

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2020**

No. 104

Introduced by Council Members Powers, Kallos and Dromm.

A LOCAL LAW

To amend the New York city charter, in relation to the city administrative procedure act

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 1043 of the New York city charter, as amended by local law number 42 for the year 1989, is amended to read as follows:

a. Authority. *1.* Each agency is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law. No agency shall adopt a rule except pursuant to this section. Each such rule shall be simply written, using ordinary language where possible.

2. Subject to paragraph 1 of subdivision f, each agency may adopt rules necessary to carry out the power and duties delegated to it by a local law that has not yet gone into effect, except as otherwise provided by law.

§ 2. Paragraph 1 of subdivision f of section 1043 of the New York city charter, as amended by local law number 42 for the year 1989, subdivision f as relettered by local law number 46 for the year 2010, is amended to read as follows:

1. No rule shall be effective until

(a) the rule is filed by the agency with the corporation counsel for publication in the Compilation,

(b) the rule and a statement of basis and purpose is transmitted to the council for its information,

(c) in the case of a rule adopted pursuant to one or more provisions of a local law, the effective date of the section or sections of the local law that added such provision or provisions, and

[(c)] (d) the rule and a statement of basis and purpose have been published in the City Record and thirty days have elapsed after such publication. The requirement that thirty days shall first elapse after such publication shall not apply where a finding that a substantial need for the earlier implementation of a program or policy has been made by the agency in writing and has been approved by the mayor prior to the effective date of the rule and such finding and approval is contained in the notice.

§ 3. This local law takes effect immediately.

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 September 16, 2020 and returned unsigned by the Mayor on October 16, 2020.

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. 104 of 2020, Council Int. No. 1878-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.