

**City of New York  
Office of Administrative Trials and Hearings**

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED in the** Office of Administrative Trials and Hearings in accordance with Sections 1049(4)(g) and 1043(b) of the New York City Charter. OATH promulgates a new Chapter 7 of Title 48 of the Rules of the City of New York, which describes OATH's community service program mandated by New York City Charter Section 1049(4).

The proposed rule was published in The City Record on March 31, 2017, and a public hearing was held on May 1, 2017. No members of the public attended the public hearing and OATH did not receive any written comments concerning this rule.

**Statement of Basis and Purpose**

The Office of Administrative Trials and Hearings (OATH) promulgates a new Chapter 7 of Title 48 of the Rules of the City of New York, describing OATH's community service program, mandated by New York City Charter Section 1049(4).

The New York City Council passed the Criminal Justice Reform Act (CJRA) to create the opportunity for civil enforcement of low-level, non-violent offenses. This legislation was enacted on June 13, 2016. As part of the CJRA, Local Law 73 added new provisions to section 1049 of the NYC Charter that require OATH Hearing Officers to offer an option to perform community service in lieu of paying a monetary civil penalty for certain specified violations of the Administrative Code and certain violations of rules of the Department of Parks and Recreation (DPR).

Local Law 73 added subdivision 4 of section 1049 to the NYC Charter. This subdivision requires that an OATH Hearing Officer offer a respondent who has been accused of committing a specified violation of the Administrative Code or of DPR's rules the option to perform community service instead of paying a monetary civil penalty. Local Law 73 defines community service broadly to include attendance at programs that are either in-person or web-based, which are designed to benefit, improve, or educate either the community or the respondent. Section 1049(4)(b) provides a list of "Specified Violations" that are eligible for community service. The Charter also provides guidelines as to the amount of community service to be performed in lieu of payment of the monetary civil penalty. Section 1049(4)(g) grants OATH the authority to promulgate rules necessary for carrying out the Charter requirements concerning community service. Specifically, OATH is required to promulgate rules that specify the correspondence between the amount of community service offered and the amount of civil penalties imposed. OATH has structured several community service program offerings, each of which has a set number of hours that correlate to the benchmark set forth in Local Law 73 of 2016.

This rule describes OATH's community service program and the procedures a respondent must follow to request and complete community service. Chapter 7 contains the following:

- A definitions section, which defines terms such as Community Service, Community Service Provider, and Specified Violations;
- A chart of Specified Violations for which community service is an option, including the applicable monetary penalty and the corresponding number of community service hours;
- The procedures a respondent must follow to choose the community service option;
- The procedure and requirements to timely complete community service or request an extension to complete community service;
- The consequences for failure to timely complete community service; and
- The procedure for appealing a decision after a respondent has chosen the community service option.

OATH made the following changes to Section 7-02 of the proposed rule:

- Revised the chart to conform the relevant summons citations, descriptions and penalty amounts to the Department of Parks and Recreation penalty schedule, which is being promulgated simultaneously with this rule.
- Changed the heading in the chart from “Monetary Penalty” to “Citation Monetary Penalty.”
- Removed from the chart the violations of “Unauthorized music or noise for advertising/commercial purposes” and “Commercial cinematic production without required permit” based on Section 1049(4) of the NYC Charter, which states that Specified Violations do not include violations arising during the course of conducting any commercial activity or violations arising from an activity carried out for a commercial purpose.

New material is underlined.

[Deleted material is in brackets.]

**Section 1. Title 48 of the Rules of the City of New York is amended by adding a new Chapter 7 to read as follows:**

**§ 7-01 Definitions.**

As used in this chapter:

“Community Service” means the performance of a service for a public entity or not-for-profit corporation in place of payment of a monetary civil penalty. Performance of a service may include attendance at a program, either in person or web-based, authorized by OATH that is designed to benefit, improve, or educate either the community or the Respondent.

“Community Service Provider” is an entity contracted by OATH to manage Community Service.

“Decision” is a decision of a Hearing Officer sustaining or dismissing a charge and containing findings of fact and conclusions of law.

“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 OATH.

“Respondent” means a person against whom charges are alleged in a summons.

“Specified Violations” are the violations specified in New York City Charter section 1049(4)(b), and set forth in § 7-02(a) below.

**§ 7-02 Eligibility for Community Service.**

(a) Except as provided in subdivision (c), a Respondent who admits the charge or is found responsible at a hearing for any Specified Violation can perform Community Service instead of paying a monetary civil penalty. The Specified Violations, monetary civil penalties, and corresponding Community Service hour requirements are found below:

<b><u>Citation in Summons</u></b>	<b><u>Description in Summons</u></b>	<b><u>Citation Monetary Penalty</u></b>	<b><u>Community Service Hour Requirement</u></b>
<u>Admin. Code § 10-125</u>	<u>Public Consumption of Alcohol</u>	<u>Up to \$25</u>	<u>1</u>
<u>56 RCNY § 1-05(f)(1)</u>	<u>Unauthorized consumption/possession of alcoholic beverage</u>	<u>\$25</u>	<u>1</u>
<u>56 RCNY § 1-05(f)(2)</u>	<u>Appearing in park under the influence of alcohol, endangering self or others</u>	<u>\$50</u>	<u>1</u>
<u>Admin. Code § 16-118(1)(a), (b)</u>	<u>Littering, Sweep-out, throw-out, spitting</u>	<u>1st - \$75 2nd - \$250 3rd - \$350</u>	<u>1<sup>st</sup> - 1 2<sup>nd</sup> - 3 3<sup>rd</sup> - 6</u>
<u>56 RCNY § 1-04(c)(1)</u>	<u>Littering or unlawful use of park waste receptacle</u>	<u>\$50</u>	<u>1</u>
<u>Admin. Code § 16-118(6)</u>	<u>Public Urination</u>	<u>1st - \$75 2nd - \$250 3rd - \$350</u>	<u>1<sup>st</sup> - 1 2<sup>nd</sup> - 3 3<sup>rd</sup> - 6</u>
<u>56 RCNY § 1-03(a)(3)</u>	<u>Unauthorized presence in park when closed to public</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-03(b)(6)</u>	<u>Failure to have/display/comply with required permit</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-03(c)(1)</u>	<u>Failure to comply with directives of police, park supervisor, lifeguard, peace officer</u>	<u>\$250</u>	<u>3</u>
<u>56 RCNY § 1-03(c)(2)</u>	<u>Failure to comply with directives of other Department employee</u>	<u>\$150</u>	<u>2</u>
<u>56 RCNY § 1-</u>	<u>Failure to comply with</u>	<u>\$50</u>	<u>1</u>

<u>Citation in Summons</u>	<u>Description in Summons</u>	<u>Citation Monetary Penalty</u>	<u>Community Service Hour Requirement</u>
03(c)(3)	<u>directions/prohibitions on signs</u>		
56 RCNY § 1-04(a)(1)	<u>Destruction or abuse of Department property that causes significant damage or expense</u>	\$1,000	12
56 RCNY § 1-04(a)(2)	<u>Injury, defacement, abuse, etc. of Department property</u>	\$100	2
56 RCNY § 1-04(b)(1)(ii)	<u>Defacement or writing upon a tree</u>	\$200	3
56 RCNY § 1-04(b)(1)(iii)	<u>Defacement, killing, etc. of vegetation.</u>	\$200	3
56 RCNY § 1-04(b)(2)	<u>Walking on/permitting animal or child to walk on newly seeded grass</u>	\$50	1
56 RCNY § 1-04(b)(3)	<u>Walking/permitting animal or child to walk in fenced area</u>	\$50	1
56 RCNY § 1-04(b)(4)	<u>Unauthorized possession of gardening tool/plant</u>	\$50	1
56 RCNY § 1-04(b)(5)	<u>Unauthorized use of metal detector</u>	\$50	1
56 RCNY § 1-04(c)(4)	<u>Storing/leaving unattended personal belongings</u>	\$50	1
56 RCNY § 1-04(d)	<u>Possession of glass container</u>	\$50	1
56 RCNY § 1-04(e)(1)	<u>Aviation - bringing/landing aerial device in park, endangering person or property</u>	\$500	6
56 RCNY § 1-04(f)(1)	<u>Possession of a firearm/propellant/explosive etc.</u>	\$500	6
56 RCNY § 1-04(g)(1)	<u>Harming animals, nests, or eggs; Possessing or distributing animals or eggs.</u>	\$1,000	12
56 RCNY § 1-04(g)(2)	<u>Unauthorized feeding of animals</u>	\$50	1
56 RCNY § 1-04(1)	<u>Unleashed/uncontrolled animals in park</u>	\$100	2
56 RCNY § 1-04(1)	<u>Unleashed/uncontrolled animals in park – second or subsequent violation within one year</u>	\$250	3
56 RCNY § 1-04(j)(1), § 3-18(b)	<u>Failure to remove canine waste</u>	\$100	2
56 RCNY § 1-04(j)(2)	<u>Horse carriage without horse hamper/control for horse waste</u>	\$100	2
56 RCNY § 1-04(k)	<u>Unlawful urination/defecation in park.</u>	\$50	1

<u>Citation in Summons</u>	<u>Description in Summons</u>	<u>Citation Monetary Penalty</u>	<u>Community Service Hour Requirement</u>
<u>56 RCNY § 1-04(l)(1)</u>	<u>Disorderly behavior – unauthorized access/trespass</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-04(l)(2)(i)</u>	<u>Disorderly behavior – climbing</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-04(l)(2)(ii)</u>	<u>Disorderly behavior – climbing statue or artwork in manner that could damage it</u>	<u>\$200</u>	<u>3</u>
<u>56 RCNY § 1-04(l)(3)</u>	<u>Disorderly behavior – fee evasion</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-04(l)(4)</u>	<u>Disorderly behavior – gambling</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-04(l)(5)(i)</u>	<u>Disorderly behavior – render park road dangerous</u>	<u>\$100</u>	<u>2</u>
<u>56 RCNY § 1-04(l)(5)(ii)</u>	<u>Disorderly behavior – render park dangerous</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-04(l)(6)</u>	<u>Disorderly behavior – fighting/assault</u>	<u>\$150</u>	<u>2</u>
<u>56 RCNY § 1-04(l)(7)</u>	<u>Disorderly behavior – sexual activity</u>	<u>\$100</u>	<u>2</u>
<u>56 RCNY § 1-04(l)(8)</u>	<u>Disorderly behavior – endanger safety of others</u>	<u>\$250</u>	<u>3</u>
<u>56 RCNY § 1-04(l)(9)</u>	<u>Disorderly behavior – operation of bike, motor vehicle, etc. that endangers safety of other person or property</u>	<u>\$500</u>	<u>6</u>
<u>56 RCNY § 1-04(n)</u>	<u>Unlawful exposure</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-04(o)</u>	<u>Obstruction of benches, sitting areas</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-04(p)</u>	<u>Unlawful camping</u>	<u>\$250</u>	<u>3</u>
<u>56 RCNY § 1-04(q)</u>	<u>Spitting on park building/monument/structure</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-04(r)</u>	<u>Unauthorized use of fountain/pool/water for personal/animal hygiene</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-04(s)(1)</u>	<u>Unlawful commercial activity or speech</u>	<u>\$100</u>	<u>2</u>
<u>56 RCNY § 1-04(s)(2)</u>	<u>Soliciting money or property without permit</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(a)(1)</u>	<u>Unpermitted event that significantly interferes with ordinary park use</u>	<u>\$500</u>	<u>6</u>
<u>56 RCNY § 1-05(a)(2)</u>	<u>Unpermitted special event/demonstration</u>	<u>\$250</u>	<u>3</u>

<u>Citation in Summons</u>	<u>Description in Summons</u>	<u>Citation Monetary Penalty</u>	<u>Community Service Hour Requirement</u>
<u>56 RCNY § 1-05(a)(3)</u>	<u>Structure/stand/booth etc. without permit</u>	<u>\$250</u>	<u>3</u>
<u>56 RCNY § 1-05(b)</u>	<u>Unlawful vending</u>	<u>\$250</u>	<u>3</u>
<u>56 RCNY § 1-05(b)(1)</u>	<u>Unlawful vending – second or subsequent violation within one year</u>	<u>\$500</u>	<u>6</u>
<u>56 RCNY § 1-05(b)(2)</u>	<u>Unlawful vending of expressive matter in violation of Department rules</u>	<u>\$500</u>	<u>6</u>
<u>56 RCNY § 1-05(c)</u>	<u>Unlawful display of signs</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(d)(1)</u>	<u>Unreasonable noise</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(d)(2)</u>	<u>Operating sound reproduction device without required permit</u>	<u>\$140</u>	<u>2</u>
<u>56 RCNY § 1-05(d)(3)</u>	<u>Playing instrument/radio, etc. during unauthorized hours</u>	<u>\$140</u>	<u>2</u>
<u>56 RCNY § 1-05(g)</u>	<u>Failure to comply with beach/boardwalk/pool restrictions</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(h)</u>	<u>Failure to comply with fishing restrictions</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(i)</u>	<u>Failure to comply with bicycle riding and/or pedicab restrictions</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(i)(1)</u>	<u>Failure of pedicab or bike operator to comply with sign</u>	<u>\$150</u>	<u>2</u>
<u>56 RCNY § 1-05(k)(1)</u>	<u>Failure to comply with ice skating restrictions</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(k)(2)</u>	<u>Going upon a frozen lake or pond without authorization</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(l)</u>	<u>Planting tree/flower/shrubbery/other vegetation without written approval</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(m)(1)</u>	<u>Failure to comply with fire restrictions</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(m)(2)</u>	<u>Unlawful disposal of flammable materials</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(n)</u>	<u>Unauthorized driving/parking/automotive work</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(q)</u>	<u>Failure to comply with horse riding restrictions</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(r)(1)</u>	<u>Area use restrictions - sports in unauthorized area</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-</u>	<u>Area use restrictions -</u>	<u>\$50</u>	<u>1</u>

<u>Citation in Summons</u>	<u>Description in Summons</u>	<u>Citation Monetary Penalty</u>	<u>Community Service Hour Requirement</u>
<u>05(r)(2)</u>	<u>unauthorized toy or model aviation, boating, automobiling, etc.</u>		
<u>56 RCNY § 1-05(r)(3)(i)</u>	<u>Area use restrictions - unauthorized skating/skiing/skateboarding/sled ding/etc. endangering person or property</u>	<u>\$200</u>	<u>3</u>
<u>56 RCNY § 1-05(r)(3)(ii)</u>	<u>Area use restrictions - unauthorized skating/skiing/skateboarding/sled ding, etc.</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(s)(1)</u>	<u>Failure to comply with exclusive children playground restriction</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(s)(2)</u>	<u>Failure to comply with exclusive senior citizen area restrictions</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(s)(3)</u>	<u>Failure to comply with dog run restrictions</u>	<u>\$50</u>	<u>1</u>
<u>56 RCNY § 1-05(t)</u>	<u>Unauthorized distribution/demonstration of products</u>	<u>\$100</u>	<u>2</u>
<u>56 RCNY § 1-05(u)</u>	<u>Failure to comply with in-line skating restrictions</u>	<u>\$50</u>	<u>1</u>
<u>Admin. Code § 24-218(a)</u>	<u>Causing or permitting unreasonable noise (7AM to 10PM)</u>	<u>1st - \$75</u> <u>2nd - \$150</u> <u>3rd - \$350</u>	<u>1<sup>st</sup> - 1</u> <u>2<sup>nd</sup> - 2</u> <u>3<sup>rd</sup> - 6</u>
	<u>Causing or permitting unreasonable noise (10PM to 7AM)</u>	<u>1st - \$75</u> <u>2nd - \$150</u> <u>3rd - \$350</u>	<u>1<sup>st</sup> - 1</u> <u>2<sup>nd</sup> - 2</u> <u>3<sup>rd</sup> - 6</u>

(b) A Respondent is eligible for Community Service if the Respondent appears in person before a Hearing Officer and admits to a Specified Violation alleged in a summons, or if the Specified Violation is sustained at a hearing.

(c) A Respondent is not eligible for Community Service if the Specified Violation arose during the conduct of commercial activity or activity carried out for a commercial purpose, except when the commercial activity alleged is a violation of Administrative Code section 18-146(c)(15).

**§ 7-03 Choosing Community Service.**

(a) Except as provided in 48 RCNY § 7-07, a Respondent eligible for Community Service as set forth in § 7-02 must appear before a Hearing Officer who will offer the Community Service option, either on the hearing date specified in the summons or prior to the hearing date.

Respondent must make the choice of Community Service in person and cannot do so by remote method of adjudication such as mail, online or by phone.

(b) Where a Respondent has chosen the option of Community Service pursuant to subdivision (a), a Hearing Officer will issue a Decision that orders completion of the Community Service by a specified date and orders that the applicable monetary civil penalty be reinstated if Respondent fails to complete the Community Service by the specified date. The monetary civil penalty will be due and owing thirty (30) days from the date of the Decision or thirty-five (35) days if the Decision is mailed.

#### **§ 7-04 Amount of Community Service in Place of a Monetary Civil Penalty.**

The number of hours of Community Service imposed will correspond to the amount of the monetary civil penalty imposed for a Specified Violation, consistent with New York City Charter section 1049(4)(e). The number of hours of Community Service for each Specified Violation is in the chart set forth in § 7-02(a).

#### **§ 7-05 Completion of Community Service.**

(a) A Respondent must complete the Community Service assigned by the Community Service Provider.

(b) A Respondent must complete the Community Service by the date specified in the Decision, unless otherwise specified in a notice granting an extension, or an order issued pursuant to § 7-07.

(c) A Respondent may request an extension of time to complete the Community Service through the Community Service Provider up to one day prior to the deadline to complete the Community Service specified in the Decision.

(1) The Community Service Provider may grant a request for an extension for good cause shown. In determining whether there is good cause for an extension, the Community Service Provider will consider factors such as the following:

- (A) The length of extension requested;
- (B) The number of hours of Community Service to be completed and the amount of the monetary civil penalty that would be due;
- (C) The number of prior extensions requested;
- (D) Whether the need for the extension is due to factors beyond Respondent's control or due to extraordinary circumstances; and
- (E) Whether a portion of the Community Service has been completed.

(2) A denial of a request for an extension is not subject to appeal.

(3) A request for extension of time to complete Community Service will not extend the date by which a Respondent must pay the monetary civil penalty. If a request for an

extension is denied, the Respondent must either complete the Community Service by the date specified in the Decision, or pay the applicable monetary civil penalty thirty (30) days from the date of the Decision or thirty-five (35) days if the Decision is mailed.

(d) Within two (2) days after the specified date of completion in a Decision, a notice granting an extension, or an order issued pursuant to § 7-07, the Community Service Provider must provide to Respondent either:

(A) a Certificate of Completion indicating that the Community Service was completed by the specified date; or

(B) a Certificate of Non-Completion indicating that the Community Service was not completed by the specified date.

(e) If a Respondent who receives a Certificate of Non-Completion believes that he or she has timely completed Community Service, he or she may contact OATH's Clerk's Office. The Clerk's Office will review any information or documentation submitted in support of Respondent's claim that Community Service was completed on time. If the Clerk's Office finds that Community Service was completed on time, Respondent will not have to pay the monetary civil penalty.

#### **§ 7-06 Respondent Appeal of a Decision After Requesting Community Service**

(a) If a Respondent who has chosen to perform Community Service instead of paying a monetary civil penalty timely appeals the Decision sustaining the Specified Violation, pursuant to § 6-19 of this Title, the part of the Decision ordering completion of Community Service will be stayed until a decision on the appeal is issued. A Respondent will not be required to complete the Community Service or pay the applicable monetary civil penalty in order to file an appeal.

(b) If a Respondent's appeal is denied, the Respondent must either complete the Community Service within twenty (20) days of the date of the appeal decision, or pay the monetary civil penalty, unless otherwise specified in a notice granting an extension.

#### **§ 7-07 Choosing Community Service After a Specified Violation is Sustained on Agency's Appeal.**

(a) If a decision on an appeal sustains a Specified Violation, reversing a Hearing Officer's Decision to dismiss that violation, a Respondent may choose to perform Community Service instead of paying the monetary civil penalty. Within ten (10) days of the date of the appeal decision, the Respondent must inform OATH of his or her decision to perform Community Service by filing a request, on a form provided by OATH, with the Clerk's Office. If the Respondent fails to do so within ten (10) days of the date of the decision on the appeal, the monetary civil penalty will be due and owing immediately.

(b) If the Respondent chooses to perform community service, Respondent will receive an order granting a timely request and imposing a deadline to complete the Community Service. The monetary civil penalty will be due and owing if the Respondent fails to perform the Community Service by the deadline in the order.



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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Hon. Fidel Del Valle  
Commissioner  
Office of Administrative Trials & Hearings

Re: Community Service Rules

No. 2017 RG 021

Dear Commissioner Del Valle:

Pursuant to New York City Charter § 1043 subd. c, the above-referenced rule has been reviewed and determined to be within the authority delegated by law to your agency.

Sincerely,

A handwritten signature in blue ink that reads "Steven J. Goulden".

STEVEN GOULDEN  
Senior Counsel  
Division of Legal Counsel

cc: Simone Salloum (OATH)



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

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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 new Chapter 7 of Title 48 of the Rules of the City of New York.

This declaration is made pursuant to NYC Charter section 1043(f)(1)(c). Local Law 73 of the Criminal Justice Reform Act (CJRA) added section 1049(4) to the Charter. This section requires that an OATH Hearing Officer offer a respondent accused of a "Specified Violation" the option to perform community service instead of paying a monetary civil penalty. It also provides a list of Specified Violations that are eligible for community service and guidelines as to the amount of community service to be performed in lieu of payment of the monetary civil penalty. Section 1049(4)(g) grants OATH the authority to promulgate rules necessary for carrying out the Charter requirements concerning community service.

Chapter 7 of Title 48 of the Rules of the City of New York was drafted to effectuate Local Law 73 and provides the procedures necessary for OATH to offer the option of community service. Specifically, Chapter 7 provides a chart of Specified Violations for which community service is an option, including the applicable monetary penalty and corresponding hours of community service, the procedures a respondent must follow to choose community service, the procedures and requirements to timely complete community service, and the consequences for failure to timely complete community service.

The effective date of Local Law 73 is June 13, 2017. Immediate implementation of this rule is necessary for OATH to comply with its Charter mandate, in section 1049(4), to provide a community service option. To ensure that OATH's rule goes into effect simultaneously with the relevant provisions of Local Law 73, I find that there is a substantial need for bringing these rules into effect immediately upon publication in The City Record on June 13, 2017.

/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 7, 2017