

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 134

Introduced by Council Members Vacca, James, Koo, Koslowitz, Palma, Rose, Chin, Gennaro, Brewer, Van Bramer, Rodriguez, Barron, Gentile, Jackson, Halloran and Greenfield.

A LOCAL LAW

To amend the New York city charter, in relation to public notice of final rules.

Be it enacted by the Council as follows:

Section 1. Subdivision e of section 1043 of chapter 45 of the New York city charter is amended to read as follows:

e. Opportunity for and consideration of agency and public comment. The agency shall provide the public an opportunity to comment on the proposed rule (i) through outreach to the discrete regulated community or communities, if one exists, provided that this clause shall not be construed to create a private right of action to enforce this requirement; (ii) through submission of written data, views, or arguments, and (iii) at a public hearing unless it is determined by the agency in writing, which shall be published in the notice of proposed rulemaking in the City Record, that such a public hearing on a proposed rule would serve no public purpose. All written comments and a summary of oral comments concerning a proposed rule received from the public or any agency shall be placed in a public record and be made readily available to the public as soon as practicable and in any event within a reasonable time, not to be delayed because of the continued pendency of consideration of the proposed rule. After consideration of the relevant comments presented, the agency may adopt a final rule pursuant to subdivision f of this section; *except that, other than a*

rule adopted pursuant to subdivision i of this section, no final rule shall be adopted by such board or commission unless its final language is posted in a prominent location on such agency's website and electronically transmitted to each member of such board or commission at least three calendar days, exclusive of Sundays, prior to such rule's adoption; provided, however, that revisions may be made to a final rule posted online and sent electronically in conformity with this subdivision at any time prior to the vote on such rule if such revisions are approved by all members of such board or commission by unanimous consent. Such final rule may include revisions of the proposed rule, and such adoption of revisions based on the consideration of relevant agency or public comments shall not require further notice and comment pursuant to this section. This paragraph shall not be construed to create a private right of action to enforce its provisions. Inadvertent failure to comply with this paragraph shall not result in the invalidation of any rule.

§ 2. Section 2303 of the New York city charter is amended by adding a new subdivision d to read as follows:

d. No resolution of approval of a pilot program shall be approved by the commission unless such resolution is posted in a prominent location on the commission's website and electronically transmitted to each member of the commission at least three calendar days, exclusive of Sundays, prior to the commission's vote to approve or reject such resolution of approval; provided, however, that revisions may be made to a resolution of approval for a pilot program posted online and sent electronically in conformity with this subdivision at any time prior to a vote on such resolution if such revisions are approved by all members of the commission by unanimous consent.

§ 3. This local law shall take effect thirty days after enactment.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 30, 2013, disapproved by the Mayor on November 27, 2013 and repassed by the Council on December 19, 2013 and said law is adopted notwithstanding the objection of the Mayor.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 134 of 2013, Council Int No. 951-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, disapproved by the Mayor and repassed by the City Council.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.