 2016. The hearing will be in the 10th Floor Conference Room, at 66 John Street, New York, NY 10038.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to OATH through the NYC rules website at: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to: rules_oath@oath.nyc.gov.
- **Mail.** You can mail written comments to: OATH, Attention: Helaine Balsam, Deputy General Counsel, OATH, 100 Church Street, 12th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to OATH at: (212) 933-3079.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Stacey Turner at (212) 933-3007. You can also sign up in the hearing room before the hearing begins on August 9, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? You may submit written comments up to August 9, 2016.

Do you need assistance to participate in the hearing? You must tell OATH staff if you need a reasonable accommodation for a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (212) 933-3007. You must tell us by August 8, 2016.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at 100 Church Street, 12th Floor, New York, NY 10007.

What authorizes OATH to adopt this rule? Section 1049 in Chapter 45-A of the New York City Charter authorizes OATH to adopt this proposed rule. OATH's regulatory agenda for this Fiscal Year anticipated that rulemaking may be necessary to amend the existing Rules of Practice of the Health Tribunal at OATH based on its experience.

Where can I find OATH's rules? OATH's rules are found in Title 48 of the Rules of the City of New York.

What laws govern the rulemaking process? OATH must meet the requirements of Section 1043(b) in Chapter 45 of the Charter when creating or changing rules. This notice is made according to the requirements of Sections 1043(b) and Section 1049 of the Charter.

Statement of Basis and Purpose

Executive Order No. 18 of 2016, dated June 23, 2016, transfers to OATH all of the adjudications under the Department of Consumer Affairs (DCA) Tribunal. Beginning on August 22, 2016 or as soon thereafter as may be practicable, OATH will adjudicate all pending and future violations issued by DCA. Because certain State laws require that final decisions of these adjudications be made by the DCA Commissioner, this proposed rule establishes that OATH hearing officer decisions on violations of those State laws will be recommended decisions only. The DCA Commissioner will make the final determination after reviewing OATH's recommendation. Chapter 6 of Title 6 of the Rules of the City of New York contains the procedural rules that govern DCA's determinations.

The proposed rule amends Section 6-17 (Decisions) of OATH's rules, contained in Title 48 of the Rules of the City of New York, to set out the State laws to which this procedure applies.

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

"Shall," "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.

Section 1. Section 6-17 of Chapter 6 of Title 48 of the Rules of the City of New York, as amended by the Environmental Control Board at its meeting on June 30, 2016, is amended to read as follows:

§6-17 Decisions

- (a) Decisions. After a hearing, the Hearing Officer who presided over the hearing will promptly write a decision sustaining or dismissing each charge in summons. The Tribunal will promptly serve the decision on all parties. Each decision will contain findings of fact and conclusions of law. Where a violation is sustained, the Hearing Officer will impose the applicable penalty, which may include a fine, penalty points, a suspension or revocation of the respondent's license or any other penalty authorized by applicable laws, rules and regulations.
- (b) Except as provided in subdivision (c), the decision of the Hearing Officer is the final decision unless an appeal is filed pursuant to §6-19 of this Chapter.
- (c) Recommended Decisions.
 - (1) For all violations of Article 13-E of the New York State Public Health Law, the Hearing Officer will issue a recommended decision and order, which the Commissioner of the Department of Health and Mental Hygiene may adopt, reject or modify, in whole or in part.
 - (2) For all violations of Article 13-F of the New York State Public Health Law:
 - (i) where the Department of Consumer Affairs is the petitioner, the Hearing Officer will issue a recommended decision and order, which the Commissioner of such department may adopt, reject or modify, in whole or in part.
 - (ii) where the Department of Health and Mental Hygiene is the petitioner, the Hearing Officer will issue a recommended decision and order, which the Commissioner of such department may adopt, reject or modify, in whole or in part.
 - (3) For all violations in which summonses are returnable to the Tribunal as authorized by the Board under §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, the Hearing Officer's decision is a recommended decision to the Board. If an appeal is not filed pursuant to §6-19, the Hearing Officer's recommended decision will be automatically adopted by the Board and will constitute the Board's final decision in the matter. The Board's final decision is also the final decision of the Tribunal.
 - (4) For all violations of Section 194 of Article 11 of the New York

State General Business Law, Article 5 of the New York State General Business Law, and Sections 192, 192-a, 192-b, and 192-c of Article 16 of the New York State Agriculture and Markets Law, and of any rules and regulations promulgated thereto, the Hearing Officer will issue a recommended decision and order, which the Commissioner of the Department of Consumer Affairs may adopt, reject or modify, in whole or in part.

- (d) The Tribunal may, due to Tribunal needs or the unavailability of the Hearing Officer who heard the case, designate another Hearing Officer to write the recommended decision. The decision will state the reason for the designation and will be based on the record, which includes (i) the summons, (ii) all briefs filed and all exhibits received in evidence, and (iii) a complete audio recording of the hearing or, if a complete audio recording is unavailable for any reason, a complete transcript of the hearing.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
(212) 356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Certain Default Penalty Provisions

REFERENCE NUMBER: 2015 RG 108

RULEMAKING AGENCY: Office of Administrative Trials and Hearings (OATH)

I certify that this office has reviewed the above-referenced proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: June 27, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
(212) 788-1400**

**CERTIFICATION/ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Certain Default Penalty Provisions

REFERENCE NUMBER: OATH-ECB-61

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

June 27, 2016
Date



ENVIRONMENTAL CONTROL BOARD

■ NOTICE

Notice of Promulgation of Rule

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the Office of Administrative Trials and Hearings (OATH) in accordance with Sections 1049, 1049-a and 1043 of the New York City Charter. OATH has amended its procedural rules. These rules are found in Title 48 of the Rules of the City of New York (RCNY). The proposed rule was published in *The City Record* on April 15, 2016, and a public hearing was held on May 16, 2016.

Five members of the public attended the public hearing. Two of those five members testified. OATH also received three written comments. All testimony and comments have been considered and slight modifications have been made to these rules based on some of the testimony and written comments.

Statement of Basis and Purpose

Background

Section 1049 of the New York City Charter (Charter) authorizes the Chief Administrative Law Judge of OATH to “direct the office...with respect to its management and structure” and to “establish rules for the conduct of hearings.” This proposed rule modifies OATH’s procedural rules, which are found in Title 48 of the Rules of the City of New York (RCNY), as follows:

- Sections 1 through 55 would amend the OATH Trials Division rules to clarify when a party is required or allowed to take specific actions. They would also clarify that language assistance will be provided to parties and witnesses. In addition, parties, prior to participating in a settlement conference, may now be required to submit to an administrative law judge a letter summarizing settlement negotiations and offers. They would also now be required to submit a pre-motion request for an informal conference prior to making a written motion that might allow for disposal of the case without a trial.
- Sections 56 through 79 would allow the OATH Hearings Division (Hearings Division) to adjudicate summonses formerly heard at the Environmental Control Board (ECB) and the Taxi and Limousine Tribunal (TLT).

More specifically, proposed changes in sections 56 through 79 include revisions to Chapters 3, 5 and 6 of Title 48 of the RCNY:

- Subchapters A through F of Chapter 3 and Chapter 5 are proposed to be repealed and redrafted. Many sections contained in these Chapters and Subchapters are now contained in Chapter 6, which governs proceedings before the Hearings Division. (For example, rules pertaining to registered representatives and attorneys have been eliminated from Chapters 3 and 5, and additional requirements have been added to Chapter 6 to address concerns raised by incidents occurring over the past several years.)
- New Chapter 3 would include additional rules that are specific to hearings formerly heard before ECB.
- New Chapter 5 would include rules that are specific to hearings before the former TLT.
- Chapter 6, which contains rules governing procedures at the Hearings Division, is proposed to be amended to provide for adjudication of all cases before the Hearings Division. With respect to cases that were previously adjudicated by ECB, decisions by the Hearings Division are recommendations to the ECB. If an appeal is not filed, such decisions become final orders of the ECB that may be docketed pursuant to section 1049-a(d)(1)(g) of the Charter.
- Chapter 6 is also proposed to be amended to modify the current requirement to pay penalties and fines in full within thirty (30) days of the date of the decision. Full payment of penalties and fines will not be required within thirty (30) days if the agency responsible for collecting the payment enters into a payment plan with the respondent. The requirement to pre-pay fines or penalties prior to appeal has also been modified to permit no prepayment if OATH grants a waiver due to financial hardship, or the agency responsible for collecting penalties waives pre-payment (such as in the case of summonses previously adjudicated at the Taxi and Limousine Tribunal) or enters into a payment plan with the respondent. However, if the decision orders payment of restitution, the amount of restitution must be deposited with the issuing agency prior to acceptance of an appeal.
- Where the rules in Chapters 3 and 5 conflict with the rules in Chapter 6, the rules in Chapters 3 and 5 take precedence.

This reorganization will promote the fairness, efficiency, and consistency of adjudications. It will also allow new types of cases to be adjudicated at OATH in the future.

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

“Shall,” “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.

Section 1. Section 1-01 of subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-01 Definitions. As used in this chapter:

Administrative law judge. “Administrative law judge” [shall mean] means the person assigned to preside over a case, whether the Chief Administrative Law Judge or a person appointed by the Chief Administrative Law Judge.

Agency. “Agency” [shall mean] means any commission, board, department, authority, office or other governmental entity authorized or required by law to refer a case to OATH, regardless of whether the agency is petitioner or respondent in such a case.

CAPA. “CAPA” [shall mean] means the City Administrative Procedure Act, §§ 1041 to 1047 of the New York City Charter (“Charter”).

Case. “Case” [shall mean] means an adjudication pursuant to CAPA, § 1046, referred to OATH pursuant to Charter, § 1048.

Chief Administrative Law Judge. “Chief Administrative Law Judge” [shall mean] means the director and chief executive officer of OATH appointed by the mayor pursuant to Charter, § 1048.

Electronic means. “Electronic means” [shall mean] means any method of transmission of information between computers or other machines designed for the purpose of sending and receiving such transmissions, and which allows the recipient to reproduce the information transmitted in a tangible medium of expression, e.g. facsimile transmission and e-mail.

Filing. “Filing” [shall mean] means submitting papers to OATH, whether in person, by mail, or by electronic means, for inclusion in the record of proceedings in a case.

Mailing. “Mailing” [shall mean] means the deposit, in a post office or official depository under the exclusive care and custody of the United States Postal Service, of a paper enclosed in a first class postpaid wrapper, addressed to the address designated by a person for that purpose or, if none is designated, at such person’s last known address.

OATH. “OATH” [shall mean] means the Office of Administrative Trials and Hearings, including the OATH Trials Division and the OATH Hearings Division (see Section 6-02).

OATH Trials Division. “OATH Trials Division” means the adjudicatory body authorized to conduct proceedings pursuant to Chapters 1 and 2 of this Title.

Petition. “Petition” [shall mean] means a document, analogous to a complaint in a civil action, which states the claims to be adjudicated.

Petitioner. “Petitioner” [shall mean] means a party asserting claims.

Respondent. “Respondent” [shall mean] means a party against whom claims are asserted.

Trial. “Trial” [shall mean] means a proceeding before an administrative law judge in the OATH Trials Division.

Section 2. Section 1-04 of subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-04 Construction and Waiver.

This title [shall] will be liberally construed to promote just and efficient adjudication of cases.

This title may be waived or modified on such terms and conditions as may be determined in a particular case to be appropriate by an administrative law judge.

Section 3. Section 1-05 of subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-05 Effective Date.

This chapter [shall be] is effective on the first day permitted by CAPA, § 1043(e), and [shall apply] applies to all cases brought before the OATH Trials Division. However, for cases initiated prior to the effective date of these rules, no act which was valid, timely or otherwise proper under the rules applicable at the time of the act will be rendered improper by the subsequent effectiveness of this chapter.

Section 4. Section 1-06 of subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-06 Computation of Time.

Periods of days prescribed in this chapter [shall] will be calculated in

calendar days, except that when a period of days expires on a Saturday, Sunday or legal holiday, the period [shall] will run until the next business day. Where this chapter prescribes different time periods for taking an action depending whether service of papers is personal or by mail, service of papers by electronic means [shall] will be deemed to be personal service, solely for purposes of calculating the applicable period of time.

Section 5. Section 1-07 of subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-07 Filing of Papers.

- (a) Generally. Papers may be filed at OATH in person, by mail or by electronic means.
- (b) Headings. The subject matter heading for each paper sent by personal service, mail or electronic means must indicate the OATH index number where one has been assigned pursuant to § 1-26(b).
- (c) Means of service on adversary. Submission of papers by a party in a case to the administrative law judge by electronic means, mail or personal delivery without providing equivalent method of service to all other parties [shall] will be deemed to be an *ex parte* communication.
- (d) Proof of service. Proof of service must be maintained by the parties for all papers filed at OATH. Proof of service [shall] must be in the form of an affidavit by the person effecting service, or in the form of a signed acknowledgement of receipt of papers by the person receiving the papers. A writing admitting service by the person to be served is adequate proof of service. Proof of service for papers served by electronic means, in addition to the foregoing, may also be in the form of a record confirming delivery or acknowledging receipt of the electronic transmission.

Section 6. Section 1-08 of subchapter A of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-08 Access to Facilities and Programs by People with Disabilities.

OATH is committed to providing equal access to its facilities and programs to people with disabilities and OATH will make reasonable accommodations requested by people with disabilities. A person requesting an accommodation for purposes of participation in a case at OATH, including attendance as a member of the public, [shall] must request such accommodation sufficiently in advance of the proceeding in which the person wishes to participate to permit a reasonable time to evaluate the request. A request for accommodation [shall] must be submitted to OATH's [office manager] Calendar Unit.

Section 7. Section 1-11 of subchapter B of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-11 Appearances.

- (a) A party may appear in person, by an attorney, or by a duly authorized representative. A person appearing for a party, including by telephone conference call, is required to file a notice of appearance with OATH. Docketing of a case by an attorney or representative of a party [shall] will be deemed to constitute the filing of a notice of appearance by that person. The filing of any papers by an attorney or representative who has not previously appeared [shall] will constitute the filing of a notice of appearance by that person, and [shall] must conform to the requirements of subdivisions (b) [and], (d) and (e) of this section.
- (b) The appearance of a member in good standing of the bar of a court of general jurisdiction of any state or territory of the United States [shall] must be indicated by the suffix "Esq." and the designation "attorney for (petitioner or respondent)", and the appearance of any other person [shall] must be indicated by the designation "representative for (petitioner or respondent)".
- (c) Absent extraordinary circumstances, no application [shall] may be made or argued by any attorney or other representative who has not filed a notice of appearance. [Participation in a telephone conference call on behalf of a party by an attorney or representative of the party shall] Any application submitted on behalf of a party or participation in a conference, whether by e-mail, letter or phone, will be deemed an appearance by the attorney or representative. [Notwithstanding, upon] After making such an appearance, the attorney or representative [shall] must file a notice of appearance in conformity with subdivisions (b) [and], (d) and (e) of this section.
- (d) A person may not file a notice of appearance on behalf of a party unless he or she has been retained by that party to represent the party before OATH. Filing a notice of appearance constitutes a representation that the person appearing has been so retained. Filing a notice of appearance pursuant to [§1-11(a) of this subchapter] subdivision (a) of this section constitutes a representation that the person appearing has read and is familiar with the rules of this subchapter.
- (e) Each attorney or representative appearing before OATH must

provide his or her address, telephone number, fax number, and an e-mail address on all notices of appearance and must provide prompt written notice of any change in name, address, telephone number, fax number, or e-mail address.

Section 8. Section 1-12 of subchapter B of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-12 Withdrawal and Substitution of Counsel.

- (a) An attorney who has filed a notice of appearance [shall] must not withdraw from representation without the permission of the administrative law judge, on application. Withdrawals [shall] will not be granted unless upon consent of the client or when other cause exists as delineated in the applicable provisions of the Code of Professional Responsibility.
- (b) Notices of substitution of counsel [may] must be served and filed [more than twenty days before trial without leave of the administrative law judge] with OATH and the opposing party. A party may substitute counsel without leave of the administrative law judge as long as the substitution is made more than twenty days before trial. Applications for later substitutions of counsel [shall] will be granted freely absent prejudice or substantial delay of proceedings.

Section 9. Section 1-13 of subchapter B of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-13 Conduct; Suspension from Practice at OATH.

- (a) Individuals appearing before OATH [shall] must comply with the rules of this chapter and any other applicable rules, and [shall] must comply with the orders and directions of the administrative law judge.
- (b) Individuals appearing before OATH [shall] must conduct themselves at all times in a dignified, orderly and decorous manner. In particular, at the trial, all parties, their attorneys or representatives, and observers [shall] must address themselves only to the administrative law judge, avoid colloquy and argument among themselves, and cooperate with the orderly conduct of the trial.
- (c) Attorneys and other representatives appearing before OATH [shall] must be familiar with the rules of this title.
- (d) Attorneys appearing before OATH [shall] must conduct themselves in accordance with the canons, ethical considerations and disciplinary rules set forth in the code of professional responsibility in their representation of their clients, in their dealings with other parties, attorneys and representatives before OATH, and with OATH's administrative law judges and staff.
- (e) Willful failure of any person to abide by the standards of conduct stated in paragraphs (a) through (d) of this section, may, in the discretion of the administrative law judge, be cause for the imposition of sanctions. Such sanctions may include formal admonishment or reprimand, assessment of costs or imposition of a fine, exclusion of the offending person from the proceedings, exclusion or limitation of evidence, adverse evidentiary inference, adverse disposition of the case, in whole or in part, or other sanctions as the administrative law judge may determine to be appropriate. The imposition of sanctions may be made after a reasonable opportunity to be heard. The form of the trial [shall] will depend upon the nature of the conduct and the circumstances of the case.
- (f) In the event that an attorney or other representative of a party persistently fails to abide by the standards of conduct stated in paragraphs (a) through (d) of this section, the Chief Administrative Law Judge may, upon notice to the attorney or representative and a reasonable opportunity to rebut the claims against him or her, suspend that attorney or representative from appearing at OATH, either for a specified period of time or indefinitely until the attorney or representative demonstrates to the satisfaction of the Chief Administrative Law Judge that the basis for the suspension no longer exists.

Section 10. Section 1-14 of subchapter B of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-14 Ex Parte Communications.

- (a) Except for ministerial matters, [and except] on consent, in an emergency, or as provided in § 1-31(a), communications with the administrative law judge concerning a case [shall] must only occur with all parties present. If an administrative law judge receives an *ex parte* communication concerning the merits of a case to which he or she is assigned, then he or she [shall] must promptly disclose the communication by placing it on the record, in detail, including all written and oral communications and identifying all individuals with whom he or she has communicated. A party desiring to rebut the *ex parte* communication [shall] will be allowed to do so upon request.
- (b) Communications between OATH and a party docketing a case,

to the extent necessary to the placement of a case on the trial calendar or conference calendar pursuant to § 1-26(a), [shall] will be deemed to be ministerial communications. Communications between OATH and a party docketing a case, to the extent necessary to a request for expedited calendaring pursuant to § 1-26(c), [shall] will be deemed to be emergency communications.

Section 11. Section 1-21 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-21 Designation of OATH.

Where necessary under the provision of law governing a particular category of cases, the agency head [shall] will designate the Chief Administrative Law Judge of OATH, or such administrative law judges as the Chief Administrative Law Judge may assign, to hear such cases.

Section 12. Section 1-22 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-22 The Petition.

The petition [shall] must include a short and plain statement of the matters to be adjudicated, and, where appropriate, specifically allege the incident, activity or behavior at issue as well as the date, time, and place of occurrence. The petition [shall] must also identify the law, rule, regulation, contract provision, or policy that was allegedly violated and provide a statement of the relief requested. If the petition does not comply with this provision, the administrative law judge may direct, on the motion of a party or *sua sponte*, that the petitioner re-plead the petition.

Section 13. Section 1-23 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-23 Service of the Petition.

- (a) The petitioner [shall be responsible for serving] must serve the respondent with the petition. The petition [shall] must be accompanied by a notice of the following: the respondent's right to file an answer and the deadline to do so under § 1-24; the respondent's right to representation by an attorney or other representative; and the requirement that a person representing the respondent must file a notice of appearance with OATH. The notice [shall] must include the statement that OATH's rules of practice and procedure are published in Title 48 of the Rules of the City of New York, and that copies of OATH's rules are available at OATH's offices or on OATH's website www.nyc.gov/oath.
- (b) Service of the petition [shall] must be made pursuant to statute, rule, contract, or other provision of law applicable to the type of proceeding being initiated. Absent any such applicable law, service of the petition [shall] must be made in a manner reasonably calculated to achieve actual notice to the respondent. Service by certified mail, return receipt requested, contemporaneously with service by regular first-class mail, [shall] will be presumed to be reasonably calculated to achieve actual notice. Appropriate proof of service [shall] must be maintained.
- (c) A copy of the petition and accompanying notices, with proof of service, [shall] must be filed with OATH at or before the commencement of the trial.

Section 14. Section 1-25 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-25 Amendment of Pleadings.

Amendments of pleadings [shall] must be made as promptly as possible. If a pleading is to be amended less than twenty-five days before the commencement of the trial, amendment may be made only on consent of the parties or by leave of the administrative law judge on motion.

Section 15. Section 1-26 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-26 Docketing the Case.

- (a) A case [shall] must be docketed by filing with OATH a completed intake sheet, and either a petition or a written application for relief. Parties are encouraged to docket cases by electronic means. When a case is docketed, OATH [shall] will place it on the trial calendar, the conference calendar, or on open status. Absent prejudice, cases involving the same respondent or respondents [shall] will be scheduled for joint trials or conferences, as [shall] will cases alleging different respondents' involvement in the same incident or incidents.
- (b) When a case is docketed, it [shall] will be given an index number and assigned to an administrative law judge. Assignments [shall] will be made and changed in the discretion of the Chief Administrative Law Judge or his or her designee, and motions concerning such assignments [shall] will not be entertained except

pursuant to § 1-27.

- (c) OATH may determine that the case is not ready for trial or conference and may adjourn the trial or conference, or may remove the case from the trial or conference calendar and place it on open status. In addition, OATH may determine that the case should proceed on an expedited basis, and may direct expedited procedures, including expedited pre-trial and post-trial procedures, shortened notice periods, and/or expedited calendaring.
- (d) The party docketing a case may do so *ex parte*. If the case is placed on the conference calendar or the trial calendar rather than on open status, the party may at the time of docketing also select a trial date and/or conference date *ex parte*. However, OATH encourages selection of trial and conference dates by all parties jointly. In the event that a party selects a trial date or a conference date *ex parte*, that party [shall] must serve the notice of conference or trial required by § 1-28, within one business day of selecting that date. Whenever practicable, such notice [shall] must be served by personal delivery or electronic means.
- (e) Cases docketed with the Trials Division are subject to review by the Chief Administrative Law Judge who shall determine whether the case should proceed at the Trials Division or removed to the Hearings Division.

Section 16. Section 1-27 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-27 Disqualification of Administrative Law Judges.

- (a) A motion for disqualification of an administrative law judge [shall] must be addressed to that administrative law judge, [shall be] accompanied by a statement of the reasons for such application, and [shall be] made as soon as practicable after a party has reasonable cause to believe that grounds for disqualification exist.
- (b) The administrative law judge [shall] will be disqualified for bias, prejudice, interest, or any other cause for which a judge may be disqualified in accordance with § 14 of the Judiciary Law. In addition, an administrative law judge may, *sua sponte* or on motion of any party, withdraw from any case, where in the administrative law judge's discretion, his/her ability to provide a fair and impartial adjudication might reasonably be questioned.
- (c) If the administrative law judge determines that his or her disqualification or withdrawal is warranted on grounds that apply to all of the existing administrative law judges, the administrative law judge [shall] must state that determination, and the reasons for that determination, in writing or orally on the record, and may recommend to the Chief Administrative Law Judge that the case be assigned to a special administrative law judge to be appointed temporarily by the Chief Administrative Law Judge. The Chief Administrative Law Judge [shall] will either accept that recommendation, or, upon a determination and reasons stated in writing or orally on the record, reject that recommendation. A special administrative law judge [shall] will have all of the authority granted to administrative law judges under this title.

Section 17. Section 1-28 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-28 Notice of Conference or Trial.

- (a) When a case is placed on either the trial calendar or the conference calendar, and within the time provided in § 1-26(d), if applicable, the party that placed the case on the calendar [shall] must serve each other party with notice of the following: the date, time and place of the trial or conference; each party's right to representation by an attorney or other representative at the trial or conference; the requirement that a person representing a party at the trial or conference must file a notice of appearance with OATH prior to the trial or conference; and, in a notice of a trial served by the petitioner, the fact that failure of the respondent or an authorized representative of the respondent to appear at the hearing may result in a declaration of default, and a waiver of the right to a trial or other disposition against the respondent. The notice may be served personally or by mail, and appropriate proof of service [shall] must be maintained. A copy of the notice of conference, with proof of service, [shall] must be filed with OATH at or before the commencement of the conference. A copy of the notice of trial, with proof of service, [shall] must be filed with OATH at or before the commencement of the trial.
- (b) When multiple petitions against a single respondent, or petitions against multiple respondents, are placed on the calendar or calendar conference for joint trial or conference pursuant to § 1-26(a), notice of trial or notice of conference pursuant to this section [shall] must include notice of such joinder.

Section 18. Section 1-30 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-30 Conduct of Conferences.

- (a) All parties are required to attend conferences as scheduled unless timely application is made to the administrative law judge. Participants [shall] must be prompt and prepared to begin on time. No particular format for conducting the conference is required. The structure of the conference may be tailored to the circumstances of the particular case. The administrative law judge may propose mediation and, where the parties consent, may refer the parties to the Center for Creative Conflict Resolution or other qualified mediators. In the discretion of the administrative law judge, conferences may be conducted by telephone.
- (b) At the conference, all parties must be fully prepared to discuss all aspects of the case, including the formulation and simplification of issues, the possibility of obtaining admissions or stipulations of fact and of admissibility or authenticity of documents, the order of proof and of witnesses, discovery issues, legal issues, pre-hearing applications, scheduling, and settlement of the case.
- (c) In the event that the case is not settled at the conference, outstanding pre-trial matters, including discovery issues, [shall] must be raised during the conference. In the event that the case is not settled at the conference, a trial date may be set, if such a date has not already been set. The parties [shall] will be expected to know their availability and the availability of their witnesses for trial.

Section 19. Section 1-31 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**§ 1-31 Settlement Conferences and Agreements.**

- (a) Prior to a conference at which settlement is to be discussed, the administrative law judge assigned to the conference may require each party to provide a pre-conference letter. The pre-conference letter must be sent solely to the administrative law judge by fax or e-mail and marked prominently "CONFIDENTIAL MATERIAL FOR USE AT SETTLEMENT CONFERENCE." The pre-conference letter must state succinctly:
- (1) the history of settlement negotiations, if any;
 - (2) the party's settlement offer and the rationale for it; and
 - (3) any other facts that would be helpful to the administrative law judge in preparation for the conference.
- (b) If settlement is to be discussed at the conference, each party [shall] must have an individual possessing authority to settle the matter, either present at the conference or readily accessible. A settlement conference [shall] will be conducted by an administrative law judge or other individual designated by the Chief Administrative Law Judge, other than the administrative law judge assigned to hear the case. During settlement discussions, upon notice to the parties, the administrative law judge or other person conducting the conference may confer with each party and/or representative separately.
- (b) (c) All settlement offers, whether or not made at a conference, [shall] will be confidential and [shall] will be inadmissible at trial of any case. Administrative law judges [shall] must not be called to testify in any proceeding concerning statements made at a settlement conference.
- (c) (d) A settlement [shall] must be reduced to writing, or, in the discretion of the administrative law judge, placed on the record. In the event that a settlement is reached other than at a conference, OATH [shall] must be notified immediately pursuant to § 1-32(f). Copies of all written settlement agreements [shall] must be sent promptly to OATH.

Section 20. Section 1-32 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**§ 1-32 Adjournments.**

- (a) Applications for adjournments of conferences or trials [shall] will be governed by this section and by § 1-34 or § 1-50. Conversion of a trial date to a conference date, or from conference to trial, [shall] will be deemed to be an adjournment.
- (b) Applications to adjourn conferences or trials [shall] must be made to the assigned administrative law judge as soon as the need for the adjournment becomes apparent. Applications for adjournments are addressed [to] at the discretion of the administrative law judge, and [shall] will be granted only for good cause. Although consent of all parties to a request for an adjournment [shall] will be a factor in favor of granting the request, such consent [shall] will not by itself constitute good cause for an adjournment. Delay in seeking an adjournment [shall] will militate against grant of the request.

- (c) If a party selects a trial or conference date without consulting with or obtaining the consent of another party pursuant to § 1-26(d), an application for an adjournment of such date by that other party, especially if such application is based upon a scheduling conflict, [shall] will be decided with due regard to the *ex parte* nature of the case scheduling.
- (d) [Counsel shall] An attorney must file an affirmation of actual engagement prior to a ruling on an adjournment sought on that basis. Such affirmation [shall] must state the name and nature of the conflicting matter, the court or tribunal hearing the matter, the judge before whom it is scheduled, the date that the conflicting engagement became known to counsel, and the date, time, place and approximate duration of the engagement.
- (e) Approved adjournments, other than adjournments granted on the record, [shall] must be promptly confirmed in writing by the applicant, to all parties and to the administrative law judge.
- (f) Withdrawal of a case from the calendar by the petitioner [shall] will not be subject to the "good cause" requirement of subdivision (b) of this section. However, such withdrawal, other than pursuant to settlement agreement or other final disposition of the case, [shall] will be permitted only upon application to the administrative law judge, who may grant or deny the application, either in full or upon stated terms and conditions.
- (g) At the discretion of the administrative law judge, a grant of an adjournment may be conditioned upon the imposition of costs for travel, lost earnings and witness fees, which may be assessed against the party causing the need for an adjournment.
- (h) If an administrative law judge determines that a case is not ready for trial or conference and that an adjournment is inappropriate, the judge may remove the case from the calendar. Unless otherwise directed by the administrative law judge, the case will be administratively closed if the parties do not restore the matter to the calendar within 30 days.

Section 21. Section 1-33 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:**§ 1-33 Discovery.**

- (a) Requests for production of documents, for identification of trial witnesses, and for inspection of real evidence to be introduced at the trial may be directed by any party to any other party without leave of the administrative law judge.
- (b) Depositions [shall] must only be taken upon motion for good cause shown. Other discovery devices, including interrogatories, [shall] will not be permitted except upon agreement among the parties or upon motion for good cause shown. Demands for bills of particulars [shall] will be deemed to be interrogatories. Resort to such extraordinary discovery devices [shall] will not generally be cause for adjournment of a conference or trial.
- (c) Discovery [shall] must be requested and completed promptly, so that each party may reasonably prepare for trial. A demand for identification of witnesses, for production of documents, or for inspection of real evidence to be introduced at trial [shall] must be made not less than twenty days before trial, or not less than twenty-five days if service of the demand is by mail. An answer to a discovery request [shall] must be made within fifteen days of receipt of the request, or within ten days if service of the answer is by mail. An objection to a discovery request [shall] must be made as promptly as possible, but in any event within the time for an answer to that request. Different times may be fixed by consent of the parties, or by the administrative law judge for good cause. Notwithstanding the foregoing time periods, where the notice of the trial is served less than twenty-five days in advance of trial, discovery [shall] must proceed as quickly as possible, and time periods may be fixed by consent of the parties or by the administrative law judge.
- (d) (1) Parties are encouraged to resolve discovery disputes without the intervention of an administrative law judge. A party objecting to discovery should immediately commence discussion with the requesting party to clarify and possibly resolve the dispute.
- (2) Any unresolved discovery dispute [shall] must be presented to the assigned administrative law judge sufficiently in advance of the trial to allow a timely determination. [Discovery motions are addressed to the discretion of the administrative law judge. The] A written motion to compel discovery must be served on all parties and the administrative law judge assigned to conduct the trial. The motion must state what efforts the parties have made to resolve discovery disputes. Any party objecting to a discovery motion must state, in writing, the grounds for the objection. In deciding whether to grant a request,

the administrative law judge may consider the timeliness of discovery requests and responses[,] and of discovery-related motions, the complexity of the case, the need for the requested discovery, and the relative resources of the parties [shall be among the factors in the administrative law judge's exercise of discretion].

- [(e)] (3) In ruling upon a discovery motion, the administrative law judge may deny the motion, order compliance with a discovery request, order other discovery, or take other appropriate action. The administrative law judge may grant or deny discovery upon specified conditions, including payment by one party to another of stated expenses of the discovery. Failure to comply with an order compelling discovery may result in imposition of appropriate sanctions upon the disobedient party, attorney or representative, such as the sanctions set forth in § 1-13(e), the preclusion of witnesses or evidence, drawing of adverse inferences, or, under exceptional circumstances, removal of the case from the calendar, dismissal of the case, or declaration of default.

Section 22. Section 1-34 of subchapter C of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-34 Pre-Trial Motions. (a) Pre-trial motions [shall] will be consolidated and addressed to the administrative law judge as promptly as possible, and sufficiently in advance of the trial to permit a timely decision to be made. Delay in presenting such a motion may, in the discretion of the administrative law judge, weigh against the granting of the motion, or may lead to the granting of the motion upon appropriate conditions.

- (b) A moving party must request in writing an informal conference with the administrative law judge before any dispositive motion will be heard. The request must, in no more than two pages, set forth the nature of the motion.

- (c) The administrative law judge may in his or her discretion permit pre-trial motions to be made orally, including by telephone, electronic means, or in writing. The administrative law judge may require the parties to submit legal briefs on any motion. Parties are encouraged to make pre-trial motions, or to conduct preliminary discussions and scheduling of such motions, by conference telephone call or by electronic means to the administrative law judge.

- [(c)] Motion papers shall] (d) When a motion is made on papers, the motion papers must state the grounds upon which the motion is made and the relief or order sought. Motion papers [shall] must include notice to all other parties of their time pursuant to subdivision (d) of this section to serve papers in opposition to the motion. Motion papers and papers in opposition [shall] must be served on all other parties, and proof of service [shall] must be filed with the papers. The filing of motion papers or papers in opposition by a representative who has not previously appeared [shall] will constitute the filing of a notice of appearance by that representative, and [shall] must conform to the requirements of § 1-11(b).

- [(d)] (e) Unless otherwise directed by the administrative law judge upon application or *sua sponte*, the opposing party [shall] must file and serve responsive papers no later than eight days after service of the motion papers if service of the motion papers was personal or by electronic means, and no later than thirteen days after service if service of the motion papers was by mail.

- [(e) Reply] (f) The moving party must not file reply papers [shall not be filed] unless authorized by the administrative law judge, and oral argument [shall] will not be scheduled except upon the direction of the administrative law judge.

- [(f)] (g) Nothing in this section [shall limit] limits the applicability of other provisions to specific pre-trial motions. For instance, an application for withdrawal or substitution of counsel is also governed by § 1-12; an application for an adjournment is also governed by § 1-32; and an application for issuance of a subpoena is also governed by § 1-43.

Section 23. Section 1-42 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-42 Witnesses and Documents.

The parties [shall] must have all of their witnesses available on the trial date. A party intending to introduce documents into evidence [shall] must bring to trial copies of those documents for the administrative law judge, the witness, and the other parties. Repeated failure to comply with this section may be cause for sanctions, as set

forth in § 1-13(e).

Section 24. Section 1-43 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-43 Subpoenas.

- (a) A subpoena *ad testificandum* requiring the attendance of a person to give testimony prior to or at a trial or a subpoena *duces tecum* requiring the production of documents or things at or prior to a trial may be issued only by the administrative law judge upon application of a party or *sua sponte*.
- (b) A request by a party that the administrative law judge issue a subpoena [shall] will be deemed to be a motion, and [shall] must be made in compliance with § 1-34 or § 1-50, as appropriate; provided, however, that such a motion [shall] must be made on 24 [hours] hours' notice by electronic means or personal delivery of papers, including a copy of the proposed subpoena, unless the administrative law judge directs otherwise. The proposed subpoena may be prepared by completion of a form subpoena available from OATH. The making and scheduling of requests for issuance of subpoenas by telephone conference call to the administrative law judge or by electronic means is encouraged.
- (c) Subpoenas [shall] must be served in the manner provided by § 2303 of the Civil Practice Law and Rules, unless the administrative law judge directs otherwise. The party requesting the issuance of a subpoena [shall] will bear the cost of service, and of witness and mileage fees, which [shall] will be the same as for a trial subpoena in the Supreme Court of the State of New York.
- (d) In the event of a dispute concerning a subpoena after the subpoena is issued, informal resolution [shall] must be attempted with the party who requested issuance of the subpoena. If the dispute is not thus resolved, a motion to quash, modify or enforce the subpoena [shall] must be made to the administrative law judge.

Section 25. Section 1-44 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-44 Interpreters.

- (a) OATH will [make reasonable efforts to] provide language assistance services to a party or their witnesses who are in need of [an interpreter] such services to communicate at a trial or conference. All requests for language assistance must be made to OATH's calendar unit.
- (b) A request for language assistance by telephone may be made at any time before the trial or conference.
- (c) A request for in-person interpretation must be made at least five (5) business days before the trial or conference
- (d) A request for sign language interpretation must be made at least three (3) calendar days before the trial or conference.

Section 26. Section 1-45 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-45 Failure to Appear.

All parties, [counsel] attorneys and other representatives are required to be present at OATH and prepared to proceed at the time scheduled for commencement of trial. Commencement of trial, or of any session of trial, [shall] will not be delayed beyond the scheduled starting time except for good cause as determined in the discretion of the administrative law judge. Absent a finding of good cause, and to the extent permitted by the law applicable to the claims asserted in the petition, the administrative law judge may direct that the trial proceed in the absence of any missing party or representative, render a disposition of the case adverse to the missing party, or take other appropriate measures, including the imposition of sanctions listed in § 1-13(e). Relief from the direction of the administrative law judge may be had only upon motion brought as promptly as possible pursuant to § 1-50 or § 1-52. The administrative law judge may grant or deny such a motion, in whole, in part, or upon stated conditions.

Section 27. Section 1-46 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-46 Evidence at the Trial.

- (a) Compliance with technical rules of evidence, including hearsay rules, [shall] will not necessarily be required. Traditional rules governing trial sequence [shall] will apply. In addition, principles of civil practice and rules of evidence may be applied to ensure an orderly proceeding and a clear record, and to assist the administrative law judge in the role as trier of fact. Traditional trial sequence may be altered by the administrative law judge for convenience of the parties, attorneys, witnesses, or OATH, where substantial prejudice will not result.
- (b) The administrative law judge may limit examination, the

presentation of testimonial, documentary or other evidence, and the submission of rebuttal evidence. The administrative law judge may accept testimony at trial by telephone or other electronic means, including video conferencing. Objections to evidence offered, or to other matters, will be noted in the transcript, and exceptions need not be taken to rulings made over objections. The administrative law judge may call witnesses, may require any party to clarify confusion, fill gaps in the record, or produce witnesses, and may question witnesses directly.

- (c) In the discretion of the administrative law judge, closing statements may be made orally or in writing. On motion of the parties, or *sua sponte*, the administrative law judge may direct written post-trial submissions, including legal briefing, proposed findings of fact and conclusions of law, or any other pertinent matter.

Section 28. Section 1-47 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-47 Evidence Pertaining to Penalty or Relief.

- (a) A separate trial [shall] will not be held as to the penalty to be imposed or the relief to be granted in the event that the petition is sustained in whole or in part.
- (b) In the event that a personnel file, abstract of a personnel file, driver record, owner record, or other similar or analogous file is not admitted into evidence at the trial on the merits, the administrative law judge, upon determining that the petition [shall] will be sustained in whole or in part, may request that the petitioner forward such file or record to the administrative law judge for consideration relative to penalty or relief. That request may be conveyed to the petitioner or the petitioner's representative *ex parte* and without further notice to the respondent. The petitioner [shall] must forward only the requested file or record, without accompanying material, and such file or record [shall] must include only material which is available from the petitioner for inspection by the respondent as of right. In his or her report and recommendation, the administrative law judge [shall] will refer to any material from such file or record relied on in formulating the recommendation as to penalty or other relief.

Section 29. Section 1-48 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-48 Official Notice.

- (a) In reaching a decision, the administrative law judge may take official notice, before or after submission of the case for decision, on request of a party or *sua sponte* on notice to the parties, of any fact which may be judicially noticed by the courts of this state. Matters of which official notice is taken [shall] will be noted in the record, or appended thereto. The parties [shall] will be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by presentation of authority.
- (b) Official notice may be taken, without notice to the parties, of rules published in the Rules of the City of New York or in The City Record. In addition, all parties are deemed to have notice that official notice may be taken of other regulations, directives, guidelines, and similar documents that are lawfully applicable to the parties, provided that any such materials that are unpublished are on file with OATH sufficiently before trial of the case to enable all parties to address at trial any issue as to the applicability or meaning of any such materials. Unpublished materials on file with OATH [shall] will be available for inspection by any party or attorney or representative of a party.

Section 30. Section 1-49 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-49 Public Access to Proceedings.

- (a) Other than settlement conferences, all proceedings [shall be] are open to the public, unless the administrative law judge finds that a legally recognized ground exists for closure of all or a portion of the proceeding, or unless closure is required by law. Trial witnesses may be excluded from proceedings other than their own testimony in the discretion of the administrative law judge.
- (b) No person [shall] may make or cause to be made a stenographic, electronic, audio, audio-visual or other verbatim or photographic reproduction of any trial or other proceeding, whether such trial or other proceeding is conducted in person, by telephone, or otherwise, except upon application to the administrative law judge. Except or as otherwise provided by law (e.g. N.Y. Civil Rights Law, § 52), such application [shall] must be addressed to the discretion of the administrative law judge, who may deny the application or grant it in full, in part, or upon such conditions as the administrative law judge deems necessary to preserve the decorum of the proceedings and to protect the interests of the parties, witnesses and any other concerned persons.

- (c) Transcripts of proceedings made a part of the record by the administrative law judge [shall] will be the official record of proceedings at OATH, notwithstanding the existence of any other transcript or recording, whether or not authorized under the previous subdivision of this section.
- (d) Unless the administrative law judge finds that legally recognized grounds exist to omit information from a decision, all decisions will be published without redaction. To the extent applicable law or rules require that particular information remain confidential, including but not limited to the name of a party or witness or an individual's medical records, such information will not be published in a decision. On the motion of a party, or *sua sponte*, the administrative law judge may determine that publication of certain information will violate privacy rights set forth in applicable law or rules and may take appropriate steps to ensure that such information is not published.

Section 31. Section 1-50 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-50 Trial Motions.

Motions may be made during the trial orally or in writing. Trial motions made in writing [shall] must satisfy the requirements of § 1-34. The administrative law judge may, in his or her discretion, require that any trial motion be briefed or otherwise supported in writing. In cases referred to OATH for disposition by report and recommendation to the head of the agency, motions addressed to the sufficiency of the petition or the sufficiency of the petitioner's evidence [shall] will be reserved until closing statements.

Section 32. Section 1-51 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-51 The Transcript.

Trials [shall] will be stenographically or electronically recorded, and the recordings [shall] will be transcribed, unless the administrative law judge directs otherwise. In the discretion of the administrative law judge, matters other than the trial may be recorded and such recordings may be transcribed. Transcripts [shall] will be made part of the record, and [shall] will be made available upon request or as required by law.

Section 33. Section 1-52 of subchapter D of Chapter 1 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 1-52 Post-Trial Motions.

Post-trial motions [shall] must be made in writing, in conformity with the requirements of § 1-34, to the administrative law judge, except that after issuance of a report and recommendation in a case referred to OATH for such motions, as well as comments on the report and recommendation to the extent that such comments are authorized by law, [shall] must be addressed to the deciding authority.

Section 34. Section 2-01 of subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-01 Applicability.

This subchapter [shall apply] applies solely to prequalified vendor appeals pursuant to § 324(b) of the Charter and the rules of the Procurement Policy Board, 9 RCNY § 3-10(m). Chapter 1 [shall] also [apply] applies to such proceedings except to the extent that it is inconsistent with this subchapter.

Section 35. Section 2-02 of subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-02 Docketing; Service of the Petition.

- (a) A vendor [shall] must docket an appeal by delivering to OATH a completed intake sheet, with a petition and appropriate proof of service of the petition upon the agency whose prequalification determination is to be reviewed. The petition [shall] must include a copy of the determination to be reviewed and [shall] must state the nature and basis of the challenge to the determination.
- (b) The petition [shall] must be accompanied by a notice to the respondent of its time to serve and file an answer. The notice described in § 1-23(a) [shall] is not [be] required.

Section 36. Section 2-03 of subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-03 Answer; Reply.

- (a) If the petition is served personally on the respondent, the respondent [shall] must file an answer, with appropriate proof of service, within fourteen days of the respondent's receipt of the petition. If the petition is served by mail, it [shall] will be presumed that the respondent received the petition five days after it was served.

- (b) The answer [shall] must include the determination to be reviewed, the basis of the determination, admission, denial or other response to each allegation in the petition, and a statement of any other defenses to the petition. The basis of the determination included in the answer [shall] must consist of all documentation and information that was before the agency head, including any submissions by the vendor. To the extent that information in support of the determination was not written, it [shall] must be reduced to writing and included in the answer in the form of affidavits or affirmations, documentary exhibits, or other evidentiary material. Also, defenses may be supported by evidentiary material. The answer may be accompanied by a memorandum of law.
- (c) If the respondent's attorney or other representative has not already filed a notice of appearance, such notice [shall] must be filed with the answer.
- (d) Within fifteen days of the service of the answer, or within twenty days if such service is by mail, the petitioner may file a reply. The reply may include affidavits or affirmations, documentary exhibits, or other evidentiary material in rebuttal of the answer, including information provided to the agency head which was not written. The reply may be accompanied by a memorandum of law.

Section 37. Section 2-04 of subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-04 Further Proceedings.

An appeal [shall] will be decided on the petition, answer and reply, unless the administrative law judge directs further written submissions, oral argument, or an evidentiary hearing, as may be necessary to the decision of the appeal.

Section 38. Section 2-05 of subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-05 Discovery.

Discovery [shall] may not be permitted except upon order of the administrative law judge in connection with § 2-04.

Section 39. Section 2-06 of subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-06 Determination.

The administrative law judge [shall] will render as expeditiously as possible a determination as to whether the agency's decision is arbitrary or capricious.

Section 40. Section 2-07 of subchapter A of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-07 Copies of Determination.

The respondent [shall] must send copies of the administrative law judge's determination to such non-parties as may be required, for instance, by the rules of the Procurement Policy Board, 9 RCNY §3-10(m)(5).

Section 41. Section 2-21 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-21 Applicability.

This subchapter [shall apply] applies solely to cases brought by the New York City Commission on Human Rights pursuant to the City Human Rights Law, Title 8 of the New York City Administrative Code. Chapter 1 of this title [shall] also [apply] applies to such proceedings except to the extent that it is inconsistent with this subchapter.

Section 42. Section 2-22 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-22 Definitions.

For purposes of this subchapter:

Commission. "Commission" [shall mean] means the New York City Commission on Human Rights.

Complainant. "Complainant" [shall be] is defined according to the Commission's rules, 47 RCNY § 1-03.

Party. "Party" [shall be] is defined according to the Commission's rules, 47 RCNY § 1-03.

Petition. [The] "Petition" means a complaint as defined in the Commission's rules, 47 RCNY §§ 1-11, 1-12 [shall constitute the petition as defined in § 1-01 of Chapter 1 of this title].

Petitioner. "Petitioner" [shall mean] means the Law Enforcement Bureau of the Commission.

Report and recommendation. The "report and recommendation" referred to in this title [shall constitute] constitutes the recommended

decision and order referred to in the Commission's [Rules] rules.

Section 43. Section 2-23 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-23 Proceedings Before Referral to OATH.

Proceedings before the case is docketed at OATH [shall be] are governed by the Commission's rules (47 RCNY §§ 1-01 to 1-62).

Section 44. Section 2-24 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-24 Docketing the Case at OATH.

(a) Notwithstanding the provisions of § 1-26 of this title, only the petitioner may docket a case at OATH. The petitioner [shall] must docket a case by delivering to OATH a completed intake sheet, the notice of referral required by the Commission's rules (47 RCNY § 1-71), the pleadings and any amendments to the pleadings, any notices of appearances filed with the petitioner pursuant to the Commission's rules (47 RCNY § 1-15), and any changes of address filed with the petitioner pursuant to the Commission's rules (47 RCNY § 1-16).

(b) Upon docketing the case at OATH, the petitioner [shall] must serve notice of trial, if a trial date has been selected, and notice of conference, if a conference date has been selected, in compliance with § 1-28 of this title.

Section 45. Section 2-25 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-25 Intervention.

(a) A person may move to intervene as a party at any time before commencement of the trial. Intervention may be permitted, in the discretion of the administrative law judge, if the proposed intervenor demonstrates a substantial interest in the outcome of the case. In determining applications for intervention, the administrative law judge [shall] will consider the timeliness of the application, whether the issues in the case would be unduly broadened by grant of the application, the nature and extent of the interest of the proposed intervenor and the prejudice that would be suffered by the intervenor if the application is denied, and such other factors as may be relevant. The administrative law judge may grant the application upon such terms and conditions as he or she may deem appropriate and may limit the scope of an intervenor's participation in the adjudication.

(b) A complainant [shall] may be permitted to intervene as of right, upon notice to all parties and the [Administrative Law Judge] administrative law judge at or before the first conference in the case, or, if no conference is held, before commencement of trial. The Commission's Law Enforcement Bureau [shall] will prosecute the complaint. Complainants and respondents may be represented by [counsel] attorneys or other duly authorized representatives, who [shall] must file notices of appearance pursuant to the Commission's rules (47 RCNY § 1-15), if before referral of the case to OATH, or pursuant to § 1-11 of this title, if after such referral.

Section 46. Section 2-26 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-26 Withdrawal or Dismissal of the Petition.

After referral of a case to OATH, but before commencement of the hearing, dismissal of the case by the petitioner on the grounds provided in the Commission's [Rules] rules (47 RCNY § 1-22), or withdrawal of the case by the petitioner pursuant to § 1-32(f) of this title, [shall] will be effected by notice to all other parties and to the [Administrative Law Judge] administrative law judge. The complainant may move to withdraw the complaint at any time before commencement of the hearing. All other motions to withdraw or dismiss the petition [shall be] are governed by §§ 1-34 and 1-50 of this title.

Section 47. Section 2-27 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-27 Entry of and Relief from Default.

(a) If the notice of referral to OATH alleges that a respondent has not complied with the requirements of § 1-14 of the Commission's rules (47 RCNY § 1-14), the respondent [shall] must serve and file an affidavit asserting that the respondent has complied with those requirements, or asserting reasons constituting good cause for its failure to comply with those requirements. Such affidavit [shall] must be served and filed at or before the first conference in the case, or, if no conference is held, before commencement of the hearing. If the respondent fails to serve and file such an affidavit within the time allowed by this paragraph, the [Administrative Law Judge shall] administrative law judge will declare the respondent to be in default and [shall] will preclude the respondent from further participation in the adjudication.

If the respondent timely serves and files such an affidavit, the [Administrative Law Judge shall] administrative law judge will decide the questions presented, and [shall] will either declare the respondent to be in default and preclude the respondent from further participation in the adjudication, or [shall] will deny the default in full or upon stated terms and conditions which may include such limitations on the respondent's participation in the adjudication as the [Administrative Law Judge] administrative law judge deems to be equitable.

- (b) A respondent against whom a default has been entered pursuant to paragraph (a) of this section may move at any time before issuance of the report and recommendation to open the default. Such a motion must include a showing of good cause for the conduct constituting the default, a showing of good cause for the failure to oppose entry of the default in accordance with paragraph (a) of this section, and a meritorious defense to the petition, in whole or in part. In granting any such motion, the [Administrative Law Judge] administrative law judge may impose such terms and conditions as he or she deems to be equitable.

Section 48. Section 2-29 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-29 Discovery.

- (a) *Policy.* Although strict compliance with the provisions of Article 31 of the Civil Practice Law and Rules [shall not be] is not required, the principles of that article may be applied to ensure orderly and expeditious preparation of cases for trial.
- (b) *Scope of discovery.*
- (1) With the exception of the substance of any oral or written communications made by and between a complainant or complainant's [counsel] attorney and the petitioner subsequent to a determination that probable cause exists, the materials contained in the petitioner's investigatory file [shall] must be available as of right to any party for inspection and copying subsequent to docketing at OATH upon reasonable notice, unless a default has been entered against that party by the [Administrative Law Judge] administrative law judge.
 - (2) In the absence of an agreement by the parties, the number of interrogatories, including subparts, [shall be] is limited to fifteen. The [Administrative Law Judge] administrative law judge may permit additional interrogatories upon application for good cause shown.
 - (3) Any party may take the deposition of any other party as of right. Other depositions [shall] may be taken only upon leave of the [Administrative Law Judge] administrative law judge for good cause shown. No person [shall] may be deposed by the party conducting the examination for a period aggregating more than seven hours except upon consent of all parties or leave of the administrative law judge for good cause shown. Deposition testimony may be recorded by a stenographer or by videotape or audiotape recording, at the option of the party conducting the deposition. The cost of the recording and transcription of deposition testimony [shall] must be borne by the party conducting the deposition.
- (c) *Sanctions.* Failure to comply with or object to a discovery request in a timely fashion as provided by § 1-33 of this title may result in the imposition of sanctions as appropriate, including those specified in § 1-33(e) of this title.

Section 49. Section 2-30 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-30 Interlocutory Review.

- (a) Within five days after issuance of any interlocutory order or decision, a party may move for certification by the [Administrative Law Judge] administrative law judge that such order or decision may be submitted, in whole or in specified part, for review by the chair of the Commission. If the party moving for certification seeks a stay of proceedings, in whole or in part, pending completion of the interlocutory review, the motion for certification [shall] must include a statement as to why the failure to grant the requested stay would materially prejudice the party. Certification may also be made, and a stay may be ordered, by the [Administrative Law Judge] administrative law judge on his or her own motion.
- (b) As provided by the Commission's rules (47 RCNY § 1-74), failure of a party to seek interlocutory review of a decision or order [shall] does not preclude that party from making such challenge to the Commission in connection with the Commission's review of a report and recommendation in a case, provided that the party timely made its objection known to the [Administrative Law Judge] administrative law judge and that the grounds for such challenge [shall] must be limited to those set forth to the

[Administrative Law Judge] administrative law judge.

Section 50. Section 2-31 of subchapter C of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-31 Proceedings After Issuance of Report and Recommendation. Proceedings following issuance by the [Administrative Law Judge] administrative law judge of the report and recommendation in the case [shall be] are governed by the Commission's [Rules] rules (47 RCNY §§ 1-75, 1-76).

Section 51. Section 2-41 of subchapter D of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-41 Applicability.

This subchapter [shall apply] applies solely to cases brought to determine the validity of post-seizure retention of vehicles by the Police Department as evidence or for prospective or pending actions to forfeit such vehicles pursuant to §14-140 of the New York City Administrative Code. Chapter 1 of this title [shall] also [apply] applies to such cases except to the extent that it is inconsistent with this subchapter or with *Krimstock v. Kelly*, 99 Civ. 12041 (MBM), order and judgment (S.D.N.Y. Jan. 5, 2004), and any amendments, modifications and revisions thereof.

Section 52. Section 2-42 of subchapter D of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-42 Parties.

For purposes of this subchapter, the Police Department [shall] will be the petitioner, and the claimant to the vehicle [shall] will be the respondent, as defined in §1-01 of this title.

Section 53. Section 2-43 of subchapter D of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-43 Pleadings.

- (a) The time provided in § 1-26(d) for service of the notice of trial [shall] does not apply.
- (b) Notwithstanding § 1-24 of this title, the respondent may serve and file an answer at any time until the commencement of the hearing.

Section 54. Section 2-44 of subchapter D of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-44 Trial Continuances.

A motion by the petitioner, after the conclusion of the respondent's evidence, for a continuance of trial to present rebuttal evidence in the form of testimony from witnesses not called on the petitioner's case-in-chief, [shall] may be granted for good cause shown.

Section 55. Section 2-46 of subchapter D of Chapter 2 of Title 48 of the Rules of the City of New York is amended to read as follows:

§ 2-46 Transcription of Trials.

Notwithstanding § 1-51 of this title, the recording of the trial or of other proceedings in the case, whether electronic or stenographic, [shall] may not be transcribed except (i) upon request and payment of reasonable transcription costs, (ii) upon direction of the administrative law judge, in his or her discretion, or (iii) as otherwise required by law.

Section 56. Subchapters A through F of Chapter 3 of Title 48 of the Rules of the City of New York are REPEALED, and new subchapters A and B are added to read as follows:

Chapter 3: Rules of Practice Applicable to Proceedings Brought Before the Environmental Control Board Pursuant to §1049-a of the New York City Charter and Provisions of the New York City Administrative Code or New York State Law

Subchapter A: General Rules

§3-11 Definitions.

Definitions in Section 6-01 of this title apply to terms used in this chapter. In addition, as used in this chapter:

"Board" means the Environmental Control Board of the City of New York.

"Executive Director" means the executive director of the Board.

§3-12 Scope of Rules.

This chapter applies to the adjudications of summonses conducted by the Tribunal as authorized by the Board and to other Board proceedings pursuant to §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, and special hearings conducted by the Board pursuant to Title 24 of the New York City Administrative Code.

All such adjudications, special hearings and enforcement proceedings will be conducted pursuant to the rules set forth in Chapter 6 of this Title. Where there is a conflict between this chapter and Chapter 6, this chapter takes precedence.

§3-13 Computation of Time for Emergency Action.

Any emergency action taken by the Board that requires action within a 24-hour period will be taken regardless of whether the 24-hour period includes a Saturday, Sunday or legal holiday.

§3-14 Claims of Prior Adjudication.

Whenever a party claims that a summons was previously adjudicated, the hearing officer must allow both parties to present all relevant evidence on all the issues in the case, including the claim of prior adjudication. If a party has raised a claim of prior adjudication, the hearing officer must not decide such claim, but must preserve the claim for the purposes of subsequent appeal to the Appeals Unit, a panel of Board members, or the Board pursuant to §3-15. If, on appeal, a party properly raises and preserves a claim of prior adjudication, the Appeals Unit will review the records of the first and any subsequent hearings in order to assist the panel or Board in determining the claim of prior adjudication. In deciding the claim, the panel or the Board will consider the interests of justice and public safety.

§3-15 Panel or Board Review of Appeals.

- (a) The Board will establish panels from among its members to review recommended decisions issued by the Appeals Unit pursuant to §6-19(e), and to issue decisions. A panel may refer a case to the Board for review if the panel is unable to reach a decision. Such case will be considered by the Board and the Board will issue a decision. Unless a party files a request pursuant to subdivision (b) of this section, the decision of the panel or the Board will be deemed to have been issued by, and become the final decision of, the Board. The Board's final decision is also the final decision of the Tribunal.
- (b) Superseding appeal decisions. Within 10 days of the mailing of the Board's decision, a party may apply to the Board for a superseding appeal decision to correct ministerial errors or errors due to mistake of fact or law. This superseding appeal decision will become the final decision of the Board. The Board's final decision is also the final decision of the Tribunal.

§3-16 Judicial Review of Board Decisions.

- (a) If a Respondent appeals and the Board has not issued a final decision within 180 days from the filing of the appeal, the Respondent may at any time file a petition seeking judicial review of the Hearing Officer's recommended decision pursuant to Article 78 of the New York Civil Practice Law and Rules (CPLR). Such Respondent may rely on the recommended decision as the final decision of the Board, provided that the following three conditions are met:
- (1) at least forty-five days before the filing of such petition, the Respondent files with the Board written notice of the Respondent's intention to file the petition; and
 - (2) the Board has still not issued a final decision when the Respondent files the petition; and
 - (3) the Respondent serves the petition on the Board pursuant to the CPLR.
- (b) The Board may issue a final decision after a Respondent files with the Board written notice of intention to file a petition for judicial review under subdivision (a) and before the Respondent has filed the petition.

§3-17 Admission After Default.

Where the Board issues a default decision, in accordance with §6-20 of this Title, permitting Respondent to admit the charge and pay by mail, Respondent may enter a late admission and payment by mail within thirty days of the mailing date of the default decision. OATH may impose a fee of \$30 for the processing of such late admission.

§3-18 Stipulation in Lieu of Hearing.

- (a) At any time before the Hearing Officer issues a recommended decision, the Petitioner may offer the Respondent a settlement of the summons by stipulation in lieu of further hearing. The stipulation must contain an admission of the violation, the further facts stipulated to, if any, the amount of the penalty to be imposed, and the compliance ordered, if any.
- (b) If entered into by Respondent and filed with the Tribunal prior to the first scheduled hearing date, the stipulation will be reviewed by the Executive Director or his or her designee. The Tribunal as authorized by the Board will, after receiving such stipulation, issue a final decision incorporating the terms of the stipulation. If the stipulation is not acceptable to the Tribunal, the matter will be rescheduled for further hearing.
- (c) If entered into during the course of a hearing and approved by the Hearing Officer, the stipulation will be incorporated into the Hearing Officer's recommended decision.

- (d) Decisions based upon stipulations may not be appealed.

§3-19 Post Judgment Amendment of Records.

- (a) Upon the written motion of any party, the Board may amend any judgment to designate a judgment debtor by the correct legal name.
- (b) The movant must file the written motion with the Executive Director. The movant must also file an affidavit setting forth the facts and evidence relied on and an affidavit of service, by certified or registered mail and regular mail, of the motion on the judgment debtor at the last known address and at the address or addresses at which the summons was or summonses were served. Such motion must be served on the judgment debtor and any other party. The motion must set forth the date and time of the hearing in accordance with the direction of the Executive Director, provided that such date and time will not be sooner than ten (10) days after the service of such motion on the judgment debtor. At such hearing, any party may appear, in person or otherwise, with or without an attorney, cross-examine witnesses, present evidence and testify. If the judgment debtor does not appear at the hearing, the Hearing Officer may proceed to determine the evidence presented by the movant in support of the motion.
- (c) If the Hearing Officer finds that the movant has established, by a preponderance of evidence, (i) the correct legal name of the judgment debtor, (ii) that such name is the same party designated on the summons or summonses as responsible for the alleged violation or violations and (iii) that service of the summons or summonses and of all other papers in the proceeding or proceedings was or were properly made upon such judgment debtor, the Hearing Officer will grant such motion and issue a recommended decision directing the amendment of the judgment to reflect the correct legal name of the judgment debtor and of all records relating to the proceedings commenced by the service of the summons or summonses, including the records of judgments filed with the civil court and in the office of the county clerk.
- (d) The Hearing Officer will file the recommended decision with the Board and OATH will serve the recommended decision on all parties. Any party who appeared at the hearing, in person or otherwise, may file an appeal of such recommended decision in the manner provided in § 6-19 and the Board will render a final decision on the appeal. Such final decision is the final decision of the Board for purposes of review pursuant to Article 78 of the CPLR.
- (e) If an appeal is not filed within the time provided for in § 6-19, the Hearing Officer's recommended decision will become the final decision of the Board and is not subject to review pursuant to Article 78 of the CPLR.
- (f) An order correcting a judgment does not affect the duration of a judgment. The judgment will remain in full force and effect for eight (8) years from the date that the judgment was originally entered.

Subchapter B: Special Hearings

§3-21 Cease and Desist Actions.

- (a) Scope. This section governs cease and desist actions brought by the Board pursuant to Administrative Code §§ 24-178, 24-257, or 24-524, after Respondent has had notice and an opportunity for a hearing on the violations alleged pursuant to the provisions of §§ 24-184, 24-263, or 24-524 as appropriate, and has failed to comply with orders issued by the Board in such proceedings.
- (b) Issuance of Order and Notice. Cease and desist actions are commenced by the Board issuing an order to cease and desist and a notice of special hearing. The order and notice will identify the particular compliance order, previously issued after an adjudicatory hearing or finding of default, which Respondent is alleged to have disregarded, and the activity, equipment, device and/or process involved. The order will direct Respondent to show cause at a special hearing why the equipment, device or process should not be sealed and additional penalties should not be imposed, and will notify Respondent that, if Respondent does not appear as directed, the Board's order will be implemented.
- (c) Service. The order to cease and desist and notice of special hearing will be served personally and by regular mail.

§3-22 Special Hearing.

- (a) Pre-Sealing Hearing. The special hearing will be presided over by a Hearing Officer who has all of the powers and duties in subchapter C of Chapter 6 of these rules, except as specifically provided in this section. The Hearing Officer may receive evidence presented by the Petitioner who requested the Board to issue the cease and desist order, any intervenor, and the Respondent.
- (b) Motions to Intervene.
- (1) A person may intervene as of right in a special hearing if such person may be directly and adversely affected by a cease

and desist order of the Board. An order imposing a monetary penalty is not an order directly or adversely affecting any person other than a Respondent.

- (2) Such person intervening as of right must file a written application with the Tribunal and serve it upon each party to the proceeding not less than five (5) days before the special hearing. Such written application must set forth in detail the reasons why the person seeks to intervene. When such written application is made by any person, the matter will be assigned to a Hearing Officer for disposition. Within three (3) days of being served with such written application, any party may file a response and any supporting documents with the Tribunal. Such response and documents, if any, must be served upon the applicant and all other parties.
- (3) An intervenor as of right will have all the rights of an original party, except that the Hearing Officer may provide that the intervenor will be bound by orders previously entered or evidence previously received and that the intervenor will not raise issues or seek to add parties which might have been raised or added more properly at an earlier stage of the proceeding.
- (c) Report. In lieu of a recommended hearing decision, the Hearing Officer will prepare a report summarizing the evidence and arguments and including the Hearing Officer's findings of fact and recommendation as to whether the sealing should proceed and additional penalties should be imposed. The Hearing Officer will promptly file the report with the Board.
- (d) Board Order. Upon receipt of the Hearing Officer's report, the Board may adopt, reject or modify the findings and recommendation, and direct such further hearings or issue such further orders to Respondent as are appropriate under the circumstances to assure correction of the violations. In any case in which the Board issues an order requiring the Respondent to take affirmative action, such order may also require the Respondent to file with the Board a report or reports attesting under oath that the Respondent has complied with the order. Failure to file a required report within the time limit set forth in the order may, in the Board's discretion, constitute a violation of the order regardless of whether the Respondent has otherwise complied with the provisions of the order.
- (e) Post-Sealing Hearing. At any time after a sealing has taken place, a Respondent may request a special hearing to present evidence as to why the seal should be removed or sealing order modified. The Respondent must make the request by letter addressed to the Board or the Executive Director or his or her designee. A special post-sealing hearing will then be scheduled and presided over by a Hearing Officer and conducted in accordance with the provisions of subparagraphs (a), (b) and (c) of this section.

§3-23 Application for a Temporary or Limited Unsealing or Stay.

If it appears that remediation undertaken by a Respondent cannot proceed or its effectiveness cannot be tested while a seal remains in place, the Respondent may, by written application addressed to the Executive Director or his or her designee, request that a seal be temporarily removed or stayed for a limited period. The Executive Director or his or her designee may authorize a temporary unsealing or stay of sealing for the above specified reasons for such limited period and subject to such conditions as the Executive Director or his or her designee deems appropriate.

§3-24 Hearings after Emergency Cease and Desist Orders.

When the Board has issued an emergency cease and desist order, without hearing, due to an imminent peril to public health or safety, pursuant to Administrative Code §§ 24-178(f), 24-346(a) and (e) or 24-523(a) and (b), any person affected by such emergency order may, by written notice to the Board, request a hearing or an accelerated hearing in accordance with those provisions. The hearing held pursuant to the request will be held by the Board and not referred to a Hearing Officer. The hearing will otherwise be conducted in accordance with the relevant provisions of law and the applicable Board rules for adjudicatory hearings.

Section 57. Chapter 5 of Title 48 of the Rules of the City of New York is REPEALED, and a new Chapter 5 is added to read as follows:

Chapter 5: Rules Applicable to Violations of Laws or Regulations Enforced by the Taxi and Limousine Commission

§5-01 Scope of this Chapter

This chapter applies to all charges of violations of any laws, rules and regulations enforced by the Taxi and Limousine Commission (TLC). Adjudications of such charges are conducted pursuant to the rules in Chapter 6 of this Title. Where there is a conflict between this chapter and Chapter 6, this chapter takes precedence. Definitions in section 6-01 apply to terms used in this chapter.

§5-02 Respondent's Right to Confront Complaining Witness

- (a) Pursuant to Administrative Code § 19-506.1, the TLC must

produce the complaining witness in person where such witness's credibility is relevant to the summons being adjudicated. If the TLC is unable to produce such witness in person, the TLC must make reasonable efforts to make the witness available during the hearing by videoconferencing or teleconferencing.

- (b) If the TLC is unable to produce the witness in person or by videoconference or teleconference, it must provide the Hearing Officer with a statement outlining its efforts to produce the witness. If the Hearing Officer determines that the TLC's efforts were inadequate, the Hearing Officer will dismiss the summons.
- (c) If the Respondent previously requested an adjournment to obtain the testimony of the complaining witness, the non-attendance of the complaining witness will be considered a failure by the TLC to produce a complaining witness under paragraph (b) and may be grounds for the Hearing Officer to dismiss the summons.

§5-03 Respondent's Right to Challenge a Default Decision

Pursuant to Administrative Code § 19-506.1, a Respondent may move to vacate a default decision by filing a written motion to vacate within two (2) years from the date of entry of the default decision.

§5-04 Appeals

- (a) Expedited appeals. Either party may appeal a decision pursuant to section 6-19. Where the appeal involves the suspension or revocation of a TLC-issued license, the Appeals Unit will issue an expedited decision.
- (b) A party responding to a request for appeal where the appeal involves the suspension or revocation of a TLC-issued license must file the response with the Tribunal within seven (7) days after being served with the appeal. The responding party must also serve a copy of the response on the appealing party, and file proof of such service with the Tribunal.
- (c) Requests for hearing recording. Pursuant to Administrative Code § 19-506.1(d), if a Respondent appealing a decision requests in writing a copy of the hearing recording, the recording will be produced to the Respondent within thirty (30) days after receipt of the request. If the recording cannot be produced within the thirty (30) day period, the determination being appealed will be dismissed without prejudice.
- (d) Finality. A decision of the Appeals Unit becomes the final determination of the Tribunal, unless either party petitions the TLC Chairperson in accordance with §68-12(c) of Chapter 68 of Title 35 of the Rules of the City of New York (RCNY).

§5-05 Chairperson Review

- (a) Scope of review. The TLC Chairperson or, if designated by the TLC Chairperson, the General Counsel for the TLC, may review any determination of the Appeals Unit that interprets any of the following:
- (1) A rule in Title 35 of the RCNY;
 - (2) A provision of law in Chapter 5 of Title 19 of the Administrative Code; (3) A provision of law in Chapter 65 of the Charter.
- (b) Decision. Upon review, the TLC Chairperson or General Counsel may issue a decision adopting, rejecting or modifying the Appeals Unit decision. The TLC Chairperson or General Counsel will be bound by the findings of fact in the record and will set forth his or her decision in a written order. The TLC Chairperson or General Counsel's interpretation of the TLC's rules and the laws it administers will be considered agency policy and must be applied by the Tribunal in future adjudications involving the same rules or statutes.

§5-06 Special Procedures

- (a) Summary suspension based on a failure to be timely tested for drug use. When the TLC submits to the Tribunal written documentation pursuant to 35 RCNY § 68-16(d) submitted by a Licensee, as defined in §35 RCNY 51-03, refuting summary suspension based on a failure to be timely tested for drug use, the Tribunal will issue a decision based on the written documentation. The decision will include findings of fact and conclusions of law. The decision may be appealed in accordance with the process established in § 6-19.
- (b) Unlicensed activity. Pursuant to §19-529.2 of the Administrative Code, a decision on unlicensed activity with a commuter van will be issued within one (1) business day of the conclusion of the hearing or the default.

Section 58. Section 6-01 of subchapter A of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-01 Definitions Specific to this Chapter

As used in this chapter:

"Adjournment" means a request made to a Hearing Officer during a hearing to postpone the hearing to a later date.

“Appeals Unit” means the unit authorized under §6-19 of this Title to review hearing officer decisions.

“Appearance” means a communication with the Tribunal that is made by a party or the representative of a party in connection with a [Notice of Violation] summons that is or was pending before the Tribunal. An appearance may be made in person, online or by other remote methods approved by the Tribunal.

“Board” means the Environmental Control Board of the City of New York.

“Charter” means the New York City Charter.

“Chief Administrative Law Judge” means the director and chief executive officer of OATH appointed by the Mayor pursuant to New York City Charter § 1048.

“Hearing Officer” means a person designated by the Chief Administrative Law Judge of OATH, or his or her designee, to carry out the adjudicatory powers, duties and responsibilities of the Tribunal.

“Inspector” means the inspector, public health sanitarian, or other person who conducted the inspection or investigation that resulted in the issuance of a summons.

“Notice of Violation” or “NOV” means the document, including a summons, issued by the petitioner to a respondent which specifies the charges forming the basis of an adjudicatory proceeding before the Tribunal.]

“OATH” means the New York City Office of Administrative Trials and Hearings, including the OATH Trials Division and the OATH Hearings Division (see Section 6-02).

“OATH Hearings Division” means the Health Tribunal, the Environmental Control Board as defined in Charter §1049-a, and the Administrative Tribunal referenced in Title 19 of the Administrative Code of the City of New York.

“OATH Trials Division” means the adjudicatory body authorized to conduct proceedings pursuant to Chapters 1 and 2 of this Title.

“Party” means the Petitioner or the person named as Respondent in a proceeding before the Tribunal.

“Person” means any individual, partnership, unincorporated association, corporation, limited liability company or governmental agency.

“Petitioner” means the [New York City] governmental agency [authorized to issue Notices of Violations returnable to the Tribunal] or individual who issued a summons.

“Reschedule” means a request made to the Tribunal prior to the scheduled hearing for a later hearing date.

“Respondent” means the person against whom the charges alleged in a [Notice of Violation] summons have been filed.

“Summons” means the document, including a notice of violation, issued by Petitioner to Respondent, which specifies the charges forming the basis of an adjudicatory proceeding before the Tribunal.

“Tribunal” means the OATH Hearings Division[, including the Health Tribunal].

Section 59. Section 6-02 of subchapter A of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-02 Jurisdiction, Powers and Duties

(a) Jurisdiction. Pursuant to Charter [Section] § 1048, the Tribunal has jurisdiction to hear and determine [Notices of Violation] summons issued by [any] a City agency or, when permitted by law, an individual, consistent with the following applicable laws, rules and regulations[, including, but not limited to,]:

(1) In accordance with the delegations of the Commissioner of the Department of Health and Mental Hygiene and the Board of Health, the Tribunal has jurisdiction to hear and determine [Notices of Violation] summonses alleging non-compliance with the provisions of the Health Code codified within Title 24 of the Rules of the City of New York, the New York State Sanitary Code, those sections of the New York City Administrative Code relating to or affecting health within the City and any other laws or regulations that the Department of Health and Mental Hygiene has the duty or authority to enforce.

(2) The Tribunal has jurisdiction to hear and determine summonses returnable to the Board pursuant to §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, and to conduct special hearings and enforcement proceedings before the Board pursuant to Title 24 of the New York City Administrative Code.

(3) In accordance with Mayoral Executive Order No. 148, dated June 8, 2011, and pursuant to Charter §1048(2), the Tribunal has jurisdiction to hear and determine summonses charging violations of any laws or regulations that the Taxi and Limousine Commission has the duty or authority to enforce, and to impose penalties in accordance with applicable laws, rules and regulations.

(b) General Powers and Duties. The Tribunal [and], including the Hearing Officers [have], has the following general powers and duties:

- (1) To conduct fair and impartial hearings;
 - (2) To take all necessary action to avoid delay in the disposition of proceedings;
 - (3) To maintain order in the functioning of the Tribunal, including the conduct of hearings;
 - (4) To decide cases and, if applicable, impose fines and other penalties in accordance with [applicable] law; and
- [(2)] (5) To compile and maintain complete and accurate records relating to the proceedings of the Tribunal, including copies of all [Notices of Violation] summonses served, responses, appeals and briefs filed and decisions rendered by Hearing Officers.

Section 60. Section 6-05 of subchapter B of chapter 6 of title 48 of the Rules of the City of New York is amended to read as follows:

§6-05 Pre-Hearing Requests to Reschedule

The [petitioner] Petitioner or [respondent] Respondent may request that a hearing be rescheduled to a later date. A request by a [respondent] Respondent to reschedule must be received by the Tribunal prior to the [date and] time of the scheduled hearing. If a [petitioner] Petitioner requests to reschedule, the [petitioner] Petitioner must notify the [respondent] Respondent at least three (3) days prior to the originally-scheduled hearing date and file proof of that notification with the Tribunal. Respondent may, on a form provided by the Tribunal, waive its right to such notice of the Petitioner’s request to reschedule. If a [petitioner] Petitioner fails to provide such proof of notification or waiver, the request will be denied and the hearing will proceed as originally scheduled. Good cause is not necessary for a request to reschedule. No more than one (1) request to reschedule will be granted for each party for each [NOV] summons. [A request by a respondent for the appearance of an inspector, public health sanitarian or other person who issued an NOV (the “inspector”) made in the manner described in §6-06 will constitute a request to reschedule under this section.]

Section 61. Section 6-06 of subchapter B of Chapter 6 of Title 48 of the Rules of the City of New York is REPEALED and reserved.

Section 62. Section 6-07 of subchapter B of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-07 Pre-Hearing Discovery

[If an opportunity to obtain pre-hearing discovery is offered by the petitioner, discovery] Discovery may be obtained in the following manner:

- (a) Upon written request received by the opposing party at least five business days prior to the scheduled hearing date, any party is entitled to receive from the opposing party a list of the names of witnesses who may be called and copies of documents intended to be submitted into evidence.
- (b) Pre-hearing discovery shall be limited to the matters enumerated above. All other applications or motions for discovery shall be made to a Hearing Officer at the commencement of the hearing and the Hearing Officer may order such further discovery as is deemed appropriate in his or her discretion.
- (c) Upon the failure of any party to properly respond to a lawful discovery order or request or such party’s wrongful refusal to answer questions or produce documents, the Hearing Officer may take whatever action he or she deems appropriate including but not limited to preclusion of evidence or witnesses. It shall not be necessary for a party to have been subpoenaed to appear or produce documents at any properly ordered discovery proceeding for such sanctions to be applicable.

Section 63. Section 6-08 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-08 Proceedings before the OATH Hearings Division

(a) [Notice of Violation] Issuance and Filing of Summonses.

- (1) [All proceedings are commenced by the issuance of a Notice of Violation (“NOV”) and filing of the NOV with the Tribunal.
- 2] The petitioner must file an original or a copy of the [NOV must be filed] summonses, together with proof of service,

with the Tribunal prior to the first scheduled hearing date. Electronic filing of the summons and proof of service is required unless the Tribunal grants an exception. Failure to timely file all proofs of service shall not divest the Tribunal of jurisdiction to proceed with a hearing or to issue a default order.

(2) Notwithstanding paragraph one of this subdivision, where property has been seized, the Tribunal may adjudicate a summons after it is served and before it is filed.

[(3) If the NOV is sworn to under oath or affirmed under penalty of perjury, the NOV will be admitted into evidence and will be prima facie evidence of the facts stated in the NOV. The NOV may include the report of the inspector, public health sanitarian, or other person who conducted the inspection or investigation that resulted in the NOV. When such report is served in accordance with this section, such report will also be prima facie evidence of the factual allegations contained in the NOV.]

(b) Service of the [Notice of Violation] Summons. There must be service of [a Notice of Violation] the summons.

(1) Service of a [Notice of Violation] summons in the following manner will be considered sufficient:

[(1) (i) The [NOV] summons may be served in person upon:

- [(i) (A) the person alleged to have committed the violation,
- [(ii) (B) the permittee, licensee or registrant,
- [(iii) (C) the person who was required to hold the permit, license or to register,
- [(iv) (D) a member of the partnership or other group concerned,
- [(v) (E) an officer of the corporation,
- [(vi) (F) a member of a limited liability company,
- [(vii) (G) a managing or general agent, or
- [(viii) (H) any other person of suitable age and discretion as may be appropriate, depending on the organization or character of the person, business or institution charged.

[(2) (ii) Alternatively, the [NOV] summons may be served by mail deposited with the U.S. Postal Service, or other mailing service, to any such person at the address of the premises that is the subject of the [NOV] summons or, as may be appropriate, at the residence or business address of:

- [(i) (A) the alleged violator,
- [(ii) (B) the individual who is listed as the permittee, licensee or applicant in the permit or license or in the application for a permit or license,
- [(iii) (C) the registrant listed in the registration form, or
- [(iv) (D) the person filing a notification of an entity's existence with the applicable governmental agency where no permit, license or registration is required.

[(3) If the [NOV] summons is served by mail, documentation of mailing will be accepted as proof of service of the [NOV] summons.

(2) A summons may be served pursuant to the requirements of §1049-a(d)(2) of the New York City Charter, Chapter 68 of Title 35 of the Rules of the City of New York, or as provided by the statute, rule, or other provision of law governing the violation alleged. For the purpose of serving a summons pursuant to New York City Charter §1049-a(d)(2)(a)(i) and (ii), the term "reasonable attempt" as used in New York City Charter §1049-a(d)(2)(b) may be satisfied by a single attempt to effectuate service upon the Respondent, or another person upon whom service may be made, in accordance with Article 3 of the Civil Practice Law and Rules or Article 3 of the Business Corporation Law.

(3) The Tribunal's decision may be automatically docketed in Civil Court where the summons has been served in accordance with §1049-a(d)(2) of the New York City Charter or the statute or rule providing for such docketing. Where a summons is lawfully served in a manner other than that provided in §1049-a(d)(2) or such other provision of law, the Tribunal may hear and determine such summons but the decision will not be automatically docketed in Civil Court or any other place provided for entry of civil judgments without further court proceedings.

(c) Contents of [Notice of Violation] Summons. The [NOV] summons must contain, at a minimum:

- (1) The name and address, when known, of a Respondent;
- (2) A clear and concise statement sufficient to inform the [respondent] Respondent with reasonable certainty and

clarity of the essential facts alleged to constitute the violation or the violations charged, including the date, time where applicable, and place when and where such facts were observed;

[(2) (3) Information adequate to provide specific notification of the section or sections of the law, rule or regulation alleged to have been violated;

[(3) (4) Information adequate for the [respondent] Respondent to calculate the maximum penalty authorized to be imposed if the facts constituting the violation are found to be as alleged;

[(4) (5) Notification of the date, time and place when and where a hearing will be held by the Tribunal or instructions to the Respondent on how to schedule a hearing date. Such date must be at least fifteen (15) calendar days after the [NOV] summons was served, unless another date is required by applicable law. Where Respondent waives the fifteen (15) day notice and requests an expedited hearing, the Tribunal may assign the case for immediate hearing, upon appropriate notice to Petitioner and opportunity for Petitioner to appear.

[(5) (6) Notification that failure to appear [on the] at the place, date and [at the place] time designated for the hearing will be deemed a waiver of the right to a hearing, thereby authorizing the rendering of a default decision; and

[(6) (7) Information adequate to inform the [respondent] Respondent of his or her rights under §6-09 of this chapter.

(d) In the interest of convenient, expeditious and complete determination of cases involving the same or similar issues or the same parties, the Tribunal may consolidate two (2) or more summonses for adjudication at one (1) hearing.

(e) Where a Petitioner withdraws a summons, even if it has been adjudicated, is open or has been decided by the Tribunal, the Petitioner must promptly notify the Tribunal and the Respondent in writing. Thereafter the Tribunal will issue a decision indicating the summons has been withdrawn.

Section 64. Section 6-09 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-09 Appearances

(a) Where the summons states that a penalty for the cited violation may be paid by mail prior to the scheduled hearing or other applicable date provided, a Respondent may admit to the violation charged and pay the penalty in the manner and by the time directed by the summons. Payment in full is deemed an admission of liability and no further hearing or appeal will be allowed.

(b) A Respondent may appear for a hearing by:

- (1) Appearing in person at the place, date and time scheduled for the hearing; or,
- (2) Sending an authorized representative to appear on behalf of such person at the place, date and time scheduled for the hearing who is:
 - (i) an attorney admitted to practice law in New York State, or
 - (ii) a representative registered to appear before the Tribunal pursuant to §6-23 of this chapter, or
 - (iii) any other person, subject to the provisions of §6-23 of this chapter[.]; or
- (3) [Unless the NOV] Appearing pursuant to §6-10, when the opportunity to appear remotely is offered by the Tribunal, unless the summons specifies that a Respondent must appear in person at a hearing [a respondent may appear by:
 - (i) making a written submission for an adjudication by mail, using the U.S. Postal Service or other mailing service pursuant to §6-10; or
 - (ii) making a written submission for an adjudication online pursuant to §6-10; or
 - (iii) telephone or by other remote methods when the opportunity to do so is offered by the Tribunal].

[(b) (c) In addition to the persons allowed to appear in paragraph (b), the current owner of a property may appear on behalf of the prior owner of the property, if the summons:

- (1) names the prior owner,
- (2) is a premises-related violation, and
- (3) was issued after title to the property was transferred.

However, the current property owner may only appear for the purposes

of presenting a deed indicating when title passed. The current owner of the property may only present a defense on the merits if the current owner agrees to substitute him or herself for the prior owner, waiving all defenses based on service.

(c) (d) Failure to Appear by Respondent. A [respondent's] Respondent's failure to appear at the scheduled time or to make a timely request to reschedule pursuant to §6-05 of this chapter constitutes a default to the charges, and subjects the [respondent] Respondent to penalties in accordance with §6-20 of this chapter.

(c) (e) A [petitioner] Petitioner may appear for a hearing through an authorized representative at the place, date and time scheduled for the hearing or by other remote methods when the opportunity to do so is offered by the Tribunal.

(d) (f) Failure to Appear by Petitioner. If a [petitioner] Petitioner fails to appear at the scheduled place, date and time, the hearing [will] may proceed without the [petitioner] Petitioner.

(g) Discretionary Intervention. Any person may move for discretionary intervention. The Hearing Officer, taking into account the need to conduct an orderly, expeditious and fair hearing, may permit such intervenor if good cause is shown or if the intervenor is in a position to assist in the proof or defense of the proceeding. Such intervenor will be allowed to participate in the proceeding as the Hearing Officer may direct. In determining the extent of the intervenor's participation, the Hearing Officer will consider the avoidance of unfairness to the parties and the intervenor, and the avoidance of undue delay. An intervenor is not a party to the proceeding and has no standing to appeal the Hearing Officer's decision.

Section 65. Section 6-10 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-10 [Adjudication by Mail and Online] Remote Adjudications

(a) [Unless the NOV specifies that a respondent must appear in person at a hearing] When the opportunity to do so is offered by the Tribunal, a [respondent] Respondent may contest a violation by mail [or], online, by telephone or by other remote methods.

(b) [Submissions for] Adjudication by Mail.

(1) A written submission in an adjudication by mail must be received by the Tribunal before the scheduled hearing date or bear a postmark or other proof of mailing indicating that it was mailed to the Tribunal before the scheduled hearing date. If a request bearing such a postmark or proof of mailing is received by the Tribunal after a first default decision has been issued on that [Notice of Violation] summons, such default will be vacated.

(2) The written submission must contain any denials, admissions and explanations related to the individual violations charged, and documents, exhibits or witness statements, if any, to be considered as evidence in support of Respondent's defense. Violations that are not denied or explained will be deemed to have been admitted; defenses not specifically raised will be deemed to have been waived.

(3) After a review by a Hearing Officer of the written submission, the Tribunal will:

- (i) issue a written decision and send the decision to the parties; or
- (ii) require the submission of additional documentary evidence; or
- (iii) require an in-person hearing or hearing by telephone, in which case the parties will be notified.

(c) Adjudication Online.

(1) Submissions [for] in an adjudication online must be received by the Tribunal before or on the scheduled hearing date.

(d) If the respondent chooses to make a written submission for an adjudication by mail or online, the submission must contain any denials, admissions and explanations pertaining to the individual violations charged, and documents, exhibits or witness statements, if any, to be considered as evidence in support of respondent's defense. Violations that are not denied or explained will be deemed to have been admitted; defenses not specifically raised will be deemed to have been waived.

(e) After a review by a Hearing Officer of the submission for adjudication by mail or online, the Tribunal will:

- (1) issue a written decision and send the decision to the parties; or
- (2) require the submission of additional documentary evidence; or
- (3) require an in-person hearing.

- (f) If an in-person hearing is required, the parties will be notified.]
- (2) The submission must contain any denials, admissions and explanations related to the individual violations charged, and documents, exhibits or witness statements, if any, to be considered as evidence in support of Respondent's defense. Violations that are not denied or explained will be deemed to have been admitted; defenses not specifically raised will be deemed to have been waived.
 - (3) After a review by a Hearing Officer of the submission, the Tribunal will:
 - (i) issue a written decision and send the decision to the parties; or
 - (ii) require the submission of additional documentary evidence; or
 - (iii) require an in-person hearing or hearing by telephone, in which case the parties will be notified.
- (d) Adjudication by Telephone. Before or on the scheduled hearing date, a respondent may request a hearing by telephone by contacting the Tribunal.

Section 66. Section 6-11 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-11 Hearing Procedures

(a) A hearing will be presided over by a Hearing Officer, proceed with reasonable expedition and order and, to the extent practicable, not be postponed or adjourned.

(b) Language assistance services at the hearing.

- (1) At the beginning of any hearing, the Hearing Officer will advise the [respondent] Respondent of the availability of language assistance services. In determining whether language assistance services are necessary to assist the [respondent] Respondent in communicating meaningfully with the Hearing Officer and others at the hearing, the Hearing Officer will consider all relevant factors, including but not limited to the following:
 - (i) information from Tribunal administrative personnel identifying a [respondent] Respondent as requiring language assistance services to communicate meaningfully with a Hearing Officer;
 - (ii) a request by the [respondent] Respondent for language assistance services; and
 - (iii) even if language assistance services were not requested by the [respondent] Respondent, the Hearing Officer's own assessment whether language assistance services are necessary to enable meaningful communication with the [respondent] Respondent.

If the [respondent] Respondent requests an interpreter and the Hearing Officer determines that an interpreter is not needed, that determination and the basis for the determination will be made on the record.

- (2) When required, language assistance services will be provided at hearings by a professional interpretation service that is made available by the Tribunal, [unless the respondent requests the use of another interpreter,] If the professional interpretation service is not available for that language, the Respondent may request the use of another interpreter, in which case the Hearing Officer in his or her discretion may use the [respondent's] Respondent's requested interpreter. In exercising that discretion, the Hearing Officer will take into account all relevant factors, including but not limited to the following:
 - (i) [the respondent's preference, if any, for his or her own interpreter;
 - (ii) the apparent skills of the [respondent's] Respondent's requested interpreter;
 - (iii) (ii) whether the [respondent's] Respondent's requested interpreter is a child under the age of eighteen (18);
 - (iv) (iii) minimization of delay in the hearing process;
 - (v) (iv) maintenance of a clear and usable hearing record; and
 - (vi) (v) whether the [respondent's] Respondent's requested interpreter is a potential witness who may testify at the hearing.

The Hearing Officer's determination and the basis for this determination will be made on the record.

- (c) When a party appears on more than one (1) summons on a single hearing day, the Tribunal has the discretion to determine the order in which the summonses will be heard.
- (d) Each party has the right to present evidence, to examine and cross-examine witnesses, to make factual or legal arguments and to have other rights essential for due process and a fair and impartial hearing. Witnesses may be excluded from the hearing room, except while they are actually testifying.

- (d) Each party has the right to be represented by counsel or other authorized representative as set forth in §§6-09 and 6-23 of this chapter.
- (1) A representative or attorney appearing at the Tribunal must provide sufficient staffing to ensure completion of his or her hearings. Factors in determining whether sufficient staffing has been provided may include:
- the number of cases the representative or attorney had scheduled on the hearing date;
 - the number of representatives or attorneys sent to handle the cases;
 - the timeliness of the arrival of the representatives or attorneys;
 - the timeliness of the arrival of any witnesses, and;
 - any unforeseeable or extraordinary circumstances.
- The failure of a representative or attorney to provide sufficient staffing, as described above, may be considered misconduct under §6-24 of this chapter.
- (2) When a representative or attorney appears on more than one NOV on a single hearing day, the Tribunal has the discretion to determine the order in which the NOVs will be heard.]

(e) Oaths. All persons giving testimony as witnesses at a hearing must be placed under oath or affirmation.

(f) All adjudicatory hearings will proceed in the following order, subject to modification by the Hearing Officer:

- Presentation and argument of motions preliminary to a hearing on the merits;
- Petitioner's opening statement, if any;
- Respondent's opening statement, if any;
- Petitioner's case in chief;
- Respondent's case in chief;
- Petitioner's case in rebuttal;
- Respondent's case in rebuttal;
- Respondent's closing argument;
- Petitioner's closing argument.

(g) A record will be made of all summonses filed, proceedings held, written evidence admitted and rulings rendered, and such record will be kept in the regular course of business for a period of time in accordance with applicable laws and regulations. Hearings will be mechanically, electronically or otherwise recorded by the Tribunal under the supervision of the Hearing Officer, and the original recording will be part of the record and will constitute the sole official record of the hearing. No other recording or photograph of the hearing may be made without prior written permission of the Tribunal. A copy of the recording will be provided upon request to the Tribunal. The Tribunal may charge a reasonable fee in accordance with Article 6 of the New York State Public Officers Law.

(h) Unless permitted or ordered by the Hearing Officer, parties are prohibited from submitting additional material or argument after the hearing has been completed.

Section 67. Section 6-12 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-12 [Burden of Proof] Evidence

- (a) Burden of Proof. The [petitioner] Petitioner has the burden of proving the factual allegations contained in the [NOV] summons by a preponderance of the evidence. The [respondent] Respondent has the burden of proving an affirmative defense, if any, by a preponderance of the evidence.
- (b) Admissibility of Summons. If the summons is sworn to under oath or affirmed under penalty of perjury, the summons will be admitted as prima facie evidence of the facts stated therein. The summons may include the report of the inspector, public health sanitarian or other person who conducted the inspection or investigation that resulted in the summons. When such report is served with the summons, such report will also be prima facie evidence of the factual allegations contained in the report.
- (c) Admissibility of Evidence. Relevant and reliable evidence may be admitted without regard to technical or formal rules or laws of evidence applicable in the courts of the State of New York. Irrelevant, immaterial, unreliable or unduly repetitious evidence will be excluded. Immaterial or irrelevant parts of an admissible document must be segregated and excluded to the extent practicable.
- (d) Types of Evidence. Evidence at a hearing may include, but is not limited to, witness testimony, documents and objects. Documents may include, but are not limited to, affidavits or affirmations, business records or government records, photographs and other documents.
- (e) Official Notice. Official notice may be taken of all facts of which judicial notice may be taken and other facts within the specialized

knowledge and experience of the Tribunal or the Hearing Officer. Opportunity to disprove such noticed fact will be granted to any party making a timely motion.

(f) Objections. Objections to evidence must be timely and must briefly state the grounds relied upon. Rulings on all objections must appear on the record.

Section 68. Section 6-13 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-13 Hearing Officers

Hearing Officers may:

- (a) Administer oaths and affirmations, examine witnesses, rule upon offers of proof or other motions and requests, admit or exclude evidence, grant adjournments and continuances, and oversee and regulate other matters relating to the conduct of a hearing;
- (b) [Issue] Upon request of a party, issue subpoenas or adjourn a hearing for the appearance of individuals[,] and the production of documents or other types of information[,] when the Hearing Officer determines that necessary and material evidence will result;
- (c) Bar from participation in a hearing any person, including a party, representative or attorney, witness or observer who engages in disorderly, disruptive or obstructionist conduct that disrupts or interrupts the proceedings of the Tribunal, and continue the hearing without that person's presence;
- (d) Carry out adjudicatory powers of:
- the hearing examiner set forth in Title 17 of the New York City Administrative Code[,] and associated rules and regulations and the New York City Health Code as codified within Title 24 of the Rules of the City of New York, and
 - an administrative law judge set forth in Title 19 of the New York City Administrative Code;
- (e) Allow an amendment to [an NOV] a summons only upon a motion at any time if:
- the subject of the amendment is reasonably within the scope of the original [NOV] summons;
 - such amendment does not allege any additional violations based on an act not specified in the original [notice] summons;
 - such amendment does not allege an act that occurred after the original [NOV] summons was served; and
 - such amendment does not affect the [respondent's] Respondent's right to have adequate notice of the allegations made against him or her.
- (f) Request further evidence to be submitted by the [petitioner] Petitioner or [respondent] Respondent; [and]
- (g) Make final or recommended decisions pursuant to applicable law, rule or regulation; and
- (h) Take any other action authorized by applicable law, rule or regulation, or that is delegated by the Chief Administrative Law Judge.

Section 69. Section 6-14 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-14 Requests for Adjournment

- (a) At the time of the scheduled hearing or upon motion, a Hearing Officer may [grant a request to adjourn the hearing to a later date only after a showing of good cause as determined by the Hearing Officer in his or her discretion] adjourn a hearing for the testimony of the Inspector or a complaining witness only if:
- Respondent consents or the Petitioner appears at the hearing, and
 - the Hearing Officer concludes that the Inspector's or witness's testimony is reasonably likely to be necessary to a fair hearing of the violations charged or of the defenses to those charges.
- (b) [Good cause.] If a Hearing Officer has adjourned a hearing:
- solely for the purpose of obtaining the Inspector's testimony, and
 - the Respondent timely appears on the adjourned hearing date, and
 - the Inspector fails to timely appear on the adjourned hearing date, the hearing shall not be further adjourned solely to obtain the testimony of such Inspector unless the Respondent consents to the second adjournment.

or the Hearing Officer determines that extraordinary circumstances warrant the second adjournment. "Extraordinary circumstances" are circumstances that could not have been reasonably foreseen by the Petitioner.

- (c) A Hearing Officer may not adjourn a hearing on more than two (2) occasions because of the unavailability of the Inspector.
- (d) For all other adjournment requests, a Hearing Officer may grant a request to adjourn the hearing to a later date only after a showing of good cause as determined by the Hearing Officer in his or her discretion. In deciding whether there is good cause for an adjournment, the Hearing Officer will consider:
 - (1) Whether granting the adjournment is necessary for the party requesting the adjournment to effectively present the case;
 - (2) Whether granting the adjournment is unfair to the other party;
 - (3) Whether granting the adjournment will cause inconvenience to any witness;
 - (4) The age of the case and the number of adjournments previously granted;
 - (5) Whether the party requesting the adjournment had the opportunity to prepare for the scheduled hearing;
 - (6) Whether the need for the adjournment is due to facts that are beyond the requesting party's control;
 - (7) The balance of the need for efficient and expeditious adjudication of the case and the need for full and fair consideration of the issues relevant to the case; and
 - (8) Any other fact that the Hearing Officer considers to be relevant to the request for an adjournment.

[(c) (e) Once a hearing has been adjourned, neither party may request a reschedule pursuant to section 6-05 of these rules. A denial of an adjournment request is not subject to separate or interim review or appeal.

Section 70. Section 6-15 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-15 Appearances of Inspectors

- (a) At the time of the hearing, a respondent may request the presence of the inspector, public health sanitarian or other person who issued an NOV (the "inspector"). The Hearing Officer will determine whether the presence of the inspector will afford the respondent a reasonable opportunity to present relevant, non-cumulative testimony or evidence that would contribute to a full and fair hearing of each party's side of the dispute. Upon such finding, the Hearing Officer will order the appearance of the inspector, or if the inspector is unavailable at the time of the hearing, the Hearing Officer will adjourn the hearing for the appearance of the inspector on a later date.
- (b) If at a hearing a respondent denies the factual allegations contained in the NOV, the Hearing Officer may require the presence of the inspector without a request by the respondent, and, if needed, adjourn the hearing for the inspector to be present.
- (c) In the event that the [inspector] Inspector does not appear at the hearing, the Hearing Officer may adjourn the hearing pursuant to §6-14 of this chapter, or may proceed with the hearing without the inspector[,] and sustain or dismiss all or part of the [NOV] summons, as the Hearing Officer may deem appropriate. [In no event will a hearing be adjourned on more than two occasions by the Hearing Officer because of the unavailability of an inspector.]

Section 71. Section 6-16 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is REPEALED and a new section 6-16 is added to read as follows:

§6-16 Representation

- (a) Each party has the right to be represented by an attorney or another authorized representative, as set forth in §§6-09 and 6-23 of this chapter.
- (b) An attorney or representative appearing at the Tribunal must provide staffing sufficient to ensure completion of his or her hearings. The failure of a representative or attorney to provide sufficient staffing may be considered misconduct under §6-25 of this chapter. The Tribunal may consider the following factors in determining whether sufficient staffing has been provided:
 - (1) the number of cases the representative or attorney had scheduled on the hearing date;
 - (2) the number of representatives or attorneys sent to handle the cases;
 - (3) the timeliness of the arrival of the representatives or attorneys;
 - (4) the timeliness of the arrival of any witnesses; and
 - (5) any unforeseeable or extraordinary circumstances.

- (c) When any attorney or representative appears on more than one (1) summons on a single hearing day, the Tribunal has the discretion to determine the order in which such summonses will be heard.

Section 72. Section 6-17 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-17 [Decision and Order] Decisions

- (a) Decisions. After a hearing, the Hearing Officer who presided over the hearing will promptly write a [written] decision sustaining or dismissing each charge in the [NOV will be promptly rendered by the Hearing Officer who presided over the hearing] summons. The Tribunal will promptly serve the decision on all parties. Each decision will contain findings of fact and conclusions of law. Where a violation is sustained, the Hearing Officer will impose the applicable penalty, which may include a fine, penalty points, a suspension or revocation of the respondent's license or any other penalty authorized by applicable laws, rules and regulations.
- (b) Except as provided in subdivision (c), the decision of the Hearing Officer is the final decision unless an appeal is filed pursuant to §6-19 of this Chapter.
- (c) Recommended Decisions.
 - (1) For all violations of Article 13-E of the New York State Public Health Law, the Hearing Officer will issue a recommended decision and order, which the Commissioner of the Department of Health and Mental Hygiene may adopt, reject or modify, in whole or in part.
 - (2) For all violations of Article 13-F of the New York State Public Health Law where the Department of Health and Mental Hygiene is the petitioner, the Hearing Officer will issue a recommended decision and order, which the Commissioner of such department may adopt, reject or modify, in whole or in part.
 - (3) For all violations in which summonses are returnable to the Tribunal as authorized by the Board under §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, the Hearing Officer's decision is a recommended decision to the Board. If an appeal is not filed pursuant to §6-19, the Hearing Officer's recommended decision will be automatically adopted by the Board and will constitute the Board's final decision in the matter. The Board's final decision is also the final decision of the Tribunal.
- (d) The Tribunal may, due to Tribunal needs or the unavailability of the Hearing Officer who heard the case, designate another Hearing Officer to write the recommended decision. The decision will state the reason for the designation and will be based on the record, which includes (i) the summons, (ii) all briefs filed and all exhibits received in evidence, and (iii) a complete audio recording of the hearing or, if a complete audio recording is unavailable for any reason, a complete transcript of the hearing.

Section 73. Section 6-18 of subchapter C of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-18 Payment of Penalty

A copy of the decision, other than a default decision mailed or otherwise provided in accordance with §6-20 of this chapter, will be served immediately on the [respondent] Respondent or on the [respondent's] Respondent's authorized representative, either personally or by mail. Any fines, penalties or restitution imposed must be paid within thirty (30) days of the date of the decision, or thirty-five (35) days if the decision was mailed, unless the agency responsible for collecting payment of the fines and penalties imposed enters into a payment plan with the Respondent.

Section 74. Section 6-19 of subchapter D of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-19 Appeals

- (a) [When an appeal is filed, the Appeals Unit within the Tribunal will determine whether the facts contained in the findings of the Hearing Officer are supported by substantial evidence in the record, and whether the determinations of the Hearing Officer, as well as the penalties imposed, are supported by law. The Appeals Unit has the power to affirm, reverse, remand or modify the decision appealed from.
- (b) A party may appeal, in whole or in part, a decision of a Hearing Officer[, except that a]. An appeal must contain a concise statement of the issues presented, specific objections to the findings of fact and conclusions of law set forth in the Hearing Officer's recommended decision, and arguments presenting clearly the points of law and facts relied on in support of the position taken on each issue. A party may not appeal a decision rendered on default, a denial of a motion to

vacate a default decision, or a plea admitting the violations charged.

[(c) (b) Appeals decisions are made upon the record of the hearing. The record of the hearing includes all items enumerated in §6-16] §6-11(g) of this Chapter as well as the Hearing Officer's written decision. The Appeals Unit will not consider any evidence that was not presented to the Hearing Officer. [The] Except as provided in §5-04 of this Title, the absence of a recording of the hearing does not prevent determination of the appeal.

[(d) (c) Appeals Procedure.

- (1) Within thirty (30) days of the date of service of the Hearing Officer's decision, or thirty-five (35) days if the decision was mailed, a party seeking review of the decision must file with the Tribunal an appeal [application] on a form prescribed by the Tribunal and serve a copy of it on the non-appealing party. An appeal will be accepted by the Tribunal only if:
 - (i) the appealing party files an appeal [application] on the Tribunal's form; and
 - (ii) the appealing party files proof that a copy of the appeal [application] has been served on the non-appealing party; and
 - (iii) Respondent [pays] provides proof of payment in full of any fines [or], penalties or restitution imposed by the decision, [as set forth in this subdivision, unless the respondent has been granted a waiver of such prior payment] except as provided in subdivision (d).
- (2) [Within] Except as provided in § 5-04 of this Title, within thirty (30) days of being served with the appeal [application], or thirty-five (35) days if service is made by mail, the non-appealing party may file a response to the appeal. The response must be on a form prescribed by the Tribunal and will be accepted only if the non-appealing party serves a copy of the response on the other party and files proof of that service with the Tribunal.
- (3) An application may be made to the Tribunal to extend the time to file an appeal or a response to an appeal. Such request must be supported by evidence of impossibility or other explanation of inability to file timely. A copy of such application [shall] must be served on all parties, and proof of such service filed with the Tribunal.
- (4) Any application for a copy of the hearing recording [shall] must be made within the time allotted for the filing of an appeal or a response to an appeal. A copy of such application [shall] must be served upon all parties, and proof of such service filed with the [tribunal] Tribunal within the time allotted for filing an appeal or response to an appeal. In that event, the time within which to file an appeal or respond to an appeal [shall] will be extended by thirty (30) days from the date when such hearing recording is delivered or mailed to the requesting party.
- (5) Further filings with the Tribunal by either party are not permitted.

[(e) (d) Fines, penalties, and restitution. Filing an appeal [application] will not delay the collection of any fine [or other], penalty or restitution imposed by the decision. An appeal by or on behalf of a [respondent] Respondent will not be permitted unless the fines [or], penalties or restitution imposed [have] been paid in full prior to or at the time of the filing of the appeal [application, or a waiver of such prior payment is granted]; laws, rules, or regulations provide for a waiver of prior payment of fines or penalties; the Tribunal grants a waiver of prior payment due to financial hardship; or the agency responsible for collecting payment of the fines or penalties imposed enters into a payment plan with the Respondent prior to or at the time of the filing of the appeal.

- (1) An application to the Tribunal for a waiver of prior payment due to financial hardship must be made before or at the time of the filing of the appeal [application] and must be supported by evidence of financial hardship. The Chief Administrative Law Judge or his or her designee has the sole discretion to grant or deny a waiver due to financial hardship. Application for a waiver does not extend the time to appeal.
- (2) Notwithstanding paragraph (1), payment of restitution is not subject to waiver due to financial hardship. If a Hearing Officer has ordered payment of restitution, the Respondent must, prior to or at the time of the filing of the appeal, submit proof that the Respondent has deposited the amount of restitution with the agency responsible for collecting payment pending determination of the appeal.

[(f) (e) Appeals Decision.

- (1) [The] When an appeal is filed, the Appeals Unit within the Tribunal will determine whether the facts contained in the findings of the Hearing Officer are supported by a preponderance of the evidence in the record, and whether the determinations of the Hearing Officer, as well as the penalties imposed, are supported by law. Except as provided in sections 3-15, 5-04 and 5-05 of this Title, the Appeals Unit has the power to affirm, reverse, remand or modify the decision appealed from.
- (2) Except as provided in sections 3-15, 5-04 and 5-05 of this Title, the Appeals Unit will promptly issue a written decision [affirming, reversing, remanding or modifying the decision appealed from]. Such decision is the final decision of the Tribunal, and judicial review of such decision may be sought pursuant to Article 78 of the CPLR. A copy of the decision will be delivered to the [petitioner] Petitioner and served on the [respondent] Respondent by mail, stating the grounds upon which the decision is based. Where appropriate, the decision will order the repayment to the [respondent] Respondent of any penalty that has been paid.
 - (2) The decision of the Appeals Unit is the final determination of the Tribunal, except in the case of a violation arising under Article 13-E of the New York State Public Health Law, entitled "Regulation of Smoking in Certain Public Areas," in accordance with §3.12 of the New York City Health Code codified within Title 24 of the Rules of the City of New York.]
 - (3) For summonses returnable to the Tribunal as authorized by the Board pursuant to §1049-a of the New York City Charter and provisions of the New York City Administrative Code, any rules and regulations made thereunder, or provisions of New York State law, any decision of the Appeals Unit is a recommended decision to the Board. The Board or a panel consisting of members thereof will review the recommended decision pursuant to §3-15 of this Title.

Section 75. Section 6-20 of subchapter E of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-20 Defaults

- (a) A [respondent] Respondent who fails to appear or to make a request to reschedule as required by these rules will be deemed to have defaulted.
- (b) Upon such default, without further notice to the [respondent] Respondent and without a hearing being held, all facts alleged in the [NOV] summons will be deemed admitted, the [respondent] Respondent will be found in violation[,] and the penalties authorized by applicable laws, rules and regulations will be applied.
- (c) Decisions rendered because of a default will take effect immediately.
- (d) The Tribunal will notify the [respondent] Respondent of the issuance of a default decision by mailing a copy of the decision or by providing a copy to the [respondent] Respondent or the [respondent's] Respondent's representative who appears personally at the Tribunal and requests a copy.
- (e) The [respondent] Respondent may make a motion in writing requesting that a default be vacated pursuant to §6-21 of this chapter.

Section 76. Section 6-21 of subchapter E of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-21 Request for a New Hearing after a Failure to Appear (Motion to Vacate a Default)

- (a) Form of Motion. A motion to vacate a default is a request by a Respondent for a new hearing after the Respondent did not appear. The Respondent must make this motion by application to the Tribunal on a form approved by the Tribunal. The motion must be dated, contain a current mailing address for the Respondent; explain how and when the Respondent learned of the violation and be certified to under the penalties of perjury. If the motion is made by an attorney or other representative, the motion must explain the relationship between the Respondent and the person making the motion.
- (b) A first [request] motion to vacate a default by a [respondent] Respondent [for a new hearing after a failure to appear (also known as a "motion to vacate a default")] that is submitted within sixty (60) days of the mailing or hand delivery date of the default decision will be granted. A motion to vacate a default that is submitted by mail must be postmarked within

sixty (60) days of the mailing or hand delivery date of the default decision.

- (b) (c) A motion to vacate a default that is submitted after sixty (60) days of the date of the mailing or hand delivery date of the default decision must be filed within one (1) year of the date of the default decision and be accompanied by a statement setting forth a reasonable excuse for the Respondent's failure to appear and any documents to support the motion to vacate the default. The Hearing Officer will determine whether a new hearing will be granted.
- (c) (d) Reasons for Failing to Appear. In determining whether a Respondent has shown a reasonable excuse for failing to appear at a hearing, the Hearing Officer will consider:
- (1) [Whether circumstances that could not be reasonably foreseen prevented the respondent from attending the hearing;
 - (2) Whether the respondent had an emergency or condition requiring immediate medical attention;
 - (3) Whether the matter had been previously adjourned by the respondent;
 - (4) Whether the respondent attempted to attend the hearing with reasonable diligence;
 - (5) Whether the respondent's inability to attend the hearing was due to facts that were beyond the respondent's control;
 - (6) Whether the respondent's failure to appear at the hearing can be attributed to the respondent's failure to maintain current contact information on file with the applicable licensing agency;
 - (7) Whether the respondent has previously failed to appear in relation to the same NOV; and
 - (8) Any other fact that the Tribunal considers to be relevant to the motion to vacate.]

Whether the summons was properly served pursuant to applicable law. (2) Whether the Respondent was properly named, including but not limited to:

- (i) Whether the Respondent was cited generally as "Owner" or "Agent" on all copies of the summons served on the Respondent; or
- (ii) Whether the Respondent was an improper party when the summons was issued, such as:
 - (a) An individual who was deceased or legally incompetent on the hearing date upon which the Respondent did not appear; or
 - (b) For a premises-related violation, the Respondent was not the owner, agent, lessee, tenant occupant or person in charge of or in control of the place of occurrence on the date of the offense.

A decision to grant a motion to vacate a default is not a final decision on the issues of whether the Respondent was properly served or a proper party on the date of the offense.

- (3) Whether circumstances that could not be reasonably foreseen prevented the Respondent from attending the hearing.
 - (4) Whether the Respondent had an emergency or condition requiring immediate medical attention.
 - (5) Whether the matter had been previously adjourned by the Respondent.
 - (6) Whether the Respondent attempted to attend the hearing with reasonable diligence.
 - (7) Whether the Respondent's inability to attend the hearing was due to facts that were beyond the Respondent's control.
 - (8) Whether the Respondent's failure to appear at the hearing can be attributed to the Respondent's failure to maintain current contact information on file with the applicable licensing agency.
 - (9) Whether the Respondent has previously failed to appear in relation to the same summons.
 - (10) Any other fact that the Tribunal considers to be relevant to the motion to vacate.
- (d) A denial of a motion to vacate a default is a final agency determination and is not subject to review or appeal at the Tribunal.]
- (e) If a motion to vacate a default has been previously granted, and a new default decision has been issued, a motion to vacate the second default decision in relation to the same [NOV] summons will not be granted [except that in exceptional circumstances and in order to avoid injustice,]. Notwithstanding the foregoing, the

Chief Administrative Law Judge or his or her designee will have the discretion, in exceptional circumstances and in order to avoid injustice, to grant a request for a new hearing.

- (f) [In exceptional circumstances and in order to avoid injustice, the] Except as otherwise stated in §5-03 of the Title, the Chief Administrative Law Judge or his or her designee will have the discretion, in exceptional circumstances and in order to avoid injustice, to consider a [request for a new hearing] motion to vacate a default filed more than one (1) year from the date of the default decision.
- (g) If a motion to vacate a default is granted, the Tribunal will send a notice to the Respondent at the Respondent's address provided on the motion. If the Respondent is deceased or legally incompetent, a notice will be sent to Respondent's representative at the address provided by the representative on the motion. Notice will also be sent to the Petitioner upon request. If the Respondent is unable to appear on the hearing date scheduled after such motion is granted, the Respondent may request that the hearing be rescheduled one (1) final time.
- (h) If a motion to vacate a default is granted and the [respondent] Respondent has already made a full or partial payment, no request of a refund will be considered until after the hearing is completed and a decision issued.
- (i) A denial of a motion to vacate a default is the Tribunal's final determination and is not subject to review or appeal at the Tribunal. Judicial review of the denial may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.

Section 77. Section 6-23 of subchapter F of Chapter 6 of Title 48 of the Rules of the City of New York is amended to read as follows:

§6-23 Registered Representatives

- (a) Requirements. A representative, other than a family member or an attorney admitted to practice in New York State, who represents two or more Respondents before the Tribunal within a calendar year must:
- (1) (a) Be at least eighteen (18) years of age;
 - (2) (b) Register with the Tribunal by completing and submitting a form provided by the Tribunal. The form must include proof acceptable to the Tribunal that identifies the representative, and must also include any other information that the Tribunal may require. Registration must be renewed annually. Failure to register with the Tribunal may result in the Tribunal declining registration in the future;
 - (3) (c) Notify the Tribunal within ten (10) business days of any change in the information required on the registration form;
 - (4) (d) Not misrepresent his or her qualifications or service so as to mislead people into believing the representative is an attorney at law or a governmental employee if the representative is not. A representative who is not an attorney admitted to practice must refer to him or herself as "representative" when appearing before the Tribunal;
 - (5) (e) Exercise due diligence in learning and observing Tribunal rules and preparing paperwork; and
 - (6) (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 [in this chapter] of the Tribunal. A list of representatives who have been suspended or barred from appearing may be made public.

Section 78. Section 6-24 of subchapter F of Chapter 6 of Title 48 of the Rules of the City of New York is renumbered as section 6-25 and amended, and a new section 6-24 is added, to read as follows:

§6-24 Pre-hearing Notification of Schedule for Attorneys and Registered Representatives.

- (a) No attorney or registered representative may appear on fifteen (15) or more summonses on a given hearing date unless the attorney or registered representative emails or faxes in advance a written list of all scheduled cases to the Tribunal office in the borough where the cases are scheduled to be heard. This list must be sent no later than noon, two (2) business days before the scheduled hearing date.
- (b) Cases may be added to this list on the day of the hearing at the discretion of the Tribunal.

[§6-24] §6-25 Misconduct

- (a) Prohibited Conduct. A party, witness, representative or attorney must not:

- (1) Engage in abusive, disorderly or delaying behavior, a breach of the peace or any other disturbance which directly or indirectly tends to disrupt, obstruct or interrupt the proceedings at the Tribunal;
- (2) Engage in any disruptive verbal conduct, action or gesture that a reasonable person would believe shows contempt or disrespect for the proceedings or that a reasonable person would believe to be intimidating;
- (3) Willfully disregard the authority of the Hearing Officer or other Tribunal employee. This may include refusing to comply with the Hearing Officer's directions or behaving in a disorderly, delaying or obstructionist manner;
- (4) Leave a hearing in progress without the permission of the Hearing Officer;
- (5) Attempt to influence or offer or agree to attempt to influence any Hearing Officer or employee of the Tribunal by the use of threats, accusations, duress or coercion, a promise of advantage, or the bestowing or offer of any gift, favor or thing of value;
- (6) Enter any area other than a public waiting area unless accompanied or authorized by a Tribunal employee. Upon conclusion of a hearing, a party, witness, representative or attorney must promptly exit non-public areas;
- (7) Request any Tribunal clerical staff to perform tasks that are illegal, unreasonable or outside the scope of the employee's job duties;
- (8) Operate any Tribunal computer terminal or other equipment at any time unless given express authorization or the equipment has been designated for use by the public;
- (9) Submit a document, or present testimony or other evidence [in a proceeding before a Hearing Officer] to the Tribunal which he or she knows, or reasonably should have known, to be false, fraudulent or misleading;
- (10) Induce or encourage anyone [in a proceeding before a Hearing Officer] to make a false statement to the Tribunal;
- (11) Solicit clients, or cause the solicitation of client by another person on Tribunal premises;
- (12) Make or cause to be made a stenographic, electronic, audio, audio-visual or other verbatim or photographic reproduction of any hearing or other proceeding, whether such hearing or other proceeding is conducted in person, by telephone, or other remote methods, except upon application to the Hearing Officer. This does not include copies of documents submitted to the Tribunal during a hearing including written or electronic statements and exhibits. Except as otherwise provided by law, such application must be addressed to [the discretion of] the Hearing Officer, who may deny the application or grant it in full, in part, or upon such conditions as the Hearing Officer deems necessary to preserve the decorum of the proceedings and to protect the interests of the parties, witnesses and any other concerned persons.
- (b) Prohibited Communication
- (1) All parties must be present when communications with Tribunal personnel, including a Hearing Officer, occur, except as necessary for case processing and unless otherwise permitted by these rules, on consent or in an emergency.
- (2) All persons are prohibited from initiating communication with a Hearing Officer or other employee before or after a hearing or before or after a decision on motion, in order to attempt to influence the outcome of a hearing or decision on motion.
- (c) Penalties for Misconduct
- (1) Failure to abide by these rules constitutes misconduct. The Chief Administrative Law Judge or his or her designee may, for good cause, suspend or bar from appearing before the Tribunal an attorney or representative who fails to abide by these rules. The suspension may be either for a specified period of time or indefinitely until the attorney or representative demonstrates to the satisfaction of the Chief Administrative Law Judge or his or her designee that the basis for the suspension no longer exists.
- (2) However, the Chief Administrative Law Judge or his or her designee may not act until after the attorney or representative is given notice and a reasonable opportunity to appear before the Chief Administrative Law Judge or his or her designee to rebut the claims against him or her. The Chief Administrative Law Judge or his or her designee, depending upon the nature of the conduct, will determine whether said appearance will be in person or by a remote method.
- This section in no way limits the [power] powers of a Hearing Officer as set out in §6-13 of this chapter.
- (d) Discipline on Other Grounds
- (1) [The Chief Administrative Law Judge may, in addition to] Notwithstanding the provisions of subdivision (c) of this section, the Chief Administrative Law Judge may summarily suspend or bar a representative upon a determination that the representative lacks honesty and integrity and that the lack of honesty and integrity will adversely affect his or her practice before the Tribunal.
- (2) Any action pursuant to this subdivision will be on notice to the representative [and]. After the summary suspension or bar, the representative will be given an opportunity to be heard in a proceeding prescribed by the Chief Administrative Law Judge or his or her designee. Factors to be considered in determining whether a representative lacks honesty and integrity include, but [need not be] are not limited to, considering whether the representative has made false, misleading or inappropriate statements to parties or Tribunal staff.
- (e) Judicial Review. The decision of the Chief Administrative Law Judge or his or her designee under subdivision (c) or (d) of this section constitutes a final [agency action] determination. Judicial review of the decision may be sought pursuant to Article 78 of the New York Civil Practice Law and Rules.
- Section 79. Subchapter F of Chapter 6 of Title 48 of the Rules of the City of New York is amended to add three new sections after section 6-25 to read as follows:**
- §6-26 Request for a New Hearing Due to Unauthorized Representation.**
Notwithstanding any other provision of these rules, a party may, within three (3) years after a decision pursuant to a hearing has become final, move to vacate the decision on the grounds that the person who appeared on the party's behalf at the hearing was not authorized to do so. Upon a determination that the person who appeared was not authorized to represent the party, the Tribunal may vacate the decision and schedule a new hearing. In exceptional circumstances and in order to avoid injustice, the Tribunal will have the discretion to grant a motion to vacate a decision after the three (3) year period has lapsed.
- § 6-27 Defense Based on Sovereign or Diplomatic Immunity**
- (a) A Respondent may present a defense based on sovereign or diplomatic immunity:
- (1) in a written submission received no later than seven (7) business days before the hearing date stated on the summons, in which the Respondent may admit or deny the violation charged and the Tribunal will assign the matter to a Hearing Officer; or
- (2) at a hearing orally or in writing, but only if an attorney or authorized representative of the Petitioner is present at the hearing or if the Respondent at that time consents to an adjournment of the hearing; or
- (3) in a response submitted in any case in which adjudication by remote method is allowed pursuant to § 6-10.
- (b) Upon presentation of a defense based on sovereign or diplomatic immunity, the Hearing Officer must issue an order:
- (1) adjourning the hearing for no less than thirty (30) and no more than sixty (60) days;
- (2) setting forth in detail the violations alleged in the summons; and
- (3) giving notice to the City entity charged with serving as the official liaison with foreign governments ("liaison") that the Respondent has presented a defense based on sovereign or diplomatic immunity, in which event the Tribunal will promptly serve such order to such liaison.
- (c) After an adjournment is granted under subdivision (b), either party may request to extend the time period of the adjournment. The Hearing Officer must grant such request if it is accompanied by a written submission from the liaison indicating more time is necessary for the parties to resolve the matter.
- (d) (1) At a hearing held following an adjournment granted pursuant to subdivision (b), the Hearing Officer must issue a determination whether or not the Respondent is entitled to sovereign or diplomatic immunity.
- (2) If the Hearing Officer determines that the Respondent is entitled to sovereign or diplomatic immunity, he or she must dismiss the summons without a determination of the Respondent's liability.
- (3) If the Hearing Officer rejects the defense of sovereign or diplomatic immunity, a hearing on the violation must be

conducted pursuant to the rules governing hearings in this Chapter.

§ 6-28 Application to File a Post-Hearing Agreement.

A written application to file a post-hearing agreement must be made jointly and with the consent of all the parties to a matter. Such applications must be made to the designated Deputy Commissioner of OATH, or his or her designee as approved by the Chief Administrative Law Judge. The post-hearing agreement will not amend the Hearing Officer's final written decision and when filed, will become part of the record.

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OFFICE OF THE MAYOR

■ NOTICE

MAYOR'S OFFICE OF CITYWIDE EVENT COORDINATION AND MANAGEMENT

STREET ACTIVITY PERMIT OFFICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Street Activity Permit Office (SAPO) of the Office of Citywide Event Coordination and Management (OCECM) is establishing rules for events on Pedestrian Plazas.

When and where is the Hearing? OCECM/SAPO will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on Monday, August 8, 2016. The hearing will be in Hearing Room A, at the Office of Administrative Trials and Hearings, located at 100 Church Street, 12th Floor, New York, NY 10007.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to SAPO through the NYC rules Web site at www.nyc.gov/nycrules.
- **Email.** You can email written comments to saporules@cityhall.nyc.gov.
- **Mail.** You can mail written comments to Michael Paul Carey, Executive Director, Office of Citywide Coordination and Management, at 253 Broadway, 6th Floor, New York, NY 10007.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Michael Carey at (212) 788-9265 by close of business on August 1, 2016. You may also sign up on the day of the hearing in person. You can speak for up to three minutes. Each speaker will be timed.

Is there a deadline to submit written comments? Written comments must be received no later than close of business on August 8, 2016.

Do you need assistance to participate in the Hearing? You must tell OCECM/SAPO if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You must tell us by the close of business on August 1, 2016.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at www.nyc.gov/nycrules. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OCECM/SAPO.

What authorizes SAPO to make this rule? Section 1043 of the City Charter as well as Executive Orders No. 100 and No. 105 authorize SAPO to make this proposed rule. This proposed rule was not included in SAPO's regulatory agenda for this Fiscal Year because it was not contemplated when SAPO published the agenda.

Where can I find the SAPO rules? The SAPO rules are in title 50 of the Rules of the City of New York.

What rules govern the rulemaking process? SAPO must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Mayor's Office of Citywide Events Coordination and Management (OCECM), which oversees the Street Activity Permit Office (SAPO), has been designated by the Mayor under Local Law 53 of 2016 to administer the rules governing the issuance of permits to hold events in pedestrian plazas created by the Department of Transportation. As set forth in the Local Law, the designated agency (SAPO) is required to issue rules relating to issuance of plaza permits, including rules

regarding submission and processing of plaza activity applications, approval or denial of plaza activity applications, appeals of denials of plaza activity permits and fees for use of pedestrian plazas.

The proposed plaza event rules are designed to maximize opportunities for the public to hold events in plazas while also ensuring that the City has advance notice of all plaza events so that events may happen in an orderly fashion while also ensuring that the plazas remain available for everyday use and enjoyment by the public. The proposed rules will govern all events that take place in plazas except for events that have been issued parade, film or construction permits by another City agency.

Establishment of Plaza Levels by Size and Other Criteria

The proposed rules create four "levels" for plazas to account for the differences among plazas in Manhattan and plazas in the Bronx, Brooklyn, Queens and Staten Island. By creating this tiered system, the proposed rules will ensure that events in each plaza are properly managed and some or all of the traffic control costs associated with commercial and fundraising activity are recouped.

The pedestrian plaza levels will be based on size (square footage), number of blocks, and adjacent uses (transportation, civic and commercial activity). Level A will consist of the largest plazas with multiple adjacent uses, and the levels will range to Level D, which will consist of the smallest plazas with fewer adjacent uses. Larger plazas with heavy adjacent uses have more pedestrians and vehicular traffic in and around the pedestrian plaza, which requires additional police presence to cover events. While administrative costs for plaza events are consistent across all levels, police staffing costs vary based on the size of the plaza and its surrounding uses. Plazas in Manhattan, for example, which have greater pedestrian and vehicular volume, require more police officers to control traffic at and around pedestrian plazas events. Plazas in the Bronx, Brooklyn, Queens and Staten Island, with smaller pedestrian and vehicular volume require fewer police officers.

Application and Permit Fees

The fees associated with events in plazas were determined by calculating the administrative costs of processing permits and coordinating city agency staff and other resources to ensure that events are properly planned, and the costs of providing police officers to provide traffic and pedestrian control. The difference in costs and therefore the difference in fees is based on the need for police presence which depends on size and location of plaza events.

Other Changes

The proposed rules also modify some event definitions to more accurately account for their impact on surrounding areas and to assist potential applicants in determining under which category their event falls and what fees they will be required to pay. The proposed rules also add the definition of Press Conference/Rally/Stationary Demonstration permit to facilitate coordination for these types of events.

Finally, the proposed rule also requires applicants to submit their applications with more time before the event begins to both allow SAPO more time to properly review the application and provide the applicant more time to plan and organize their event. For example, the deadline for submitting applications for small street events is increasing from 10 business days to 30 days.

SAPO authority for these rules is found in Section 1043 of the New York City Charter and Executive Order No. 105 of 2007.

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 1. Section 1-01 of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

§1-01 Applicability and Definitions.

These rules shall apply to all applications for street activity permits, and for purposes of this chapter, the following terms shall have the following meanings:

"Applicant" means an individual or entity applying for a street activity permit that is responsible for the street activity proposed in the application.

"Block" means the linear stretch of a street between the curb lines of the cross streets that intersect such block.

"Block party" means a community sponsored Street event requiring the closure of a single block of a street, or a portion thereof, for a single day in which no fundraising or the sales of goods or services occurs, and does not otherwise fall into any other category.

"Business improvement district" means an entity established pursuant to article nine of the general municipal law.

"Civic event" means a Plaza or Street event that is sponsored by a documented not-for-profit organization that is open to the public, may offer free services or information to the community, and does not have

a fundraising component or include the sale of goods or services. Civic events include, but are not limited to, artistic/cultural performances, Health Fairs, classes, religious worship or educational gatherings that support the mission of the sponsoring, documented not-for-profit organization. Civic events may not include signs or banners displaying sponsors or supporter logos that exceed ten percent (10%) of the face of the sign or banner.

“Civic center” means a use of property for public facilities such as schools, libraries and/or parks.

“Charitable event” means [an] a Plaza or Street event in which the sole purpose of the [street] activity is fundraising [donation of goods or provision of free services to the community] by or for a specific documented not-for-profit organization. Charitable events shall not include street fairs or block parties, Civic events or Commercial/Promotional events or Street events that fall into any other category. Charitable events may not include signs or banners displaying sponsors or supporter logos that exceed ten percent (10%) of the face of the sign or banner.

“Clean-up” means [an] a Street event that is held for the purpose of neighborhood improvement by a documented not-for-profit organization, Community Sponsor or an individual with an indigenous relationship with the proposed event location. No fundraising or sales of goods or services to the general public shall occur at a Clean-up.

“Commercial/Promotional [or promotional] event” means [an] a Plaza or Street event that promotes, advertises or introduces a product, corporation, company or other commercial entity or the goods or services of a corporation, company or other commercial entity to either the general public or to a portion of the general public. Commercial/Promotional [or promotional] events do not include [charitable or civic] Charitable or Civic events.

“Commercial center” means a use of property for active ground floor uses such as retail.

“Community sponsor” means a community-based, documented not-for-profit organization, association, corporation or the like that has an indigenous relationship to the specific street or geographic community where the Street event is proposed. [If a permit requires a Community sponsor, than an individual from the organization shall be listed as the contact person.]

“Civic event” means an event that is sponsored by a not-for-profit organization that is open to the public and does not have a fundraising component. Civic events include, but are not limited to, artistic/cultural performances, or educational gatherings that support the mission of the sponsoring not-for-profit organization.

“Deadline” means the number of days prior to the start of an event by which an Applicant must submit an application for review.

“Event” means any activity on a public street, street curb lane, sidewalk or pedestrian island or plaza where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic but shall not include activities conducted pursuant to a valid film permit, demonstrations or parades. An event also shall not include any permitted activity that is not related to a special event under SAPO jurisdiction as described herein.]

“Event time” means the time between set-up and break-down of a Street or Plaza event.

“Extra large event, Street or Plaza” means an event that is a Commercial/Promotional event or a Charitable event and has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic, uses multiple locations or a combination of [pedestrian islands or pedestrian] Pedestrian plazas or full street closure; requires significant set-up including, but not limited to, erection of structures that may require a Department of Building permit; and requires substantial coordination between the Street Activity Permit Office and City agency staff, including the Police Department, Fire Department, Department of Transportation and the Executive Director of Office of Citywide Event Coordination and Management.

“Extra small event” means an event that denotes guest arrival and departure at a specific venue, has marginal impact on pedestrian and/or vehicular traffic and requires minimal coordination between SAPO, the Office of Citywide Event Coordination and Management and the Applicant and does not include any commercial or branding element.]

“Farmer’s market” means an open-air market held on a sidewalk for the sale to the general public of products grown, raised, caught or baked by local farmers and fishers and that does not have a fundraising component. An Applicant for a farmer’s market shall be a documented not-for-profit corporation with federal tax exempt status.

“Health fair” means a community sponsored event in which a health vendor(s) promotes and provides in-kind services to the community, requiring the closure of a single block of a street, or a portion thereof, for a single day in which no fundraising or sales of goods or services occurs, and in which health vendor(s) do not pay a fee to participate.

“Inflatables” means balloons or displays that are expanded with air or gas and used for event promotion, logo placement, product display or recreational purposes. Blimps and inflatable rides are not considered inflatables for purpose of this section.

“Large event” means an event that has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic; uses a single pedestrian island or pedestrian plaza or Military Island; requires significant set-up including, but not limited to, erection of structures that may require a Department of Building permit; and requires substantial coordination between SAPO and City agency staff, including the Police Department, Fire Department, Department of Transportation and the Executive Director of Office of Citywide Event Coordination and Management.

“Medium event” means an event that impacts pedestrian and/or vehicular traffic and requires significant set up on a sidewalk and/or curb lane, pedestrian island or pedestrian plaza or includes an obstruction such as a tent, canopy, stage platform, bleacher, reviewing stand, outdoor bandstand or similar structure that may require a Department of Building permit; and requires coordination between SAPO and City agency staff, including the Police Department, Department of Transportation and the Executive Director of the Office of Citywide Event Coordination and Management.

“Pedestrian island” means any public space abutting or separating a roadway or roadways that can accommodate pedestrians.]

“Pedestrian plaza” means an area designed by the Department of Transportation for pedestrian circulation, use, and enjoyment [by pedestrians located] on property under the jurisdiction of the Department of Transportation including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which may contain [benches, tables or other facilities for pedestrian use] amenities such as tables, seating, trees, plants, lighting, bike racks, or public art. Pedestrian plazas are categorized into the levels defined below, and a list of levels and which Pedestrian plazas fall into a particular level are available at <http://www1.nyc.gov/site/cecm/permitting/plazas.page>.

“Pedestrian plaza, Level A” means a Pedestrian plaza where (a) the total size is greater than 100,000 square feet, the total area occupies more than 2 consecutive Blocks, and the area is located near a Transit hub, a Civic center and a Commercial center; or (b) the total size is less than or equal to 100,000 square feet but greater than 30,000 square feet, the total area occupies more than 4 consecutive Blocks and the area is located near a combination of at least 2 of the following: a Transit use, a Civic center or a Commercial center.

“Pedestrian plaza, Level B” means a Pedestrian plaza where (a) the total size is less than or equal to 100,000 square feet but greater than 30,000 square feet, the total area occupies one or more Blocks, and the area is located near a Transit hub, Civic center or a Commercial center; or (b) the total size is less than or equal to 30,000 square feet but greater than 10,000 square feet, the total area occupies more than 2 consecutive Blocks and the area is located near a combination of at least 2 of the following: a Transit hub, a Civic center or a Commercial center.

“Pedestrian plaza, Level C” means a Pedestrian plaza where (a) the total size is less than or equal to 30,000 square feet but greater than 10,000 square feet, the total area occupies one or more Blocks, and the area is located near a Transit hub, Civic center or a Commercial center; or (b) the total size is less than or equal to 10,000 square feet, the total area occupies more than 2 consecutive Blocks and the area is located near a Transit hub, a Civic center and a Commercial center.

“Pedestrian plaza, Level D” means a Pedestrian plaza where (a) the total size is less than or equal to 10,000 square feet, the total area occupies one or more Blocks, and the area is located near a Transit hub, a Civic center or a Commercial center.

“Pedestrian plaza partner” means an organization selected by the Department of Transportation to assist with functions related to Pedestrian plazas, pursuant to a non-exclusive agreement with the Department, pursuant to chapter 13 or 14 of the City Charter. Such functions may include, but are not limited to, the design, daily management, maintenance, programming, and the provision of funding to support such functions.

“Plaza event” means any activity within a Pedestrian plaza where the activity will interfere with or obstruct the regular use of such Pedestrian plaza, but shall not include activities conducted pursuant to a valid film, parade or construction permit.

“Plaza event, Large” means usage of over fifty percent (50%) of a Pedestrian plaza’s square footage with an expected attendance between fifty percent to one hundred (50-100%) of the Pedestrian plaza’s capacity and held with or without the use of amplified sound.

“Plaza event, Medium” means usage of twenty-five to fifty percent (25-50%) of the Pedestrian plaza’s square footage with an expected attendance between twenty-five to fifty percent (25-50%) of the Pedestrian plaza’s capacity and held with or without the use of amplified sound.

“Plaza event, Small” means usage of less than twenty-five percent (25%) of the Pedestrian plaza’s square footage with an expected attendance of less than twenty-five percent (25%) of the Pedestrian plaza’s capacity and held without the use of amplified sound.

“Press Conference/Rally/Stationary Demonstration” means a public convening with minimal elements on the street and/or Pedestrian plaza, requiring the use of one or more Pedestrian plaza(s) or the closure of one or more block(s) of the street or a portion thereof, for a single day, and which is not a Commercial/Promotional event or a Charitable event and no fundraising or the sale of goods or services occurs.

“Production event” means an event that occurs for [a short period of time] no more than fifteen (15) consecutive days in a curb lane and/or sidewalk to facilitate the pick-up and drop off of passengers and the set-up or break down of event components only, has no impact on pedestrian and/or vehicular traffic and requires minimal coordination between SAPO, the Office of Citywide Event Coordination and Management and the Applicant.

“Small event” means an event that occurs for a short period of time with low or minimum impact on pedestrian or vehicular traffic, requires little coordination between SAPO, the Executive Director of the Office of Citywide Event Coordination and Management and the Applicant. A small event includes, but is not limited to:

- (a) use of the curb lane, sidewalk, pedestrian island or pedestrian plaza for placement of promotional materials; or
- (b) an event with a commercial or promotional elements that denote guest arrival and departure at a specific venue.]

“Street event” means any activity on a public street, street curb lane, or sidewalk where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic but shall not include activities conducted pursuant to a valid film permit, parade or construction permit.

“Street event, Large” means a Commercial/Promotional event or a Charitable event that has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic; includes the full street closure of one city block; requires significant set-up including, but not limited to, erection of structures that may require a Department of Building permit; and requires substantial coordination between SAPO, including the Executive Director of Office of Citywide Event Coordination and Management, and City agency staff, including the Police Department, Fire Department, Department of Transportation.

“Street event, Medium” means a Commercial/Promotional event or a Charitable event that impacts pedestrian and/or vehicular traffic and requires significant set up on a sidewalk and curb lane, or includes an obstruction such as a tent, canopy, stage platform, bleacher, reviewing stand, outdoor handstand or similar structure that may require a Department of Building permit; and requires coordination between SAPO and City agency staff, including the Police Department, Department of Transportation and the Executive Director of the Office of Citywide Event Coordination and Management.

“Street event, Small” means an event that occurs for a short period of time with low or minimum impact on pedestrian or vehicular traffic and requires little coordination between SAPO, including the Executive Director of the Office of Citywide Event Coordination and Management, and the Police Department and the Applicant. A Street event, Small includes, but is not limited to:

- (a) use of the curb lane or sidewalk for placement of promotional materials, red carpet, tent(s) or display of a vehicle; or
- (b) a Commercial/Promotional event.

“Street fair” means a community sponsored event requiring a street closure of one block or more in which the general public can purchase goods or services provided by vendors and vendors may pay a fee to participate.

“Transit hub” means a use of property for a mass transit station or stop and or the interchange of multiple modes of transportation.

“Vendor” means an individual, entity or organization that sells or offers for sale, food, goods, tickets or services.

§ 2. Sections 1-03 through 1-05 of Chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:

§1-03 Application Requirements and Deadlines.

- (a) A street activity permit is required to conduct any event as defined by Section 1-01 of these rules [when such activity may interfere with or obstruct the normal use by pedestrian or vehicular traffic of such street or sidewalk].
- (b) All Applicants are required to identify a contact person and include their complete contact information for purposes of communications concerning the application and the proposed event. If a permit requires a Community sponsor then an individual from the organization must be listed as the contact person.

- (c) Applicants are required to submit the following with applications:
 - (1) processing fee;
 - (2) proof of status as a Community [Sponsor] sponsor, if applicable;
 - (3) proof of documented not-for-profit tax exempt status with State or federal records, if applicable;
 - (4) \$1,000,000 liability insurance as required by Section 1-08(b) of this chapter; and
 - (5) plans outlining components of the proposed [street activity] Street event or Plaza event.
- (d) Applications shall be submitted by the following deadlines:
 - (1) Block party applications must be submitted [90] 60 days prior to event date.
 - (2) Clean-up applications must be submitted 60 days prior to event date.
 - (3) [Farmer’s market] Charitable event applications must be submitted [90] 60 days prior to the event date.
 - (4) [Charitable, commercial or promotion, or civic] Civic event applications must be submitted [30] 60 days prior to event date [except applications of extra-small and small events that occupy sidewalk or curb lanes only which must be submitted 10 business days prior to the event date].
 - (5) Farmer’s market applications must be submitted 60 days prior to the event date.
 - (6) Health fair applications must be submitted 60 days prior to the event date.
 - (7) Pedestrian plaza Level A and Pedestrian plaza Level B applications must be submitted 60 days prior to the event date, except applications for multiple Pedestrian plazas in the same area must be submitted 90 days prior to the event date.
 - (8) Pedestrian plaza Level C applications must be submitted 45 days prior to the event date and include usage of only one plaza.
 - (9) Pedestrian plaza Level D applicants must be submitted 30 days prior to the event date and include usage of only one plaza.
 - (10) Press Conference/Rally/Stationary Demonstration applications must be submitted 10 days prior the event date. Where an Applicant can demonstrate that the need for this type of event was not known in time to file an application earlier, the Applicant may submit an application less than 10 days prior to the event date.
 - (11) Production event applications must be submitted 10 days prior to the event date.
 - (12) Street event, Large applications must be submitted 60 days prior to the event date.
 - (13) Street event, Medium applications must be submitted 45 days prior to the event date.
 - (14) Street event, Small applications must be submitted 30 days prior to the event date.
 - (15) Street fair applications must be submitted no later than December 31st of the year preceding the calendar year for which the proposed street fair will take place. For Street fairs that are only one day and one block in length, applications will be accepted 90 days prior to the event date.

- (e) Applicants or community sponsors for street fairs shall be limited to one event per application and two events per calendar year.
- (f) All events that require a full street closure must allow for a 15-foot emergency vehicle lane.
- (g) SAPO applications may be completed and submitted online at <https://nyeventpermits.nyc.gov> or any successor website. If an online submission is not possible or if paper submission is preferred, Applicants may obtain and submit paper copies at SAPO offices.
- (h) For events that require a full street closure or the use of more than twenty-five percent (25%) of a Pedestrian plaza, a site visit will be scheduled with SAPO and other relevant city agencies.

§1-04 Submitting and Processing of Applications.

- (a) All event applications shall be submitted directly to SAPO.
- (b) SAPO will make available applications for street fairs, block parties, farmer’s markets and clean-ups to the community board(s) for the community district(s) that encompass(es) the area(s) in which the proposed street fair, block party, farmer’s market, or clean-up is to take place.
- (c) SAPO will make available applications for Plaza event permits to the community board(s) for the community district(s) that encompass(es) the Pedestrian plaza(s) in which the proposed Plaza event is to take place and to the Plaza partner(s) for the Pedestrian plaza(s) in which the proposed Plaza event is to take place.
- (d) There shall be a non-refundable twenty-five dollar processing

- fee for all applications. Online submissions may be subject to an additional convenience fee.
- (d) (e) Applications for rain dates or other make-up dates are not accepted.
- (e) (f) If two or more applicants request the same date and the same location, the application from the Applicant who held a permit for such date and such location in the calendar year immediately preceding the calendar year for which such permit is now sought shall be eligible for approval; provided however, that if neither of such Applicants held a permit for such date and such location in the calendar year immediately preceding the calendar year for which such permit is now sought, the permit application from the Applicant that was received first shall be eligible for approval.
- (g) For street fairs, block parties, farmer's markets and clean-up applications and for Pedestrian plaza events, SAPO shall notify the community board in which the proposed event will take place that the application is available for agency review and comment on the CEMS database. SAPO shall notify the Plaza partner for the Pedestrian plaza in which a proposed Plaza event will take place that the application is available for review in the CEMS database.
- (f) (h) The community board shall have thirty (30) days to forward its recommendation for approval, approval with conditions or denial of a street activity permit application to SAPO for further processing, and shall notify the applicant in writing of such recommendation. If the community board has recommended approval with conditions or denial of a street activity permit application, it shall also notify the applicant of the applicant's opportunity to comment on such recommendation to SAPO.
- (1) In the event that the community board recommends approval with conditions or denial of the permit application, an Applicant shall have five (5) business days from the receipt of the notification by the community board of its recommendation to file written comments with SAPO.
 - (2) If the board recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the board gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.
- (i) The Plaza partner shall have ten (10) business days to forward its recommendation for approval or denial of a Plaza event application to SAPO for further processing. If the Plaza partner has recommended approval with conditions or recommended denial of a Plaza event permit application, SAPO shall also notify the Applicant of the Applicant's opportunity to comment on such recommendation to SAPO.
- (1) If the Plaza partner recommends approval with conditions or recommends denial of the permit application, an Applicant shall have five (5) business days from the receipt of the notification to file written comments with SAPO.
 - (2) If the Plaza partner recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the Plaza partner gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.
- (g) (j) Upon receipt of an event application, the application will be available for review via the Citywide Event Management Systems "CEMS" database by the Police Department, the Fire Department, the Department of Sanitation, [and] the Department of Transportation, the Community Board and the Plaza partner if a Plaza event is involved. Additional copies may also be sent to other agencies, including, but not limited to, the Department of Health and Mental Hygiene, the Department of Consumer Affairs, the New York City Transit Authority, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency.
- (k) Applicants who submit an application for an Extra-Large event, Street or Plaza or a Street event, Large or Street Event, Medium who withdraw their application or decline a permit fewer than ten (10) calendar days prior to the event date will be assessed a cancellation fee of ninety percent (90%) of the city's cost to process the application.
- (a) The Director of SAPO shall take into consideration any recommendations or comments received from community boards and Plaza partners, where applicable, or City agencies or other government agencies in determining whether to approve, approve with conditions, or deny a [street activity] Street event permit application or a Plaza event permit application. At any time during the review of an application for a street activity permit or a Plaza event permit, the Director of SAPO or Executive Director of CECM or his or her designee may require the submission by the Applicant of such additional information that he or she deems necessary to evaluate the application or the qualifications of the Applicant or to implement the requirements of these rules.
- (b) The Director shall have the authority to deny an application, to condition the approval of an application, or to revoke a [street activity] Street event or Plaza event permit, based on the past or present failure of the Applicant:
- (1) to make payment of the processing fee; or
 - (2) to make payment to, or reach satisfactory agreement with all agencies, (e.g., the Department of Sanitation regarding a clean-up deposit); or
 - (3) to present proof that all necessary and proper licenses, permits, insurance or authorizations have been received; or
 - (4) to make payment to, or reach satisfactory agreement with, SAPO regarding a [street activity] Street event fee or a Plaza event fee; or
 - (5) to comply with applicable laws or rules; or
 - (6) to comply with a condition imposed on a permit issued previously to the Applicant; or
 - (7) to provide the Director or Executive Director of CECM with any additional information which he or she has determined to be necessary to evaluate the application or the qualifications of the Applicant.
- (c) In addition to the provisions of subdivision (b) of this section, the Director shall have the authority to deny an application, condition the approval of an application or revoke a [street activity] Street event permit or a Plaza event permit on any or all of the following grounds:
- (1) The Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Department of Health and Mental Hygiene, the Department of Buildings, the Department of Consumer Affairs, the New York City Transit, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency that received a copy of a [street activity] Street event permit application or a Plaza event application for comment, has notified the Director of SAPO of its disapproval and the reasons therefor; or
 - (2) the proposed activity, when considered in conjunction with other proposed activities, would produce an excessive burden on the community, City services or City personnel; or
 - (3) the information provided on the application or forms or documentation required to be submitted is false, misleading, incomplete or inaccurate; or
 - (4) approval of the application is not in the best interest of the community, City or general public for reasons that may include, but are not limited to, lack of good character, honesty, integrity or financial responsibility of the Applicant. If the Director determines that the application shall be denied on the ground that the Applicant lacks good character, honesty, integrity or financial responsibility, the Director shall notify the Applicant that the application has been denied and shall specify the reason for such denial. The Applicant may thereafter respond to the Director's determination and appeal such denial pursuant to the provisions of § 1-06 of these rules.
- (d) For the calendar year 2016, the Director will deny applications for [street activity] Street event permits for street fairs not held in the calendar year 2016.
- (e) All information pertaining to anticipated vendors participating in a street fair must be submitted one week prior to the date of the event. If this information is not provided, the final permit may not be issued. This information must include the anticipated gross income received from [vendors] Vendors, the number of spaces occupied by documented not-for-profit organizations, including but not limited to the applicant's organization, the number of spaces occupied by [commercial

vendors] Vendors and the amount paid by both documented not-for-profit organizations and the [commercial vendors] Vendors. The applicant must affirm the accuracy of this information. Information reflecting the final attendance of [vendors] Vendors that took part in the [street] Street fair must be submitted one week after the event took place. SAPO may request additional documentation to verify the [vendor] Vendor fees received by Applicant.

(e) (f) The Director will deny applications submitted for [street activity] Street event permits for any street fair , block party or other street activity requiring closure of a street located between 42nd Street and 50th Street and between 6th Avenue

and 8th Avenue in the borough of Manhattan. The Director must make reasonable efforts to find alternative locations for street fairs, block parties and other street activities that took place in this area during calendar year 2015.

§ 3. Subdivision c of Section 1-08 of Chapter 1 of Title 50 of the Rules of the City of New York is repealed and replaced with the following:

(c) In addition to the application processing fees specified in this section, and subject to Section 1-08(f), the following Street event fees and Plaza event fees are hereby imposed upon holders of permits for the following types of street and Plaza activities:

<u>Event Type</u>	<u>Fee</u>	<u>Deadline</u>	
<u>Block Party</u>	<u>Processing fee only</u>	<u>60 Days</u>	
<u>Charitable Event</u>	<u>20% of the event fee charged based on the event size and location</u>	<u>60 Days</u>	
<u>Civic Event</u>	<u>Processing fee only</u>	<u>60 Days</u>	
<u>Clean-up</u>	<u>Processing fee only</u>	<u>60 Days</u>	
<u>Day fee (as per § 1-08(a))</u>	<u>\$35 each day after the first day</u>		
<u>Farmers Market</u>	<u>\$15 per day</u>	<u>60 Days</u>	
<u>Health Fair</u>	<u>Processing fee only</u>	<u>60 Days</u>	
<u>Plaza Event (Pedestrian plaza Level A)</u>	<u>Fee per Plaza block</u> <u>\$31,000 Large</u> <u>\$15,500 Small or Medium</u>	<u>60 Days (1 Plaza block)</u> <u>90 days (Multiple Plaza blocks)</u>	
<u>Plaza Event (Pedestrian plaza Level B)</u>	<u>MN Plaza Event Fees per Plaza block</u> <u>\$20,000 Large</u> <u>\$10,000 Medium</u> <u>\$5,000 Small</u>	<u>SI, QN, BX, BK Plaza Event Fees per Plaza block</u> <u>\$8,000 Large</u> <u>\$4,000 Medium</u> <u>\$2,000 Small</u>	<u>60 Days (1 Plaza block)</u> <u>90 days (Multiple Plaza blocks)</u>
<u>Plaza Event (Pedestrian plaza Level C)</u>	<u>MN Plaza Event Fees per Plaza block</u> <u>\$11,000 Large</u> <u>\$5,500 Medium</u> <u>\$2,500 Small</u>	<u>SI, QN, BX, BK Plaza Event Fees per Plaza block</u> <u>\$5,000 Large</u> <u>\$2,500 Medium</u> <u>\$1,000 Small</u>	<u>45 Days</u>
<u>Plaza Event (Pedestrian plaza Level D)</u>	<u>MN Plaza Event Fees</u> <u>\$2,500 Large</u> <u>\$1,250 Medium or Small</u>	<u>SI, QN, BX, BK Plaza</u> <u>\$2,000 Large</u> <u>\$1,000 Medium or Small</u>	<u>30 Days</u>
<u>Press Conference/Rally/Stationary Demonstration</u>	<u>Processing fee only</u>	<u>10 Day unless need for event could not be anticipated in advance</u>	
<u>Production Event</u>	<u>\$290 (with curb lane or sidewalk)</u> <u>\$700 (with curb lane and sidewalk)</u>	<u>10 Days</u>	
<u>Street event</u>	<u>Street event, Large \$25,000</u> <u>Street event, Medium \$11,000</u> <u>Street event, Small \$3,100</u>	<u>60 Days</u> <u>45 Days</u> <u>30 Days</u>	
<u>Street Fair</u>	<u>20% of the total fee paid by vendors to participate</u>	<u>December 31st of the preceding year.</u> <u>Applications for 1 day/1 block, 90 days</u>	
<u>[Production Event, Extra Small Event</u>	<u>\$290 (with curb lane or sidewalk)/\$700 (with curb lane and sidewalk)</u>		
<u>Small Event</u>	<u>\$3,100</u>		
<u>Small Event in Times Square Pedestrian Plaza or Herald Square Pedestrian Plaza</u>	<u>\$9,950</u>		
<u>Medium Event</u>	<u>\$11,000</u>		
<u>Medium Event in Times Square Pedestrian Plaza or Herald Square Pedestrian Plaza</u>	<u>\$22,500</u>		
<u>Large Event</u>	<u>\$25,000</u>		
<u>Large Event in Times Square Pedestrian Plaza/Military Island or Herald Square Pedestrian Plaza</u>	<u>\$50,000</u>		
<u>Extra Large Event</u>	<u>up to \$66,000 per location</u>		

Charitable Event	10% of the fee if the event was produced by a for-profit corporation and qualified for a different category of event based on size, function, etc.	
Civic Event	50% of the fee if the event was produced by a for-profit corporation and qualified for a different category of event based on size, function, etc.	

§ 4. Subdivisions d through h of Section 1-08 of Chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:

- (d) For a current listing of Pedestrian plazas by level category, please refer to: <http://www1.nyc.gov/site/cecm/permitting/plazas.page>.
- (e) This schedule does not apply to the following:
 - (1) sites or events covered by a license, lease or third party agreement with the City of New York, unless otherwise provided by a rule issued by the licensor, leasing or contracting agency;
 - (2) City agency facilities, departmental or administrative offices;
 - (3) [demonstrations or similar events;
 - (4) parades; or
 - [(5)] (4) Plaza events of a [business improvement district or a non-profit entity operating a pedestrian island or plaza] Plaza partner operating a Pedestrian plaza pursuant to a contract or concession from the City if:
 - (i) such entity is the Applicant for the event;
 - (ii) the event furthers civic, cultural or charitable purposes or the marketing and promotion of local businesses generally or a neighborhood within the business improvement district but does not promote a single or specified entities or businesses within the business improvement district;
 - (iii) [if] the vendors and/or merchants donate their goods and services for the Plaza event, they receive no monetary compensation or other reimbursement for their participation; and
 - (iv) if tickets are sold, their sales benefit of the community and not a single entity.
- [(e)] (f) The Director of SAPO shall have the authority to require:
 - (1) 25% of the expected total street use fee due for street fairs be made no later than the Tuesday prior to the date of the street activity and that any amounts remaining owed to the City be paid no later than 30 days following the date of such activity.
 - (2) An independent audit for events with vendors where the applicant/sponsor pays a SAPO fee over \$20,000.
- [(f)] (g) Fees under this section, with the exception of [production events and extra small events] Production events shall be assessed on a daily basis. Production events and [extra small events] shall be assessed fees on a daily basis up to a maximum of \$1,000.
- [(g)] (h) The fees authorized by this section shall be in addition to any bonding requirement imposed by the Director or the Department of Sanitation or any other bond or fee imposed by any City agency.
- [(h)] (i) The Director of SAPO shall have the authority to require that full or partial payment of the street use fee be made prior to the date of the street activity and to require that any amounts remaining owed to the City be paid within a specified period of time following the date of such activity.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Events Held On Pedestrian Plazas
REFERENCE NUMBER: 2016 RG 063
RULEMAKING AGENCY: Office of Citywide Event Coordination and Management

I certify that this office has reviewed the above-referenced proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: July 5, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION/ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Events Held On Pedestrian Plazas

REFERENCE NUMBER: CECM-SAPO-6

RULEMAKING AGENCY: Office of Citywide Event Coordination and Management - Street Activity Permit Office

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco Navarro
Mayor's Office of Operations

July 5, 2016
Date

Accessibility questions: Michael Carey, 212-788-9265, by: Monday, August 01, 2016 6:00 PM



• jy8

TRANSPORTATION

■ NOTICE

Notice of Adoption

Notice of Adoption of rules updating the following provisions of the Highway Rules: Sections 2-01 through 2-09, 2-11 through 2-14, and 2-20.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Transportation by Section 2903 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department of Transportation hereby amends Chapter 2 of Title 34 of the Official Compilation of the Rules of the City of New York, the Highway Rules. This rule was first published on March 28, 2016, and a public hearing was held on April 28, 2016. This rule shall take effect 30 days from the date hereof.

Statement of Basis and Purpose of Rule

The Commissioner of the New York City Department of Transportation

(DOT) is authorized to issue rules regarding highway operations in the City pursuant to Section 2903(b) of the New York City Charter.

The purpose of the rule is to provide clearer, more concise language, and to update the following provisions of the Highway Rules: Sections 2-01 through 2-09, 2-11 through 2-14, and 2-20.

More specifically, Sections 2-01, 2-02(c), 2-04(c), 2-04(g), 2-06(b), 2-06(d), 2-08(b), 2-09, 2-11(c), 2-11(e), 2-11(f), 2-12(a), 2-13(g), 2-13(l), 2-13(n), 2-13(o), 2-14(a), and 2-20(a) are amended to distinguish between two documents referenced in the Highway Rules: 1) the Standard Highway Specifications ("Standard Specifications"), and 2) the Standard Details of Construction ("Standard Detail Drawings"), both of which are drafted and issued by the New York City Department of Design and Construction. The Standard Specifications contain detailed information on the specifications for standard materials. The Standard Detail Drawings provide typical construction details.

Sections 2-02(a)(1), (2) and (4) are amended to accurately reflect current DOT practice regarding permit applications and bonds.

Section 2-02(b) is amended to delete the obsolete reference to commercial refuse containers with respect to permit reviews, since these permits are now available online.

Section 2-02(d) is amended to clarify that if a timely Corrective Action Request (CAR) protest is granted, the CAR fee will be waived. A CAR is a formal notice by DOT that work performed, and/or a condition created or maintained on a street, is in violation of the Highway Rules or applicable law, and a request that the permittee take action to correct the work and/or condition. Permittees may protest the issuance of a CAR. This change will promote timely submissions of CAR protests.

Section 2-02 (m) is amended to refer to Section 2-07, which is being amended to make clear that a permittee must obtain an emergency number from DOT during a DOT embargo period for emergency work involving an underground street access cover (also known as utility access covers or "manholes").

Section 2-03 is amended to delete the fee for obtaining permits to install bicycle racks or decorative planters because DOT no longer issues these permits, which are now covered under a revocable consent pursuant to Section 7-04 of Title 34 of the Rules of the City of New York.

Sections 2-05(c)(2), (d)(11), (d)(15), and (j)(5) and Sections 2-11(e)(4), (e)(6), (e)(10), (e)(11), and (g)(2) are amended to replace references to Section 2-01.1 with Section 2-02(h) and clarify that permittees are required to keep their work sites safe.

Sections 2-05(d)(2) and (19) are amended to clarify that any protective covering placed on the street must be placed beneath all construction material or equipment when delivered by the managing agent, distributor, or owner of the container, and must be maintained by the permittee while the material or equipment occupies the street.

Section 2-07 (a) is amended to require a permittee to obtain an emergency number from DOT during a DOT embargo period for emergency work involving an underground street access cover (also known as utility access covers or "manholes").

Sections 2-07(a)(8), 2-11(e)(4)(v), and 2-11(g)(2)(xiii) are amended to clarify when flagpeople are expected to be placed at a job site.

Section 2-07(b)(2) is amended to require a permit to maintain a steel plate that is covering either a defective maintenance cover or grating (also known as hardware) or any street condition found within an area extending 12 inches outward from the perimeter of the defective hardware or street condition, even where no excavation has been made. There are a number of defective hardware conditions on City streets that require a steel plate cover to maintain public safety until the condition is repaired. This often results in steel plates on the streets with no clear indication of whether they are covering an open excavation or defective hardware, and may on occasion result in unnecessary summonses issued for failure to obtain a permit for an open excavation. This amendment is designed to eliminate the confusion by providing DOT with information on the location of such steel plates, as well as the name of the plate owner.

Section 2-11(e)(2) is amended to allow for the use of the rock wheel or other DOT-approved tools when pre-cutting pavement. Typically, handheld tools must be utilized to pre-cut pavement. However, DOT has on occasion authorized the use of the rock wheel to pre-cut pavement. This change will allow DOT the flexibility to determine which tools are sufficient when pre-cutting pavement. Section 2-11(e)(2) is also amended to add a reference to new Standard Detail Drawing #H-1042.

Section 2-11(e)(10) is amended by adding and clarifying several requirements regarding plating and decking, including identifying the owner, and lessee if applicable, of the plating and decking.

Section 2-11(e)(11)(iv) is amended to prohibit substituting asphalt for concrete, and to require all concrete-base roadway restorations to be the same depth and greater than or equal to the existing strength as the original base. The consistency and stability of asphaltic material is not the same as concrete. This change will better protect the integrity of City streets.

Section 2-11(e)(11)(vii) is amended by deleting an administrative requirement regarding the plating of shallow conduits and pipes.

Section 2-11(e)(12)(viii) is amended to include and clarify the requirement that sealant must be properly maintained throughout the life of the guarantee period. Currently, the rules require the wearing course to be properly sealed at the edges; however, it does not specifically state that such sealant must be properly maintained throughout the life of the guarantee period.

Section 2-11(e)(12)(xi) is deleted and replaced with the requirement that all trenches must have a minimum opening width of 18 inches in accordance with updated Standard Detail Drawing #H-1042.

Section 2-11(f)(4)(i) is amended by adding that the paving schedule must conform to DOT's requirements, including but not limited to the permittee name, location of work (on, to and from street), and proposed start time. Additionally, the change allows for the transmission of the paving schedule via e-mail or other department-approved method.

Rule

New material is indicated by underlining; 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.

§1. Section 2-01 of Title 34 of the Rules of the City of New York is amended to read as follows:

Standard Specifications. The term "[specifications] Standard Specifications" means the most recent version of the standard highway specifications available from the Department and the New York City Department of Design and Construction indicating required construction materials.

[Standards] Standard Detail Drawings. The term "[standards] Standard Detail Drawings" means the most recent version of the standard details of construction, available from the Department and the New York City Department of Design and Construction, which contains drawings showing required dimensions of items to be constructed.

§2. Paragraphs (1) and (2) of subdivision (a) of Section 2-02 of Title 34 of the Rules of the City of New York are amended to read as follows:

(a) **Initial permit application.** The following information shall be provided to the Department upon initial application for a permit under these rules and shall be updated as necessary and refiled annually:

(1) **If the applicant is a corporation, limited liability corporation, limited liability partnership or other entity registered with the New York Secretary of State:**

- (i) address and telephone number of applicant;
- (ii) name and telephone number of a contact person in the event of an emergency;
- (iii) affidavit acknowledging incorporation and a certified copy of the certificate of incorporation, and proof of registration with the New York State Department of State, Office of the Secretary of State. When completing the permit application, applicants must supply the Department with the identical identifying information, including but not limited to the company name, as they have provided to the New York State Department of State, Office of the Secretary of State;
- (iv) names of corporate officers;
- (v) names of two agents/employees designated to receive summonses or notices of violation or other notices required by these rules or other provisions of law;
- (vi) New York City plumber's license certificate or other license numbers, if applicable;
- (vii) name(s) of representative(s) authorized to obtain permit(s) on behalf of the applicant;
- (viii) employer identification number;
- (ix) e-mail address, if any.

(2) **All other applicants:**

- (i) address and telephone number of applicant;
- (ii) name(s) of representative(s) authorized to obtain permit(s) on behalf of the applicant;
- (iii) New York City plumber's license certificate or other

- license numbers, if applicable;
- (iv) employer identification number;
- (v) e-mail address, if any[.];
- (vi) names of two agents/employees designated to receive summonses or notices of violation or other notices required by these rules or other provisions of law.

§3. Paragraph (4) of subdivision (a) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (4) *Permit bonds.*
 - (i) A permit bond shall be submitted by all permittees to the permit office at the time of permit issuance to cover all costs and expenses that may be incurred by the City as a result of the activity for which the permit is issued or for the purpose of otherwise safeguarding the interests of the City. The permit bond shall be in the form prescribed by the Department. Such permit bonds described above shall cover all permitted activities described herein.
 - (ii) For a permit bond submitted for the purpose of performing street openings and excavations pursuant to §2-11 of these rules, such permit bond shall be submitted in the amount of \$10,000.00 for a single location within the City of New York per calendar year, \$25,000.00 for two to fifty locations within the City of New York per calendar year, and \$50,000.00 for fifty-one to one hundred locations within the City of New York per calendar year. Permittees who are issued permits for more than one hundred locations per calendar year shall submit a permit bond in the amount of \$100,000.00] \$50,000.00 for two to fifty locations within the City of New York per calendar year, and \$100,000.00 for fifty-one to one hundred locations within the City of New York per calendar year. Permittees who are issued permits for more than one hundred locations per calendar year shall submit a permit bond in the amount of \$250,000.00.
 - (iii) Bonds shall be valid through the permit's guarantee period as set forth in these rules.
 - (iv) The issuer of the bond shall give the Department at least 30 days written notice prior to expiration or cancellation of such bond.
 - (v) A receipt demonstrating full payment of the bond shall be filed with the Department.
 - (vi) A separate bond need not be filed for each location, provided such coverage is in force for all operations in the entire borough, City or state.
 - (vii) A notice of continuation of certificate shall be received every calendar year for the continuation of an existing bond.
 - [(viii) Effective July 1, 2008, for a permit bond submitted pursuant to subparagraph (ii) above, such permit bond shall be submitted in the amount of \$10,000.00 for a single location within the City of New York per calendar year, \$50,000.00 for two to fifty locations within the City of New York per calendar year, and \$100,000.00 for fifty-one to one hundred locations within the City of New York per calendar year. Effective July 1, 2008, permittees who are issued permits for more than one hundred locations per calendar year shall submit a permit bond in the amount of \$250,000.00.
 - (ix) (viii) For permits with the exception of those set forth in subparagraph (ii) above and sidewalk construction permits issued pursuant to §2-09 of these rules, a permit bond shall be submitted in the amount of \$5,000 for a single location within the City of New York per calendar year or in the amount of \$25,000 for multiple locations within the City of New

York per calendar year. In the event that a permittee will also secure street opening and excavation permits within the City of New York during the same calendar year, the permittee's compliance with subparagraph (ii)[, or effective July 1, 2008 with subparagraph (iii),] above shall be sufficient to demonstrate compliance with this section.

§4. Paragraph (1) of subdivision (b) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (b) *General conditions for all permits.* (1) Permit applications for the following work shall be reviewed by OCMC prior to the issuance of permits:
 - (i) work to be performed for sewer and water system construction;
 - (ii) work to be performed in Manhattan;
 - (iii) work required on primary and secondary arteries;
 - (iv) permits to close streets;
 - (v) [permits for placement of commercial refuse containers in Manhattan;
 - (vi)] any other activity deemed necessary by the Commissioner.

§5. Subparagraph (ii) of paragraph (2) of subdivision (c) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (ii) Such signs must be conspicuously displayed and face the nearest curb line. Such signs must be easily visible and readable by pedestrians, and must conform to the Department's [specifications] requirements.

§6. Subparagraph (i) of paragraph 3 of subdivision (c) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (i) At least one Construction Project Informational Sign must be posted on each block segment where the project is located, and must be easily visible and readable by pedestrians, unless otherwise directed by the Commissioner. The sign(s) must be kept in good condition, and must conform with the Construction Project Informational Sign [specifications which are] requirements available at the Department's Permit Offices and on the Department's website.

§7. Paragraph (3) of subdivision (d) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (3) Within fourteen (14) days after the date of mailing of the CAR, unless a different time is specified on the CAR or in these rules, the respondent may protest the issuance of the CAR in the manner directed on the CAR. If a protest is timely submitted and granted by the Department, the CAR fee will be waived.

§8. Paragraph (1) of subdivision (m) of Section 2-02 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (1) All routine work shall be suspended during an embargo period unless approval for the work is granted by OCMC. Such suspension shall not apply to emergency work, for which an emergency number shall be obtained by the permittee pursuant to the provisions of §2-07 and §2-11 of these rules. Information regarding embargo periods is on file at each borough permit office and is available upon request. It is the responsibility of each permittee to obtain such information prior to the commencement of any work. It shall be a violation of these rules to do any work on the street during an embargo period without the prior approval of OCMC or an emergency number.

§9. Section 2-03 of Title 34 of the Rules of the City of New York is amended to read as follows:

Permit or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
[Install decorative planters on street]	[\$50.00]		[1 year]		
[Install bicycle rack]	[\$50.00]		[1 year]		

§10. Paragraph (3) of subdivision (c) of Section 2-04 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (3) Canopy design and construction shall be in accordance with [the Department's standard details of construction] Standard Detail Drawing #H-1029.

§11. Paragraph (2) of subdivision (g) of Section 2-04 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (2) [Canopy design and construction shall conform to Standard Details of Construction H1029.] Canopy shall be fully roofed.

§12. Paragraph (2) of subdivision (c) of Section 2-05 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (2) All obstructions on the street shall be protected by barricades, fencing, railing with flags, lights, and/or signs, placed at proper intervals and at prescribed hours pursuant to [§2-01.1] §2-02(h) of these rules. During twilight hours the flags shall be replaced with amber lights.

§13. Paragraphs (2), (11), and (15) of subdivision (d) of Section 2-05 of Title 34 of the Rules of the City of New York are amended to read as follows:

- (2) The street shall be protected with proper covering to prevent damage[;] (e.g.: planking, skids, plating, pneumatic tires[;]) before construction material or equipment, including containers, are placed on the street. All planking and skids for containers must be a minimum of 1 1/2" to a maximum of 3" thick. Overall size must be a minimum of 12"x12" and the placement of the protective covering must not exceed the outer dimensions of the container. Protection shall be placed directly under each steel wheel or roller of the container to adequately distribute the weight. Placement of all protection shall be [done] performed and completed upon delivery by the managing agent, distributor, or owner of the container.
- (11) The storage area shall be clearly delineated on all sides with barricades, fencing, railing or other safety devices reflectorized and/or illuminated pursuant to [§2-01.1] §2-02(h) of these rules.
- (15) The Commissioner may direct that construction material stored or placed within the street line, particularly in a critical area, be confined to the sidewalk frontage area where the building is to be constructed, altered or demolished. The permittee shall enclose the sidewalk storage area with a four foot high barricade or fence pursuant to [§2-01.1] §2-02(h) of these rules and shall provide adequate lighting and a minimum of five feet of clear pedestrian passage. A temporary partial sidewalk closing permit shall be required.

§14. A new paragraph (19) is added to subdivision (d) of Section 2-05 of Title 34 of the Rules of the City of New York to read as follows:

- (19) The permittee must maintain any protective covering placed on the street while construction materials or equipment is on the street.

§15. Clause (B) of subparagraph (i) of paragraph (5) of subdivision (j) of Section 2-05 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (B) Where the full outward swing of the crane actually does not exceed beyond the barricade and the sidewalk area within the swing of the crane carriage or boom is securely barricaded pursuant to [§2-01.1] §2-02(h) of these rules to prevent pedestrian traffic or an adequate covered pedestrian walkway is provided.

§16. Paragraph (4) of subdivision (b) of Section 2-06 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (4) Fill material shall consist of inert, inorganic matter, suitably compacted. No materials shall be used other than clean earth, ashes, dirt, concrete, rock, gravel, stone, slag, or sand. Rocks and masonry shall not be larger than one-quarter of a cubic yard. No material larger than three inches in dimension may be placed within two feet of the surface. For public safety and health, the Commissioner may require a smooth graded surface treated according to the [Department specifications] Standard Specifications with asphalt paving mixture, compacted cinders, stone screening, soil cement mixtures, or seeded or sodded lawn treatment, or other material as required by the Commissioner.

§17. Paragraph (3) of subdivision (d) of Section 2-06 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (3) Applicants shall submit a plan at a minimum scale of 1in.=50ft. or the scale required by the Commissioner. The original mylar plus one paper print filed at the time of permit application shall be drawn according to the [Commissioner's standards] Standard Specifications. The plans shall show the following:

§18. Subdivision (a) of Section 2-07 of Title 34 of the Rules of the City of New York is amended to read as follows:

(a) General conditions.

- (1) Except for work on the critical roadways during restricted times listed in subdivision c of this section, and subject to these rules, underground street access covers, transformer vault covers and gratings may be opened to perform subsurface work without the prior authorization of the Department. During a Department declared embargo, sidewalks shall be included in the restrictions listed in paragraph (5) of subdivision (c) of this section.
- (2) A permittee must obtain an emergency number from the Department if they are opening an underground street access cover to perform emergency work during an embargo period.
- (3) Except when emergency work is being performed, if excessive traffic congestion occurs on a roadway where underground street access covers, transformer vault covers or gratings have been opened, any police officer or other person authorized to enforce these rules may direct that the cover or grating openings be closed and the encumbered traffic lane opened until the congestion abates. It shall be a violation of these rules to disobey such a direction.
- [(3)] (4) The opening of covers and gratings shall not restrict more than a maximum of 11 feet of roadway. If such opening results in a full roadway closure, the Police Department, the Communication Centers of the Fire Department and the Department of Transportation shall be notified simultaneously with the closing. If such opening falls under the provisions of subdivision (g) of §2-02 of these rules, the entity opening the covers or gratings shall comply with all the requirements of such subdivision.
- [(4)] (5) Except for emergency work or where required due to the nature of the work, no more than two consecutive covers or gratings shall be opened at any time on a block segment, including the adjacent intersection.
- [(5)] (6) A permit is required to store material or equipment on the street during non-working hours whether or not the cover or grating opening is in a critical roadway. No such permit shall be required to store tool carts on the sidewalk. No tool cart shall be stored on a sidewalk unless a minimum passage of five feet is maintained on the sidewalk for pedestrians. No tool cart stored on a sidewalk or roadway shall obstruct any hydrant, water sampling station, bus stop or driveway. A permit is required to store tool carts on the roadway. All tool carts shall display the name, address and telephone number of the entity that placed them on the sidewalk or roadway.
- [(6)] (7) Where subsurface work requiring the opening of covers and gratings on a sidewalk is performed and a five foot minimum passageway on the sidewalk cannot be maintained for pedestrians, a temporary sidewalk closing permit shall be obtained.
- [(7)] (8) Flagpeople. [Permittees] Unless otherwise directed by the Commissioner, permittees whose work results in the closing of a moving traffic lane[, which] and requires traffic to be temporarily diverted to [another] a travel lane in the opposite direction, shall, at all times while actively working at the site, post a flagperson or flagpersons or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists, bicyclists, and pedestrians to proceed around the obstructed lane.

§19. Paragraph (2) of subdivision (b) of Section 2-07 of Title 34 of the Rules of the City of New York is amended to read as follows:

(b) Maintenance requirements.

- (2) The owners of covers or gratings shall replace or repair any cover or grating found to be defective and shall repair any defective street condition found within an area extending twelve inches outward from the perimeter of the cover or grating. Such owner must obtain a permit to maintain a steel plate that is covering such cover or grating or such street condition.

§20. Paragraph (3) of subdivision (b) of Section 2-08 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (3) Sidewalk repair and restoration. An owner shall be responsible for any damage caused or repairs necessitated by the installation, presence or maintenance of such newsrack. Such owner also shall be responsible for any damage caused or repairs necessitated by the removal of a newsrack by either such owner or by an authorized officer or employee of the Department or of any City agency who is designated by the Commissioner, or by a police officer. Such repairs shall be made promptly and in accordance with the [Department's specifications] Standard Specifications, Standard Detail Drawings, and Instructions for Filing Plans and Guidelines for the Design of Sidewalks, Curbs, Roadways and Other Infrastructure Components, or as otherwise directed by the Commissioner.

§21. Paragraph (2) of subdivision (a) of Section 2-09 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (2) All public infrastructure work shall be designed and installed in compliance with current highway engineering practice, the latest version of this publication, and the latest versions of these other Department publications: [Standard Details of Construction,] Standard Specifications, Standard Detail Drawings, and Instructions for Filing Plans & Guidelines for the Design of Sidewalks, Curbs, Roadways and Other Infrastructure Components.

§22. Paragraph (1) of subdivision (b) of Section 2-09 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (1) A property owner may install the required street infrastructure without prior review of the plan(s) by the Department under a process of professional self-certification. Plan review by the Department will not be required when a Professional Engineer, Registered Architect or Registered Landscape Architect self-certifies that the proposed infrastructure work complies strictly with the requirements of the publications listed above in paragraph (2) of subdivision (a) of this section [and meets or exceeds the Department's standards and specifications].

§23. Paragraph (1) of subdivision (f) of Section 2-09 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (1) Property owners' responsibility. Property owners shall, at their own cost, install, repave, reconstruct and maintain in good repair, at all times, the sidewalk abutting their properties, including, but not limited to, the intersection quadrant for corner property, in accordance with [the specifications of the] Department requirements. Upon failure of a property owner to install, repave, reconstruct or repair the sidewalk pursuant to a Notice of Violation issued by the Department after an inspection, the Department may perform the work or cause it to be performed and shall bill the property owner pursuant to § 19-152 of the New York City Administrative Code. If the property owner wishes to protest the violation, he/she may make a request at the appropriate borough office within the time specified in the notice of violation and the Department shall provide a reinspection by a different departmental inspector than the one who conducted the first inspection. The findings of the second inspection supersede the findings of the first inspection.

§24. Subparagraphs (i), (ii), (iii), (iv), (vi), (ix), (xiv), and (xv) and clause (A) of subparagraph (xviii) of paragraph (4) of subdivision (f) of Section 2-09 of Title 34 of the Rules of the City of New York are amended to read as follows:

(4) General sidewalk requirements.

- (i) Except as otherwise authorized, all sidewalks not in C4-4 through C4-7, C5 or C6 commercial districts, as defined in the Zoning Resolution of the City of New York, shall be of untinted concrete. However, all sidewalks in C4-4 through C4-7, C5 and C6 commercial districts shall be of pigmented concrete with saw-cut type joints as set forth in [Section 4.13 C of the Department's specifications] the Standard Specifications. In such commercial districts, any sidewalk installation or replacement constituting 50 percent or more of the total square footage of sidewalk abutting a property shall be of pigmented concrete in conformance with the [aforementioned section of the Department's specifications] Standard Specifications. For the purposes of these rules and unless otherwise stated, the word "concrete" shall mean untinted and pigmented concrete, as applicable. Sidewalks shall consist of a single course of concrete, 4in. in thickness, laid upon a foundation 6in. in thickness; in driveways and corner quadrants the concrete slab shall be 7in. in thickness.
- (ii) The foundation material shall consist of clean 3/4in. broken stone, recycled concrete, gravel or clean granular materials meeting the [standard specifications] Standard Specifications and Standard Detail Drawings. The foundation material shall be tamped and compacted according to the [specifications] Standard Specifications.
- (iii) The sidewalk shall be constructed of concrete mix as per the [Department's specifications] Standard Specifications and Standard Detail Drawings, unless otherwise authorized.
- (iv) Sidewalk cores.
- (A) Cores shall be required for all sidewalks in excess of 100 lineal feet. A core shall be required for each 500 square feet of sidewalk or fraction thereof. A minimum of 2 cores is required. Core evaluation reports by an approved laboratory shall be submitted to the Department.
- (B) In the case of a one- or two-family dwelling on a corner lot and/or where the length of the sidewalk on each side is less than 100 lineal feet, the cores may be waived, provided that an affidavit of a Professional Engineer or Registered Architect who supervised the construction certifies that the work conforms [with] to the [specifications] Standard Specifications, and material delivery slips are submitted. (Delivery slips are to be signed by an authorized representative of the contractor.)
- (C) If the results of the cores meet the Department's requirements, the applicant shall file an affidavit from a Licensed Surveyor, Registered Architect or Professional Engineer certifying that the sidewalk, curb and roadway have been installed in conformance with the submitted SCARA plan. A final survey showing the actual grades as built shall be filed with the Department and the topographical Bureau of the office of the applicable Borough President.
- (vi) The concrete shall be poured and finished in accordance with the [specifications] Standard Specifications and Standard Detail Drawings.
- (ix) When an existing concrete sidewalk is to be replaced and the foundation material meets specifications, the foundation material can be retained and graded to the required subgrade. Any foundation material not meeting [specification] the Standard Specifications and Standard Detail Drawings shall be removed.
- (xiv) Pedestrian ramps. Any person constructing, reconstructing or repairing a corner shall install pedestrian ramps in accordance with the [specifications] the Standard Specifications and in accordance with the latest revision of Standard Detail Drawing #H-1011.
- (xv) Adjoining existing and new sidewalks: Junctions and transitions between new sidewalk and existing [walk] sidewalk shall conform to the [specifications] Standard Specifications and Standard Detail Drawings.
- (xviii) Historic Districts:

- (A) In Historic Districts, property owners shall obtain written approval from the Landmarks Preservation Commission prior to the repair or replacement of sidewalks. All work shall be done in compliance with the rules of the Landmarks Preservation Commission, and in accordance with the [specifications] Standard Specifications, Standard Detail Drawings, and Department requirements.

§25. Subdivision (g) of Section 2-09 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (g) Curb (concrete, steel faced, stone).
 - (1) General permit conditions.
 - (i) The permittee shall complete all curb construction or installation before commencing any roadway paving operation or sidewalk construction, unless otherwise permitted by the Department.
 - (ii) All curbs more than 20 feet in length shall be built according to [specifications] the Standard Specifications and Standard Detail Drawings. A Street Opening Permit is required.
 - (iii) Curbs less than 20 feet in length shall be built in accordance with [Standard Detail H-1054] the Standard Specifications and Standard Detail Drawings. No Street Opening Permit is required if done in conjunction with a sidewalk repair permit.
 - (iv) Permits for the construction or installation of drop curbs and concrete driveways shall not be issued unless authorized by a permit from the Department of Buildings.
 - (v) All curbs shall be built according to specifications.
 - (2) Recess in vault for curbs. Where a vault extends to the curb line, the permittee shall provide a recess for its entire length in which the curb may be set or reset. [See] in accordance with the Standard Specifications and Standard [Drawing on file with the Department] Detail Drawings.
 - (3) Permit requirements. All permits are subject to applicable provisions contained in § 2-02 of these rules.
 - (4) No person shall deface any curb by painting, printing or writing names or advertisements, placing other inserts, attaching, in any manner, any advertisement or other printed matter, or by drawing, painting or discoloring such curb.
 - (5) General provisions for construction. Concrete curbs shall be 6 inches wide at the top, 8 inches wide at the bottom and 18 inches deep, [or equal to the standards,] measured on the back. All construction is to be at legal line and grade, or at any other line and grade approved by a Department engineer, and according to the [specifications] Standard Specifications and Standard Detail Drawings. Penetration of broken stone base will not be allowed unless the outside temperature is 50 degrees Fahrenheit or above.

§26. Paragraphs (3) and (4) of subdivision (h) of Section 2-09 of Title 34 of the Rules of the City of New York are amended to read as follows:

- (h) Roadway.
 - (3) Roadway cores.
 - (i) Cores shall be required for all roadway pavement in excess of 100 lineal feet. A core shall be taken by the applicant for every 700 square yards of paved roadway or fraction thereof, in such manner as directed by the supervising engineer. A minimum of 2 cores is required. Core evaluation reports by an approved laboratory shall be submitted to the Department or self certified by a Professional Engineer or Registered Architect.
 - (ii) Where the length of roadway pavement is less than 100 lineal feet, the requirement of cores may be waived provided that an affidavit of a Professional Engineer or Registered Architect who supervised the construction certifies that the work conforms [with] to the [specifications] Standard Specifications, and material delivery slips are submitted. (Delivery slips are to be signed by an authorized representative of the contractor.)
 - (iii) If the results of the cores meet the Department's requirements, the applicant shall file an affidavit from a Licensed Surveyor, Registered Architect or Professional Engineer certifying that the sidewalk, curb and roadway have been installed in conformance with the legally established grades as built under the terms of the permit. A final survey showing the actual grades as built

shall be filed with the Department's borough office and the Topographical Bureau of the office of the applicable Borough President.

- (4) The Department will issue a letter of acceptance for maintenance subject to the guarantee period of the roadway pavement, to the builder or developer if the roadway pavement meets the requirement of the permit and the [specifications] Standard Specifications.

§27. Paragraph 2 of subdivision (c) of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (2) All work shall be done in accordance with the [specifications] Standard Specifications, Standard Detail Drawings, and the provisions of this § 2-11.

§28. Paragraph 2 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (2) Breaking Existing Pavement. (i) Precutting of pavement wearing course and base shall be required for pavement removal. (ii) [The use of a "Ram Hoe" or truck mounted pavement breaker is not permitted, unless otherwise authorized.] Only hand held tools, rockwheels, or other tools approved by the Department may be used for this purpose. This applies to all streets at all times. (iii) The permittee shall be responsible for keeping the construction area as clean and neat as possible during the [permit] life of the permit. (iv) No material shall restrict water flow in gutters. (v) All possible arrangements for the safety of the general public shall be maintained. [Every effort shall be made to keep the pavement opening dimensions to an absolute minimum.] (vi) The wearing course on non-protected streets must be cut and restored in accordance with Standard Detail Drawing #H-1042.

§29. Subparagraphs (ii), (iii), and (v) of paragraph 4 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

- (ii) All unattended street openings or excavations in a driving lane, including intersections, shall be plated, except as otherwise directed by the Commissioner. The Commissioner may require all street openings and excavations at any location to be plated when no work is in progress. In the case of gas or steam leaks, barricades pursuant to [§2-01.1] §2-02(h) of these rules shall be used until the leak is corrected.
- (iii) Barricades, signs, lights and other approved safety devices shall be displayed pursuant to [§2-01.1] §2-02(h) of these rules.
- (v) Flagpeople. [Permittees] Unless otherwise directed by the Commissioner, permittees whose work results in the closing of a moving traffic lane, which] and requires traffic to be temporarily diverted to [another] a travel lane in the opposite direction, shall, at all times while actively working at the site, post a flagperson or flagpersons or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists, bicyclists, and pedestrians to proceed around the obstructed lane.

§30. Paragraph 6 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (6) Work Site Maintenance.
 - (i) All excavated material shall be either removed from the site or stockpiled at a designated curb, properly barricaded pursuant to [§2-01.1] §2-02(h) of these rules and stored to keep gutters clear and unobstructed in accordance with §2-05 of these rules.
 - (ii) All obstructions on the street shall be protected by barricades, fencing, or railing, with flags, lights, or signs placed pursuant to [§2-01.1] §2-02(h) of these rules at proper intervals and during the hours prescribed. During twilight hours the flags shall be replaced with amber lights.

§31. Subparagraph (i) of paragraph 8 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (8) Backfill and Compaction.

- (i) Upon completion of repairs in a street, permittees shall backfill street openings and excavations in a manner in accordance with the [specifications] Standard Specifications and Standard Detail Drawings. All materials used for backfill shall be free from bricks, blocks, excavated pavement materials and/or organic material or other debris. Notwithstanding the above, asphalt millings may be used as a backfill material.

§32. Subparagraphs (v) and (vii) of paragraph 10 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended, and a new subparagraph (viii) is added, to read as follows:

- (v) All permittees who install plating and decking during the winter moratorium, as determined by the Department, shall post signs at the site indicating "Steel Plates Ahead" or "Raise Plow" and countersink said plates flush to the level of the roadway. All signs shall comply with all applicable requirements pursuant to [§2-01.1] §2-02(h) of these rules. These signs shall be placed on the sidewalk, adjacent to the curb, facing vehicle traffic five feet prior to the plates. On two-way streets, signs shall be placed on both sides of the street five feet prior to the plates.
- (vii) All plating and decking, including the ramping material, must be removed from the roadway and/or sidewalk after completion of the final restoration or prior to the expiration of the permit.
- (viii) All plating and decking must identify the name of the owner of such plating or decking. Identification must be made by welding or stamping the name of the owner onto the plating or decking. In addition to the name of the owner, the name of the permittee must be welded, stamped or painted onto plating or decking not owned by the permittee.

§33. Subparagraphs (i), (iii), (iv), and (vii) of paragraph 11 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

- (i) Concrete and asphalt base material and base restorations shall conform [with Department specifications] to the Standard Specifications and Standard Detail Drawings.
- (iii) Concrete for base shall be plated in a driving lane and intersections or barricaded pursuant to [§2-01.1] §2-02(h) of these rules in a parking lane for a minimum of three days to permit proper cure of concrete, unless otherwise specified by the Department.
- (iv) Hot asphalt binder materials may not be used in place of concrete [for non-protected and/or resurfaced streets at a thickness ratio of one and one-half inch of asphalt for every inch of concrete]. All concrete-base roadways must be restored with concrete of the same depth and at least the same strength as the original base concrete.
- (vii) Conduit or pipes shall be installed at a minimum depth of 18 inches from the surface of the roadway, or below the base, whichever is greater. Where conduits and pipes cannot be installed at the required minimum depth, protective plating shall be installed over the facilities [upon written request from the permittee and receipt of written approval of the Department].

§34. Subparagraphs (i), (ii), (iv), (v), (viii), (ix), and (xi) of paragraph 12 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

- (i) Wearing course material shall conform to the [Department's specifications] Standard Specifications and Standard Detail Drawings.
- (ii) The finished grade of the wearing course shall be flush with surrounding pavement on all sides of the cut [; the restored wearing course shall extend for a distance of six inches (6") beyond the edge of the base course]. The final wearing course shall conform to the Standard Specifications and Standard Detail Drawings. In the event a permanent restoration pavement installed settles more than two inches (2in) below the surrounding existing surface during the life of the guarantee period, this shall be deemed a failure of the backfill compaction, in which case[,] the permittee shall remove all of the failed backfill, down to the subsurface facility, and install new, properly compacted backfill.
- (iv) When more than one roadway opening is made against a single permit and the openings are less than three feet apart after the required cutbacks, the existing wearing

course between such openings shall be restored integrally with the opening wearing course restoration, in accordance with the [current] applicable Standard Detail Drawing # H-1042.

- (v) When a street opening is twelve inches or less from the curb, the entire pavement between the opening and the curb shall be excavated and replaced in kind, in accordance with the [current] applicable Standard Detail Drawing # H-1042. The pavement base shall be inspected and repaired where necessary and a new wearing course shall be installed from the curb to the street opening. The areas described above shall be included in the permittee's guarantee.
- (viii) The wearing course shall be properly sealed completely at the edges of the cut with liquid asphaltic cement ironed in with a heated smoothing iron or by means of infrared treatment to prevent water seepage into the pavement. The sealant applied to the wearing course must be properly maintained throughout the life of the guarantee period.
- (ix) Permittees shall be required to obtain a permit for any changes to, or installation of temporary roadway pavement markings and temporary construction, parking or regulatory signs and supports, including, but not limited to, crosswalks and lane lines. Unless otherwise directed by the Commissioner, all roadway pavement markings, including but not limited to, crosswalks and lane lines, and any parking or regulatory signs or supports shall be replaced in kind [to Department specifications] in accordance with the Standard Specifications. All construction signs and supports and pavement markings shall be removed prior to the expiration of the permit.
- (xi) [For trenches on protected streets, six inches (6in.) of base and six inches (6in.) of the wearing course shall be cut back on both sides of the trench. For trenches on non-protected streets, six (6in.) inches of the wearing course shall be cut back on all sides of the trench, provided, however, the total cut must be a minimum of eighteen inches (18in.) wide.] All trenches must have a minimum opening width of eighteen inches (18"). The trench must be restored in accordance with Standard Detail Drawing # H-1042.

§35. Subparagraphs (iv) and (vi) of paragraph 13 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

- (iv) Reinforcing shall be replaced in kind and spliced [as per specifications for reinforced concrete pavement] in compliance with the Standard Specifications and Standard Detail Drawing #H-1042.
- (vi) All restorations shall conform [with the latest version of Department standard details 1042A, 1042B or 1042C,] to the applicable Standard Detail Drawing # H-1042 or to a standard as determined by the Department.

§36. Subparagraph (vi) of paragraph 14 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (vi) [Specifications.] Such markers shall also be UV-stable and designed not to fade significantly.

§37. Subparagraph (v) of paragraph 15 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (v) Any permittee may file a proposed Quality Control Program with the Commissioner for approval. The Commissioner may waive any of the foregoing [specification] requirements as part of an approved program of Quality Control. Any waiver so granted shall remain in effect as long as the approved program is implemented in a manner satisfactory to the Commissioner or until the Commissioner's approval is rescinded.

§38. Subparagraph (iii) of paragraph 16 of subdivision e of Section 2-11 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (iii) Permittees shall comply with all applicable sections of these rules, the [specifications] Standard Specifications, the Standard Detail Drawings, and all other applicable laws or rules.

§39. Subparagraphs (i), (iii), and (v) of paragraph (4) of subdivision (f) of Section 2-11 of Title 34 of the Rules of the City of New York are amended to read as follows:

- (i) No backfill of any opening or excavation on a protected street shall be performed unless the permittee who has obtained a street opening permit also obtains a confirmation number notifying the Department of such restoration work. The permittee must obtain such confirmation number at least two hours prior to the scheduled start time for the backfill except as otherwise authorized by the Commissioner. The permittee must request and obtain such confirmation number pursuant to § 2-11(f)(2)(ii) of these rules. In no case shall the permittee commence the backfill prior to the scheduled start time. In addition, during the backfill and compaction phase of the work, the permittee must provide, on site, a certified compaction technician from an approved laboratory to test that the compaction of the backfill is in accordance with the Department's rules and [specifications] Standard Specifications. No base or wearing course of any opening or excavation on a protected street shall be performed unless the permittee obtains a separate and additional confirmation number pursuant to § 2-11(f)(2)(ii) of these rules or [faxes] submits its daily paving schedule to the Department via e-mail or other Department-approved method prior to commencing work. The daily paving schedule must conform to the Department's requirements and must include but not be limited to the permittee name, location of the work (on, to and from street), permit number(s), and proposed start time.
- (iii) A certification issued by a New York State licensed professional engineer shall be provided to the Department within thirty days of completion of work on protected streets. The certification shall state that the type of work performed was as described in the permit application, and that all phases of the restoration were performed in accordance with Department rules, Standard Specifications and [specifications] Standard Detail Drawings. Upon demand by the Department or as directed by the Commissioner, the permittee shall furnish copies of in-process compaction reports certified by a Professional Engineer as to the compliance with the backfill requirements set forth within this section. All records must be kept by the permittee and made available to the Department for the duration of the guarantee period.
- (v) All restorations shall conform [with the latest version of Department standard details 1042A, 1042B or 1042C,] to applicable Standard Detail Drawing # H-1042 or to a standard as determined by the Department.

§40. Subparagraphs (iv), (v), and (xiii) of paragraph (2) of subdivision (g) of Section 2-11 of Title 43 of the Rules of the City of New York are amended to read as follows:

- (iv) All unattended street openings or excavations in a driving lane, including intersections, shall be plated, except as otherwise directed by the Commissioner. The Commissioner may require all street openings and excavations at any location to be plated when no work is in progress. In the case of gas or steam leaks, barricades shall be used pursuant to [§2-01.1] §2-02(h) of these rules until the leak is corrected.
- (v) Barricades, signs, lights and other approved safety devices shall be displayed pursuant to [§2-01.1] §2-02(h) of these rules.
- (xiii) Flagpeople. [Permittees] Unless otherwise directed by the Commissioner, permittees whose work results in the closing of a moving traffic lane, which] and requires traffic to be temporarily diverted to [another] a travel lane in the opposite direction, shall, at all times while actively working at the site, post a flagperson or flagpersons or utilize an authorized plan for the maintenance and protection of traffic at the point where traffic is diverted to assist motorists, bicyclists, and pedestrians to proceed around the obstructed lane.

§41. Subdivision (a) of Section 2-12 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (a) Property owners' responsibility. Whenever the Commissioner shall so order or direct, property owners shall, at their own expense:
 - (1) fence any vacant lot(s);
 - (2) fill any sunken lot(s) in compliance with § 2-06 or other requirements of these rules;
 - (3) cut down any raised lot(s) in accordance with the [specifications of the Department] Standard Specifications and § 2-02 of these rules.

§42. Subparagraph (i) of paragraph (2) of subdivision (g) of Section 2-13 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (i) A waterproofed recess in the vault roof adequate to receive a standard curb for the entire length at which the curb may be set or reset in accordance with the [Department's standard] Standard Specifications and Standard Detail Drawings relating to sidewalk width even in cases where the existing or proposed sidewalk width does not conform to that standard width.

§43. Paragraph (1) of subdivision (l) of Section 2-13 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (1) A [standard specification] concrete sidewalk of four inch minimum thickness shall be installed over the structural roof slab of the vault and in conjunction with the structural roof slab shall be able to sustain a minimum live load of six hundred pounds per square foot, in accordance with the Standard Specifications and Standard Detail Drawings. In no case shall the new sidewalk serve as the structural roof of the vault.

§44. Subdivisions (n) and (o) of Section 2-13 of Title 34 of the Rules of the City of New York are amended to read as follows:

- (n) Defective covers. The Commissioner may order defective vault covers, doors, gratings and adjacent areas which are broken or present a slippery surface to be made safe immediately by the owner and replaced in accordance with [Department standards in accordance with] the Standard Specifications, Standard Detail Drawings and subdivision (b) of § 19-151 of the New York City Administrative Code.
- (o) Abandoned vaults. The Commissioner may order the vault licensee and/or the owner of the premises to fill in an abandoned vault in accordance with subdivision (b) of § 19-151 of the New York City Administrative Code as hereinafter provided. The vault shall be filled in with clean, incombustible material, attaining proper compaction [standards] pursuant to the Standard Specifications and Standard Detail Drawings. Where such structures adjoin the curb, the enclosing walls shall be cut down to a depth of two feet below the curb and the roof shall be removed. Proper steps shall be taken to allow for the drainage of water through the vault floor.

§45. Paragraph (3) of subdivision (a) of Section 2-14 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (3) A street opening permit shall be obtained for the removal of a public pay telephone stanchion and the restoration of the sidewalk. Such sidewalk restoration shall be performed in accordance with the [Department's specifications] Standard Specifications and Standard Detail Drawings.

§46. Paragraph (4) of subdivision (a) of Section 2-20 of Title 34 of the Rules of the City of New York is amended to read as follows:

- (4) All public infrastructure work, including work in streets, bridges, parks and public places, shall be designed and installed in compliance with these rules; standard electrical engineering practice; the National Electric Code (NEC) or, in the case of Public Utilities, the National Electrical Safety Code (NESC); the [Department's Standard Details of Construction] Standard Detail Drawings; the [Department's] Standard Specifications; [and] the Department's Instructions for Filing Plans & Guidelines for the Design of Sidewalks, Curbs, Roadways and other Infrastructure Components; the Department's Bureau of Traffic, Division of Street Lighting Standard Drawings; and all other applicable laws and rules.

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

■ NOTICE

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 7745
FUEL OIL AND KEROSENE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/4/2016
3687331	1.0	#2DULS		CITYWIDE BY TW	SPRAGUE	-0.0359 GAL. 1.6675 GAL.
3687331	2.0	#2DULS		P/U	SPRAGUE	-0.0359 GAL. 1.5628 GAL.
3687331	3.0	#2DULS	WINTERIZED	CITYWIDE BY TW	SPRAGUE	-0.0359 GAL. 1.8658 GAL.
3687331	4.0	#2DULS	WINTERIZED	P/U	SPRAGUE	-0.0359 GAL. 1.7610 GAL.
3687331	5.0	#1DULS		CITYWIDE BY TW	SPRAGUE	-0.0190 GAL. 2.1588 GAL.
3687331	6.0	#1DULS		P/U	SPRAGUE	-0.0190 GAL. 2.0540 GAL.
3687331	7.0	#2DULS	>=80%	CITYWIDE BY TW	SPRAGUE	-0.0359 GAL. 1.6953 GAL.
3687331	8.0	#2DULS	WINTERIZED	CITYWIDE BY TW	SPRAGUE	-0.0359 GAL. 1.9863 GAL.
3687331	9.0	B100	B100<=20%	CITYWIDE BY TW	SPRAGUE	-0.0915 GAL. 2.5764 GAL.
3687331	10.0	#2DULS	>=80%	P/U	SPRAGUE	-0.0359 GAL. 1.5905 GAL.
3687331	11.0	#2DULS	WINTERIZED	P/U	SPRAGUE	-0.0359 GAL. 1.8815 GAL.
3687331	12.0	B100	B100 <=20%	P/U	SPRAGUE	-0.0915 GAL. 2.4716 GAL.
3687331	13.0	#1DULS	>=80%	CITYWIDE BY TW	SPRAGUE	-0.0190 GAL. 2.1684 GAL.
3687331	14.0	B100	B100 <=20%	CITYWIDE BY TW	SPRAGUE	-0.0915 GAL. 2.5853 GAL.
3687331	15.0	#1DULS	>=80%	P/U	SPRAGUE	-0.0190 GAL. 2.0636 GAL.
3687331	16.0	B100	B100 <=20%	P/U	SPRAGUE	-0.0915 GAL. 2.4805 GAL.
3687331	17.0	#2DULS		BARGE MTF III & ST.	SPRAGUE	-0.0359 GAL. 1.6281 GAL.
3687192	1.0	JET		FLOYD BENNETT	SPRAGUE	-0.0044 GAL. 2.2681 GAL.
3587289	2.0	#4B5		MANHATTAN	UNITED METRO	-0.0270 GAL. 1.6400 GAL.
3587289	5.0	#4B5		BRONX	UNITED METRO	-0.0270 GAL. 1.6388 GAL.
3587289	8.0	#4B5		BROOKLYN	UNITED METRO	-0.0270 GAL. 1.6330 GAL.
3587289	11.0	#4B5		QUEENS	UNITED METRO	-0.0270 GAL. 1.6383 GAL.
3587289	14.0	#4B5		RICHMOND	UNITED METRO	-0.0270 GAL. 1.7237 GAL.
3687007	1.0	#2B5		MANHATTAN	SPRAGUE	-0.0387 GAL. 1.6287 GAL.
3687007	4.0	#2B5		BRONX	SPRAGUE	-0.0387 GAL. 1.6177 GAL.
3687007	7.0	#2B5		BROOKLYN	SPRAGUE	-0.0387 GAL. 1.6344 GAL.
3687007	10.0	#2B5		QUEENS	SPRAGUE	-0.0387 GAL. 1.6306 GAL.
3687007	13.0	#2B5		RICHMOND	SPRAGUE	-0.0387 GAL. 1.7950 GAL.
3687007	16.0	#2B10		CITY WIDE BY TW	SPRAGUE	-0.0415 GAL. 1.8169 GAL.
3687007	17.0	#2B20		CITY WIDE BY TW	SPRAGUE	-0.0471 GAL. 1.8978 GAL.

NOTE:

3687331	#2DULSB5	95% ITEM 7.0 & 5% ITEM 9.0	CITYWIDE BY TW	SPRAGUE	-0.0387 GAL.	1.7394 GAL.
3687331	#2DULSB10	90% ITEM 7.0 & 10% ITEM 9.0	CITYWIDE BY TW	SPRAGUE	-0.0415 GAL.	1.7834 GAL.
3687331	#2DULSB20	80% ITEM 7.0 & 20% ITEM 9.0	CITYWIDE BY TW	SPRAGUE	-0.0471 GAL.	1.8715 GAL.
3687331	#2DULSB5	95% ITEM 10.0 & 5% ITEM 12.0	P/U	SPRAGUE	-0.0387 GAL.	1.6346 GAL.
3687331	#2DULSB10	90% ITEM 10.0 & 10% ITEM 12.0	P/U	SPRAGUE	-0.0415 GAL.	1.6786 GAL.
3687331	#2DULSB20	80% ITEM 10.0 & 20% ITEM 12.0	P/U	SPRAGUE	-0.0471 GAL.	1.7667 GAL.
3687331	#1DULSB20	80% ITEM 13.0 & 20% ITEM 14.0	CITYWIDE BY TW	SPRAGUE	-0.0335 GAL.	2.2518 GAL.
3687331	#1DULSB20	80% ITEM 15.0 & 20% ITEM 16.0	P/U	SPRAGUE	-0.0335 GAL.	2.1470 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 7746
FUEL OIL, PRIME AND START**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/4/2016
3487119	1.0	#2B5	MANHATTAN PACIFIC ENERGY	-.0324 GAL	1.8169 GAL
3487119	79.0	#2B5	BRONX & MANH CD 10 PACIFIC ENERGY	-.0324 GAL	1.8169 GAL
3487119	157.0	#2B5	BKLYN, QUEENS, SI PACIFIC ENERGY	-.0324 GAL	1.8169 GAL

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 7747
FUEL OIL AND REPAIRS**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/4/2016
1600060	1.0	#2B5	CITY WIDE BY TW PACIFIC ENERGY	-.0387 GAL	1.7140 GAL.
1600060	2.0	#4B5	CITY WIDE BY TW PACIFIC ENERGY	-.0270 GAL	1.7188 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 7748
GASOLINE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 7/4/2016
3187093	2.0	PREM UL	CITY WIDE BY TW SPRAGUE	-.0214 GAL	1.7542 GAL.
3187093	4.0	PREM UL	P/U SPRAGUE	-.0214 GAL	1.6751 GAL.
3187093	1.0	REG UL	CITY WIDE BY TW SPRAGUE	-.0557 GAL	1.5956 GAL.
3187093	3.0	REG UL	P/U SPRAGUE	-.0557 GAL	1.5195 GAL.
3187093	6.0	E85	CITY WIDE BY DELIVERY SPRAGUE	.0141 GAL	1.6958 GAL.

NOTE:

The National Oilheat Research Alliance (NORA) will resume full operations in 2015 with the fee expanding to #4 heating oil. This fee will apply to heating oil invoices only. The fee collections began January 1, 2015. All other terms and conditions of these awards remain the same. Please contact this office if you have any questions.

The Bio-Diesel Blender Tax Credit was reinstated for 2014. As of January 1, 2015, the Bio-Diesel Blender Tax Credit has been rescinded for \$1.00 per gallon on B100. Therefore, for deliveries after January 1, 2015, the contractor will be collecting additional fees which will be shown as a separate line item on the invoice. The additional fee for items will range from \$0.05 for B5 to \$0.20 for B20 per gallon, varying on the percentage of biodiesel to be used. Should the tax credit be extended, this additional fee will be discontinued and removed from the invoice.

Federal excise taxes are imposed on taxable fuels, (i.e., gasoline, kerosene, and diesel), when removed from a taxable fuel terminal. This fuel excise tax does not include Leaking Underground Storage Tank (LUST) tax. LUST tax applies to motor fuels for both diesel and gasoline invoices. Going forward, LUST Tax will appear as an additional fee at the rate of \$0.001 per gallon and will be shown as a separate line item on your invoice.

REMINDER FOR ALL AGENCIES:

Please send inspection copy of receiving report for all gasoline (E85, UL & PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor, New York, NY 10007.

• jy8

COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 on 9/27/2016, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
123 & 123A	11556	22
124 & 214A	11556	23
34, 34A & B	11544	1001-1048
72 & 72A	11551	16
73 & 73A	11551	17
74 & 74A	11551	18
75 & 75A	11551	21
76 & 76A	11551	22
77 & 77A	11551	23
78 & 78A	11551	25
79 & 79A	11551	26
80 & 80A	11551	27
19 & 19A	11551	131
12, 12A & B	11535	1
112 & 112A	11555	42
127 & 127A	11556	57
41 & 41A	11546	18
50 & 50A	11547	59
40 & 40A	11545	35

111 & 111A	11554	6
1 & 1A	11534	8
5 & 5A	11534	14

Acquired in the proceeding entitled: Albert Road (Ozone Park Area Streets) subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

jy1-15

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 10/1/2016 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
121-3,121D	11556	16
17 & 17A	11535	128
86 & 86A	11552	36
61 & 61A	11549	24
8 & 8A	11534	19
128 & 128A	11556	63
116 & 7 116A	11555	55
106 & 106A	11553	40
107 & 107A	11553	41
96 & 96A	11552	51
10 & 10A	11534	22
62 & 62A	11549	26
84 & 84A	11552	32

89 & 89A	11552	39
90 & 90A	1552	41
51 & 51A	11547	63
82 & 82A, 83&83A	11552	30,31

Acquired in the proceeding entitled: Albert Road (Ozone Park Area Street) subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

jy7-20

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 10/2/2016 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
52, 52A	11547	64
95, 95A	11552	48
126-3, 126c	11556	56
42, 42A	11546	25
9, 9A	11534	20
121-2, 121C	11556	15
126-1, 126A	11556	53
2, 2A	11534	10
103, 103A	11553	35
113, 113A	11555	51
93, 93A	11552	45
162-2, 126B	11556	55
165, 165A	11559	60
92, 92A	11552	43
104, 104A	11553	37
136, 136A	11557	9
28A	11536	73

Acquired in the proceeding entitled: Albert Road (Ozone Park Area Street) subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

jy8-21

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007 10/3/2016 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
105, 105A	11553	38
138, 138A	11557	11
94, 94A	11552	47
115, 155A	11555	53
88, 88A	11552	38
135, 135A	11557	7
14A	11535	62
91, 91A	11552	42
65, 65A	11549	32
108, 108A	11554	1
137, 137A	11557	10
139, 139-1, 139A	11557	12
110, 110A	11554	5
173, 178	11561	21,122
109, 109A	11554	3

Acquired in the proceeding entitled: Albert Road (Ozone Park Area Street) subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

jy8-21

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on 9/30/16 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
18 & 18A	11535	129
6 & 6A	11534	17
134 & 134A	11557	1
97 & 97A	11552	54
102 & 102A	11553	34
121, 121-1		
121A & 121B	11556	14
66, 66A, BC, D&E	11549	1001-1060
59, 59A	11549	12
129, 129A	11556	64
131, 131A	11556	66
3, 3A	11534	11
4, 4A	11534	12
130, 130A	11556	65
122, 122A	11556	1

Acquired in the proceeding entitled: ALBERT ROAD (Ozone Park Area Street) subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

jy5-18

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on 9/26/2016 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
11 & 11A	11534	36
15 & 15A	11535	119
16 & 16A	11535	121
20 & 20A	11535	133
21 & 21A	11535	135
22 & 22A	11535	136
67 & 67A	11551	5
68 & 68A	11551	6
69 & 69A	11551	10
70 & 70A	11551	12
71 & 71A	11551	14
98	11552	91
99 & 99A		94
100 & 100A		95
101	11552	100
133, 133A, 133 & 133B	11556	100-1083
174 & 174 11561	11561	22
187 & 187A	11562 168	168
188, 189 & 189A	11562	175, 179
191	11562	188

Acquired in the proceeding entitled: Albert Road (Ozone Park Area Streets) subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

jy5-18

YOUTH AND COMMUNITY DEVELOPMENT

■ NOTICE

In accordance with Section 3-16 (j) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) will be issuing a Concept Paper for Comprehensive Services for Immigrant Families. The Immigrant Families program will deliver comprehensive services to immigrant families living in low income

neighborhoods throughout New York City. Services will include, but not limited to, education, healthcare and housing.

The Concept Paper can be found on DYCD's website at www.nyc.gov/dycd under the Resources for non-profits link starting July 14, 2016. Following release of this concept paper, DYCD will issue request for proposals (RFP), through the HHS Accelerator system, seeking to find qualified organizations to implement this program.

Please email comments to DYCD at CP@dycd.nyc.gov no later than August 5, 2016. Please enter "Services for Immigrant Families" in the subject line.

jy7-13

In accordance with Section 3-16 (j) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) will be issuing a Concept Paper for the Fatherhood Initiative. The Fatherhood Initiative helps fathers increase engagement and responsibility in his relationship with his child/children and provide material and financial support to his child/children.

The Concept Paper can be found on DYCD's website at www.nyc.gov/dycd under the Resources for non-profits link starting July 14, 2016. Following release of this concept paper, DYCD will issue request for proposals (RFP), through the HHS Accelerator system, seeking to find qualified organizations to implement this program.

Please email comments to DYCD at CP@dycd.nyc.gov no later than August 5, 2016. Please enter "Fatherhood Concept Paper" in the subject line.

jy7-13

CHANGES IN PERSONNEL

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 06/17/16

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists various poll workers and their details.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 06/17/16

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists various poll workers and their details.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists various poll workers and their details.

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 06/17/16

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists various poll workers and their details.

LATE NOTICE

YOUTH AND COMMUNITY DEVELOPMENT

INTENT TO AWARD

Human Services/Client Services

SUMMER YOUTH EMPLOYMENT - Renewal - PIN# LIST,,,, - Due 7-11-16 at 10:00 A.M.

In accordance with Section 4-04 of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) intends to renew the contractors listed below to provide Summer Youth Employment Services (SYEP). The term of the contract shall be from 04/1/16 to 3/31/19. Listed below are the names, address, contract amounts and PIN #s:

PIN: 26016090843A; AMOUNT: \$204,750.00 NAME: Central Queens YM and YWHA, Inc ADDRESS: 67-09 108th Street, Forest Hills, NY 11375

Organizations requesting additional information may do so in writing to Ms. Wendy Johnson, Deputy Agency Chief Contracting Officer, at the Department of Youth and Community Development, 2 Lafayette Street, 14th Floor, New York, NY 10007.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Youth and Community Development, 2 Lafayette Street, New York, NY 10007. Trevor Thomas (646) 343-6347; Fax: (646) 343-6039; trthomas@dycd.nyc.gov