

NEW YORK CITY BUSINESS INTEGRITY COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Business Integrity Commission (the “Commission” or “BIC”) is proposing to amend Title 17 of the Rules of the City of New York relating to the delegation of authority to the chair to initiate the rulemaking process under the City Administrative Procedure Act. The Commission will vote on the final rule before it is promulgated.

When and where is the hearing? BIC will hold a public hearing on the proposed rule. The public hearing will take place from 10:00 a.m. to 11:00 a.m. on August 8, 2016. The hearing will be in the 2nd Floor, conference room number 2-160B at 100 Church Street, New York, New York, 10007.

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

- **Website.** You can submit comments to BIC through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to Salvador Arrona at sarrona@bic.nyc.gov
- **Mail.** You can mail written comments to BIC, 100 Church Street, 20th Floor, New York, NY 10007.
- **Fax.** You can fax written comments to BIC at (646) 500-7096.
- **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 (212) 437-0523. You can also sign up in the hearing room before the hearing begins on August 8, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by August 8, 2016.

Do you need assistance to participate in the hearing? You must contact the Business Integrity Commission if you need a reasonable accommodation because 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 212-437-0523. You must tell us by 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 <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 BIC’s offices.

What authorizes BIC to make this rule? Sections 1043(a) and 2101(b) of the City Charter authorize BIC to make this proposed rule. This proposed rule was not included in the Commission’s regulatory agenda for this Fiscal Year because it was not contemplated when the Commission published the agenda.

Where can I find BIC’s rules? BIC’s rules are in title 17 of the Rules of the City of New York.

What laws govern the rulemaking process? BIC 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

Under section 2101 of the New York City Charter, the chair of the Business Integrity Commission (“BIC”) has charge of the organization of the Commission and has authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the Commission’s regulatory duties.

Under this proposed rule, the Business Integrity Commission would delegate authority to the chair to initiate the rulemaking process under the City Administrative Procedure Act. The Business Integrity Commission must still approve, by majority vote, any new rule before it is made final. This proposed rule is necessary for the Business Integrity Commission to continue to efficiently perform its regulatory duties.

BIC’s authority for this rule is found in sections 1043(a) and 2101(b) of the New York City Charter.

New material is underlined.

Title 17 of the Rules of the City of New York is amended by adding a new chapter 3, to read as follows:

CHAPTER 3

RULEMAKING

§15-01 Proposed Rules

The chair may draft or direct to be drafted such proposed rules of the Commission as he or she may deem necessary to effectuate the provisions of section 2101 of the New York city charter and of title 16-A of the administrative code of the city of New York, and may provide for the publication and distribution of any such proposed rule and for a public hearing on any such proposed rule, all in accordance with the requirements of chapter 45 of the New York city charter. No rule of the Commission will be promulgated except by vote of a majority of the Commission, in accordance with section 1119 of the New York city charter.

**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: Authority to Proceed with Agency Rulemaking

REFERENCE NUMBER: 2016 RG 056

RULEMAKING AGENCY: Business Integrity Commission

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

Date: June 9, 2016

Acting Corporation Counsel

**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: Authority to Proceed with Agency Rulemaking

REFERENCE NUMBER: BIC-5

RULEMAKING AGENCY: Business Integrity Commission

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 10, 2016
Date