

MAYOR'S OFFICE OF CITYWIDE EVENT COORDINATION AND MANAGEMENT

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Mayor's Office of Citywide Event Coordination and Management (CECM) is establishing rules for the Open Culture Program, and about Open Street Events and street fairs.

When and where is the Hearing? CECM will hold a public hearing on the proposed rule online. The public hearing will take place on November 20th, 2023, at 9:00am.

Join through Internet:

- To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar:
<https://www.microsoft.com/microsoft-teams/join-a-meeting> Then follow the prompts.
- When prompted enter the following meeting password: N/A

Join via phone only:

- To join the meeting by phone, use the following information to connect:
Phone: [+1 332-910-6701,854226244#](tel:+13329106701854226244)
Phone Conference ID: 854226244

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to CECM through the NYC rules Web site at www.nyc.gov/nycrules.
- **Email.** You can email written comments to saporules@cityhall.nyc.gov.
- **Mail.** You can mail written comments to Raynard Edwards, Director of Street Activity Permit Office, Mayor's Office of Citywide Event Coordination and Management, at 253 Broadway, 6th Floor, New York, NY 10007.
- **By Speaking at the Hearing.** Anyone wishing to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing saporules@cityhall.nyc.gov by November 19th (A DAY BEFORE THE HEARING) 2023 at 5:00pm. You can speak for up to three minutes. Each speaker will be timed.

Is there a deadline to submit written comments? Written comments must be received no later than 1pm on November 20th, 2023 (THE HEARING DATE).

Do you need assistance to participate in the Hearing? Please inform CECM if you need reasonable accommodation, such as a sign language interpreter. Request these services by email or mail at the address given above no later than November 13th (A WEEK BEFORE THE HEARING) 2023 at 5:00pm.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at www.nyc.gov/nycrules. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at CECM.

What authorizes CECM to make this rule? Section 1043 of the City Charter, Local Law 8 of 2021, as well as Executive Order No. 105 of 2007 authorize CECM to make this proposed rule. This proposed rule was not included in CECM's regulatory agenda for this Fiscal Year because it was not contemplated when CECM published the agenda.

Where can I find the CECM rules? The CECM rules are in title 50 of the Rules of the City of New York.

What rules govern the rulemaking process? CECM must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Mayor's Office of Citywide Events Coordination and Management (CECM), which oversees the Street Activity Permit Office (SAPO), has been designated under Local Law No. 80 of 2023 to administer the rules governing the issuance of permits for the Open Culture Program.

Section 19-107.1 of the Administrative Code, as added by Local Law 55, requires the Department of Transportation to promulgate rules for the Open Streets Program. The Department of Transportation has designated CECM to promulgate rules relating to the issuance of an Open Streets event permit for activities taking place on a designated Open Street.

Open Culture Program

Section 2509 of the Charter as added by Local Law No. 80 of 2023 directs CECM to establish an Open Culture Program, pursuant to which an eligible art and cultural institution may utilize a roadway for an artistic or cultural event. The law further directs CECM to establish eligibility and use guidelines and policies for such program and promulgate any necessary rules. The proposed rules would establish an application process and create requirements for the Open Culture Program and allow SAPO to issue street activity permits for this program in accordance with Local Law No. 80 of 2023.

Open Street Event

Section 19-107.1 of the Administrative Code as added by Local Law No. 55 of 2021 requires DOT to promulgate rules relating to its permanent Open Street Program. This program allows for various activities and supports local businesses and schools to embrace new public spaces. These proposed SAPO rules would maximize opportunities for the public to hold events on Open Street locations while also ensuring that the City has advance notice of all Open Street activity so that events may happen in an orderly fashion while also ensuring that the Open Streets remain available for everyday use and enjoyment by the public. In addition, these proposed rules would govern the issuance of permits to hold events on Open Streets, including rules regarding submission and processing of event applications, approval or denial of event applications, appeals of denials of Open Street event permits and fees for the use of Open Streets.

Street Fair Moratorium

To more effectively deploy police resources and control overtime costs, the New York City Police Department has recommended that SAPO exercise its discretion to deny permit applications for new multi-block/multi day street fair events in calendar year 2024. The proposed rules would authorize SAPO to deny permit applications for street fairs if the street fair was not held in the calendar year 2023. Events that received permits in calendar year 2023 may be eligible to receive permits again in calendar year 2024.

Each year SAPO issues permits to over 200 street fairs and over 6,000 other events, most of which include the use of multiple blocks over several days, the erection of structures, the vending of food, apparel and other goods and the use of amplified sound and the performance of music. Events like these require additional police officers which increases overtime costs to the City. These events also divert police officers from core crime fighting, public safety and counterterrorism duties.

CECM authority for these rules is found in section 1043 of the New York City Charter, Local Law 8 of 2021, and Executive Order Nos. 100 and 105 of 2007, which established and conferred rulemaking authority upon the Coordinator of Citywide Special Events.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. The definitions of “Civic event”, “Cultural Venue”, “Open Culture Event” and “Open Culture Street”, as set forth in Section 1-01 of chapter 1 of title 50 of the Rules of the City of New York, are amended, and new definitions of “Open Street,” “Open street event” and “Open street partner” are added, to read as follows:

"Civic event" means a Plaza, Open Street or Street event that is sponsored by a documented not-for-profit organization that is open to the public, may offer free services or information to the community, and does not have a fundraising component or include the sale of goods or services. Civic events include, but are not limited to, artistic/cultural performances, classes, religious worship or educational gatherings that support the mission of the sponsoring, documented not-for-profit organization. Civic events may not include signs or banners displaying sponsors or supporter logos that exceed ten percent (10%) of the face of the sign or banner.

["Cultural Venue" means an entertainment facility in the city of New York intended or designed to be used for a performance in front of a live audience.]

"Open Culture Event" means an event where the applicant or sponsor is an art and cultural institution [or cultural venue] including, but not limited to, cultural performances, rehearsals, and classes, that is free and open to the public and offers free services or information to the community and where the activity will take place in the roadway [on an Open Culture street] and obstruct the regular use of the location by pedestrian or vehicular traffic but shall not include activities conducted pursuant to a parade or construction permit. An Open Culture Event shall not be considered a Street event or Plaza event for the purposes of these rules.

["Open Culture Street" means a street designated by the Department of Transportation for inclusion in the Open Culture program.]

"Open Street" means one or more streets or segments of one or more streets designated as an Open Street by the Department of Transportation, on which motor vehicle access is controlled by

barriers and signage or other traffic calming measures, and on which priority is given to pedestrians, individuals using bicycles, and other non-vehicular street users.

"Open street event" means a Street event small, Street event medium, Street event large, Extra-large event or Civic event, within an Open Street where the activity will interfere with or obstruct the regular use of such Open Street, but shall not include activities conducted pursuant to a valid film, parade or construction permit.

"Open street partner" means an organization selected by the Department of Transportation to assist with functions related to the implementation of Open Streets, pursuant to a management agreement with the Department of Transportation, pursuant to Chapter 4 of Title 34 of the Rules of the City of New York. Such functions may include, but are not limited to, the design, daily management, maintenance, programming, and the provision of funding to support such functions.

§ 2. Paragraph 6 of subdivision c of section 1-03 of chapter 1 of title 50 of the Rules of the City of New York is amended to read as follows:

(6) plans outlining components of the proposed Street event, Plaza event, [or] Open Culture or Open street event.

§ 3. Subdivisions (i) and (j) of section 1-03 of chapter 1 of title 50 of the Rules of the City of New York are amended to read as follows

(i) For Open Culture Events, the Director of SAPO may establish guidelines that restrict certain event elements, as well as activities that would require additional agency permits. [Unless otherwise provided by law, the Open Culture program shall remain in effect until March 31, 2022, and the final application deadline for any Open Culture event shall be March 16, 2022.]

(j) The Director of SAPO may establish guidelines that set limits on the frequency of Open Culture events from a single applicant or sponsor to ensure that numerous applicants and sponsors are able to utilize [Open Streets] roadways for Open Culture Events. Such guidelines may take into consideration the concentration of events in certain neighborhoods, and the provision of equitable access to all groups.

§ 4. Subdivisions c, d, g, i, and j of section 1-04 of chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:

(c) SAPO will make available applications for Plaza event and Open street event permits to the community board(s) for the community district(s) that encompass(es) the Pedestrian plaza(s) or Open street(s) in which the proposed Plaza or Open street event is to take place and to the Pedestrian plaza partner(s) or Open street partner(s) for the Pedestrian plaza(s) or Open street(s) in which the proposed Plaza event or Open street event is to take place.

(d) There shall be a non-refundable twenty-five dollar processing fee for all applications [with the exception of applications for Open Culture events which shall have a fee of twenty dollars]. Online submissions may be subject to an additional convenience fee.

(g) For Street events, Block parties, Farmer's markets, Open Culture events, Clean-ups, Open street events and for Pedestrian plaza events, SAPO shall notify the community board in which the proposed event will take place that the application is available for agency review and comment on the CEMS database. SAPO shall notify the Pedestrian plaza partner for the Pedestrian plaza in which a proposed Plaza event will take place that the application is available for review in the CEMS database. SAPO will notify the Open street partner for the Open Street in which a proposed Open street event will take place that the application is available for review in the CEMS database.

(i) The Pedestrian plaza partner or Open street partner shall forward its recommendation for approval or denial of a Plaza event application to SAPO for further processing. If the Pedestrian plaza or Open street partner has recommended approval with conditions or recommended denial of a Plaza event or Open street event permit application, SAPO shall also notify the Applicant of the Applicant's opportunity to comment on such recommendation to SAPO.

(1) If the Pedestrian plaza or Open street partner recommends approval with conditions or recommends denial of the permit application, an Applicant shall have five (5) business days from the receipt of the notification to file written comments with SAPO.

(2) If the Pedestrian plaza or Open street partner recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the Pedestrian plaza or Open street partner gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.

(j) Upon receipt of an event application, the application will be available for review via the Citywide Event Management Systems "CEMS" database by the Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Community Board and the Pedestrian plaza or Open street partner if a Plaza or Open street event is involved. Additional copies may also be sent to other agencies, including, but not limited to, the Department of Health and Mental Hygiene, the Department of Consumer Affairs, the New York City Transit Authority, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency.

§ 5. Subdivisions a, b, c, d, g, h, and i of section 1-05 of chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:

(a) The Director of SAPO shall take into consideration any recommendations or comments received from community boards and Pedestrian plaza or Open street partners, where applicable, or City agencies or other government agencies in determining whether to approve, approve with conditions, or deny a Street event permit application, Plaza event permit application, Open street event permit or Open Culture event permit application. At any time during the review of an application for a street activity permit, Plaza event permit or Open Culture event permit, the Director of SAPO or Executive Director of CECM or his or her designee may require the submission by the Applicant of such additional information that he or she deems necessary to evaluate the application or the qualifications of the Applicant or to implement the requirements of these rules.

(b) The Director shall have the authority to deny an application, to condition the approval of an application, or to revoke a Street event, Plaza event, Open street event or Open Culture event permit, based on the following:

- (1) Applicant's past or present failure to make payment of the processing fee; or
- (2) Applicant's past or present failure to make payment to, or reach satisfactory agreement with all agencies, (e.g., the Department of Sanitation regarding a clean-up deposit); or
- (3) Applicant's past or present failure to present proof that all necessary and proper licenses, permits, insurance or authorizations have been received; or
- (4) Applicant's past or present failure to make payment to, or reach satisfactory agreement with, SAPO regarding a Street event fee, Plaza event fee, Open street event, or Open Culture Event fee; or
- (5) Applicant's past or present failure to comply with applicable laws or rules; or

(6) Applicant's past or present failure to comply with a condition imposed on a permit issued previously to the Applicant; or

(7) Applicant proposes activities that would be in violation of law, rule or regulation; violate subdivisions 1, 4, 5, 6 or 7 of § 240.00 of the Penal Law; or would otherwise present an unreasonable danger to the health or safety of the applicant, event participants or other members of the public or cause damage to public or private property; or

(8) Applicant's past or present failure to provide the Director or Executive Director of CECM with any additional information which he or she has determined to be necessary to evaluate the application or the qualifications of the Applicant; or

(9) Applicant for an Open Culture Event proposes activities that would violate the applicable guidelines for the Open Culture program.

(c) In addition to the provisions of subdivision (b) of this section, the Director shall have the authority to deny an application, condition the approval of an application or revoke a Street event permit, Plaza event permit, Open street event permit, or Open Culture event permit on any or all of the following grounds:

(1) The Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Department of Health and Mental Hygiene, the Department of Buildings, the Department of Consumer Affairs, the New York City Transit, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency that received a copy of a Street event permit application or a Plaza event application for comment, has notified the Director of SAPO of its disapproval and the reasons therefor; or

(2) the proposed activity, when considered in conjunction with other proposed activities, would produce an excessive burden on the community, City services or City personnel; or

(3) the information provided on the application or forms or documentation required to be submitted is false, misleading, incomplete or inaccurate; or

(4) approval of the application is not in the best interest of the community, City or general public for reasons that may include, but are not limited to, lack of good character, honesty, integrity or financial responsibility of the Applicant. If the Director determines that the application shall be denied on the ground that the Applicant lacks good character, honesty, integrity or financial responsibility, the Director shall notify the Applicant that the application has been denied and shall specify the reason for such denial. The Applicant may thereafter respond to the Director's determination and appeal such denial pursuant to the provisions of 50 RCNY § 1-06.

(d) For the calendar year [2023] 2024, the Director will deny applications for Street event permits for street fairs not held in the calendar year [2022] 2023.

(g) [The Director will deny applications submitted for Open Culture event permits for any location that is not an Open Culture Street.

(h)] Notwithstanding anything in this section, this Director shall not deny an application for a Press Conference/Rally/Stationary Demonstration other than under paragraph 7 of subdivision b of this section or unless the requested time or location conflicts with another permit, in which case the applicant shall be offered an alternative time or location for the Press Conference/Rally/Stationary Demonstration.

[(i)] (h) Notwithstanding any other time period for review provided by these rules, notification of the approval or denial of an Open Culture event application shall be made within 5 days of receipt of a complete application.

§ 6. The table contained in subdivision c of section 1-08 of chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

Event Type	Fee	Deadline
Block Party	[Processing] <u>\$25 processing</u> fee only	60 Days
Charitable Event	20% of the event fee charged based on the event size and location	30 Days
Civic Event	[Processing] <u>\$25 processing</u> fee only	14 Days
Clean-up	[Processing] <u>\$25 processing</u> fee only	60 Days
Day fee (as per 50 RCNY § 1-08(a))	\$35 each day after the first day	
Extra Large Event, Street or Plaza	Up to \$66,000 per location	
Farmers Market	\$15 per day	60 Days
Health Fair	[Processing] <u>\$25 processing</u> fee only	30 Days
Open Culture Event	[Processing] <u>\$25 processing</u> fee only	15 Days
Plaza Event (Pedestrian plaza Level A)	Fee per Plaza block \$31,000 Large \$15,500 Small or Medium	45 Days (1 Plaza block) 60 days (Multiple Plaza blocks)

<p>Plaza Event (Pedestrian plaza Level B)</p>	<p>MN Plaza Event Fees per Plaza block</p> <p>\$20,000 Large</p> <p>\$10,000 Medium</p> <p>\$5,000 Small</p> <p>SI, QN, BX, BK Plaza Event Fees per Plaza block</p> <p>\$8,000 Large</p> <p>\$4,000 Medium</p> <p>\$2,000 Small</p>	<p>30 Days (1 Plaza block)</p> <p>45 days (Multiple Plaza blocks)</p>
<p>Plaza Event (Pedestrian plaza Level C)</p>	<p>MN Plaza Event Fees per Plaza block</p> <p>\$11,000 Large</p> <p>\$5,500 Medium</p> <p>\$2,500 Small</p> <p>SI, QN, BX, BK Plaza Event Fees per Plaza block</p> <p>\$5,000 Large</p> <p>\$2,500 Medium</p> <p>\$1,000 Small</p>	<p>30 Days</p>

Plaza Event (Pedestrian plaza Level D)	MN Plaza Event Fees \$2,500 Large \$1,250 Medium or Small SI, QN, BX, BK Plaza \$2,000 Large \$1,000 Medium or Small	14 Days
Press Conference/ Rally/Stationary Demonstration	[Processing] <u>\$25 processing</u> fee only	10 Days unless need for event could not be anticipated in advance
Production Event	\$290 (with curb lane or sidewalk) \$700 (with curb lane and sidewalk)	10 Days
Street event	Street event, Large \$25,000 Street event, Medium \$11,000 Street event, Small \$3,100	45 Days 30 Days 14 Days
Street Fair	20% of the total fee paid by vendors to participate	December 31st of the preceding year. Applications for 1 day/1 block, 90 days

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
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NEW YORK, NY 10007

212-356-4028

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Rules Regarding Issuance of Permits for Open Culture and Open Streets Programs, and Proposed Extension of Street Fair Moratorium

REFERENCE NUMBER: 2023 RG 079

RULEMAKING AGENCY: Citywide Event Coordination & Management

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: October 18, 2023

Senior Counsel

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS

253 BROADWAY, 10th FLOOR

NEW YORK, NY 10007

212-788-1400

CERTIFICATION / ANALYSIS

PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Rules Regarding Issuance of Permits for Open Culture and Open Streets Programs, and Proposed Extension of Street Fair Moratorium

REFERENCE NUMBER: CECM-SAPO-16

RULEMAKING AGENCY: Citywide Event Coordination Management – Street Activity Permits Office

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

(i) Is understandable and written in plain language for the discrete regulated community or communities;

(ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and

(iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
2023

October 18,

Mayor's Office of Operations

Date