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Title: A Local Law to amend the New York city charter, in relation to a public review of electronic services developed by city agencies

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Indexes: Agency Rule-making Required

Attachments: 1. Summary of Int. No. 441, 2. Int. No. 441, 3. May 19, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 5-19-22, 5. Minutes of the Stated Meeting - May 19, 2022

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Int. No. 441

By Council Members Won, Williams, Menin, Gutiérrez, Brewer, Louis, Joseph, Ung, Nurse, Velázquez, Krishnan, Hanif, Sanchez, Schulman and Brannan

A Local Law to amend the New York city charter, in relation to a public review of electronic services developed by city agencies

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new chapter 78 to read as follows:

CHAPTER 78

ELECTRONIC SERVICES

§ 3400. Definitions. As used in this chapter, the following terms have the following meanings:

Agency. The term “agency” means any agency, the head of which holds office upon appointment of the mayor and those units within the executive office of the mayor designated by the mayor to be covered by the provisions of chapter 16 of the charter. Such term does not include agencies headed by boards, commissions, or

other multi-member bodies, whether appointed by the mayor or otherwise, nor to elected officials, nor to other agencies the heads of which are appointed by officials other than the mayor or by multi-member bodies.

Electronic service. The term “electronic service” means any mobile application, website or digital platform used by an agency that facilitates interaction from the general public for the purpose of providing services or benefits. Such term shall not include publications or websites made available by an agency for informational purposes only.

Program participant. The term “program participant” means an individual who has been selected by an agency to participate in a public review of such agency’s electronic service.

Relevant communities. The term “relevant communities” means the intended users of a particular electronic service or individuals who would benefit from the use of such electronic service, which may be a subset or subsets of New York city residents or owners of businesses located in the city.

§ 3401. Public review of electronic services. a. Each agency, prior to operating for public use any electronic service, shall conduct a review of such electronic service by members of relevant communities, in order to provide such service’s intended users the opportunity to recommend improvements relating to the accessibility, operation and functionality of such electronic service. No agency may implement an electronic service unless such agency conducts a public review of such service pursuant to this chapter, except as permitted by subdivision e of this section. An agency shall consider the language access and digital literacy needs of relevant communities when developing an electronic service. Electronic services already in use on or before the effective date of the local law that added this chapter shall not be required to undergo a public review pursuant to this chapter. The director of the office of operations shall promulgate rules governing the procedure for agencies to conduct a public review of an electronic service.

b. Website. The mayor’s office of operations, in collaboration with the department of citywide administrative services and the department of information technology and telecommunications, shall maintain a website to provide the public with information about any public review of an electronic service conducted by

an agency. Such website shall allow individuals to submit an application electronically to participate in any such public review.

c. Outreach. An agency implementing an electronic service shall conduct outreach about the public review of such electronic service no later than 60 days before the public review occurs.

1. Such outreach shall include, but not be limited to:

(a) Publishing a notice of such public review on the agency's website;

(b) Sending a notice of such public review to the mayor's office of operations who shall post such notice on the website required by subdivision b of this section; and

(c) Sending a notice of such public review by mail and electronically to any community boards and community organizations that work with the relevant communities.

2. Any notice of public review required by this subdivision shall include, but need not be limited to, the following information:

(a) Contact information for the agency, including a mailing address or e-mail address;

(b) Information on how to access the public review website where applications may be submitted to participate in the public review;

(c) A brief description of the proposed electronic service;

(d) The dates that the public review will take place;

(e) The means by which the agency will conduct the public review, including whether the review will be held in-person or remotely;

(f) Qualifications for participation in the public review, including any relevant communities from which the agency will select program participants, and the reasons why the agency selected such relevant communities; and

(g) Any other information the agency deems useful.

d. Application for participation. Applications to participate in a public review of an electronic service

shall be submitted through the website required by subdivision b of this section. Such application shall include the applicant's name, contact information, and a description of why such applicant should participate in the public review.

e. Participant selection. 1. An agency shall select 200 program participants for each public review of an electronic service required by subdivision a of this section. If the agency cannot obtain the required number of program participants, such agency shall conduct the review with as many program participants as possible.

2. If an agency obtains fewer than 10 program participants, the agency may operate the electronic service for public use without conducting the public review required by this chapter. In such event, the agency shall report to the mayor's office of operations a summary of the outreach such agency conducted, including a plan to increase outreach and improve participation in subsequent public reviews. The mayor's office of operations shall post such summary and plan on the website required by subdivision b of this section.

f. Recommendations. An agency shall consider comments and recommendations made by program participants regarding the accessibility, operation and functionality of a proposed electronic service. After consideration of the comments and recommendations presented by program participants, an agency may operate the electronic service for public use. Upon making an electronic service available for public use, the agency shall submit to the mayor's office of operations, who shall post on the website required by subdivision b of this section, a report including, but not limited to, the following information:

1. Any modifications made to a proposed electronic service in response to comments and recommendations made by program participants, and the reasons the agency made such modifications; and

2. If no modifications are made, the reasons why an agency did not make modifications to an electronic service, including the reasons why the electronic service will meet the needs of relevant communities without any modifications.

g. Exception. An agency may submit a request to the mayor's office of operations to operate an electronic service for public use without conducting the public review required by this chapter, if such

electronic service is needed for immediate public use. The mayor's office of operations shall approve or deny an agency's request within five days of receiving such request. An agency shall not be required to conduct the public review required by this chapter if such agency can demonstrate an immediate public need for an electronic service, including but not limited to, public access to an electronic service developed pursuant to an emergency executive order.

§ 3402. Private right of action. Nothing in this chapter shall be construed to create a private right of action.

§ 2. This local law takes effect 180 days after it becomes law, except that the director of the office of operations shall take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

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