

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1991**

No. 18

Introduced by Council Member Berman (by the request of the Mayor); also Council Member Harrison. (Passed under a Message of Necessity from the Mayor.)

A LOCAL LAW

To amend the New York city charter, in relation to the date by which the Compilation of city rules is required to be published and to make certain conforming and clarifying changes in relation to the Compilation.

Be it enacted by the Council as follows:

Section 1. Subdivision c 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:

c. Review of statutory authority. The corporation counsel shall review the proposed rule to determine whether it is within the authority delegated by law to the agency proposing the rule. If the corporation counsel determines that the proposed rule is not within the agency's delegated authority, the corporation counsel shall notify the agency in writing prior to the publication of the final rule in the City Record. [This subdivision shall not apply to the rules adopted by the board of estimate.]

§ 2. Subdivisions d and e of section 1044 of the New York city charter, as amended by local law number 42 for the year 1989, are amended to read as follows:

d. Except as provided in subdivision e, no rule adopted by any agency prior to the effective date of this chapter shall have any force or effect after the first day of [March] *July*, nineteen hundred ninety-one unless it is included in the Compilation required to be published by that date pursuant to section one thousand forty-five; provided, however, that in the case of an inadvertent failure to publish a rule in such Compilation, the rule shall become effective as of the date of its publication, if it is published within six months from the date the corporation counsel received notice of its omission, and further provided that any judicial or administrative action or proceeding, whether criminal or civil, commenced under or by virtue of any provision of a rule voided pursuant to this section and pending prior to such voidance, may be prosecuted and defended to final effect in the same manner as they might if such rule had not been so voided.

e. On or before a date one hundred eighty days after the *publication* date [that] of the Compilation required to be published pursuant to section one thousand forty-five [is first published], any person may submit to the agency involved a copy or a description of a rule which such person believes to be in force as of the effective date of this chapter. Upon the receipt of a description or copy of such a rule, the agency shall endeavor to verify the existence of such rule and upon identifying such rule, if such rule was in force and effect as of the effective date of this chapter and has not been submitted to the corporation counsel pursuant

to subdivision a of this section, the agency shall take the actions required pursuant to subdivision a of this section, and notwithstanding the provisions of subdivisions c and d of this section, such rule shall remain in force and effect until or unless amended or repealed pursuant to section one thousand forty-three.

§ 3. Subdivisions a, b and c of section 1045 of the New York city charter, as amended by local law number 120 for the year 1989, are amended to read as follows:

a. The corporation counsel shall publish a Compilation of city rules and thereafter keep such Compilation up to date through supplements issued at least every six months and at such other times as the corporation counsel shall determine. The Compilation and its supplements shall be certified by the corporation counsel and shall include every rule currently in effect. The Compilation and its supplements may contain such other information as the corporation counsel deems necessary and appropriate for full understanding of any rule or which the corporation counsel in his or her discretion determines may be of interest or assistance to the public. The Compilation and its supplements shall be organized by agency and indexed by subject matter. An indexed edition of the Compilation shall be published by the first day of [March] *July*, nineteen hundred and ninety-one, *which date shall be deemed the publication date of the Compilation*, and shall be updated and republished by the first day of March of every fourth year thereafter.

b. The rules contained within the Compilation and its supplements shall be certified by the corporation counsel and shall be the rules of the city unless added to, amended or repealed in accordance with section ten hundred forty-three of the charter. Materials included in the Compilation may be edited, rearranged and updated for clarity, accuracy and reorganization without change in substance. *Section numbers, stylistic and organizational formats and other non-substantive revisions to the rules effected by the law department pursuant to this subdivision shall become effective on the publication date of the Compilation and upon the publication of each supplement.*

c. Documents submitted by an agency pursuant to subdivision a of section ten hundred forty-four of the [Charter] *charter* which were not formally adopted by the agency as rules pursuant to section eleven hundred five of the charter as in effect prior to November eighth, nineteen hundred eighty-eight shall either be included in the Compilation or filed in the municipal reference and research center in the manner provided below. All documents which the corporation counsel, in his or her discretion, determines should not be included in the Compilation shall be organized by agency and subject matter in a form which shall be easily accessible to the public and filed by the corporation counsel in the municipal reference and research center on or prior to [March] *July* first nineteen hundred ninety-one. Notice of such filing and a list of the documents filed shall be published in the City Record. Notwithstanding any inconsistent provision of section ten hundred forty-four of the charter, any of such documents so filed shall, if otherwise valid, continue to be effective provided, however, that the amendment or repeal of any document which is within the definition of rule set forth in subdivision five of section ten hundred forty-one of the charter shall be in accordance with section ten hundred forty-three of the charter.

§ 4. On and after the publication date of the Compilation and until the first day of July, nineteen hundred and ninety-two, any rule contained in the Compilation or its supplements may be cited by the number or other designation in effect prior to the publication date of the Compilation, and such citation shall be deemed to be a citation to the corresponding section of the Compilation in any judicial or administrative proceeding or for any other purpose.

§ 5. This local law shall take effect immediately and shall be deemed to have been in effect February 28, 1991.

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 February 21, 1991, and approved by the Mayor on February 28, 1991.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 18 of 1991, Council Int. No. 608) contains the correct text and:

Received the following vote at the meeting of the New York City Council on February 21, 1991: 32 for, 0 against.

Was approved by the Mayor on February 28, 1991.

Was returned to the City Clerk on February 28, 1991.

LEONARD KOEMER, Acting Corporation Counsel