



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 91-A**

**COMMITTEE: Governmental Operations**

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**TITLE:** A local law to amend the New York City Charter, in relation to requiring that all proposed rules be reviewed by the Law Department and the Mayor's Office of Operations.

**SPONSORS:** Council Members Oddo, Ignizio, Koo, Ulrich, Halloran, Fidler, James, Nelson, Rivera, Reyna, Vacca and Vallone.

**SUMMARY OF LEGISLATION:** By adding a new subdivision to section 1043 of the New York City Charter, Proposed Int. 91-A requires the Law Department and the Mayor's Office of Operations ("Operations") to review all proposed agency rules prior to publication of such proposed rules in the City Record. As part of such review, Operations would be required to analyze each proposed rule and state whether it is understandable and: (1) how the drafting process attempted to address the minimization of compliance costs, and (2) "whether the drafting process of the rule included consideration [in most instances] of a cure period...by the party or parties subject to enforcement" where violations or penalties are associated. After its review, the Law Department would be required to: (1) state whether each proposed rule accomplishes its intended purpose, (2) avoids conflict with other rules, (3) is narrowly drawn, and (4) provides a clear explanation of the rule and its requirements.

Additionally, the proposed legislation mandates that the Law Department and Operations certify their respective analysis and reviews of each proposed rule and transmit copies to the relevant agency, which then would annex such certification and analysis to the full text published in the City Record. Furthermore, the legislation requires public notification on the City's website and transmission to the Speaker of the City Council. The proposed legislation carves out certain narrow exceptions including those relating to rules drafted to "implement particular mandates or standards set forth in newly enacted federal, state, or local laws, regulations or other requirements with only minor, if any, exercise of agency discretion in interpreting such mandates or standards." Lastly, the proposed legislation enhances the public's opportunity to comment on the proposed rule by requiring "outreach to the discrete regulated community or communities."

**EFFECTIVE DATE:** This local law would take effect 90 days after its enactment into law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** NA

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY11</b>	<b>FY Succeeding Effective FY12</b>	<b>Full Fiscal Impact FY11</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** This legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** This legislation would have no impact on city expenditures as many of the tasks required of the Law Department and the Mayor's Office of Operations are already performed informally by these agencies. It will not require the hiring of any additional staff as existing agency personnel will perform these functions.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** NA

**SOURCE OF INFORMATION:** City Council Finance Division and the Office of the Counselor to the Mayor.

Estimate Prepared By: Andy Grossman, Deputy Director  
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**HISTORY:** On March 3, 2010, Intro. 91 was introduced by the Council and referred to the Committee on Governmental Operations. On June 25, 2010, the Committee on Governmental Operations joint with the Committees on Economic Development and Small Business Services held a hearing regarding this legislation. The committees considered an amended version of the legislation, Proposed Intro. 91-A, which was then laid over. On September 15, 2010, the Committee on Governmental Operations will vote on Proposed Intro. 91-A.