



Legislation Text

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Int. No. 1878

By Council Members Powers and Kallos

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 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. 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 and 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 a local law, the effective date of the provision or provisions of such local law that delegated the applicable power and duties to the promulgating agency, 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.

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