

BILL DRAFTING MANUAL

*A Guide to Legislative Composition for
the City of New York*

Third Edition (2022)
Second Printing

CONTENTS

| | |
|--|-----------|
| 1. Introduction | 1 |
| 1.1 The Process of Adopting Legislation | 1 |
| 1.2 Drafting Bills for the City | 3 |
| 1.2.1 General Drafting Concerns | 3 |
| 1.2.2 Attention to Detail | 4 |
| 1.3 Types of Local Law | 4 |
| 1.3.1 Consolidated and Unconsolidated Law | 4 |
| 1.3.2 The Charter and the Administrative Code | 4 |
| 1.3.3 Rules of the City of New York | 5 |
| 1.4 Tips for Researching Legislation | 6 |
| 1.4.1 Finding City and State Laws, Resolutions, and Regulations | 6 |
| 1.4.2 How to Find Local Laws and Legislation on the Council Website | 7 |
| 1.4.3 Finding Legislative History | 8 |
| 2. The Formal Parts of a Bill | 10 |
| 2.1 The Title | 13 |
| 2.1.1 Referring to Repeals in a Bill Title | 14 |
| 2.2 The Enacting Clause | 15 |
| 2.3 The Body | 16 |
| 3. Bill Sections | 17 |
| 3.1 Legislative History in Bill Sections | 19 |
| 3.1.1 General Guidance for Legislative History | 19 |
| 3.1.2 Provision to Be Amended Was in 1963 Charter or in 1985 Administrative Code | 20 |
| 3.1.3 Provision to Be Amended Was Added | 21 |
| 3.1.4 Provision to Be Amended Was Added Then Amended | 21 |
| 3.1.5 Provision to Be Amended Was Added Then Redesignated | 21 |
| 3.1.6 Provision to Be Amended Was Amended Then Redesignated | 22 |
| 3.1.7 Provision to Be Amended Was Redesignated Then Amended | 22 |
| 3.1.8 Provision Is to Be Added Only | 22 |
| 3.1.9 Provision Is to Be Redesignated Only | 23 |
| 3.1.10 Provision Is to Be Repealed | 23 |
| 3.1.11 Referring to Unamended Provisions in Previously Amended Text | 23 |
| 3.2 Legislative History When Amending Unconsolidated Law | 25 |
| 3.3 Amending Introduced but Not Yet Adopted Provisions | 25 |
| 3.4 Distributing Amendments Among Bill Sections | 26 |
| 3.4.1 Amending Non-Consecutive Provisions in a Single Bill Section by Including Intervening Material | 26 |
| 3.4.2 Amending Non-Consecutive Provisions in Separate Bill Sections | 26 |
| 3.4.3 Amending Non-Consecutive Provisions in the Same Bill Section | 27 |
| 3.4.4 Amending Opening Paragraph Only | 28 |

| | | |
|------------|---|-----------|
| 4. | <i>Classification and Numbering in the Body of a Bill</i> | 29 |
| 4.1 | Title and Chapter | 29 |
| 4.2 | Sections | 30 |
| 4.2.1 | Section Heading | 30 |
| 4.2.2 | Period After Section Number | 30 |
| 4.2.3 | Section Number | 31 |
| 4.3 | Subdivisions of Sections (and Below) | 32 |
| 4.3.1 | Subdivision Heading | 33 |
| 4.3.2 | Special Rule for Lists | 33 |
| 4.3.3 | Using Lead-In Language to Introduce Subunits | 35 |
| 4.3.4 | Referring to Subunits in Bill Sections and Bill Text | 35 |
| 4.3.5 | Other Rules Applicable to Subunits | 36 |
| 4.4 | Gaps in Numbering | 41 |
| 4.4.1 | Creating Gaps Deliberately | 41 |
| 4.4.2 | Filling in Gaps | 41 |
| 5. | <i>Referring to Other Laws</i> | 43 |
| 5.1 | Cross-Referencing Charter and Administrative Code | 43 |
| 5.1.1 | Referring to a Section in the Same Body of Consolidated Law | 43 |
| 5.1.2 | Referring to a Section in a Different Body of Consolidated Law | 43 |
| 5.1.3 | Referring to Provisions below the Section Level | 44 |
| 5.1.4 | Referring to Charter or Administrative Code in Unconsolidated Law | 45 |
| 5.1.5 | Referring to a Defined Term | 45 |
| 5.2 | Referring to New York City Rules | 45 |
| 5.3 | Referring to State Statutes | 46 |
| 5.4 | Referring to State Rules and Regulations | 46 |
| 5.5 | Referring to Federal Statutes | 46 |
| 5.6 | Referring to Federal Regulations | 47 |
| 6. | <i>The Effective Date</i> | 48 |
| 6.1 | How to Phrase an Effective Date | 48 |
| 6.2 | Effective ___ Days after It Becomes Law | 49 |
| 6.2.1 | Where Rulemaking Is Required | 49 |
| 6.2.2 | Where Rulemaking Is Not Required | 50 |
| 6.3 | Effective On a Date Certain | 50 |
| 6.4 | Effective Immediately | 51 |
| 6.5 | Effective on Occurrence of an Extrinsic Event | 51 |
| 6.6 | Staggered Effective Dates | 52 |
| 6.7 | Retroactive Effective Date | 52 |
| 6.8 | Applicability | 53 |
| 7. | <i>Other Possible Sections to Add to a Bill</i> | 54 |

| | | |
|------------|---|-----------|
| 7.1 | Declaration of Legislative Intent or Purpose | 54 |
| 7.2 | Short Titles | 54 |
| 7.3 | Table of Contents | 56 |
| 7.4 | Expiration/Sunset Clauses | 57 |
| 7.4.1 | Sunset in Unconsolidated Text..... | 57 |
| 7.4.2 | Sunset Tied to Extrinsic Act..... | 57 |
| 7.5 | Reporting Requirements | 59 |
| 7.6 | Severability Clause | 60 |
| 7.7 | Non-Severability Clauses | 61 |
| 7.8 | Tables | 61 |
| 7.9 | Advance Rulemaking | 64 |
| 8. | <i>Numbers</i> | 66 |
| 8.1 | Summary: Using Numerals or Spelling Out Numbers | 66 |
| 8.2 | Use Numerals by Default | 66 |
| 8.2.1 | Use Numerals in Dates | 67 |
| 8.2.2 | Use Numerals in Cross-References | 68 |
| 8.2.3 | Numerals That Look Like Letters | 68 |
| 8.3 | Spell Out Numbers in Limited Situations | 69 |
| 8.3.1 | Spell Out Numbers at the Beginning of Full Sentences | 69 |
| 8.3.2 | Spell Out Ordinals | 69 |
| 8.3.3 | Spell Out Number of Provisions Being Added, Amended, or Repealed | 69 |
| 8.3.4 | Spell Out References to Bill Sections in the Same Bill | 70 |
| 8.3.5 | Optional to Spell Out Zero and Very Large Numbers..... | 70 |
| 8.4 | Time, Money and Percentages | 71 |
| 8.4.1 | Expressing Time..... | 71 |
| 8.4.2 | Expressing Sums of Money..... | 71 |
| 8.4.3 | Expressing Percentages | 72 |
| 9. | <i>Definitions</i> | 73 |
| 9.1 | Before Drafting Definitions | 74 |
| 9.2 | Adding A New Set of Definitions | 75 |
| 9.3 | Defining Only a Single Term | 77 |
| 9.4 | Amending Old-Style Definitions | 77 |
| 9.5 | Amending New-Style Definitions | 79 |
| 9.6 | Dividing Definitions into Multiple Parts | 79 |
| 9.7 | Incorporating Definitions from Other Provisions in Local Law | 81 |
| 9.8 | Incorporating Definitions from Sources Other Than Local Laws | 81 |
| 10. | <i>Resolutions</i> | 82 |

| | | |
|--------------|---|------------|
| 10.1 | General Rules for Resolutions..... | 82 |
| 10.1.1 | Template | 83 |
| 10.1.2 | General Formatting for Resolutions | 83 |
| 10.1.3 | Whereas Clauses..... | 84 |
| 10.1.4 | Resolved Clause | 84 |
| 10.1.5 | Content | 84 |
| 10.1.6 | Local Nexus..... | 86 |
| 10.1.7 | Policy Sources | 86 |
| 10.1.8 | Calling for Action..... | 86 |
| 10.1.9 | Calling for State Legislation..... | 87 |
| 10.1.10 | Calling for Federal Legislation..... | 87 |
| 10.2 | Resolutions That Amend the Rules of the Council..... | 88 |
| 11. | <i>Other Style Rules</i>..... | 90 |
| 11.1 | Indicating Deletions and Additions | 90 |
| 11.1.1 | Deleting Part of a Word..... | 91 |
| 11.1.2 | Spacing around Additions and Deletions..... | 91 |
| 11.1.3 | Deleting Punctuation | 92 |
| 11.1.4 | “REPEALED” in All Capital Letters..... | 93 |
| 11.2 | Capitalization | 93 |
| 11.3 | Single Space after Periods | 95 |
| 11.4 | Space after Section Symbol | 95 |
| 11.5 | Period after Section Number..... | 95 |
| 11.6 | The Present Tense | 96 |
| 11.7 | Brief and Clear Language | 96 |
| 11.8 | Consistency | 97 |
| 11.9 | Simple Language and Common Meanings of Words | 97 |
| 11.10 | “And” and “Or”..... | 99 |
| 11.11 | Modifiers..... | 99 |
| 11.12 | Outdated or Offensive Terminology | 100 |
| 11.12.1 | Prohibited Terms | 100 |
| 11.12.2 | Terms Referring to Physical or Mental Condition..... | 100 |
| 11.12.3 | Terms Referring to Gender | 100 |
| 11.12.4 | Updating Terminology Used | 102 |
| 11.13 | Terms Relating to Time..... | 102 |
| 11.14 | Acronyms and Abbreviations | 102 |
| 11.15 | Extraneous Provisions | 102 |
| 11.16 | “Shall” Versus “May” | 102 |
| 11.16.1 | Use “Shall” to Require and “Shall Not” to Prohibit | 102 |
| 11.16.2 | Use “May” to Authorize | 104 |
| 11.17 | Using Model Laws..... | 104 |

| | | |
|---|--|------------|
| 11.18 | Bolding | 105 |
| 11.19 | Punctuation | 105 |
| 11.19.1 | Serial Comma | 105 |
| 11.19.2 | Parentheses | 105 |
| 11.19.3 | Brackets | 105 |
| 11.20 | Referring to the Agency Head vs. the Agency | 105 |
| 11.21 | General Grammar Rules | 106 |
| 11.21.1 | “Which” Versus “That” | 106 |
| 11.21.2 | Split Infinitives | 107 |
| 11.21.3 | “Affect” and “Effect” | 107 |
| 11.21.4 | The Singular Instead of the Plural | 108 |
| 11.22 | Contractions | 108 |
| <i>Appendix A: Construction Codes</i> | | 109 |
| | Cross-references | 110 |
| | Formatting | 110 |
| | References in Prefatory Text | 112 |
| | Numbers and Measurements | 114 |
| | Moving and Removing Sections | 115 |
| | Definitions | 115 |
| | Reference Standards | 115 |
| <i>Appendix B: Council Rules, Chapter 6</i> | | 117 |
| <i>Appendix C: Distinctions from State Style</i> | | 120 |
| <i>Appendix D: Titles of Select City Agencies and Agency Heads</i> | | 122 |
| <i>Appendix E: Comparing the Charter and Administrative Code</i> | | 131 |
| <i>Appendix F: Repeal Checklist</i> | | 132 |
| <i>Appendix G: Distribution Table</i> | | 133 |

DISCLAIMER

While every attempt has been made to ensure the accuracy of the information presented, the Legislative Division makes no warranties or representations regarding the accuracy or completeness of this manual, and each reader understands that the Legislative Division disclaims any liability for any damages in connection with its use and does not intend the manual to serve as a guide for courts in interpreting the meaning of the New York City Council's legislation. This information is intended for personal, not commercial, uses. The inclusion in this manual of any hypertext or service is not intended as an endorsement.

PREFACE TO THE THIRD EDITION

In the years since the Second Edition of this manual was published, legislative drafters at the New York City Council and beyond have proposed a number of improvements. These included the addition of new guidance for recurring drafting situations and the expansion or clarification of existing rules and examples.

This Third Edition implements many of those proposals, as well as others that the editorial team believes will lead to clearer, more consistent legislative writing. Salient changes in the new edition include:

- Simplification of descriptions and explanations throughout
- Addition of examples throughout
- Guidance for authorizing rulemaking before a bill’s effective date in light of 2020 amendments to the City Administrative Procedures Act (Rule 7.9)
- Simplification of rules for expressing numbers (Rule 8)
- Expansion of guidance for drafting resolutions (Rule 10)
- New guidance on the use of the serial comma and semicolon (Rule 11.19.1)
- Addition of a quick reference for repeals (Appendix F: Repeal Checklist)

A few of these changes may benefit from further explanation. Previous editions’ rules on expressing numbers have been applied inconsistently, probably due to the complexity of those rules, which drew from various drafting customs that predated the First Edition. The revised approach set forth in this edition is simpler and strives for greater uniformity. It directs drafters to use numerals—rather than spelled-out numbers—for nearly all numerical expressions in legislation.¹

In addition, whether or not to use a serial comma is a subject of debate across disciplines. For legislative drafting in particular, however, many prominent style guides unequivocally support its use as a way to avoid ambiguities and reader miscues.² The absence of a serial comma from legislation has even notoriously been the subject of recent litigation.³ This edition therefore brings the manual into accord with the prevailing practice and recommends that drafters use the serial comma and

¹ See, e.g., Bryan A. Garner, *Guidelines for Drafting and Editing Legislation* § 2.9(A) (2016) (“Written-out numbers are harder to read than numerals simply because they are undifferentiated from other words. Although in general prose it’s customary to spell out one through ten and then to use numerals (apart from currency), in legislation it’s desirable to use a numerals-only policy.”).

² See, e.g., Bryan A. Garner, *Guidelines for Drafting and Editing Legislation* § 4.9(D) (2016); Arthur J. Rynearson, *Legislative Drafting Step-by-Step* at 136 (2013); Reed Dickerson, *Legislative Drafting* § 6.12(d)(2) (1954).

³ See *O’Connor v. Oakhurst Dairy*, 851 F.3d 69 (1st Cir. 2017) (“For want of a comma, we have this case.”).

semicolon when punctuating series of three or more items joined by the conjunction *and* or *or*.

The numbering of rules from the Second Edition has largely been preserved, but some have been renumbered to present concepts in a way that fits better into the organization of the manual as a whole. A distribution table of renumbered rules can be found at Appendix G: Distribution Table.

As in previous editions, many of the examples used throughout the manual refer to fictional provisions and hypothetical examples. Examples are intended for illustrative purposes only.

Changes to the Third Edition were principally drafted by Wesley Jones, Malak Nassereddine, Jackie Bouzalas and Ali Haxhijaj, with critical contributions by several members of the Council’s Central Staff and the Legal Counsel Division of the New York City Law Department. We are also grateful to the many others who have provided helpful feedback and revisions along the way.

—*The Legislative Division of the New York City Council*

New York, N.Y.
October 3, 2022

PREFACE TO THE SECOND EDITION (EXCERPT)

This legislative drafting manual seeks to capture the rules and guidelines that drafters follow when writing bills and resolutions for adoption by the New York City Council (“Council”). The first edition of this manual was completed in 2015.

Statements in this manual are subject to constitutional, statutory, and other rules. When appropriate, we cite the background sources that support our directives. The manual seeks to be helpful without being an exhaustive guide to drafting styles and techniques. The manual also is intended to encourage uniformity in the form, style, and language of local laws because uniformity contributes to sound and effective legislation. However, it is impossible to anticipate or resolve all of the issues that arise in drafting legislation. Many additional resources—articles, books, websites—can assist governmental units and private individuals seeking to write legislation, and we recommend that interested parties pursue them.

This manual is published principally for use by the Council’s Legislative Division, which provides legislative drafting services to all members of the Council. The manual seeks to support the uniform and expeditious processing of legislative requests and is based on generally accepted drafting principles and conventions.

Discretion is important when following any set of general rules and principles. Drafters should not copy the samples used in the manual without careful consideration of their appropriateness for a particular legislative proposal. Some principles in this manual are absolute, such as the language of an enacting clause, and must be followed. However, sometimes a bill will not strictly adhere to certain principles because of extenuating circumstances, such as direction from a Council Member, the need to model language on existing local laws, court opinions interpreting words or phrases in preexisting local law, or complex language.

While every attempt has been made to ensure the accuracy of the information in the manual, the Legislative Division makes no warranties or representations regarding its accuracy or completeness, and each reader understands that the Legislative Division disclaims any liability for any damages in connection with its use and does not intend the manual to serve as a guide for courts in interpreting the meaning of the Council’s legislation. This information is intended for personal, not commercial, uses. The inclusion in this manual of any hypertext or service is not intended as an endorsement.

We are grateful to Annie Decker, Wesley Jones, and others in the Council’s Legislative Drafting Unit for writing this manual, with critical contributions from other Legislative Division staff. Attorneys at the Legal Counsel Division of the New York City Law Department also provided consistently generous and helpful feedback throughout the process of drafting and revising the manual. Finally, we are grateful to the State of New York’s Legislative Bill Drafting Commission for sharing its own bill

drafting manual, from which we draw regularly here.⁴ We also have drawn from the drafting manuals of other states and of the federal government and similarly are grateful that they have made their guidelines public.⁵

Major changes in the second edition:

In addition to making general updates and corrections throughout the manual and adding examples to illustrate our rules, this second edition offers substantial additions on the following topics:

- Amending non-consecutive provisions in a bill
- Drafting multiple bills that might move in a package and leaving gaps in numbering where appropriate
- Handling short sections that contain lists
- Drafting cross references, including to local, state, and federal rules and regulations
- Drafting reporting bills
- Presenting information in tables
- Dividing definitions into multiple parts and incorporating definitions from sources other than local laws
- Using brackets and underlining for deletions and additions, including in unconsolidated laws
- Referring to offices, boards, and commissions in addition to other city agencies

— *The Legislative Division of the New York City Council*

[2018]

⁴ Many of the rules contained in this manual are simply local adaptations of conventions used for drafting bills at the state level or efforts to fill in the gaps. In some instances, however, this manual prescribes a practice that is different from state practice. Key differences include conventions for when to spell out numbers versus when to use numerals, when to use parentheses when referring to divisions of a statute by number or letter, and which format to use for defining terms. For a list of other differences, see Appendix C: Distinctions from State Style.

⁵ The National Conference of State Legislatures (“NCSL”) has compiled manuals from nearly all of the states. See NCSL, *Bill Drafting Manuals (as of Jun. 26, 2016)*, <http://www.ncsl.org/legislators-staff/legislative-staff/legal-services/bill-drafting-manuals.aspx>.

I. INTRODUCTION

The Council is the City’s law-making body,⁶ with 51 Council Members, led by a Speaker, representing 51 districts throughout the five boroughs: the Bronx, Brooklyn, Manhattan, Queens, and Staten Island. A fundamental function of the Council is to enact legislation, although the Council also exercises important powers with respect to oversight, budget and finance, land use, and other matters. While state and federal law and the New York City Charter (“Charter”) place certain constraints on the Council’s legislative authority, that authority nevertheless remains substantial. The Council exercises its authority in many ways: promoting health and safety by regulating certain industries or prohibiting certain conduct, improving government transparency and public access to data, and effecting other policy changes by creating new programs, offices, duties, rights, and privileges.

As the local representative body, the Council responds to the needs and interests of New Yorkers. The local legislative process is open and inclusive so that the viewpoints of the City’s diverse constituencies are heard, considered, and given effect. The legislative drafter has the important task of facilitating this process and working with Council Members, other elected officials, administrative agencies, advocates, and other stakeholders to translate these voices into legislation. Because the Council can act quickly and decisively, the City often serves as a laboratory of democracy,⁷ and the City’s size and stature make these innovations all the more significant. Often, when the Council acts, states and municipalities across the country follow its lead.

I.1 THE PROCESS OF ADOPTING LEGISLATION

This section gives a general outline of the Council’s legislative process to provide context for other parts of this manual. The reader should consult the most up-to-date Rules of the Council for the latest procedures.

The term legislation, as used in this manual, refers to the two primary vehicles of legislative expression by the Council: bills, which become local laws when adopted,

⁶ Section 21 of the New York City Charter (“Charter”) establishes the Council as the City’s legislative body and notes that “[a]ny enumeration of powers in this charter shall not be held to limit the legislative power of the council, except as specifically provided in this charter.” Section 28 of the Charter enumerates the Council’s “power to adopt local laws which it deems appropriate, which are not inconsistent with the provisions of this charter or with the constitution or laws of the United States or this state. . . .” The section sets forth certain broad parameters for, requirements for, and limitations on the exercise of this power.

⁷ *Cf. New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting) (“It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”).

and resolutions. Bills may seek to add to, amend, or repeal existing laws, while resolutions may be used to take limited actions authorized by the Charter, or to call on another government official to take action.

Most legislation for the City takes the form of a local law.⁸ Some legislation, after approval by the Council and the Mayor, is ultimately adopted by referendum of the voters.⁹ When enacted, most local laws either are codified in the Charter, which generally lays out the fundamental structure and processes of the City’s government, or in the Administrative Code, which lays out the more detailed legal obligations of entities and individuals in the City. Absent a referendum requirement or other special procedures, amending the Charter follows the same process as amending the Administrative Code.

Adopting a bill in the City requires many steps. A legislative service request from a Council Member initiates the drafting process. A legislative counsel drafts a bill, which the Council Member can choose to introduce for consideration by the Council. The introduced bill is referred to an appropriate committee, which may or may not hold a hearing on the bill. If the committee holds a hearing (or a joint hearing with another committee), it takes testimony from the public and either lays the bill over (*i.e.*, decides whether to hold another hearing) or votes on whether to amend the bill and “report” it back to the full Council. The Council’s Finance Division prepares a fiscal impact statement for each bill that will be voted on.¹⁰

Each bill must be “aged,” typically by placing a copy of it on the desks of all Council Members in final form, at least seven calendar days, not including Sundays—before the bill is passed.¹¹ The aging process can be avoided only if the Mayor issues a Message of Necessity *and* the Council passes the bill by a two-thirds vote.¹² If a majority of the Council votes affirmatively on a bill at a Stated Meeting,¹³ the Mayor can sign the bill into law, veto the bill, or take no action, in which case the bill becomes law without a signature after 30 days.¹⁴ If the Mayor vetoes the bill, the Council can override the veto with a two-thirds vote within 30 days of receiving the veto.¹⁵

⁸ See Rules of the Council, 6.40; Charter § 32. Other mechanisms exist for enacting City legislation, such as certain types of resolutions or when the State Legislature amends the Charter and the Administrative Code. See Rule 10 for more discussion of resolutions.

⁹ See N.Y. Municipal Home Rule Law §§ 23, 24 (mandatory and permissive referenda); Charter § 38 (mandatory referenda).

¹⁰ Charter § 33.

¹¹ N.Y. Municipal Home Rule Law § 20(4); Charter § 36.

¹² Charter § 36.

¹³ *Id.* § 34.

¹⁴ N.Y. Municipal Home Rule Law § 21; Charter § 37.

¹⁵ Charter § 37.

I. Introduction

I.2 DRAFTING BILLS FOR THE CITY

The Rules of the Council require that Council Members be provided with legislative drafting services.¹⁶ Generally, attorneys and policy analysts on the Council's central staff carry out this work, transforming Council Members' ideas into legislation. Occasionally, advocates provide bill drafts to Council Members, which are passed to the drafting attorneys for evaluation and development. The Mayor and Borough Presidents also may seek to have legislation introduced.¹⁷ Legislation proposed by one of these officials typically is introduced either by the Speaker or by the Council Member who chairs the relevant committee, and the bill bears a special designation noting that it was introduced at the request of the other official. The Public Advocate can introduce bills without the assistance of a Council Member.

I.2.1 General Drafting Concerns

Drafting legislation is an art, not a science. A well-drafted bill results not from mechanically applying rules but instead from knowing the subject matter thoroughly, paying careful attention to detail, and adhering to commonsense principles of simplicity, clarity, and good organization.

Sometimes the Council Member requesting legislation has a specific concern, and it is clear how to address that concern. In most cases, however, the drafter must follow up to understand the problem to be corrected, examples of the problem, and the best mechanisms for accomplishing the desired change, including types of enforcement.¹⁸ Initially, a drafter needs to carefully consider what actions the proposed legislation is requiring or prohibiting and by whom, who will enforce the requirement or prohibition, when the requirement or prohibition will take effect, and what consequences will be imposed for noncompliance. While the drafter need not decide whether the proposed legislation is good public policy, the drafter can make the requesting Council Member aware of logical problems or unintended effects and should include this information in a legal memorandum on the bill.

Drafters also must address the Council's legal powers and constraints. There are several sources of local legislative power, most notably the State Constitution and state statutes. However, the powers of the City, though broad, are constrained by the federal and state constitutions, statutes, regulations, and judicial decisions. A drafter must research all potential constraints, detail them in a legal memorandum, and discuss such them with a supervisor before drafting a bill.

¹⁶ Rules of the Council 6.60; *see* Appendix B: Council Rules, Chapter 6.

¹⁷ *See, e.g.*, Charter § 82(11).

¹⁸ For example, in terms of enforcement mechanisms available under the Charter, the Council can establish sanctions for violations of local laws, including civil penalties, fines, forfeiture, or imprisonment not exceeding one year. Charter § 28(b). The Charter also gives the Council powers of investigation and oversight, including the power to review the activities of city agencies and to review city procurement policies and procedures. *Id.* § 29.

1.2.2 *Attention to Detail*

Bill drafters must follow a set of supportive rules, practices, and usages. In addition to asking the right questions, exercising good judgment, and providing competent legal analysis, drafters must pay attention to details ranging from the placement of commas to the internal consistency of word use, verb tenses, punctuation, and numbering. Drafters must exercise their discretion carefully to apply general drafting principles, such as using clear and unambiguous language, using the active voice, properly defining technical terms and words used in a sense other than their ordinary meaning, checking that defined terms are actually used in the final versions of bills they draft, and using terms consistently throughout the law.

1.3 **TYPES OF LOCAL LAW**

1.3.1 *Consolidated and Unconsolidated Law*

The Council adopts both consolidated and unconsolidated provisions. Local laws that do not amend the Charter or Administrative Code are referred to as “unconsolidated,” whereas laws that amend the Charter or Administrative Code are “consolidated.” A drafter should first decide whether a provision should be unconsolidated or consolidated, and if consolidated, should then decide whether to place the provision in the Charter or the Administrative Code (the two bodies of consolidated law that the Council may amend).

One common situation in which local laws may be drafted as unconsolidated is when they will have a one-time effect or apply only for a limited duration. For example, a law requiring a single report, a single plan, or a task force or advisory board that will meet for a period of no more than a few years and then dissolve might be a good candidate for an unconsolidated law. Although unconsolidated provisions do not appear in the Charter or Administrative Code, they nevertheless carry the full force of law.

Notably, even when a bill’s operative provisions will be consolidated in the Charter or Administrative Code, certain other components of that bill remain unconsolidated. These unconsolidated portions are the “bill sections” and almost always include the introductory material specifying provisions of the Charter and Administrative Code to be amended and relevant legislative history of those provisions, as well the bill’s effective date. All of these parts of a bill are described in Rule 2 below.

1.3.2 *The Charter and the Administrative Code*

The Charter and the Administrative Code are the two primary bodies of consolidated local laws in the City. (Certain codes, such as the Fire Code and the Construction Codes, are often referenced by their code names but are formally part of the Administrative Code.) Since the modern Charter’s inception in the 1930s, it has been intended as the vehicle for legislation relating to the fundamental structure of city

I. Introduction

government and core powers of city agencies. In contrast, the Administrative Code generally includes legal obligations of entities and individuals.

When deciding whether to place a provision in the Charter or the Administrative Code, a drafter should keep in mind that if the Charter is amended frequently to add routine or lengthy administrative schemes and thus begins to resemble the Administrative Code, then its usefulness to government practitioners and the public could be compromised. It is generally understood that the Charter may contain broad references to a power or program, while the details of programmatic implementation, including reporting obligations, usually belong in the Administrative Code. Frequently, a local law can address in a detailed fashion through an Administrative Code amendment a subject matter that already is within an agency's broad Charter purview. This distinction does not make the Administrative Code a less important document; both the Charter and the Administrative Code have the force of law.

In practice, the distinction between the Charter and the Administrative Code can be murky at times but remains important. Even when it seems straightforward that provision A belongs in the Charter and provision B belongs in the Administrative Code, previous amendments may have put similar provisions in one when the other would seem to make more sense. It can be useful to follow the lead of similar provisions, but a drafter should keep in mind the separate purposes of the Charter and Administrative Code and use judgment in determining which body of law to amend. It is helpful to think about where one might expect to find the provision when doing legal research and aim to keep the Charter from becoming more cumbersome and both the Charter and the Administrative Code from becoming more confusing.

1.3.3 *Rules of the City of New York*

City agencies may promulgate rules to carry out duties delegated by federal, state, or local law.¹⁹ These rules are contained in the Rules of the City of New York ("RCNY"). The City Administrative Procedure Act ("CAPA") prescribes the rulemaking process.²⁰

The Charter or the Administrative Code (or both) typically contains the source of authority underlying agency rules, although sometimes another body of law (state law, for example) may contain the source. While the Council does not adopt or amend rules directly, by amending relevant portions of the Charter or Administrative Code the Council may implicitly require agencies to adopt new rules or to amend existing rules. Local legislation generally supersedes a conflicting agency rule, except where provided by state or federal authority.

¹⁹ Charter § 1043(a).

²⁰ See Charter §§ 1041–1047.

I.4 TIPS FOR RESEARCHING LEGISLATION

I.4.1 *Finding City and State Laws, Resolutions, and Regulations*

Drafters for the Council rely on various sources for finding existing New York City and New York State laws. Following are some of the leading sources, although the list is not exhaustive.

- *New York State Legislature website*. This free website generally has the most up-to-date and complete version of the Charter and Administrative Code: <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO>: (scroll to the bottom of the page). This website can serve as a beginning point to search for legislative history. It also includes information on state consolidated laws, some frequently referenced state unconsolidated laws, the State Constitution, and state bills and resolutions from 1995 to the current session. The website can be used to find cross-references to a given provision in other provisions of law, although drafters should conduct independent research to check for cross-references that may not be listed on this website due to variations in how references are written or other issues.
- *American Legal Publishing*. No subscription required. Includes the Charter, the Administrative Code, the RCNY, and unconsolidated City laws which can be found in an appendix to the Administrative Code.
- *New York Legal Publishing*. Subscription required. Includes the Charter, the Administrative Code, and the RCNY.
- *Legislative Retrieval System (“LRS”)*. A subscription-based version of the free New York State Legislature website described above. LRS is the source of the official text of state and local laws and can be used to track state bills, set up alerts, and conduct more sophisticated searches.
- *LexisNexis*. Subscription required. Includes both consolidated and unconsolidated New York City local laws, the RCNY, and New York State laws and regulations.
- *Westlaw*. Subscription required. Westlaw’s “New York City Municipal Materials” includes both consolidated and unconsolidated local laws and New York State laws and regulations.

Be aware that although LexisNexis, Westlaw, and other sources mentioned above provide very useful annotations on New York City laws, the statutory text does not always reflect the most recent amendments. If relying on LexisNexis, Westlaw, or one of the other sources mentioned above, double check using the New York State Legislature website or Legistar (see below) to make sure you are working with the most up-to-date text.

I. Introduction

City local laws, as well as Council bills and resolutions, can also be found via:

- *The Legislation tab* on the Council website, <http://legistar.council.nyc.gov/Legislation.aspx>. Most legislative documents can be found for local laws and resolutions dating back to 1998. The text of many local laws can be found dating back to 1968.
- *The Legistar application on computers in the Legislative Division.*²¹
- *The LaGuardia and Wagner Archives*, <https://www.laguardiawagnerarchive.lagcc.cuny.edu/pages/AdvancedSearch.aspx>. The “New York City Council Collection” can be useful in finding city bills, resolutions, and associated documents dating back to about 1900.

The **Construction Codes** (the Plumbing Code, the Building Code, the Mechanical Code, and the Fuel Gas Code) can be found in the Administrative Code at chapters 6, 7, 8, and 9 of title 28, respectively. The Construction Codes can be found at the Department of Buildings website, which also includes links to prior codes: <https://www1.nyc.gov/site/buildings/codes/nyc-code.page>.

The **Fire Code** can be found in title 29 of the Administrative Code and on the Fire Department’s website: <https://www1.nyc.gov/site/fdny/about/resources/code-and-rules/nyc-fire-code.page>.

The **RCNY** can be found at NYC Rules, <http://rules.cityofnewyork.us/codified-rules>, on LexisNexis, or on Westlaw. The *Official Compilation of Codes, Rules and Regulations of the State of New York* (“NYCRR”) can be found at Westlaw (without login), <https://govt.westlaw.com/nycrr/Index>, or on LexisNexis. New York Law School maintains the CityAdmin Online Library, <http://www.nyls.edu/cityadmin/>, which archives the administrative rulings of a number of city agencies.

The **Health Code** can be found within title 24 of the RCNY.

The **Zoning Resolution** can be found on the website of the Department of City Planning, <https://www1.nyc.gov/site/planning/zoning/access-text.page>.

1.4.2 How to Find Local Laws and Legislation on the Council Website

To find New York City local laws or legislation online, navigate to the Council’s homepage (<https://council.nyc.gov/>), click on the Legislation tab, and then select “Search Legislation” from the drop down menu. Alternatively, simply navigate to <https://legistar.council.nyc.gov/Legislation.aspx>. Both options will bring up the Legistar web application.

²¹ This manual uses the word “Legistar” to refer to both the Council Legislation tab and the Legistar desktop application.

Within Legistar, a simple way to search is to type the local law number into the first search field. For best results, the number should consist of three digits. For example, if you are looking for Local Law 7, type 007. If looking for Local Law 10, type 010. If you do not know the number of the local law, leave this field blank and move onto the next field. If you are searching for legislation, you may search using a four-digit introduction or resolution number.

To see all of the local laws or legislation for a specific year, select the drop-down menu in the second search field and pick the session or year of the local law or legislation you are looking for (*e.g.*, “This Year”). Next, select the drop-down menu in the third search field (“All Types”) and choose the “Local Law” option for a local law, the “Introduction” option for a bill, the “Resolution” option for a resolution, or any other option.

After completing the steps above, click the “Search Legislation” button. Legistar will then list the local law, bill, or resolution, or a series of local laws, bills, or resolutions, depending on the criteria entered in the search fields.

To view the Legistar record for a specific local law, bill, or resolution, click the file number (under the “File #” heading) next to the local law, bill, or resolution number in the search results. On the page that appears next, it is possible to view the local law or legislation, committee report, hearing testimony, hearing transcript, fiscal impact statement, Mayor’s letter, votes, action history, etc. To view one of these attachments, click on the linked document name.

The search method described above will return results going back to 1994 or so. For researching older laws, Legistar also stores local laws in PDF format going back to 1968. To access one of these files using the method described below, you must know the local law number, as text searching is not available. Results will return only the local law itself, and no related legislative documents.

Start from the Legistar page (<https://legistar.council.nyc.gov/Legislation.aspx>). In the second search field choose “All Years,” and in the third search field choose “Local Laws [year]” for the year you need (*e.g.*, “Local Laws 1983”). To the right, check the file box only. Next select “Search Legislation” and then select the link to the file number listed in the search results. On the next screen, select the file for the local law number you need.

1.4.3 Finding Legislative History

It is important to trace laws’ amendment history (referred to in this manual as legislative history) as far back as may be necessary to understand the genesis and contours of the laws they are amending or supplementing and to make sure the City has the authority to amend them, as in some cases the State Legislature might have

I. Introduction

added or amended the text directly.²² When reciting legislative history in a bill section, include history only going back to 1963 for the Charter and 1985 for the Administrative Code. *See* Rule 3.1.

To find legislative history, use any of the following sources: LexisNexis, Westlaw, or New York Legal Publishing. The New York State Legislature website and LRS also provide legislative history, listing recent amendments, additions, and more. Sources available for tracing the earlier history of provisions include the New York City Council Collection at the LaGuardia and Wagner Archives (*see* Rule 1.4.1) and, for certain City employees, hardbound volumes in the Council's and the Law Department's libraries.

²² Although the Administrative Code was recodified by chapter 907 of the New York State Laws of 1985, the New York Court of Appeals has held that “the recodified Administrative Code cannot be equated with the enactment of a State statute.” *See* Laws of 1985 (ch. 907, § 1); *Elliot v. City of New York*, 95 N.Y.2d 730, 735 (2001).

2. THE FORMAL PARTS OF A BILL

Every local law contains four main parts:

- Title
- Enacting Clause
- Body
- Effective Date

These parts are labeled to the right of the sample local law below.

Example:

| | |
|---|------------------------|
| A LOCAL LAW To amend the New York city charter, in relation to the early intervention program | Title |
| <u>Be it enacted by the Council as follows:</u> | Enacting Clause |
| Section 1. Paragraph 7 of subdivision b of section 556 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows: 7. Administer[, within the division of mental hygiene,] the unit responsible for early intervention services pursuant to the public health law; and . . . | Body |
| § 2. This local law takes effect immediately. | Effective Date |

Take time to look at bill samples on the Council's website. Note that each bill is assigned a chronological introduction number. Instead of designing your own template, use the latest templates for drafting consolidated and unconsolidated bills and for resolutions provided by the Legislative Division.

2. The Formal Parts of a Bill

Another outline of a local law follows.

Int. No. ____

By Council Members Andrews, Benson, and Clark

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York,
in relation to ____

Be it enacted by the Council as follows:

1 Section 1. ____:

2 {Add consolidated text here, following the relevant rules for underlining new text

3 in consolidated bills, deleting text in brackets, etc.}

4 § 2. This local law takes effect ____.

{Initials of drafter}

LS #__

{Date and time of last update}

When drafting a new, wholly unconsolidated law, do not refer to the Charter or the Administrative Code in the bill title. Also do not underline text beyond the words “Be it enacted by the Council as follows:” except as otherwise specifically provided in this manual.

Example:

A LOCAL LAW

In relation to requiring a survey and study of racial, ethnic, and gender diversity among the directors, officers, and executive level staff members of city contractors

Be it enacted by the Council as follows:

Section 1. By October 1, 2016, the department of small business services shall create a voluntary survey, to be distributed to and completed by proposed city contractors and subcontractors,

Bills and resolutions should be formatted as follows:²³

| |
|---|
| Font |
| Times New Roman for all text <ul style="list-style-type: none"> • 12-point font for all bill/resolution text except final block. • 9-point font for block containing drafter’s initials, LS No., and timestamp. |
| Line Spacing |
| The following are single-spaced: <ul style="list-style-type: none"> • Bill/resolution title. • Sponsor byline. • Block containing drafter’s initials, LS No., and timestamp. |
| The body of a bill/resolution is double-spaced, except where otherwise specified. |
| Margins |
| One inch, all sides. |

²³ See Appendix A: Construction Codes, for formatting instructions for the Construction Codes.

2. The Formal Parts of a Bill

| Justification (Alignment) |
|--|
| The following are center-aligned: <ul style="list-style-type: none">• Int./Res. No.• A LOCAL LAW |
| The following are justify-aligned (flush on both left and right): <ul style="list-style-type: none">• Bill/resolution title.• Sponsor byline.• Bill/resolution body. |
| The block containing the drafter’s initials, LS No., and timestamp is left-aligned. |
| Page Numbers |
| Bottom center (all pages, including the first). |
| Line numbers |
| Use line numbers for the body of bill text, restarting with each page. Do not use line numbers in resolutions. |

Legislative Division bill templates include line numbers. As shown on the consolidated bill example above, line numbers begin after the enacting clause, starting with “Section 1” continuing to and including the effective date. Do not use line numbers after the effective date (*i.e.*, do not use line numbers for the lines containing the drafter’s initials, LS No., and timestamp at the end of a bill). Resolutions do not require line numbers.

A summary of each part of a bill follows. The body of the bill receives special consideration because it is the most complex.

2.1 THE TITLE

Every bill and resolution has a title. While some of the guidance in this section applies to both bills and resolutions, most of the discussion focuses on bills. Additional special guidance for resolution titles can be found in Rule 10.

The title of a bill must “briefly refer to the subject matter,”²⁴ and both the title and the bill must cover only a single subject.²⁵ A good title is short and general and need not summarize each incidental provision. It should, however, capture the general purpose of the bill and key mechanisms that will help fulfill the purpose. If the bill repeals any provisions of law, the title must refer to and describe those provisions. *See* Appendix F: Repeal Checklist for a checklist of technical steps to follow when repealing a provision.

Wait to draft the title until after finishing the rest of the bill, or check the title carefully after completing the bill to make sure that it is complete and not misleading.

Double space between “A LOCAL LAW” and the rest of the title, and single space rest of the title. Do not place a period at the end.

Examples:

A LOCAL LAW

To amend the New York city charter, in relation to door alarms in school buildings

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to creating an animal abuse registry

A LOCAL LAW

In relation to establishing a temporary task force on post-incarceration reentry for adolescents

2.1.1 Referring to Repeals in a Bill Title

The title of a bill that repeals a provision of law must identify and describe the provision being repealed.

Examples:

A LOCAL LAW

To amend the New York city charter, in relation to the creation of the department of early childhood development, and to repeal paragraph 4 of subdivision a of section 617 of such charter in relation thereto

²⁴ Rule 6.00, Rules of the Council.

²⁵ N.Y. Municipal Home Rule Law § 20(3); Charter § 32. New York State similarly requires that “No private or local bill, which may be passed by the legislature, shall embrace more than one subject, and that shall be expressed in the title.” N.Y.S. Const. Art. III, § 15. *See also Gaynor v. Village of Port Chester*, 231 N.Y. 451, 453 (1921) (giving this rule a “reasonable construction”).

2. The Formal Parts of a Bill

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting smoking in pedestrian plazas and public parks except for smoking areas within public parks, and to repeal subdivision b of section 17-513 of such code, relating to requiring a study regarding the prevention of second-hand smoke circulation in restaurants

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to the transfer of functions from the department of records and information services to the department of citywide administrative services, and to repeal chapter 72 of such charter, relating to the department of records and information services

This rule also applies where a bill includes a sunset clause or expiration date for one of its own provisions. *See* Rule 7.4 for more guidance on sunset clauses.

Examples:

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the establishment of a task force to study the impact of COVID-19 on small businesses, and to repeal such amendments upon the expiration thereof

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the open streets program, and to repeal subdivision b of section 19-9901 of such code relating to a report on the open streets program upon the expiration thereof

2.2 THE ENACTING CLAUSE

All bills must begin with the statement “Be it enacted by the Council as follows,” which must be underlined and followed by a colon (also underlined) and a paragraph break.²⁶ This provision distinguishes bills from resolutions and other forms of legislative expression.

The enacting clause should immediately follow the bill title. It should not be included in line numbering. Material immediately following the enacting clause is not underlined.

²⁶ *See* N.Y. Municipal Home Rule Law § 20(2); Charter § 32; and Rule 6.00, Rules of the Council.

Example:

Be it enacted by the Council as follows:

Section 1. Subdivision (e) of section 2203 of the New York city charter, as added by local law number 46 for the year 2013, is amended to read as follows:

2.3 THE BODY

The “body” of a bill refers to all of the bill text other than the title and the enacting clause. It also excludes the sponsorship byline, as well as version information at the end of some drafts (*i.e.*, the drafter’s initials, LS request number, and version date). This means the body includes:

- Bill sections
- Bill text
- Effective date

3. BILL SECTIONS

The body of every bill consists of one or more “bill sections,” which are a type of unconsolidated law. Bill sections may be entirely unconsolidated, or they may comprise introductory matter that is then followed by excerpts of consolidated law to be amended, or text that is to be added to consolidated law. The phrase “bill section” is a term of art. When used in this manual, that phrase refers to the unconsolidated portions of a bill—usually the introductory portions that explain which parts of the Charter or Administrative Code are to be amended or supplemented with new provisions. The phrase does not refer to the consolidated text being added or amended by the bill. Below is an example of a bill section.

Example:

Section 1. Section 7-801 of the administrative code of the city of New York, as added by local law number 53 for the year 2005, is amended to read as follows:

Common uses of entirely unconsolidated bill sections include declarations of legislative findings and intent, declarations that specified provisions of consolidated law are redesignated²⁷ or repealed (without setting forth the full text of those provisions), declarations about construction of the bill (for example, that the bill’s provisions are severable), specification of the bill’s effective date, temporary provisions such as one-time reporting requirements, and more.

Number bill sections consecutively using the section symbol (§), followed by a space, followed by a numeral (1, 2, 3, etc.), followed by a period. Spell out the word “Section” for the first bill section only. The unconsolidated text in bill sections should *not* be underlined.

Example:

Section 1. ____
§ 2. ____
§ 3. ____

Occasionally, this manual sets forth special conventions for bill sections that are different from conventions for consolidated law. Thus, references in this manual to bill sections should be interpreted as excluding consolidated provisions. For example, a rule applying to “bill sections,” when applied to the text in the example below, would

²⁷ When used in this manual, “redesignate” is generally interchangeable with the terms “renumber” and “reletter.”

include the boldface portions of the bill but not the underlined portion. (The boldface style below is illustrative and would not be applied in actual bill text.)

Example:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.3 to read as follows:

§ 19-175.3 Notification of changes involving parking meters. Before the department changes parking meter rates or replaces a parking meter with a different type of parking meter, the commissioner shall provide at least 30 days' written notice of such changes by regular first-class mail and electronic mail to the community board and council member in whose district the affected parking meters are or will be located and by posting such written notice on the department's website.

§ 2. This local law takes effect immediately.

Following the bill section number, any proposal to amend, repeal, or redesignate any part of the Charter or Administrative Code must cite the full title of the body of law being amended, repealed, or redesignated using the capitalization conventions discussed in Rule 11.2.

Examples:

Section 1. Section 5 of the New York city charter is amended to read as follows:

Section 1. Section 1-102 of the administrative code of the city of New York is amended to read as follows:

If a bill seeks to amend or repeal an unconsolidated law, it should refer to the law by its local law number and year of adoption, using the phrasing “local law number ___ for the year ____.” See Rule 11.1 and Appendix F: Repeal Checklist for guidance on repealing a provision of law.

Example:

Section 1. Sections 3, 4, 5, 6, 7, 8 and 9 of local law number 141 for the year 2013 are REPEALED.

3. Bill Sections

§ 2. Section 3 of local law number 41 for the year 2012 is amended to read as follows:

Note the difference in phrasing in the bill section when the bill would amend existing provisions as opposed to when it would add new provisions without amending existing text. (The boldface style below is illustrative and would not be applied to actual bill text.)

Examples:

Section 1. Paragraph 2 of subdivision m of section 27-2115 of the administrative code of the city of New York, as amended by local law number 47 for the year 2014, **is amended to read** as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York **is amended by adding a new section 4-207.2 to read** as follows:

3.1 LEGISLATIVE HISTORY IN BILL SECTIONS

Whenever a bill section amends an existing provision of law, it should include a reference to the last law that amended that provision. This reference is known as the recital of legislative history, or simply the legislative history. That phrase—legislative history—has a special meaning in the context of New York statutes and local laws, and should not be confused with the other common use of the phrase to refer to other legislative documents such as committee reports and hearing transcripts that may help a court interpret a statute. Unless otherwise noted, the phrase legislative history as used in this manual refers to the amendment history of a specified provision of law.

The legislative history set forth in bill sections serves important institutional functions and should not be ignored. Legislative history helps lawyers, courts, legislatures, and researchers trace the history of a particular provision. It also helps publishers make sure that any new amendments are correctly applied to the most recent version of a provision.

3.1.1 *General Guidance for Legislative History*

When working with legislative history, keep the following norms in mind. The Administrative Code was recodified by the State Legislature in chapter 907 of the Laws of 1985. When citing legislative history in a bill section amending the Administrative Code, it is unnecessary to cite to chapter 907 or any history that precedes chapter 907. Similarly, when citing legislative history in a bill section

amending the Charter, it is unnecessary to cite to any history that precedes the 1963 Charter.

In general, and as explained in more detail below, if a provision of consolidated law to be amended has been added to the Charter or Administrative Code or has been redesignated or amended, the bill section should state the local law number and year of the last local law adding, redesignating, or amending it, as the case may be.

Carefully trace the legislative history of each provision of local law being amended by a bill. In some cases, the State Legislature might have added, redesignated, or amended the text directly. In those situations, first conduct legal research to make sure the City has authority to amend, redesignate, or repeal the law, as the case may be. Also make sure to specify the chapter and year of the state law in the recital of legislative history. For example, a bill amending a section of the Administrative Code that was enacted or amended by state law would include that legislative history.

Examples:

Section 27-2018.1 of the administrative code of the city of New York, as added by chapter 477 of the laws of 2010, is amended to read as follows:

Section 13-351 of the administrative code of the city of New York, as amended by chapter 712 of the laws of 2006, is amended to read as follows:

The following rules and examples show how to recite legislative history for an existing provision of law that is being amended. While these hypothetical examples deal with amendments to the Administrative Code, the requirements also apply to amendments of the Charter and unconsolidated laws.

3.1.2 Provision to Be Amended Was in 1963 Charter or in 1985 Administrative Code

If the provision to be amended is part of the Charter of 1963 or the Administrative Code of 1985 (see discussion above) and has not subsequently been redesignated or amended, state only the identifying number or letter of that provision without including a recital of legislative history.

Examples:

Section 1-103 of the administrative code of the city of New York is amended to read as follows:

The administrative code of the city of New York is amended by adding a new title 30 to read as follows:

3. Bill Sections

3.1.3 *Provision to Be Amended Was Added*

If the provision to be amended was added after the Charter of 1963 or the Administrative Code of 1985 and has not been amended or redesignated since its addition, state the number and year of the local law or the chapter and year of the state law by which it was added.

Example:

Section 24-908 of the administrative code of the city of New York, as added by local law number 27 for the year 2009, is amended to read as follows:

Paragraph 7 of subdivision b of section 556 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

3.1.4 *Provision to Be Amended Was Added Then Amended*

If the provision to be amended has been amended already, include only the number and year of the local law or the chapter and year of the state law that last amended that portion, but do not include the law that added that provision.

The following example adheres to this rule by including the legislative history for the most recent amendment only and not for the earlier addition.

Example:

Paragraph 4 of subdivision a of section 27-2004 of the administrative code of the city of New York, as amended by local law number 8 for the year 2008, is amended to read as follows:

3.1.5 *Provision to Be Amended Was Added Then Redesignated*

If the provision to be amended is a Charter provision added after the Charter of 1963 or is an Administrative Code provision added after the Administrative Code of 1985, and it subsequently was redesignated without amendment, state not only the number and year of the local law or the chapter and year of the state law that added the provision, but also the number and year of the local law or the chapter and year of the state law that redesignated the provision. This scenario is atypical because two different laws must be listed in the legislative history.

Examples:

Section 10-168 of the administrative code of the city of New York, as added by local law number 20 for the year 2007 and redesignated by local law number 30 for the year 2013, is amended to read as follows:

Subparagraph (b) of paragraph 1 of subdivision d of section 1049-a of the New York city charter, as added by chapter 944 of the laws of 1984 and redesignated by local law number 35 for the year 2008, is amended to read as follows:

3.1.6 *Provision to Be Amended Was Amended Then Redesignated*

If the provision to be amended was previously amended and then later redesignated without substantive amendment, state not only the number and year of the local law or the chapter and year of the state law that last amended the portion, but also the number and year of the local law or the chapter and year of the state law that redesignated the provision. As with the previous scenario, this scenario is atypical because two different laws must be listed in the legislative history.

The example below refers to both the local law that last amended section 21-310 *and* the local law that last redesignated it.

Example:

Section 21-310 of the administrative code of the city of New York, as amended by local law number 75 for the year 1995 and redesignated by local law number 19 for the year 1999, is amended to read as follows:

3.1.7 *Provision to Be Amended Was Redesignated Then Amended*

If the provision to be amended was redesignated and subsequently amended, state only the number and year of the local law or the chapter and year of the state law that amended the relevant portion.

The following example refers to the local law that most recently amended section 21-312 but does not refer to the earlier local law that redesignated it.

Example:

Subdivision e of section 21-312 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

3.1.8 *Provision Is to Be Added Only*

If new provisions are to be added to existing law without further amending the existing law, do not include legislative history. This rule is frequently applicable, as many bills simply involve adding a new provision to a section, chapter, etc. The following example adds a new paragraph 4 to subdivision c without amending any of the existing text, and therefore it does not include legislative history.

3. Bill Sections

Example:

Subdivision c of section 16-119 of the administrative code of the city of New York is amended by adding a new paragraph 4 to read as follows:

3.1.9 Provision Is to Be Redesignated Only

If a provision of existing law is to be redesignated without amendment and without setting forth the text of the provision to be redesignated, do not include legislative history.

Example:

Section 10-165 of the administrative code of the city of New York is redesignated section 10-169.

If a provision is redesignated and also amended at the same time, treat the change as an amendment rather than a redesignation and apply the applicable rules for amendments above.

Exception: If a provision to be redesignated has the same section number as another provision (*i.e.*, the two are duplicative), it may be necessary to include a recital of legislative history in order to distinguish between them. The same principle applies in cases of duplicative subdivision letters, chapter numbers, etc. In the example below, there are two sections 45-1032, and the legislative history indicates which of the two sections is to be renumbered.

Example:

§ 2. Section 45-1032, as added by local law number 342 for the year 2021, is redesignated section 45-1033.

3.1.10 Provision Is to Be Repealed

If a provision of existing law is being repealed, do not include legislative history.

Example:

§ 3. Section 35-2101 of the administrative code of the city of New York is REPEALED.

3.1.11 Referring to Unamended Provisions in Previously Amended Text

Treat a provision as having been amended if it was printed in a law as part of a larger amendment, even if no change was made to the specific provision itself.

For example, if Local Law 1 includes the text of an entire section, which has three subdivisions, but the law amends only subdivisions a and c but not subdivision b, and Local Law 2 later amends subdivision b, then Local Law 2 should state in its legislative history that subdivision b was amended by Local Law 1 even though Local Law 1 did not change the text of (*i.e.*, literally amend) subdivision b.

Similarly, provide the legislative history for each provision printed in the bill text that has a unique legislative history. In other words, note when the legislative history for a provision differs from the legislative history for other provisions. Doing so will provide an unbroken chain of amendments over time.

In the first example below, the bill is amending paragraph 2 of subdivision a and the drafter has also printed paragraph 1 for context, even though paragraph 1 is not being modified. The bill includes the legislative history for each paragraph because each paragraph has a unique legislative history—*i.e.*, it was previously included in a distinct law (regardless of whether either paragraph was actually modified or just included for context). Local Law 14 for the year 2012 apparently had not included paragraph 1 (last amended by Local Law 82 for the year 2004) for context.

In the second example, only subdivision b has a legislative history distinct from the rest of the section. As such, the legislative history for the section is provided, and subdivision-specific legislative history is provided only for subdivision b.

Example:

§ 2. Subdivision a of section 57-198 of the administrative code of the city of New York, subdivision a and paragraph 1 of such subdivision as amended by local law number 82 for the year 2004 and paragraph 2 of such subdivision as amended by local law number 14 for the year 2012, is amended to read as follows:

- a. It is unlawful for any person to:
 - 1. Park a motor vehicle in a crosswalk; or
 - 2. Park a motor vehicle within [five] 10 feet of a crosswalk.

Example:

§ 2. Section 41-114 of the administrative code of the city of New York, as amended by local law number 21 for the year 2009 and subdivision b of such section as amended by local law number 69 for the year 2015, is amended to read as follows:

3. Bill Sections

To give yet another example, if amending paragraphs 6 and 8 of a subdivision and including paragraph 7 in the bill for context, include paragraph 7's legislative history in the bill section as well.

3.2 LEGISLATIVE HISTORY WHEN AMENDING UNCONSOLIDATED LAW

When amending an unconsolidated local law, set forth the number and year of adoption of the local law being amended. Include legislative history if the local law was previously amended, as in the second example below.

Examples:

Section 3 of local law number 41 for the year 2012 is amended to read as follows:

Section 3 of local law number 708 for the year 2010, as amended by local law number 905 for the year 2013, is amended to read as follows:

3.3 AMENDING INTRODUCED BUT NOT YET ADOPTED PROVISIONS

Some bills are drafted to amend provisions proposed in other bills that have been introduced but that have not yet become law. Alerting affected Council Members that the bills are related helps prevent confusion.

When a bill proposes to amend or repeal a provision that has been introduced but has not yet been adopted, the bill section must state the number of the bill containing the provisions to be amended or repealed and also must describe that bill briefly.

Example:

Section 72-1234 of the administrative code of the city of New York, as added by a local law for the year 2014 amending the administrative code of the city of New York, relating to recycling goals, as proposed in introduction number 564, is amended to read as follows:

Substitute the phrase “relating to” for “in relation to” in the title of the bill being described.

Where two bills are intended to take effect on the same date, link them in the effective date as shown in the example below. *See also* Rule 6.5 (effective date linked to extrinsic event).

Example:

§ 3. This local law takes effect on the same date that a local law for the year 2014 amending the administrative code of the city of New York, relating to recycling goals, as proposed in introduction number 564, takes effect.

3.4 DISTRIBUTING AMENDMENTS AMONG BILL SECTIONS

A drafter has significant discretion when deciding whether to amend non-consecutive provisions of the Charter or Administrative Code within the same bill section or in separate bill sections. The following rules lay out available options.

3.4.1 *Amending Non-Consecutive Provisions in a Single Bill Section by Including Intervening Material*

A drafter may amend non-consecutive provisions in a single bill section by also including the text of intervening provisions that are not being amended. This option might be appropriate when the intervening material is brief and provides valuable context.

In the example that follows, subdivision b is included for clarity, even though the only changes are to subdivisions a and c.

Example:

§ 2. Section 44-232 of the administrative code of the city of New York, as amended by local law number 733 for the year 1992, is amended to read as follows:

§ 44-232 Construction. a. This [subchapter] article does not affect the rights, powers or duties of the commissioner pursuant to any other provision of law.

b. This article does not require payment of salary to an employee who has been terminated, suspended or otherwise separated from service by reason of death, retirement or any other cause.

c. A decision as to eligibility for benefits pursuant to this section [shall not be] is not binding on the medical board or the board of trustees of any pension fund in the determination of eligibility for an accident disability or accidental death benefit.

3.4.2 *Amending Non-Consecutive Provisions in Separate Bill Sections*

A drafter may amend non-consecutive provisions by putting them in separate bill sections. This method may be more appropriate than the method in Rule 3.4.1 when

3. Bill Sections

the provisions being amended are unrelated or when intervening material is lengthy or irrelevant.

The following example amends section 44-1234 by setting forth amendments to subdivisions a and c in separate bill sections, omitting subdivision b, which will not be amended.

Example:

§ 2. Subdivision a of section 44-1234 of the administrative code of the city of New York, as added by local law number 519 for the year 2013, is amended to read as follows:

a. Vehicle use is prohibited in parks on Wednesdays.

§ 3. Subdivision c of section 44-1234 of the administrative code of the city of New York, as added by local law number 519 for the year 2013, is amended to read as follows:

c. The [department] commissioner shall submit an annual report to the council and to the mayor that [it] the commissioner shall also post on [its] the department's website. . . .

3.4.3 *Amending Non-Consecutive Provisions in the Same Bill Section*

A third option is to amend non-consecutive provisions in the same bill section without setting forth intervening provisions that are not being amended. Note that the introductory language in the bill section must refer to each provision being amended. The following example amends subdivisions a and c of section 44-1234 in a single bill section but does not amend the intervening subdivision b, which is omitted. No express mention is made of the omitted intervening provision.

Example:

§ 2. Subdivisions a and c of section 44-1234 of the administrative code of the city of New York, as added by local law number 519 for the year 2013, are amended to read as follows:

a. Vehicle use is prohibited in parks on Wednesdays.

c. The [department] commissioner shall submit an annual report to the council and to the mayor that [it] the commissioner shall also post on [its] the department's website. . . .

This method of amending non-consecutive provisions in a single bill section is appropriate when the provisions being amended relate to the same topic and the intervening provisions that are not being amended are lengthy.

3.4.4 *Amending Opening Paragraph Only*

It is possible to amend only the opening paragraph of a subdivision (or other provision) without setting forth material at a subordinate level that is not being amended. For example, the opening paragraph of a subdivision could be amended without setting forth the numbered paragraphs within the same subdivision.

Example:

§ 2. The opening paragraph of section 17-505 of the administrative code of the city of New York, as amended by local law number 2 for the year 1988, is amended to read as follows:

[The] Except as provided in section 17-503.2, the following areas shall not be subject to the smoking restrictions of this chapter; provided, however, that nothing in this section shall be construed to permit smoking where smoking is otherwise prohibited or restricted by any other law or rule:

4. CLASSIFICATION AND NUMBERING IN THE BODY OF A BILL

Consistency in how provisions are numbered and lettered is important for clarity and organization. This section discusses the classification and designation of provisions in the Charter and the Administrative Code (Rule 8 provides rules for other uses of numbers in the text of a bill). Over the decades, both of these bodies of law have been amended frequently, often with designations that may be inconsistent from chapter to chapter or even from section to section. The rules in this section (and throughout this manual) are intended to provide a default standard that can be applied uniformly when adding new provisions to the Charter or the Administrative Code.

Note that some special portions of the Administrative Code, such as the Construction Codes, use different structures. A drafter amending one of the Construction Codes should follow the numbering and stylistic conventions set forth in Appendix A.

Finally, it is crucial to check Legistar when adding a new section or other provision to the Charter or Administrative Code to confirm that the proposed provision designation has not already been used in a recently enacted bill. *See* Rule 4.3.5.4.

4.1 TITLE AND CHAPTER

The Charter is divided by subject matter into chapters, which are further subdivided into sections. Unlike the Administrative Code, there are no intervening levels of division, such as subchapters, between chapters and sections.

Charter structure:

- Chapter
- Section

The Administrative Code is divided by subject matter into titles, which in general may be further subdivided as follows before reaching the section level.²⁸

Administrative Code structure:

- Title
- Chapter
- Subchapter
- Article

²⁸ Note, however, that the Construction Codes in Title 28 of the Administrative Code use a different organizational structure, further described in Appendix A: Construction Codes.

Section

A title always contains at least one chapter and at least one section. However, the other intervening levels of division in the Administrative Code are not always necessary or appropriate. For example, some subchapters are not divided into articles before reaching the section level, and some chapters are not divided into subchapters. The drafter might decide not to divide further when a chapter contains only one or two sections; however, even in those cases it is often best to include the intervening division levels, particularly where growth of the title or chapter is foreseeable.

4.2 SECTIONS

The section is the basic organizational unit of both the Charter and the Administrative Code. Sections should conform to the rules set forth below.

4.2.1 Section Heading

In both the Charter and the Administrative Code, provide a heading for each section. The heading should follow the section number and should be succinct but descriptive of the section's function.

Example:

Write this:

§ 6-116.2 Data control. a. The comptroller and the mayor shall jointly maintain, at the financial information services industry, a computerized database.

Not this:

§ 6-116.2 a. The comptroller and the mayor shall jointly maintain, at the financial information services industry, a computerized database.

4.2.2 Period After Section Number

Due to style differences in the original Charter and Administrative Code, the rule concerning periods after section numbers differs depending on which is being amended.

In the Charter, put a period after both the section number *and* the section heading.

Examples of two periods in Charter section heading:

§ 5. Annual statement to council.

§ 102. Expense budget borough allocations.

In the Administrative Code, put a period only after the section heading. Do not put a period between the section number and the section heading.

4. Classification and Numbering in the Body of a Bill

Examples of single period in Administrative Code section heading:

§ 20-291 Definition.

§ 9-104 Transfer of incarcerated persons by commissioner of correction.

4.2.3 Section Number

The Administrative Code uses a compound section numbering system. The digits to the left of the hyphen indicate the number of the title in which the section appears (*e.g.*, title 24), and the digits to the right indicate the section number within that title (*e.g.*, 105). When referring to a section number of the Administrative Code, use the entire designation, including the title number (*e.g.*, § 24-105).

The Charter does not contain multiple titles and does not use a compound section numbering system. Include the section number but not the chapter number: (*e.g.*, § 28).

When adding sections between existing consecutively numbered sections in the Administrative Code, use decimals to avoid having to redesignate the sections that follow:

Example:

§ 25-105 (existing section)
§ 25-105.1 (new section)
§ 25-105.2 (new section)
...
§ 25-105.11 (new section)
§ 25-106 (existing section)

In contrast, when adding sections between existing consecutively numbered sections in the Charter, use a hyphenated letter to avoid having to redesignate the sections that follow:

Example:

§ 28. (existing section)
§ 28-a. (new section)
§ 28-b. (new section)
§ 29. (existing section)

Particularly in the Administrative Code, when beginning a new chapter, subchapter, article, or other major division, the general rule is to make the first section in the division end in a one (1) rather than a zero (0). For example, the first section in a new chapter 5 of title 77 ideally would be section 77-5001 rather than section 77-5000.

One additional consideration when adding new sections in major divisions is to leave some space at the end of the previous division so that more sections can be added there at a future date if necessary. Ideally this would be accomplished by starting at the next “01” or “51.”

For example, in Administrative Code title 11, the last section number of chapter 20 is section 11-2060. The first section number of the following chapter, chapter 21, is section 11-2101, leaving a gap of 40 sections that could be added to chapter 20 without resorting to decimals, if the need arises.

4.3 SUBDIVISIONS OF SECTIONS (AND BELOW)

Over time, the use of numbers and letters, as well as periods and parentheses, has been inconsistent when designating divisions within sections in both the Charter and the Administrative Code. In most cases, when amending existing sections, conform the bill to the original designations used in the section to avoid confusion, even if they differ from the approach laid out in this rule.

When adding new sections, however, or recodifying sections, use the following subunit designators (the bolding is only for illustrative purposes):

| |
|--|
| <p>Section</p> <p>a. Subdivision (lowercase letter followed by a period)</p> <p>1. Paragraph (numeral followed by a period)</p> <p>(a) Subparagraph (lowercase letter in parentheses)</p> <p>(1) Clause (numeral in parentheses)</p> <p>(A) Item (capital letter in parentheses)</p> |
|--|

Avoid drafting below the item level.

If adding a new section to a chapter, subchapter, or article that has an internally consistent designation system different from the outline above, consider adhering to that preexisting structure for the new section to maintain internal consistency.

Note that divisions within definitions are numbered slightly differently than other units. Rule 9.5 sets out a special rule for dividing a definition into multiple parts. Also see Appendix A: Construction Codes for special rules on subunit designation in the Construction Codes.

4. Classification and Numbering in the Body of a Bill

4.3.1 *Subdivision Heading*

In addition to using the correct designation for provisions below the section level, it may also be appropriate to include headings. Headings help readers make sense of longer sections, particularly those with many subdivisions or other provisions nested below the subdivision level. When employed, headings should be used consistently for all subdivisions in the same section.

The example below adds subdivision headings to a hypothetical section of the Administrative Code.

Example:

§ 39-504 Vehicles in parks prohibited. a. Definition. For purposes of this section, the term “vehicle” does not include a personal mobility device when operated by a person with a disability.

b. Prohibition. No person shall operate a vehicle in a park.

c. Violation. A violation of this section is a misdemeanor.

4.3.2 *Special Rule for Lists*

When enumerating a list that follows lead-in language, a drafter has two primary options for designating (numbering or lettering) the list items. In the first option, if the lead-in language does not have its own designation (for example, if there will not be multiple subdivisions in the section), skip a level in designating the list items in order to allow for amendment later without requiring renumbering.

In the example below, a drafter might be tempted to letter the list items as a, b, and c, using the subdivision-level designators from Rule 4.3. It is better, however, to skip the subdivision level in this case.

Example:

| Write this: | Not this: |
|---|---|
| <p>§ 36-1984 Prohibited plants. The following species of plant are prohibited for any purpose set forth in section 36-1983:</p> <ol style="list-style-type: none"> 1. Acer pseudoplatanus; 2. Cirsium arvense; 3. Cynanchum louiseae | <p>§ 36-1984 Prohibited plants. The following species of plant are prohibited for any purpose set forth in section 36-1983:</p> <ol style="list-style-type: none"> a. Acer pseudoplatanus; b. Cirsium arvense; c. Cynanchum louiseae |

In the second option, the drafter can ensure that there are two or more subdivisions at the same level as the lead-in language. In the example below, the lead-in language is designated as a subdivision and, and there is a provision at the same hierarchical level as the lead-in language that is designated as subdivision b.

Note that simply having a subdivision a without a subdivision b should be avoided, as it can cause confusion about whether additional provisions are missing. (*See* Rule 4.3.5.1.)

Example:

| Write this: | Not this: |
|---|---|
| <p>§ 36-1984 Prohibited plants. a. The following species of plant are prohibited:</p> <ol style="list-style-type: none"> 1. Acer pseudoplatanus; 2. Cirsium arvense; 3. Cynanchum louiseae <p>b. A species of plant set forth in subdivision a of this section is prohibited for any purpose set forth in section 36-1983.</p> | <p>§ 36-1984 Prohibited plants. a. The following species of plant are prohibited:</p> <ol style="list-style-type: none"> 1. Acer pseudoplatanus; 2. Cirsium arvense; 3. Cynanchum louiseae |

4. Classification and Numbering in the Body of a Bill

4.3.3 Using Lead-In Language to Introduce Subunits

A unit that is subdivided can, but is not required to, lead into its subunits with a sentence fragment and a colon.

Example:

As used in this chapter:

When using lead-in language, make each subunit grammatically consistent with that lead-in. It is common in Council legislation to follow each subunit with a semicolon and the next-to-last item with a conjunction.

Example:

b. Such report shall include the following information with respect to the previous calendar year:

1. The total number of animals accepted by each full-service shelter;
2. The total number of animals that were sterilized at each full-service shelter;
- ...
6. The total number of animals at each full-service shelter that were returned to their owners; and
7. The number of animals at each full-service shelter that were provided to other shelters for adoption.

4.3.4 Referring to Subunits in Bill Sections and Bill Text

When referring to subunits in bill sections and bill text, use parentheses if the subunit designator itself is in parentheses in the text being referred to.²⁹ However, if the designator is followed by a period (*e.g.*, “3.”), do not include the period in the reference.

Examples:

subparagraph (b) of paragraph 3 of subdivision a of this section

item (A) of clause (1) of subparagraph (a) of paragraph 1 of subdivision a of section 21-2430

²⁹ Note that this local rule is different from the corresponding practice at the state level.

4.3.5 Other Rules Applicable to Subunits

Take the following rules into consideration when working with subunits of sections (*i.e.*, subdivisions, paragraphs, subparagraphs, clauses and items).

4.3.5.1 It Takes Two

Do not divide a unit into subunits unless there are at least two subunits. For example, to have a subdivision a, there also must be a subdivision b.

4.3.5.2 Cleaning Up Numbering/Lettering

If amending an existing law and a clear reason exists to clean up the numbering or lettering—for example, where two different provisions are designated by the same number—consider doing so, even if the change is not strictly required as part of the substantive amendment.

However, exercise caution before proceeding with any such fixes. Those changes may have consequences outside the limited universe of the text being amended or added. Check for cross-references that must also be updated; if they are numerous, it may be better to let well enough alone. Likewise, check for references to the provisions in case law, rules, and regulations. If the out-of-order provision is commonly cited in documents the Council lacks the power to amend, changing the reference may do more harm than good.

How to proceed will depend on the circumstances surrounding the provision being considered for redesignation. Despite the dangers noted in the preceding paragraph, redesignating a provision may still be an appropriate step toward consistency in numbering and organization in the Charter and Administrative Code. Furthermore, successive amendments that overlook a needed redesignation over time can lead to unduly long paragraphs as drafters tack on sentences to existing provisions in order to avoid adding new unit designators. Finally, failure to redesignate when needed can lead to the proliferation and preservation of complicated and confusing numbering systems, including hyphenated subunit designators and even duplicate section numbers.³⁰

When redesignating a provision for the reasons described in this rule, it may be prudent to provide additional legislative history beyond what is described in Rule 3.1 to clarify the history of the provision being redesignated.

4.3.5.3 Embedded Lists (Lists in Continuous Text)

Avoid enumerating lists that are embedded within a single unit as continuous text. Instead, if enumeration is necessary, break the list items into separate subunits, each starting on a new line.

³⁰ The Administrative Code, unfortunately, contains numerous sections with duplicate section numbers.

4. Classification and Numbering in the Body of a Bill

If a list cannot be broken out onto separate lines and it is necessary to include designators, use romanettes in parentheses ((i), (ii), (iii), etc.) as the designators. Do not use romanettes for provisions broken out onto separate lines unless necessary to conform amendments to a pre-existing structure in amended text.

The example below illustrates the preferred approach, which is breaking each list item into a separate paragraph.

Example:

a. No later than July 1, 2012, the mayor shall establish a public online searchable database on an official website of the city, that shall include summaries of the material terms of city contracts. Such contract summaries shall include, but not be limited to, the following categories of information, where applicable:

1. The legal name of the contractor, franchisee, or concessionaire where available, in accordance with applicable law;
2. The dollar amount of the revised maximum expenditure authorized under each contract;
3. The dollar amount of the original maximum expenditure authorized under each contract;
- . . .
11. The contract type; and
12. The contract category.

The example below illustrates the same list as an embedded list (the less preferred option). Note the use of romanettes in parentheses to designate list items.

Example:

a. No later than July 1, 2012, the mayor shall establish a public online searchable database on an official website of the city, that shall include summaries of the material terms of city contracts. Such contract summaries shall include, but not be limited to, the following categories of information, where applicable: (i) the legal name of the contractor, franchisee or concessionaire where available, in accordance with applicable law; (ii) the dollar amount of the revised maximum expenditure authorized under each contract; (iii) the dollar amount of the original maximum expenditure authorized under each contract; . . . (xi) the contract type; and (xii) the contract category.

4.3.5.4 Tracking Related Bills to Avoid Duplication

A common problem occurs when multiple bills add different provisions to the Charter or Administrative Code using the same section number (or subdivision letter, paragraph number, etc.). To avoid this problem, consolidate multiple drafting requests from the same sponsor on the same topic into a single bill whenever possible. When that is not possible, periodically check to make sure that the numbering and lettering initially chosen for a bill's provisions are still appropriate. Keep track of other bills that are drafted to amend the same provisions, so that if any of them are adopted the other bills can be updated if necessary. Also check for amendments enacted by the State Legislature in addition to those adopted by local law. This step of double checking numbering grows in importance as a bill nears passage, especially when at the "aging" stage.³¹

4.3.5.5 Organizing Provisions in Bill Packages

A drafter may occasionally be asked to prepare multiple bills for introduction or passage as a single "package." When possible, combine drafting requests from the same sponsor that relate to the same subject and are intended to be adopted together into a single bill. Combining simplifies the drafting, hearing, and aging processes and helps avoid errors.

When drafting instructions require related proposals to be drafted as multiple bills in a package, however, each bill in the package should be self-contained and fully capable of becoming law on its own, regardless of whether any other bill in the package is adopted. Sometimes one bill must refer to another bill, usually when one is dependent on the other.

4.3.5.6 Where Related Bills Might Not Move Together

Ordinarily, Rule 4.3.5.5 means treating the other bills in a package as if they do not exist by using the same numbering for new provisions in each bill; the result is that several bills may purport to adopt different substantive provisions under the same section number, subdivision number, etc.

In the following hypothetical example, each of two bills drafted at around the same time would add a new section to the same chapter of the Administrative Code. The two provisions are somewhat similar, but it is unclear whether both bills will be considered together or separately. Accordingly, each bill should add the new section using the most appropriate (usually the next available) section number in the relevant chapter. In this example, section 77-9002 is already taken by existing law, so both bills should use section 77-9003, the next available section number.

³¹ See *supra* note 11 and accompanying text.

4. Classification and Numbering in the Body of a Bill

Examples:

§ 77-9003 Provision of drinking water required.

§ 77-9003 Refusal to provide water punishable.

Remember that one of the bills will eventually need to be redesignated if it becomes clear that both will be enacted. After one bill's likely date of enactment becomes known, amend the other bill to use the next available section number. Check Legistar to see if any bills awaiting the Mayor's signature use the same section numbers as the bill being amended (*i.e.*, do not rely exclusively on the published codes provided by Westlaw and others). Be vigilant about this step, as duplicate section numbers have found their way into both the Charter and the Administrative Code and can cause problems later on.³²

4.3.5.7 Where Related Bills Will Move Together

When it is certain that a package of bills will move through the legislative process together, it may be acceptable to draft or amend them as if they all will be adopted. This means that individual bills will appear to be incomplete when they are considered separately but complete when they are considered all together. It also means that stakeholders may have a harder time interpreting the bills as a single unit and may propose unnecessary or counterproductive edits. Taking this approach usually demands more finesse and attention to detail at every stage of the legislative process than the approach laid out in Rule 4.3.5.6 above. It therefore may be best avoided except when absolutely necessary.

4.3.5.7.1 Interlocking Provisions Across Multiple Bills

Although this approach is disfavored (*see* Rule 4.3.5.5), when bills in a package have provisions that are intended to interlock with each other upon passage to form a single seamless unit of consolidated law, it can be helpful to assign numbering early on as if all the bills will be adopted. In this case, the drafter may skip, for example, sections in one bill to keep those sections free for use by other bills in the package. Only use this approach if all the bills in the package will move through the legislative process together. If using this approach, label any skipped provisions as "Reserved."

³² See note 30 and accompanying text.

Example:

b. Entry doors shall be equipped with locking devices that permit entry to such facility only to persons using an authorization card or access code.

c. Reserved.

d. The penalty for any violation of subdivision b of this section is \$100.

The bill in this package that adds the skipped subdivision c should delete the word “Reserved” as existing law and add the new provision as described in Rule 4.3.5.7.2.

4.3.5.7.2 Cross-Referencing

Cross-referencing to other bills in a package poses a special problem because none of the bills has been adopted and therefore none has a local law number. In that case, refer to the year of expected passage, the title, and the introduction number and year of the other bill.

Examples:

Section 1. Subdivision b of section 23-950 of the administrative code of the city of New York, as amended by a local law for the year 2015 amending the administrative code of the city of New York, relating to the bandwidth of mobile networks, as proposed in introduction number 526-A, is amended to read as follows:

Section 1. Chapter 9 of title 23 of the administrative code of the city of New York, as added by a local law for the year 2016 amending the administrative code of the city of New York, relating to mobile applications, as proposed in introduction number 999-A, is amended by adding a new section 23-903 to read as follows:

Where appropriate, synchronize the relevant sections of all bills in the package to take effect at the same time. In all cases, make sure a bill amending a provision added by another bill does not take effect before the other bill that added such provision.

Example:

§ 3. This local law takes effect on the same date that a local law amending the New York city charter, relating to sprinkler systems for green buildings, as proposed in introduction number 1060-A for the year 2016, takes effect.

4. Classification and Numbering in the Body of a Bill

When two bills amend the same provision such that it is necessary to establish the placement of each in relation to the other, one bill should reflect the changes made by the other bill, as if one of them had been passed “first” and the other “second.” This goal is accomplished by including in the “second” bill the text as amended by the “first” bill, without underlining, as if it were already law. The second bill’s amendments to that text are then underlined or bracketed as normal. The drafter can determine which bill more reasonably should be the “first” and “second,” but matters are generally simplified by designating as “first” the bill that makes more extensive revisions. Note that this approach complicates drafting and review significantly and should be used sparingly. Where it must be used, check frequently for errors that may creep in as other stakeholders redline drafts.

In the example below, note that the addition in Bill No. 1 is treated as pre-existing law in Bill No. 2, even though they are both expected to pass at the same time.

Example:

Bill No. 1:

b. Entry doors shall be equipped with locking devices that permit entry to such facility only to persons using an authorization card or access code.

Bill No. 2:

b. Entry doors shall be equipped with locking devices that permit entry to such facility only to persons using an authorization card or access code, as provided by the agency.

4.4 GAPS IN NUMBERING

4.4.1 *Creating Gaps Deliberately*

Drafters have discretion to leave gaps in section numbering where appropriate. For example, where possible, leave a gap of many sections before starting the numbering of a new chapter, subchapter, article, etc., to allow new sections to be added to the preceding one without having to redesignate subsequent provisions (see relevant discussion of section redesignation in Rule 4.2.3). However, do not leave a large gap in numbering if doing so could lead to crowding elsewhere. For example, do not leave a large gap before a new chapter if doing so means having insufficient numbers available for new sections at the end of the new chapter.

4.4.2 *Filling in Gaps*

Relatedly, drafters may fill gaps in numbering with new sections as needed. If the Charter or Administrative Code does not use a section number, either because the section has been repealed or because the section does not exist, use that number if the

placement makes sense. Remember to check other provisions for cross-references to the repealed provision that should have been but were not repealed.

5. REFERRING TO OTHER LAWS

Following are rules for cross-referencing provisions outside the portion of law being amended.

5.1 CROSS-REFERENCING CHARTER AND ADMINISTRATIVE CODE

5.1.1 *Referring to a Section in the Same Body of Consolidated Law*

The section is the basic organizational unit for both the Charter and the Administrative Code. When referring to a different section of the same body of law (*e.g.*, when adding a reference in the Administrative Code to a different provision of the Administrative Code), refer to the section number without further elaboration. It is usually unnecessary to include references to higher-level divisions, such as “of this chapter” or “of this code,” because each section number is unique (unlike chapter numbers or subdivision designations, for example).

In the example that follows, the reference occurs in a provision of the Administrative Code and refers to another provision of the Administrative Code.

Example:

A complaint filed pursuant to section 8-109 may be withdrawn . . .

5.1.2 *Referring to a Section in a Different Body of Consolidated Law*

The rule changes when referring to a section that is in a different body of law. When a provision to be added to the Administrative Code refers to a provision of the Charter, include the Charter section number and the words “of the charter.” Do not use the full title (“New York city charter”) in such a cross-reference, as “charter” is a defined term that applies throughout the Administrative Code.³³

Example:

. . . subject to section 197-c of the charter.

Likewise, when a provision to be added to the Charter refers to a provision in the Administrative Code, include the entire hyphenated section number and the words “of the administrative code.” As above, do not include the full title (“administrative code of the city of New York”).³⁴

Example:

. . . as provided in section 20-291 of the administrative code.

³³ See Administrative Code § 1-112(3) (“Charter” means “New York city charter”).

³⁴ See Charter § 1150(10) (“Administrative code” means “the administrative code of the city”).

5.1.3 Referring to Provisions below the Section Level

When referring to a provision on a lower hierarchical level than a section (*i.e.*, a subdivision, paragraph, subparagraph, clause, or item), include enough information to establish the location of that provision in relation to the referencing provision. Do so either by including references up the hierarchical chain to the section number (*e.g.*, “subparagraph (b) of paragraph 1 of subdivision b of this section”) or by establishing a common location for the referencing unit (*e.g.*, “subparagraph (b) of this paragraph”).

In the following example, the referencing provision and the provision being referenced are in different paragraphs of the same subdivision.

Examples:

1. An owner who complies with the requirements of this paragraph is not subject to the penalty set forth in paragraph 2 of this subdivision.

In the following example, the provisions are in different subdivisions of the same section.

Example:

b. Any such person shall pay into an annuity savings fund in the manner provided in clause (2) of subparagraph (a) of paragraph 2 of subdivision a of this section.

When referring to a subunit of a different section, the chain of references ends with the section number. Add, for example, “of the charter” or “of the administrative code” if referring to another body of consolidated law, as described in Rule 5.1.2 above.

Example:

| | |
|--|---|
| <p>Write this:</p> <p>It is unlawful for any person to fail to make a good faith effort to comply with subdivision c of section 17-507.</p> | <p>Not this:</p> <p>It is unlawful for any person to fail to make a good faith effort to comply with section 17-507(c).</p> <p>Not this:</p> <p>It is unlawful for any person to fail to make a good faith effort to comply with subdivision c of section 17-507 of this chapter.</p> |
|--|---|

5. Referring to Other Laws

5.1.4 Referring to Charter or Administrative Code in Unconsolidated Law

When drafting an unconsolidated law that refers to a provision of the Charter or the Administrative Code, include the entire title of the body of law. Note that this rule is in contrast to Rule 5.1.2, which instructs *not* to include the entire title when cross-referencing the Charter or the Administrative Code. The reason is that the terms “charter” and “administrative code” are not specially defined as standalone terms for unconsolidated law, and therefore the titles must be stated in full unless the terms are being defined specifically for the unconsolidated bill.

Examples:

... as defined in section 17-101 of the administrative code of the city of New York.

... subject to the requirements of section 1049-a of the New York city charter.

5.1.5 Referring to a Defined Term

Referring to an undesignated definition is usually a matter of referring to the section or other designated provision that contains the definition.

Example:

The definition of “customer satisfaction survey” in subdivision a of section 23-306 of the administrative code of the city of New York, as added by local law number 26 for the year 2021, is amended to read as follows:

5.2 REFERRING TO NEW YORK CITY RULES

If referring to the Rules of the City of New York, bear in mind that agencies may redesignate rules, rendering references in the Charter or Administrative Code obsolete and potentially misleading. To mitigate this effect, briefly describe the topic of the rules and expressly include successor rules.

Examples:

section 5-04 of title 24 of the rules of the city of New York, regarding dog licenses, or a successor provision

chapter 12 of title 15 of the rules of the city of New York, regarding dry cleaning facilities, or a successor provision

5.3 REFERRING TO STATE STATUTES

When referring to state statutes, follow the general rules described in Section 5.1.2 and include the title of the body of state law in which the section number being referred to appears. Note the rules on capitalization in Rule 11.2.

Examples:

section 33-1005 of the environmental conservation law

paragraph (g) of subdivision 18 of section 2575 of the education law

subdivision 3 of section 235.00 of the penal law

When referring to a state bill in a local law—a rare occurrence and perhaps only likely to occur in an effective date section—write it as follows: A.9182/S.7337 (note the period and the absence of spaces around the slash). Insert a hyphen after the bill number and before the letter to indicate an amended version (*e.g.*, A.1215-A). See also the discussion on referring to state bills in resolutions in Rule 10.1.9.

5.4 REFERRING TO STATE RULES AND REGULATIONS

As with local rules (*see* Rule 5.2), mitigate the effects of amendments to state regulations by referencing the subject of the regulation being cited and including successor language. The following examples demonstrate how to cite to the *Official Compilation of Codes, Rules and Regulations of the State of New York* (“NYCRR”).

Examples:

section 10.1 of title 8 of the New York codes, rules and regulations, regarding the state library and state museum, or a successor provision

chapter I of title 8 of the New York codes, rules and regulations, regarding the board of regents, or a successor provision

5.5 REFERRING TO FEDERAL STATUTES

When referring to federal statutes, provide the U.S. Code citation if one is available. Following are examples of citations to the U.S. Code. Note that the references to

5. Referring to Other Laws

subunits of federal law are slightly different from those used for New York state and local laws.³⁵

Example:

subsection (b) of section 505 of title 10 of the United States code

paragraph (1) of subsection (a) of section 1028 of title 18 of the United States code

If a provision has not been codified the U.S. Code, refer to the short title if the law has a short title, or if not, to the public law number.

5.6 REFERRING TO FEDERAL REGULATIONS

The following examples demonstrate how to cite to the Code of Federal Regulations (“CFR”).

Examples:

section 417.109 of title 14 of the code of federal regulations, regarding ground safety for aircraft, or a successor provision

subtitle B of title 29 of the code of federal regulations, regarding regulation of labor, or a successor provision

³⁵ The breakdown of a typical section of the U.S. Code is:

- Section
- (a) Subsection
- (1) Paragraph
- (A) Subparagraph
- (i) Clause
- (I) Subclause

6. THE EFFECTIVE DATE

Local laws include a provision explicitly stating when they will take effect. The effective date provision is part of the body of the bill: it is the last bill section and is unconsolidated.

When drafting, choose the effective date carefully. In some instances, state law requires a certain delay.³⁶ In other cases, delay should be built in, even if it is not mandatory. For example, if a bill would impose new duties on a city agency, the effective date should give the agency time to prepare to administer the new law (such as by promulgating rules) or to perform the new duties. Similarly, if a bill would affect court or legal procedures, would define a new crime, or would affect rights, obligations, or duties of the public, the effective date should allow ample time so those affected have notice and an opportunity to comply.

For cases in which two different bills must take effect on the same date, *see* Rule 3.3, Rule 4.3.5.7.2, and Rule 6.5.

6.1 HOW TO PHRASE AN EFFECTIVE DATE

When drafting an effective date, use the standard phrasing in the example below. Use “takes effect” rather than “shall take effect,” and use “after it becomes law” instead of “after its enactment” or “after its enactment into law.”

³⁶ *See, e.g.*, N.Y. Municipal Home Rule Law § 24 (requiring 45 days’ delay to allow for the possibility of a referendum by petition). In addition, New York Municipal Home Rule Law § 27 specifies some of the rules governing the effective date of local laws, with subdivision 3 stating, “Notwithstanding the effective date of any local law, a local law shall not become effective before it is filed in the office of the secretary of state,” and subdivision 4 providing a default in cases where the local law does not include an effective date and stating, “Subject to the provisions of subdivision three hereof, every local law shall take effect on the twentieth day after it shall finally have been adopted unless a different time shall be prescribed therein or required by this chapter or other provision of law.”

6. The Effective Date

Example:

Write this:

This local law takes effect 120 days after it becomes law.

Not this:

This local law shall take effect in 120 days.

Not this:

This local law shall take effect 120 days after its enactment.

Not this:

This local law shall take effect 120 days after its enactment into law.

Effective dates can take several different forms, as discussed in the rules that follow.

6.2 EFFECTIVE ___ DAYS AFTER IT BECOMES LAW

A common way of phrasing an effective date is to make the bill take effect a specified number of days after it becomes law.

Example:

§ 2. This local law takes effect 30 days after it becomes law.

6.2.1 Where Rulemaking Is Required

If a bill will require or benefit from agency rulemaking, allow at least 120 days before the bill takes effect. This timeframe generally allows sufficient time for the agency to satisfy the requirements of the City Administrative Procedure Act (CAPA),³⁷ although additional time may be needed if the bill has complex requirements. See Rule 1.3.3 for discussion of CAPA and the rulemaking process.

Pursuant to Charter section 1043(a)(2), agencies have authorization to begin the rulemaking process for a law that has been adopted even before its effective date. It is therefore unnecessary to include language authorizing such pre-effective date actions by the agency. If, however, the intent is to *require* pre-effective date rulemaking or to *prohibit* it, special language should be included to that effect along with the effective date.

³⁷ Charter §§ 1041–1047.

Example:

§ 2. This local law takes effect 180 days after it becomes law, except that the administering agency, as defined in section 3-115 of the administrative code of the city of New York as added by section one of this local law, shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

6.2.2 Where Rulemaking Is Not Required

Where rulemaking is not required but it is desirable to allow time between adoption and the effective date, choose an effective date that makes sense for the particular bill—for example, 30 days, 60 days, 90 days, 180 days, 1 year, 2 years, etc., from the date the bill becomes law.

Example:

§ 2. This local law takes effect 1 year after it becomes law.

6.3 EFFECTIVE ON A DATE CERTAIN

Making a local law effective on a specified date certain provides clarity, but it can be hard to choose an appropriate date early in the drafting process. Consequently, it is usually better to use a relative date (*e.g.*, “30 days after it becomes law”) for initial drafts instead. Drafters are encouraged to convert relative dates to appropriate dates certain when making final amendments to a bill for passage.

If using a date certain, monitor the likely date the bill will be adopted and update the effective date if necessary. (This monitoring is usually only feasible after a bill has been introduced and heard and is being amended for passage.) Failing to update the effective date means the date might have passed by the time the Council passes the bill or, even if the date has not passed, not enough time is left for the public to comply or an agency to implement.

Examples:

§ 3. This local law takes effect March 1, 2016.

§ 2. This local law takes effect on the first of November next succeeding the date on which it becomes law.

6. The Effective Date

Note: While the second example above refers to a date “next succeeding” the date on which the bill becomes law, consider whether such a formulation will make the effective date occur too far in the future.

6.4 EFFECTIVE IMMEDIATELY

A bill may be made effective immediately if none of the above considerations applies and there are no rulemaking requirements, due process considerations, or other actions required to implement the new law.

Example:

§ 7. This local law takes effect immediately.

An immediate effective date may be appropriate even if the consolidated text itself contains delaying provisions.

Example:

Section 1. Section 33-1000 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. No building for which construction is commenced on or after January 1, 2020, may be made of wood.

§ 2. This local law takes effect immediately.

Note, however, that even if a local law states that it takes effect immediately, per state law it cannot become effective until it has become law and has been filed with the Secretary of State.³⁸ When this disparity may cause confusion—for example, if the effective date affects when arrests may be made or penalties may be imposed—it may be better to have the bill take effect after some minimal amount of time that is clear on its face (for example, “30 days after it becomes law”).

6.5 EFFECTIVE ON OCCURRENCE OF AN EXTRINSIC EVENT

Sometimes a change proposed in a bill will only be triggered if some extrinsic event happens—for example, when another bill becomes law or takes effect.

Example:

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to bringing the New York

³⁸ N.Y. Municipal Home Rule Law § 27(3).

city building code up to date with the 2009 edition of the international building code published by the International Code Council, as proposed in introduction number ____ for the year _____, takes effect.

Effective dates might also be made contingent on other external factors, such as the City receiving funding from the State. Be careful when choosing such an approach, however, because it may not be obvious to everyone when an extrinsic event has happened, potentially leading to confusion about whether the law is in effect or not.

6.6 STAGGERED EFFECTIVE DATES

Not all sections of a bill must take effect on the same date. Different bill sections, or even portions of bill sections, may be made to take effect at different times.

Example:

§ 3. This local law takes effect immediately, except that section three of this local law takes effect 120 days after it becomes law.

§ 3. This local law takes effect 120 days after it becomes law, except that paragraph 3 of subdivision b of section 25-122 of the administrative code of the city of New York, as added by section three of this local law, takes effect 1 year after it becomes law.

6.7 RETROACTIVE EFFECTIVE DATE

Occasionally, it is desirable for a local law to relate back to a date before its passage. Be sure to analyze any constitutional or other legal implications when making a law retroactive.

Example:

§ 3. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of January 1, 2014.

§ 3. This local law takes effect immediately, except that if it becomes law after January 1, 2015, it is retroactive to and deemed to have been in effect as of January 1, 2015.

6. The Effective Date

6.8 APPLICABILITY

In addition to determining when a bill takes effect, it is important to consider how it will affect existing obligations. In some cases, those expectations may have constitutional protection. To avoid ambiguity, it may be important to clarify how a provision in a bill applies to existing contracts, liabilities, etc. This information is often, but not always, included in the effective date section of the bill.

Examples:

§ 4. This local law takes effect on the same date and in the same manner that a local law for the year 2017 amending the administrative code of the city of New York relating to identifying information, as proposed in introduction number 1588-A, takes effect, provided that where the provisions of sections 23-1203, 23-1204, and 23-1205 of the administrative code of the city of New York, as added by section 2 of this local law, cannot be applied consistently with currently applicable contracts, such provisions shall only apply with respect to contracts entered into or renewed after the effective date of this local law.

b. This subdivision applies with respect to installment agreements made, executed and filed with the commissioner of finance on or after the date on which this subdivision takes effect.

7. OTHER POSSIBLE SECTIONS TO ADD TO A BILL

This rule discusses other kinds of provisions that may occasionally be included in bills. Exercise discretion in determining whether or not any of these provisions would be appropriate for a given bill.

7.1 DECLARATION OF LEGISLATIVE INTENT OR PURPOSE

A declaration of legislative intent or purpose, sometimes coupled with legislative findings, sets forth the basis and purpose of legislative action. When drafting a bill for the City, avoid including such a declaration. Instead, reserve information about legislative intent for the committee report or a separate memorandum in support that does not form a part of the legislation.

Despite the general caution, a declaration of legislative intent or purpose may be appropriate on rare occasions. In such situations, consult with your supervisor on the best approach and keep in mind that any such declaration must be drafted with care. Courts and others use them to interpret laws, and they can generate litigation and unexpected outcomes if prepared inartfully.

7.2 SHORT TITLES

Short titles, also known as vanity titles, are discouraged except in the limited situations described below. Apply this rule strictly when adding to or amending consolidated law, though in rare cases it might be appropriate to add a short title to an unconsolidated law. Short titles also might be appropriate when drafting standalone codes that are comprehensive pieces of legislation (*e.g.*, the Fire Code, Plumbing Code or Building Code) and when cross-referencing an existing law that already has a short title.

Short titles should describe the laws to which they apply. Do not use a proper name for a short title without describing the law's effect.

Example:

Write this:

This chapter shall be known as and may be cited as “The Environmental Purchasing Law”.

Not this:

This chapter shall be known as and may be cited as “The John Doe law of 2016”.

7. Other Possible Sections to Add to a Bill

If a short title is appropriate, include it in one of the first sections of a chapter. The section heading should read “Short title”³⁹ followed by the lead-in “This chapter shall be known as and may be cited as” (when referring to a chapter of consolidated law) or “This local law shall be known as and may be cited as” (when referring to unconsolidated law). The short title should be enclosed in quotation marks and should describe the law to which it refers. Avoid using the term “act” in the short title; instead, use the term “law” or, when appropriate, “code.”

Below are some examples of how to use short titles. Note the quotation marks around the short titles and that, contrary to the general rule, the periods in short titles fall outside the quotation marks for clarity.

Examples:

TITLE 24
ENVIRONMENTAL PROTECTION AND UTILITIES
CHAPTER 6
HAZARDOUS SUBSTANCES EMERGENCIES
SUBCHAPTER 1
SHORT TITLE, POLICY, AND DEFINITIONS

§ 24-601 Short title. This chapter shall be known as and may be cited as the “New York city hazardous substances emergency response law”.

TITLE 29
NEW YORK CITY FIRE CODE
CHAPTER 1
ENACTMENT OF THE NEW YORK CITY FIRE CODE

§ 29-101 Short title. This title shall be known as and may be cited as the “New York city fire code” or the “fire code”.

The example below demonstrates correction of hypothetical style deviations using bracketing and underlining.

³⁹ In instances such as the New York City Plumbing Code, which mirrors as much as possible an international code on the same subject, sometimes the section heading reads “Title.” instead of “Short title.”

Example:

TITLE 10[.]
PUBLIC SAFETY
CHAPTER 6[.]
GUN OFFENDER REGISTRATION [ACT.]

§ 10-601 Short title. This [local law] chapter shall be known as and may be cited as the “Gun Offender Registration [Act”] Law”.

The examples illustrating short titles above also illustrate how to draft title/chapter/subchapter headings (as distinguished from section headings, which are discussed at greater length in Rule 4.2.1). Generally, title/chapter/subchapter headings use all capital letters and are double spaced. Do not put periods in the title/chapter/subchapter headings. Note that the Charter will not have title or subchapter headings, and that title headings are formatted differently for the Construction Codes, as described in more detail in Appendix A: Construction Codes.

7.3 TABLE OF CONTENTS

A table of contents should only be used for lengthy chapters, subchapters, or articles, and only when a drafter deems it necessary to aid the reader in locating provisions or understanding the structure of the law. Avoid including a table of contents that only includes one or two bill sections. Indent lines by ½ inch and single-space tables of contents. Before finalizing any bill, ensure that section numbers and headings are still identical in both the table of contents and the legislative text—it is a common oversight for amendments to be made in one place but not the other.

Example:

CHAPTER 4-H
REDUCED CAPACITY AT SOLID WASTE TRANSFER STATIONS

§ 16-498 Definitions.
§ 16-498.1 Reduction of overall permitted capacity.
§ 16-498.2 Allocating reductions of permitted capacity.
§ 16-498.3 Waiver.
§ 16-498.4 Overconcentrated districts.
§ 16-498.5 Reporting.
§ 16-498.6 Notification.
§ 16-498.7 Displaced employee list.

7. Other Possible Sections to Add to a Bill

7.4 EXPIRATION/SUNSET CLAUSES

An expiration clause (also known as a sunset clause) may be included in legislation where a program or a provision is intended to end after a specified period of time. For example, a bill might include a sunset clause for a pilot program, where funding is only available temporarily, for a reporting requirement that need not be permanent to accomplish its goal, or where the state law authorizing the local law itself contains a sunset clause.

A sunset clause can emphasize that legislation is experimental, even if the sponsor hopes the program or concept will be made permanent by later legislation. It is often appropriate for legislation with a sunset provision to include a reporting requirement to help the Council decide whether to extend the law in the future.

A drafter can take a few approaches to drafting sunset provisions. Any bill that includes a sunset provision should also reflect the future repeal in the bill title. *See* Rule 2.1.1 for examples.

7.4.1 *Sunset in Unconsolidated Text*

In general, place an expiration date and repeal instructions in the same unconsolidated bill section as the effective date.

Examples:

§ 4. This local law takes effect immediately and expires and is deemed repealed 2 years after it becomes law.

§ 4. This local law takes effect 30 days after it becomes law and expires and is deemed repealed on September 1, 2023.

Practical tip:

When legislation will expire relatively soon (*i.e.*, within a year or two) after its adoption, it is often preferable to draft it as unconsolidated law in its entirety, unless it is expected to be extended.

7.4.2 *Sunset Tied to Extrinsic Act*

Avoid making a sunset provision directly dependent on the completion of an extrinsic event, such as delivery of a report. Confusion will arise because it will not be clear from the face of the law whether and when the extrinsic event has been completed and the law has consequently expired. Instead, tie the sunset provision to a date—either a date certain or a relative date determined by reference to the effective date of the law.

Example:

| Write this: | Not this: |
|---|---|
| § 4. This local law takes effect immediately and expires and is deemed repealed on February 28, 2025. | § 4. This local law takes effect immediately and expires and is deemed repealed upon the submission to the council of the report required by section three of this local law. |

As an alternative, if no appropriate date can be determined (for example, if the length of time it will take to accomplish the extrinsic event is unpredictable), consider using language obligating the corporation counsel or another appropriate official to notify the State Legislative Bill Drafting Commission and other publishers when the condition is met, as in the examples below.

The following example illustrates language to use when the bill involves an amendment to the Administrative Code, whether or not it also includes amendments to the Charter or unconsolidated law.

Example:

§ 2. This local law takes effect 120 days after it becomes law and expires and is deemed repealed upon the submission of the report to the mayor and the council as required by section one of this local law. Upon such submission, the mayor shall notify the city clerk for the purpose of transmitting notice of such expiration and repeal to the New York state legislative bill drafting commission in furtherance of effectuating section 70-b of the public officers law, and the mayor shall notify the corporation counsel for the purpose of effectuating section 7-111 of the administrative code of the city of New York. Any failure to provide a notification described in this section shall not affect the effective date of any provision of this local law.

Because Public Officers Law § 70-b only refers to the Administrative Code, the following example illustrates language that should be used when the bill is entirely unconsolidated or it amends the Charter, as long as it does not amend the Administrative Code.

7. Other Possible Sections to Add to a Bill

Example:

§ 2. This local law takes effect 120 days after it becomes law and expires and is deemed repealed upon the submission of the report to the mayor and the council as required by section one of this local law. Upon such submission, the mayor shall notify the corporation counsel for the purpose of effectuating section 7-111 of the administrative code of the city of New York. Any failure to provide the notification described in this section shall not affect the effective date of any provision of this local law.

Practical tip:

Where a law is intended to expire after all of its requirements have been executed, consider that it might not be necessary to include a sunset provision if the law is unconsolidated. When all of the law's requirements have been fulfilled, it may be deemed fully executed with no further effect. By contrast, if relevant provisions that are intended to expire are consolidated, then including a sunset provision will help ensure that provisions will be removed from the Charter or Administrative Code once they have no further effect.

7.5 REPORTING REQUIREMENTS

Some bills require agencies to report information to the Council, either just once or on a recurring basis. These bills may also require reporting to the Mayor or other elected officials, and may require publication of the report on the reporting agency's website.

Example:

No later than July 1, 2023, and annually by July 1 thereafter, the commissioner of transportation shall submit a report to the speaker of the council and the mayor on the state of infrastructure for alternative modes of transportation, to include the information specified in this section.

Although reporting requirements may seem to place only a minor burden on an agency, most agencies are already subject to a number of reporting requirements and complying with those requirements may divert significant resources away from other services they provide. Therefore, make sure that the information to be reported will be helpful in addressing a problem the City faces, and tailor the requirement appropriately to real needs.

Consider limiting the burden of a reporting requirement with provisions that allow the agency to stop reporting at some defined point. A sunset provision (*see* Rule 7.4) can help ensure that a reporting requirement does not outlive its usefulness.

Examples:

This local law takes effect July 1, 2014, and expires and is deemed repealed 2 years after such date.

§ 29-241 Reporting. a. No later than July 1 of each year, the commissioner shall issue a report

b. The commissioner may discontinue reporting to the mayor and the council after issuing 5 annual reports as required by subdivision a of this section, so long as the commissioner provides written notice to the mayor and the speaker of the council, at least 60 days before any report would otherwise be due, of the commissioner’s intention to discontinue such reporting.

An alternative is to make a reporting requirement perpetual but require the reporting agency to make a periodic recommendation to the Council about whether to continue or eliminate the reporting requirement.

Example:

§ 29-241 Reporting. a. No later than July 1 of each year, the commissioner shall submit a report to the mayor and the speaker of the council

b. The commissioner shall include with any such report a recommendation about whether continued reporting on such topic is necessary and appropriate.

Practical tip:

In the case of a one-time reporting requirement, consider drafting the provision as unconsolidated law.

7.6 SEVERABILITY CLAUSE

The Charter and the Administrative Code both contain severability clauses that apply throughout those bodies of law, indicating the Council’s intent to preserve portions of an enacted law if a court strikes down other provisions.⁴⁰ Therefore, as a general matter, individual severability clauses in bills amending the Charter or Administrative Code are disfavored, as they may dilute the potency of the general clauses. Drafters relying on the existing severability clauses in the Charter and Administrative Code may include a note in the relevant committee reports or plain language summaries that such clauses apply, although such notes are not necessary for the default severability

⁴⁰ Charter § 1153; Administrative Code § 1-105.

7. Other Possible Sections to Add to a Bill

clauses to have effect. Exceptions to this general rule are permitted in rare cases, *e.g.*, where drafters may wish to include a non-boilerplate severability clause that severs specific provisions. The severability clauses in the Charter and Administrative Code do not apply to unconsolidated provisions, so drafters should consider whether severability clauses are necessary in bills adding or amending unconsolidated laws.

7.7 NON-SEVERABILITY CLAUSES

Alternatively, a local law can be drafted with a “reverse” severability provision, sometimes known as a “poison pill” or non-severability clause, which provides that if any part of a law is struck down, the entire law should be struck down. Courts have interpreted such provisions to mean that the Council does not want a modified version of the law to survive. Because both the Charter and the Administrative Code have default severability clauses, a bill ideally would include a non-severability clause if the goal is for the whole local law to be invalidated if any part of it is struck down.

For example, when striking down the City’s commuter tax law even though it only found two provisions to be unconstitutional, the Court of Appeals stated, “Although the anticipation is ordinarily reflected in severability clauses that call for a legislative act to continue if one section is stricken, the direction that the entire statute falls if sections 1 and 2 are invalidated was an appropriate legislative choice, and cannot be construed as delegating legislative power to the judiciary.”⁴¹

Example:

§ 2. Non-severability. If any portion of this local law is adjudged by a court of competent jurisdiction to be invalid, the remainder of this local law shall be deemed invalid.

7.8 TABLES

Consider using a table to present large amounts of statistical or factual information, such as a schedule of penalties for a large number of violations. Tables may be nested within a section, or they may be treated as separate structures. Appendix A: Construction Codes provides further discussion of tables in the Construction Codes.

When drafting a table, include gridlines marking individual rows and columns, and write the table title in all capital letters.

⁴¹ *City of New York v. State of New York*, 94 N.Y.2d 577, 588 n.2 (2000).

Example of a table nested in a division:

(3) The department shall impose a civil penalty against any person who violates any provision of this code as set forth in the table of civil penalties.

| TABLE OF CIVIL PENALTIES | | |
|--------------------------|---------|---------|
| Violation | Minimum | Maximum |
| 23-501(a) | \$200 | \$600 |
| 23-501(b) | \$150 | \$250 |
| 23-503 | \$500 | \$1,400 |
| 23-504(c)(4) | \$350 | \$375 |

When amending an existing table, set forth the entire table in the bill unless doing so would be extremely cumbersome (*e.g.*, when amending a table that is several pages long).

7. Other Possible Sections to Add to a Bill

Example of amending a table by including the entire table:

§ 2. The table of civil penalties in subparagraph (b) of paragraph 3 of subdivision a of section 23-9999 is amended to read as follows:

(b) The department shall impose a civil penalty against any person who violates any provision of this code as set forth in the table of civil penalties.

| TABLE OF CIVIL PENALTIES | | |
|--------------------------|---------|---------------------------------|
| Violation | Minimum | Maximum |
| 23-501(a) | \$200 | \$600 |
| 23-501(b) | \$150 | \$250 |
| 23-503 | \$500 | \$1,400 |
| 23-504(c)(4) | \$350 | [\$375] <u>\$450</u> |

Example of amending a very long table by setting forth an excerpt:

§ 3. The table of civil penalties in subparagraph (a) of paragraph 5 of subdivision b of section 27-9999 of the administrative code of the city of New York is amended by adding after the line beginning 27-146.1(b)(i) a civil penalty for violation of section 24-146.3, to read as follows:

| TABLE OF CIVIL PENALTIES | | |
|--|---------------|--------------|
| Violations related to section, subdivision and paragraph | Maximum | Minimum |
| <u>24-146.3</u> | <u>15,000</u> | <u>1,000</u> |

When a table is amended in whole, but many individual rows have independently been added or amended by various local laws, identify each entry that has been amended in the legislative history portion of the unconsolidated law.

Example of a complex table history:

§ 100. Table I in paragraph (5) of subdivision (b) of section 24-257 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, row 24-218(a) as added by and row 24-218(a-1) as amended by local law number 72 for the year 2016, and rows 24-227 and 24-231(a) as amended by local law number 153 for the year 2013, is amended by removing the rows beginning 24-218, 24-231(b) and 24-231(c), amending the rows beginning 24-218(a-1), 24-227, 24-231(a), 24-232, 24-237(d), 24-238, 24-242, and 24-244, and adding the rows beginning 24-218(e), 24-231(d), 24-238(a), and 24-244(b) to read as follows:

Practical tip:

Tables reproduced in copies of the law sometimes contain errors, so before copying contents of existing tables, confirm their accuracy by checking multiple sources or tracing the history of the table through the laws that have amended it previously.

7.9 ADVANCE RULEMAKING

The City Administrative Procedure Act grants agencies express authority to promulgate rules necessary to carry out the power and duties delegated to them by a local law before the local law's effective date.⁴² Therefore, local laws generally need not include authorizing language for an agency to make rules before the law takes effect.

By contrast, include mandatory language when the intent is to require (rather than merely authorize) an agency to make rules before the effective date. Similarly, include prohibitive language when the intent is not to allow rulemaking before the effective date.

Practical Tip:

While bills generally should not include language authorizing rulemaking to occur in advance of a local law's effective date, in some cases it still may be desirable to include authorization for rulemaking without specifying the timing. For example, it may be beneficial to call attention to the possibility that rules may be needed, or to provide a specific source of rulemaking authority that the affected agency can cite, in addition to its broader, more general authority.

⁴² See Charter § 1043(a)(2).

7. Other Possible Sections to Add to a Bill

Example:

Write this:

d. The commissioner of small business services may promulgate rules necessary for the implementation of this section.

Not this:

§ 2. This local law takes effect 120 days after it becomes law. The commissioner of small businesses services may promulgate rules necessary for the implementation of this local law before such date.

8. NUMBERS

The following rules illustrate when to spell out numbers and when to use numerals. These rules apply in both consolidated and unconsolidated law, as well as in resolutions. They also include some special guidance for expressing time, sums of money, and percentages. These rules in the 2022 edition are a simplification of the rules set forth in the 2015 and 2018 editions.

Notwithstanding the rules in this chapter, amendments generally should follow the style and form already in use in the section to be amended.

8.1 SUMMARY: USING NUMERALS OR SPELLING OUT NUMBERS

| Use numerals (1, 2, etc.): | Spell out numbers (one, two, etc.): |
|--|---|
| By default in all consolidated and unconsolidated law, unless an exception applies (see column at right) | At the beginning of a sentence |
| | Used as ordinals (first, second, etc.) |
| | In fractions and mixed numbers, except in technical tables |
| | When enumerating in a bill section how many provisions a bill is adding |
| | When cross-referencing unconsolidated bill sections in the same bill |
| | Optional: the number zero and very large numbers (1 million, etc.) |

8.2 USE NUMERALS BY DEFAULT

Unless an exception applies, use numerals by default to express numbers in all consolidated law, unconsolidated law, and bill titles. *See* Rule 8.3 below for exceptions that apply to numbers written at the beginning of a sentence, cross-references to bill sections in the same bill, references to the number of provisions being added, ordinals, fractions, and mixed numbers.

Examples:

3 little kittens
9 lives
10 feet long

8. Numbers

101 Dalmatians

1,000 feet

Any building, erection, or place, including a 1- or 2-family dwelling, used for the creation, production, storage, or sale of a false identification document, as defined in subsection d of section 1028 of title 18 of the United States code

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring buildings that are located in the 100-year floodplain and are both larger than 300,000 square feet and taller than 6 stories, or that are located in the 500-year floodplain and contain space for critical facilities, to elevate or otherwise flood-protect building mechanical equipment

8.2.1 Use Numerals in Dates

Use numerals for all dates, including dates certain in effective dates. Do not use ordinals (first, second, third; 1st, 2nd, 3rd) for dates.

Examples:

Write this:

This local law takes effect on October 1, 2024.

Not this:

This local law takes effect on October first, two thousand twenty-four.

Not this:

This local law takes effect on October first, 2024.

Not this:

This local law takes effect on October 1st, 2024.

Exception: Ordinals may be used when referring to a day of the month without designating a specific year (*e.g.*, to set a recurring requirement). Ordinals used in this way should be spelled out per Rule 8.3.2.

Examples:

§ 2. This local law takes effect on the first day of April next succeeding the date on which it becomes law.

§ 17-9413 Reporting. On or before October 1 of each year, the commissioner shall report to the mayor and the council

When writing out a full date, include a comma after both the day and the year.

Examples:

No later than October 1, 2018, the commissioner shall

Any such item manufactured on or after May 15, 1984, shall be equipped

8.2.2 Use Numerals in Cross-References

Use numerals for cross-references to other provisions, except cross-references to bill sections within the same bill (*see* Rule 8.3.4).

Examples:

section 344-c of the education law

chapter 1 of title 17 of the administrative code of the city of New York

paragraph 1 of subdivision a of section 43 of the New York city charter

Section 1. Paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended to read as follows:

. . . as provided in paragraph 9 of subdivision c of section 22-2010.

8.2.3 Numerals That Look Like Letters

Do not italicize or otherwise emphasize letters that resemble numbers or numbers that resemble letters. For example, although the lowercase letter l resembles the numeral 1, do not italicize or spell out either.

8. Numbers

8.3 SPELL OUT NUMBERS IN LIMITED SITUATIONS

8.3.1 *Spell Out Numbers at the Beginning of Full Sentences*

Always spell out any number that is the first word of a sentence, notwithstanding any other rule. If spelling a number out would create awkwardness and the number would take the numeral form if positioned later in the sentence, rephrase the sentence.

Examples:

Write this:

§ 4. Thirty days after submission of the report, . . .

Not this:

§ 4. 30 days after the submission of the report, . . .

8.3.2 *Spell Out Ordinals*

Spell out ordinals (e.g., first, second, third). Remember, pursuant to Rule 8.2.1, not to use ordinals in dates.

Examples:

Write this:

The fourth council district is defined as follows:

Not this:

The 4th council district is defined as follows:

Write this:

The second unnumbered paragraph . . .

Not this:

The 2nd unnumbered paragraph . . .

8.3.3 *Spell Out Number of Provisions Being Added, Amended, or Repealed*

Referring to the number of provisions being added, amended, or repealed is a disfavored practice. Where it cannot be avoided, spell out the reference.

Example:

| Write this: | Not this: |
|---|--|
| <p>Section 25-1234 of the administrative code of the city of New York is amended by adding new subdivisions 6, 7, 8, 9, and 10 to read as follows:</p> | <p>Section 25-1234 of the administrative code of the city of New York is amended by adding 5 new subdivisions 6, 7, 8, 9, and 10 to read as follows:</p> |
| <p>Or this:</p> <p>Section 25-1234 of the administrative code of the city of New York is amended by adding five new subdivisions 6, 7, 8, 9, and 10 to read as follows:</p> | |

8.3.4 Spell Out References to Bill Sections in the Same Bill

Spell out numbers in cross-references to unconsolidated bill sections in the same bill. Do not spell out numbers in cross-references to unconsolidated bill sections in a different bill or law.

Example:

| Write this: | Not this: |
|--|---|
| <p>This local law takes effect 90 days after it becomes law, except that section 99-1234 of the administrative code of the city of New York, as amended by section four of this local law, takes effect immediately.</p> | <p>This local law takes effect 90 days after it becomes law, except that section 99-1234 of the administrative code of the city of New York, as amended by section 4 of this local law, takes effect immediately.</p> |

8.3.5 Optional to Spell Out Zero and Very Large Numbers

For the number zero and very large numbers where using a spelled out version would save significant space or make the number easier to read, it may be acceptable to spell out part of the number.

Example:

| |
|---------------------|
| 1,000,000 residents |
| 1 million residents |

8. Numbers

8.4 TIME, MONEY AND PERCENTAGES

Special rules apply to expressions of time, sums of money, and percentages.

8.4.1 *Expressing Time*

To refer to a time of day, use numerals and the lower-case abbreviations “a.m.” and “p.m.” in the format: HH:MM a.m./p.m.

Examples:

Write this:

11:30 a.m.

1:00 p.m.

Not this:

eleven thirty ante meridiem

one o'clock post meridiem

Exceptions:

Use “noon” instead of 12:00 p.m. to avoid confusion.

Avoid using “midnight” as a deadline, as midnight could be construed as falling either at the beginning or at the end of a specified day.⁴³

8.4.2 *Expressing Sums of Money*

In most instances, use numerals and the dollar symbol for sums of money. Use decimal points only when the number of cents is not zero, or to maintain consistency when multiple dollar amounts are expressed in the same provision, some having zero cents and some having more than zero cents.

Example of sums of money in most contexts:

a penalty of \$450

contracts for more than \$100,000

\$5.52

Exception:

In budgetary legislation only, spell out the amount and then put the dollar symbol and amount in numerals in parentheses, *e.g.*, one million dollars (\$1,000,000).

⁴³ See N.Y. General Construction Law § 19 (“A calendar day includes the time from midnight to midnight.”); see also *Leathersby Ins. Co. v. Villafana*, 368 N.Y.S.2d 102, 104 (N.Y. Sup. Ct. Suffolk Cnty. 1975).

Examples:

five thousand dollars and fifty cents (\$5,000.50)

one hundred dollars (\$100)

8.4.3 Expressing Percentages

Use numerals for percentages. Spell out the word “percent” instead of using the percent sign, except in highly technical contexts, such as tables of numbers.

Examples:

Three percent of voters . . .

. . . if voter turnout rises by more than 3 percent in comparison to the preceding general election.

§ 27-123 Heating oil. Beginning on January 1, 2009, all heating oil purchased for use in any building owned and operated by the city shall be bioheat containing not less than 10 percent biodiesel.

9. DEFINITIONS

Defining key terms can help ensure courts and others interpret a law as intended. When composing definitions, group them together in a dedicated section or subdivision whenever possible. Avoid scattering definitions throughout a chapter or section.

Do not place substantive legal requirements in definitions—a practice known as “stuffing” the definition. Doing so impedes clarity, tucks substantive law away where a reader would not expect to find it, and occasionally yields unintended consequences.⁴⁴

Example:

Write this:

- a. For purposes of this subchapter, the term “e-scooter” means an electric scooter.
- b. An owner of an e-scooter shall submit that scooter to the department for inspection not less than annually.

Not this:

For purposes of this subchapter, the term “e-scooter” means an electric scooter that is inspected annually by the department.

Definitions sections should employ guide words and should not use unit designators. These rules prevent problems that arose from historic formatting of definitions in the Charter and the Administrative Code, in particular, inconsistent alphabetization and non-sequential numbering of paragraphs when definitions were added and deleted over time.

Example:

Write this:

Cultural competency. The term “cultural competency” means knowledge and skills that enable a person to appreciate, understand, and interact with members of diverse populations within the local community.

Not this:

c. “Cultural competency” means knowledge and skills that enable a person to appreciate, understand, and interact with members of diverse populations within the local community.

⁴⁴ See F. Reed Dickerson, *Definitions in Legal Instruments*, THE PRACTICAL LAWYER, November 1966, at 55-56.

Use the present tense “means” instead of “shall mean” when defining terms (and, similarly, use “includes” instead of “shall include”).

Example:

| | |
|--|---|
| <p>Write this:</p> <p>Cultural competency. The term “cultural competency” means knowledge and skills that enable a person to appreciate, understand, and interact with members of diverse populations within the local community.</p> | <p>Not this:</p> <p>Cultural competency. The term “cultural competency” shall mean knowledge and skills that enable a person to appreciate, understand, and interact with members of diverse populations within the local community.</p> |
|--|---|

9.1 BEFORE DRAFTING DEFINITIONS

Before drafting new definitions, whether a new set or a single definition, conduct research to identify and account for pre-existing definitions that are generally applicable.

Check each hierarchical level above the new definition to determine whether the term is already defined and whether the definition applies. For example, if the goal is to create a subdivision listing definitions for a new section, first check to see whether any such term is defined at the level of the article, subchapter, chapter, or title in a manner that applies to the section.⁴⁵

If a higher-order definition exists for the term, decide whether that definition is satisfactory for the purposes of the bill text being added. If so, do not repeat the definition.

If a higher-order definition of the term exists but is insufficient for purposes of the bill text, define the term again in a manner that meets the needs of the new bill text. In such a case, the best practice is to refer expressly to the higher-order definition to make clear that the more specific lower-order definition is intended to take precedence (*e.g.*, “Notwithstanding section 1-112, . . .”). Additionally, take care that the difference in meaning between the two terms is unambiguous. Note that fleshing out the higher-order definition may work in some cases, but not in all; consider confining a new definition to a new section only.

⁴⁵ In the Charter, the top level of generally applicable definitions can be found at § 1150; in the Administrative Code, at § 1-112.

9. Definitions

Example:

Person. Notwithstanding section 1-112, the term “person” means and is limited to a natural person.

If a higher-order definition does not exist, consider whether it would be appropriate to define the term at a higher level instead of at the level of the new substantive provisions. For example, if defining a term like “commissioner” that could be used in an identical way in other sections, consider defining the term at a level sufficiently high in the hierarchy to apply to all of those sections. However, if adding a higher-order definition, make sure that it does not interfere with usage of the term elsewhere. Keep terms of art and common usage in mind.

Use the information gathered through that investigation to state clearly where definitions apply. Begin definitions sections with language such as “As used in this chapter,” “As used in this chapter, the following terms have the following meanings,” “For purposes of this section,” or “For purposes of this section, the following terms have the following meanings.”

9.2 ADDING A NEW SET OF DEFINITIONS

Specific rules apply when adding more than one definition to a law that does not already contain definitions and when adding an entirely new section, chapter, or title.

When adding a new group of sections, such as a new article, subchapter, or chapter, include a separate section reserved for definitions only. This new section typically will be the first or second section. This rule applies even when only one or two terms are being defined, leaving space for future expansion.

Place all definitions in alphabetical order and note that ordering in the bill language, in accordance with the examples below.

Except where only one term is defined, as described in Rule 9.3, each definition should be broken out into a separate undesignated paragraph. Do *not* use unit designators (such as the letter a. or the number 1.) for individual definitions. Without designators, a drafter adding definitions in the future does not have to redesignate existing entries or add definitions non-alphabetically to avoid redesignation. Future citations to a definition will refer to the hierarchical unit that contains all of the definitions.

Start each definition with the word being defined, followed by a period. This practice of creating a “guide word” allows a reader to scan a list of definitions (which will be in alphabetical order) and find the definition quickly.

Example:

Dwelling.

Follow the guide word with the words “The term,” followed by a repetition of the word or phrase being defined in quotation marks. The second appearance of the term being defined shows whether and how the term should be capitalized. This procedure also allows more flexibility for the inclusion of limiting language (*e.g.*, “notwithstanding” or “except as provided in”) than simply starting the definition with the term in quotation marks.

Examples:

Dwelling. The term “dwelling” means a building or structure or part thereof that is occupied in whole or in part as the home, residence, or sleeping place of 1 or more human beings.

Dwelling. Notwithstanding section 27-2004, the term “dwelling” means

Dwelling. Except as provided in section 27-2004, the term “dwelling” means

Use the word “means” or “includes” (or another verb, if appropriate) in the present indicative to show that the meaning is effective as of the time the code provision is read. Do not use “shall mean” or “shall include” here. Relying solely on the verb “includes” is not recommended in most cases; instead, begin the definition with limiting language (“means,” as in the example above) and, if clarity is needed, add “includes” or “including.”

The following examples demonstrate some of the rules that apply whether the definitions section is new or being amended to conform to these rules.

Example:

§ 99-1001 Definitions. As used in this chapter, the following terms have the following meanings:

Department. The term “department” means the department, bureau, division, or other agency charged with the enforcement of this title.

Dwelling. The term “dwelling” means any building or structure or portion thereof that is occupied in whole or in part as the home, residence, or sleeping place of 1 or more human beings.

Person. Notwithstanding section 1-112, the term “person” means a natural person and does not include a co-partnership, firm, company, association, joint stock association, corporation, or other like organization.

9. Definitions

Adding new definitions to an existing list can look like the following.

Example:

Section 1. Section 99-1001 of the administrative code of the city of New York is amended by adding new definitions of “hotel” and “public hall” in alphabetical order to read as follows:

Hotel. The term “hotel” means an inn that has 30 or more sleeping rooms.

Public hall. The term “public hall” means a hall, corridor, or passageway within a building but outside of all apartments and suites of private rooms.

9.3 DEFINING ONLY A SINGLE TERM

If only defining a single term in a portion of the Charter or Administrative Code, different rules apply than when adding multiple terms or amending existing definitions provisions. Generally, the drafter will set forth the definition in a single provision, preceded by language such as “For purposes of this chapter, . . .” or “As used in this section, . . .” To make seamless the process of adding any definitions to this single-definition provision in the future, include the heading “Definitions” for the new definition (even though there’s only one) and include it in a set-alone provision that could be broken up further in the future.

Example:

a. Definitions. For purposes of this section, the term “manual” means a book of instructions for learning a subject.

In the future, therefore, if the Council decides to define the term “pen,” the definitions provision could be broken up easily as follows:

Example:

a. Definitions. For purposes of this section:

Manual. The term “manual” means a book of instructions for learning a subject.

Pen. The term “pen” means a writing instrument filled with ink.

In other respects, follow the rules for adding multiple definitions in Rule 9.2.

9.4 AMENDING OLD-STYLE DEFINITIONS

When amending an existing provision that lists out definitions using an older style, a drafter has to choose whether or not to update the list to conform to the rules in this

manual. Generally, update the definitions provisions to conform to Rule 9.2 by adding guide words, removing unit designators, and placing terms in alphabetical order. If, however, updating definitions to conform to Rule 9.2 would be unwieldy, it might be best in some cases to conform amendments to the section's existing style instead.

If amending existing definitions to conform to Rule 9.2, search the Charter and Administrative Code for any cross-references to the definitions being revised. Amend any such reference to remove any unit designator that has been deleted from the definition itself and to ensure that the intended meaning is clear and the cross-citation is correct.

In the following example, a definition for the term "hotel" is being added to an existing provision, section 99-1001 of the Administrative Code, triggering some cleanup work. The drafter in this hypothetical is amending section 99-1001 to conform to Rule 9.2 by adding guide words, removing unit designators, and alphabetizing definitions, and is also amending a cross-reference in another section to reflect the changes made to section 99-1001.

Example:

Section 1. Section 99-1001 of the administrative code of the city of New York, as amended by local law number 999 for the year 2015, is amended to read as follows:

§ 99-1001 Definitions. a. As used in this chapter, the following terms have the following meanings:

[1.] Department. The term "department" [shall mean] means the department, bureau, division, or other agency charged with the enforcement of this title.

[2. "Person" means a natural person and does not include a co-partnership, firm, company, association, joint stock association, corporation or other like organization.

3. "Dwelling" shall mean] Dwelling. The term "dwelling" means any building or structure or portion thereof that is occupied in whole or in part as the home, residence, or sleeping place of 1 or more human beings.

Hotel. The term "hotel" means an inn that has 30 or more sleeping rooms.

Person. Notwithstanding section 1-112, the term "person" means a natural person and does not include a co-partnership, firm, company, association, joint stock association, corporation, or other like organization.

9. Definitions

§ 2. Subdivision a of section 99-1002 of the administrative code of the city of New York, as amended by local law number 999 for the year 2015, is amended to read as follows:

§ 99-1002 Powers of department. a. The department, as defined in [paragraph 1 of] subdivision a of section 99-1001, has the authority

9.5 AMENDING NEW-STYLE DEFINITIONS

When amending an undesignated definitions section, indicate that the definitions to be added are being added in alphabetical order. In the following example, a new definition of “microbusiness” is being added to an existing undesignated definitions section.

Example:

Section 1. Section 22-1001 of the administrative code of the city of New York is amended by adding a new definition of “microbusiness” in alphabetical order to read as follows:

Microbusiness. The term “microbusiness” means a business that employs no less than 1 employee and no more than 9 employees.

When amending an existing undesignated definition, refer to the term being amended and the provision that contains the term in the bill section’s lead-in language.

Example:

Section 1. The definition of “hotel” set forth in subdivision a of section 99-1001 of the administrative code of the city of New York, as added by local law number 432 for the year 2023, is amended to read as follows:

Hotel. The term “hotel” means an inn that has [30] 25 or more sleeping rooms.

9.6 DIVIDING DEFINITIONS INTO MULTIPLE PARTS

When a definition must be divided into parts that will be broken onto separate lines, the numbering and hierarchy follow special rules that differ slightly from the numbering rules set forth in Rule 4.3. To divide a definition, use numerals (1, 2, 3, etc.) followed by a period.

Example:

Player-operated amusement device. 1. The term “player-operated amusement device” means a device intended as a game that a person may play in exchange for a fee and that provides amusement, diversion, or entertainment.

2. Except as provided in section 20-9999, a fixed stand coin-operated ride is a player-operated amusement device.

This rule applies regardless of where the definition fits into the overall hierarchy of a section. The hierarchical level of these initial divisions is a “paragraph.” Further divisions below the paragraph level should follow the hierarchy set forth in Rule 4.3.

The following example further divides paragraph 4 of the definition of family into subparagraphs (a) and (b).

Example:

Family. The term “family” means:

...

4. Up to 7 unrelated students enrolled at a single accredited college or university occupying a student apartment . . . , provided that:

(a) The entire structure in which the dwelling unit is located is fully sprinklered in accordance with chapter 9 of the New York city building code; and

(b) Such occupancy does not exceed the maximums contained in subdivision a of section 27-2075

Where parts of a definition will be enumerated but not be broken onto separate lines, use romanettes in parentheses to designate the parts.

Example:

Mayoral agency. The term “mayoral agency” means (i) any agency the head of which is appointed by the mayor, (ii) any agency headed by a board, commission, or other multi-member body, the majority of the membership of which is appointed by the mayor, and (iii) the office of the mayor.

To make a cross-reference to a part of a definition, refer to paragraphs “of the definition.”

9. Definitions

Examples:

... the exception described in paragraph 2 of the definition of “player-operated amusement device” set forth in section 20-9998.

... as provided in subparagraph (a) of paragraph 4 of the definition of “family” set forth in section 27-2004.

9.7 INCORPORATING DEFINITIONS FROM OTHER PROVISIONS IN LOCAL LAW

If a term in a bill is meant to have the same definition as one set forth in another provision of local law, consider whether to copy the words of that definition directly into the new local law or instead to refer to the other provision.

Example:

Use of force incident. The term “use of force incident” has the same meaning as set forth in subdivision a of section 14-158.

9.8 INCORPORATING DEFINITIONS FROM SOURCES OTHER THAN LOCAL LAWS

If a term in a bill is meant to have the same definition as one used in a source other than local law, consider whether to copy the words of that definition directly into the local law or instead to merely cite the outside source, as described in Rule 5. Some considerations to weigh include:

- The source of the definition, with New York State and federal law and professional standards often being stronger candidates for citation than other sources, such as definitions from other states’ laws.
- The degree to which the bill’s text includes enough information for the Council to properly consider its effect.
- The possible effect that an amendment to the source definition would have on the local law (and whether consistency between the two is desirable).
- Whether incorporation of the definition from an outside source creates a legal issue.

Note that even where a definition copies words from a source other than a local law, a court could apply the same interpretative treatment of the source definition to the definition in the local law you are drafting. That may be a desirable or undesirable outcome, depending on the circumstances.

10. RESOLUTIONS

Resolutions are often used to support federal or state legislation, to commemorate people and historical dates, and even to criticize practices and policies. A resolution may be directed to another branch or level of government, a government official, or another person or entity. A resolution differs from a bill in its form, its mode of passage, and its effect. Generally, a resolution cannot modify or repeal a local law and is binding only on the members and officers of the legislative body adopting it; the Rules of the Council are accordingly adopted and amended by resolution. A nonbinding resolution is effectively a statement the Council makes as a body to express fact, principles, opinions, and purposes. In effect, resolutions are a medium of legislative expression that allows the Council, as a body, to communicate formally on a topic without amending the Charter or Administrative Code.

Not all resolutions are non-binding, however. The Charter or other law occasionally authorizes a particular kind of resolution to bind or affect city agencies and the public. For example, the Council takes certain budgetary and land use actions by resolution. Similarly, home rule messages, which may be required for the enactment of certain state legislation under Article IX of the State Constitution and the Municipal Home Rule Law, are adopted by resolution.

Common uses of resolutions include:

- Amending the Rules of the Council;
- Commemorating or eulogizing a group, individual, or occasion;
- Creating special committees, such as task forces;
- Requesting that the State Legislature, the governor, or a state agency take an action;
- Endorsing a policy, position, or course of action;
- Requesting action by the U.S. Congress, the president, or a federal agency; and
- Recognizing achievements of a person or institution.

10.1 GENERAL RULES FOR RESOLUTIONS

The following are general rules for writing resolutions. Rule 10.2 addresses one special kind of situation—drafting amending Council Rules—where specific rules apply.

With few exceptions, drafting rules throughout this manual apply to resolutions as well as local laws. The following rules may be particularly helpful for drafting resolutions.

- Rule 1.4: Tips for researching legislation
- Rule 2: Formatting
- Rule 5: References to local, state, and federal law

10. Resolutions

- Rule 8: Referencing numbers
- Rule 8.4: Referencing time, money, and percentages
- Rule 11.12.3: Gender neutral drafting
- Rule 11.19: Punctuation

10.1.1 *Template*

Here is the template for a Council resolution in the City of New York:

| |
|--|
| Res. No. ____ |
| Resolution to _____ |
| By Council Members Andrews, Benson and Clark |
| Whereas, ____; and |
| Whereas, ____; and |
| Whereas, ____; and |
| Whereas, ____; and |
| Whereas, ____; and |
| Whereas, ____; now, therefore, be it |
| Resolved, That the Council of the City of New York ____. |
| {Initials of drafter} |
| LS #____ |
| {Date and time of last update} |
| 1 |

10.1.2 *General Formatting for Resolutions*

- Single-space the title and the list of sponsors, but double-space the rest of the resolution text.
- Do not place a period at the end of the resolution title.
- Full justify the right-hand margin of the whole body of the resolution.
- Center page numbers at the bottom of each page, including the first.

- Begin each paragraph with “Whereas” or “Resolved,” followed by a comma. The first line of each Whereas clause and the Resolved clause should be indented by ½ inch.
- Capitalize the first word that follows each “Whereas” and “Resolved.”

Examples:

Whereas, Owners of motorized scooters . . . ; and
Whereas, Such owners . . . ; now, therefore, be it
Resolved, That the Council of the City of New York . . .

- Notwithstanding Rule 11.2 on capitalization in local laws, capitalize words in resolutions according to standard capitalization conventions. In practical terms, this means that words like the names of laws and agencies may be capitalized in resolutions even though they would not be capitalized in local laws.

Examples:

Commissioner of Transportation
Public Officers Law

10.1.3 Whereas Clauses

- End each Whereas clause, except the last, with a semicolon and the word “and.” End the final “Whereas” clause with a semicolon followed by “now, therefore, be it” with no final punctuation. The “Resolved” clause should begin on the next line.
- Only use one sentence per “Whereas” clause, and avoid using semicolons except at the end of each clause.

10.1.4 Resolved Clause

- Include only one “Resolved” clause.
- The phrasing of a “Resolved” clause must be identical to the title of the resolution, only differing in verb form and the final period, which the “Resolved” clause should have but the title should not.

10.1.5 Content

The content of a resolution should clearly illustrate the intent of its sponsor.

Council Members may not always be explicit about their intent in their legislative requests, so work with them to uncover the purposes and goals of their resolution when

10. Resolutions

drafting. In doing so, it is important to identify any language that elaborates on the purpose or goals of the resolution.

For a deeper understanding of a legislative request, consult other helpful sources such as hearing testimony and press releases.

To understand the context of a resolution, consider the following questions:

- What problem is the legislation attempting to address?
- What policies apply to the issue at hand?
- Who supports or opposes the policy? Why?
- Which committees does the sponsor sit on? Which ones does the sponsor chair?
- What hearing schedules or calendar deadlines should be considered?

Be aware of policy implications when drafting resolutions. Estimate the impact by considering the following questions:

- What are the existing laws and regulations on this subject?
- Do any significant court decisions apply?
- Have previous attempts been made to pass similar legislation? What was the outcome?
- Does the City have existing policies on this issue?
- What will happen if the action being called for is taken? Are there any potential consequences that need to be taken into account, such as new challenges for some city residents or new liabilities for the City?

When drafting the content of a resolution, keep the following guidance in mind:

- Each “Whereas” clause should support the premise of the resolution in a logical and linear fashion.
- Introduce the issue or problem, include details and reasons why action is needed to address the issue/problem, and conclude with a call to action.
- Assume the reader has no prior experience with the topic, and explain all terminology that is not commonly known.
- Write out abbreviations, even obvious ones, the first time they are used.

Example:

Department of Consumer and Worker Protection (DCWP)

Exception:

The abbreviation “U.S.” may be used as part of a title, agency name, etc., without initially writing out “United States.”

Example:

U.S. Department of Agriculture (USDA)

10.1.6 *Local Nexus*

Make sure that the nexus between the City’s concerns and the subject matter of the resolution is clear. Establishing this nexus explicitly is crucial when the activity being discussed occurs outside the geographical bounds of the City. Potential nexuses include impacts on the City’s population, environment, businesses, or budget.

10.1.7 *Policy Sources*

It is vitally important that all factual assertions in a resolution be accurate. Citation to primary sources is always preferred, though not always possible. If information from media outlets or news agencies is being used, check their sources and references to ensure the validity of information being cited.

Provide sources as often as possible, especially for specific information and statistics. Do not present source information in footnotes, but instead support specific facts by noting the source of information as part of the assertion.

Examples:

Whereas, According to a report by Advocates for Children, 50 percent of students require services . . . ; and

Whereas, . . . in findings released by the U.S. Environmental Protection Agency in 2019; and

10.1.8 *Calling for Action*

Address calls for action by the federal or state government to the appropriate authority. For example, a resolution calling for an international treaty to be ratified should call on the Senate to ratify, rather than Congress.

Do not call generally on the “City of New York” to take action. If the sponsor wants to call on a particular agency or official of the City to act, the resolution should refer to that agency or official directly, though this approach is unusual.

10. Resolutions

Do not call on the Council, or a Council committee to take an action.

10.1.9 *Calling for State Legislation*

When discussing state legislation:

- Refer to both the Assembly and Senate version of any bill (where both exist). Always find out the status of each bill in its respective house.
- Always describe what the legislation would do, in addition to referring to its introduction numbers.
- Do not use the terms “Senate bill” or “Assembly bill”; instead, refer to the bill numbers in both chambers.
- Put a period between the “A” or “S” and the bill number. Separate Assembly and Senate numbers with a slash. Insert a hyphen after the bill number and before the appropriate letter to indicate an amended version.

Example:

A.1215-A/S.143-A

- Provide the full name of the Assembly Member and State Senator who introduced the bill.
- The month and year a bill was introduced may be included.

The following example illustrates one approach to describing state legislation.

Example:

Whereas, A.9742, introduced by Assembly Member Francisco P. Moya and pending in the New York State Assembly, and companion bill S.7742-A, introduced by State Senator Diane J. Savino and pending in the New York State Senate, seek to amend the General Business Law by strengthening license and general practice procedures and enhancing enforcement in an effort to prevent fraud by employment agencies; and

10.1.10 *Calling for Federal Legislation*

When discussing federal legislation, refer to the correct type of legislation and house of Congress.

Concurrent resolutions are designated as “S. Con. Res.” or “H. Con. Res.” depending on whether the resolution originated in the House of Representatives or the Senate. Joint resolutions are similarly designated as “S.J. Res.” or “H.J. Res.” followed by the

individual number which is given consecutively upon introduction (*e.g.*, S. Con. Res. 21).

Keep track of where pending federal legislation is in the legislative process. If the federal legislation is passed, that may have consequences for the local resolution.

The following list provides standard abbreviations for federal legislation, congressional documents, treaties, and executive orders:

- Bill (S./H.R.)
- Simple Resolution (S. Res./H. Res.)
- Concurrent Resolution (S. Con. Res./H. Con. Res.)
- Joint Resolution (S.J. Res. or H.J. Res.)
- House of Representatives Document (H.R. Doc. No.)
- House of Representatives Report (H.R. Rep. No.)
- Senate Executive Document (S. Exec. Doc. No.)
- Senate Report (S. Rep. No.)
- Senate Treaty Document (S. Treaty Doc. No.)
- Executive Order (Exec. Order No.)

10.2 RESOLUTIONS THAT AMEND THE RULES OF THE COUNCIL

Special rules apply to resolutions that adopt or amend the Council’s own rules. Consult Charter section 46 and Council Rule 10.20, which relate to the Council’s authority and process for adopting and amending its rules.

Do not use the “Whereas . . . Resolved” format of resolutions described above. Although the title and text will be slightly different, format the resolution like a local law. Specifically:

- Use a title that clearly states what changes are being made (including, if appropriate, the number of the rule being amended).
- Set out each rule being added or amended in a separate section for all subsequent sections (*e.g.*, § 2, § 3).
- Begin each section with prefatory language explaining the change being made (*e.g.*, “Rule 7.00 of the rules of the council of the city of New York is amended to read as follows . . .”).

10. Resolutions

- In titles and resolution sections (*i.e.*, not in the text of the rules themselves that are being amended), use the same capitalization rules that apply to local laws, as outlined in Rule 11.2. For example, say “rules of the council of the city of New York” instead of “Rules of the Council of the City of New York.”
- In the text of the rules, however, use the same capitalization rules that apply to typical resolutions, including capitalizing the names of laws, entities, and individuals (*e.g.*, “Public Officers Law,” “City Charter,” “Speaker’s Office”).
- Do not include an effective date or enacting clause (*i.e.*, “Be it enacted by the Council as follows”).

The following is an example of a resolution that amends Council Rules.

Example:

| |
|--|
| <p>Res. No. ____</p> <p>Resolution to amend rule 2.15 of the rules of the council in relation to the deadline for establishing an attendance policy</p> <p>By Council Member Andrews</p> <p style="padding-left: 40px;">Section 1. Rule 2.15 of the rules of the council of the city of New York is amended to read as follows:</p> <p style="padding-left: 40px;">2.15. Attendance Policy - The Speaker shall formulate an attendance policy for committee, stated, charter and special meetings <u>before the first stated meeting of each calendar year.</u></p> <p>{Drafter’s initials} LS #____ {Date and time of last update}</p> <p style="text-align: center;">1</p> |
|--|

II. OTHER STYLE RULES

Drafting legislation for the City requires conforming to rules on how to indicate deletions and additions, when to capitalize words, and a range of other drafting issues, such as consistency, grammar, syntax, gender-silent language, and more.

In addition to studying these rules, a drafter should be familiar with the definitions and provisions in the State General Construction Law, principles of statutory interpretation, and the “General Provisions” of the Charter⁴⁶ and the Administrative Code,⁴⁷ which provide definitions and other general construction rules.

II.I INDICATING DELETIONS AND ADDITIONS

When amending existing law, place brackets around the language to be deleted and underline the language to be added.⁴⁸ Do not omit text that is deleted; keep it in, but surround it with brackets. Similarly, do not add new language without underlining it.

When a deletion and an addition appear next to each other, the deleted material always precedes the added material (*i.e.*, the deleted material appears to the left of the added material).

Examples:

Apples, giraffes, oranges, and polar bears are included

Apples, oranges, [and] polar bears, and giraffes are included

The same rule applies to amending unconsolidated laws. When amending an existing unconsolidated law, bracket material to be deleted, and underline new material (as you would with a consolidated law). However, do not underline text in a completely “new” unconsolidated law.

All of the text in the example below is from the same bill, which extends the effective date of a previously enacted local law.

⁴⁶ Charter §§ 1150 through 1153.

⁴⁷ Administrative Code §§ 1-102 through 1-113.

⁴⁸ N.Y. Municipal Home Rule Law § 22; Rule 6.10, Rules of the Council.

11. Other Style Rules

Example:

§ 3. Section 9 of local law number 50 for the year 2015 is amended to read as follows:

§ 9. This local law takes effect immediately, and expires and is deemed repealed [two years after its effective date] June 2, 2019.

§ 4. This local law takes effect immediately.

11.1.1 Deleting Part of a Word

When only a part of a word or hyphenated word is being amended, enclose the entire existing word or hyphenated word in brackets, and underline the new word or hyphenated word.

Example:

Write this:

Any [workman] worker who fails to comply . . .

Not this:

Any work[man]er who fails to comply . . .

11.1.2 Spacing around Additions and Deletions

When amending existing law using brackets and underlining, place a space between the brackets of a deletion and any adjacent underlined addition. Deletion of punctuation is the major exception to this rule, as explained below.

The following example illustrates the rule by changing the shading for the spaces at issue.

Example:

1. [Any] Except as otherwise provided in this subdivision, any place[, which is] used for the purpose of [washing, drying, starching or ironing, for the general public, wearing apparel, household linens, or other washable fabrics] laundrying fabrics for a fee, or a place used or maintained for the storage, temporary holding, collection, or delivery of [such articles] fabrics for such service[, or].

Do not underline spaces preceding or following an addition, but do underline spaces that occur between words that are being added. Again, relevant spaces and the absence of underlining are emphasized with white shading in the example below.

Example:

A place used or maintained for the storage, temporary holding, collection or delivery

11.1.3 Deleting Punctuation

Treat punctuation as a special case. If deleting punctuation that follows a word but not deleting the word itself, insert a bracket between the word and the punctuation, but no space.

Example:

Any place[, which is] used for the purpose of washing

If deleting punctuation and nothing else, place brackets around the punctuation mark only, even if there is no space between the mark and the preceding or succeeding word.

Example:

Write this:

The commissioner of consumer and worker protection[,] shall promulgate rules . . .

Not this:

The commissioner of consumer and worker [protection,] protection shall promulgate rules . . .

However, if deleting punctuation that occurs in the middle of a word or between two words without spaces, bracket out the entire word or phrase and replace it using underlined text without the middle punctuation. Do not merely bracket the punctuation mark in this case.

Examples:

Write this:

[comparably-worded] comparably worded

Not this:

comparably[-]worded

Write this:

[inter-group] intergroup

Not this:

inter[-]group

11. Other Style Rules

11.1.4 “REPEALED” in All Capital Letters

When an existing law or part thereof is to be repealed by referring to the provision and stating its repeal without setting forth the actual text (as opposed to deleting it by strikethrough and enclosure in brackets), the word “REPEALED” should appear in capital letters in a bill section. *See* Appendix F: Repeal Checklist for a list of other rules specifically relevant to repeals.

Example:

§ 2. Sections 27-2038 and 27-2039 of the administrative code of the city of New York are REPEALED and a new section 27-2038 is added to read as follows:

§ 27-2038 Electric lighting fixtures required in certain public parts of dwellings. a. Subject to any stricter minimum lighting requirement that may be applicable pursuant to the multiple dwelling law, . . .

11.2 CAPITALIZATION

The Council generally follows the State Legislative Bill Drafting Commission’s guidelines on capitalization of words in bills, which reflects a strong preference for avoiding capitalization in many instances. These guidelines often differ from capitalization standards used in other contexts. For example, write “New York city charter” in a local law, not “New York City Charter.”

The general rule is to limit capitalization to proper nouns unless consistency with the form and style of the provision being amended requires otherwise. Application of that rule is best illustrated with the examples laid out below.

Capitalization conventions apply to bill titles as well as bill text, but a drafter may opt to use standard capitalization conventions in other documents, including resolutions, instead of the conventions described in this rule (*see* Rule 10.1).

Proper names, places, or designations

Central Park; Bang’s disease; Great Lakes; Bankhead-Jones farm tenant act; Lake George; Long Island; Camp Minnewawa; Mohawk river; state of New York; city of New York; Pacific ocean; Schenectady county; World War II

City and state departments, institutions and offices

department of state; city university of New York; public service commission; department of housing preservation and development; council;⁴⁹

Federal departments and agencies

federal department of health and human services; federal housing administration; national park service

Nations, nationalities or ethnic groups

English language; Native American; pro-British; Spanish-American war; African-American

Churches, religious organizations or memorials

Christian Science church; Roman Catholic church; Forest Lawn cemetery; Silent Cross memorial

Political parties

Conservative party; Democratic party; Republican party; Green party

Organizations, societies and lodges

American Red Cross; American Veterans of World War II; Woman's Christian Temperance Union

Banks and funds

federal reserve bank; postwar rehabilitation trust fund

Acts, laws and codes

G.I. bill of rights; P.L. 83-550; internal revenue code; New York city charter; administrative code of the city of New York; New York city building code; United States code

⁴⁹ Exception: The word "Council" is capitalized in a bill's enacting clause only.

11. Other Style Rules

Legal holidays

Christmas day; Good Friday; Independence day; Memorial day

Newspapers

The New York Times; The Wall Street Journal; the City Record⁵⁰

Titles in provisions

mayor; members of the council; council member;⁵¹ speaker of the council;⁵² attorney general; congress; constitution; speaker of the assembly; governor; president of the United States; state comptroller

11.3 SINGLE SPACE AFTER PERIODS

Insert only a single space after a period at the end of a sentence.

11.4 SPACE AFTER SECTION SYMBOL

Place a space after a section symbol (*e.g.*, § 2, not §2).

11.5 PERIOD AFTER SECTION NUMBER

As noted in Rule 4.2.1, the rules for periods after a section number differ based on whether the bill is amending the Charter or the Administrative Code.

In the Charter, put a period both (i) between the section number and the section heading and (ii) after the section heading.

Example:

§ 1099. General provisions.

In the Administrative Code, do *not* put a period between the section number and the section heading; only put a period after the section heading.

Example:

§ 33-155 General provisions.

⁵⁰ See Charter § 1066.

⁵¹ Use “council member” (lowercase) in bill text, but use “Council Member” (initial capitals) when naming bill sponsors in legislative items and in resolutions.

⁵² Use “the speaker” (lowercase) in bill text, but use “the Speaker” (initial capital) when naming the Speaker as a sponsor of a bill or resolution in the byline.

11.6 THE PRESENT TENSE

Laws operate in a continuing present and should be written as if they are operative *now*, as that is how they will appear to readers. This usually means drafting in the present tense. (See also the rules about the use of “shall” versus “may” in Rule 11.16.)

Example:

Write this:

A violation of any provision of this section is a misdemeanor.

Not this:

A violation of any provision of this section shall be a misdemeanor.

Occasionally, it might be necessary to refer to events that, relative to the central event described in a bill provision, occurred in the past or will occur in the future. But the main event should still be thought of as occurring in the present.

Examples:

The commissioner may include a description of actions the department will take in the year following submission of the report.

The commissioner may provide resources, as set forth in subdivision b, for persons who have been displaced by a natural disaster.

11.7 BRIEF AND CLEAR LANGUAGE

Be brief, but not to the extent that clarity is lost. Draft short sections, subsections, and paragraphs, and use short and simple sentences wherever possible. Generally, the shorter a bill, the better; but do not become so focused on brevity that the bill omits necessary requirements. Express concepts in the most direct manner possible.

Unless it is clear from the context, make the subject of each sentence the person or entity to whom a power, right or privilege is granted or upon whom a duty, obligation or prohibition is imposed.

Draft in the active voice. In general, avoid the passive voice so that it is clear who is required, authorized, or prohibited to carry out an action.

11. Other Style Rules

Example:

Write this:

The commissioner of sanitation shall submit such report to the mayor and the speaker of the council.

Not this:

Such report shall be submitted to the mayor and the speaker of the council.

11.8 CONSISTENCY

Although in most non-legislative contexts it is common to use synonyms to avoid repetition or to add emphasis, avoid using synonyms in legislation when referring to a single concept. Always describe the same thing in the same way. A change in wording can be construed to convey a change in meaning. “Unlike literary composition, legislative style should avoid variation in sentence form and should use identical words for the expression of identical ideas, to the point of monotony.”⁵³

11.9 SIMPLE LANGUAGE AND COMMON MEANINGS OF WORDS

Use simple language, choosing short, familiar words and phrases that best express the intended meaning according to common and accepted usage. Strained meanings for words, even if precisely defined in local laws, may lead to confusion or misinterpretation.

Draft only in standard English. Never use a word that might be considered slang. The requirement for standard English does not mean, however, choosing a sophisticated word when a simple word will convey the same concept. Never use a “big” or archaic word when a simple word will do. Avoid using “aforementioned,” “aforesaid,” “hereinabove,” “whatsoever,” or similarly archaic words of reference or emphasis.

Avoid “legalese.” The language of a statute should be formal, not pretentious. For example, use “after” instead of “subsequent to”; use “before” instead of “prior to.”

Avoid doublets such as “null and void,” “full and complete,” and “true and correct.” Instead of “null and void,” use “void”; instead of “shall be in force and effect,” use “takes effect”; instead of “authorized and empowered” use “may.”

Do not use “any,” “each,” “all” or “some” if “a,” “an” or “the” produces the same result.

Make free but careful use of possessive nouns; for example, “the mayor’s office,” “the department’s rule.”

⁵³ 1A Sutherland Statutory Construction § 21:5 (7th ed.).

Omit unnecessary words and concepts. Courts attempt to give meaning to all words in a statute, and they may tease out unintended distinctions to avoid concluding that repetitive expressions are merely redundant. For example, the following is too verbose.

Example:

| Write this: | Not this: |
|--|--|
| The chief clerk shall sign every order issued by the commission. | The chief clerk is hereby authorized and it shall be his duty to sign every order which may be issued by the commission. |

Unless an ambiguity would be created, it may be preferable to use “the,” “this,” or “that” rather than “such” or “said.”

The following wording suggestions apply some of these principles, but they may not be appropriate in every case.

| Instead of: | Try: |
|----------------------------------|---|
| accorded | given |
| admit of | allow |
| among and between | among (if more than two); between (if two individuals) |
| at the place where | where |
| by means of | by |
| cause it to be done | have it done |
| deem | consider |
| does not operate to | does not |
| during such time as | while |
| during the course of | during |
| endeavor (as a verb) | try |
| enter into a contract with | contract with |
| evince | show |
| for the reason that | because |
| forthwith | immediately |
| herein | in this title (or section, etc.) |
| heretofore | before ___ takes effect |
| in accordance with | under |
| in the event that | if |
| is authorized and directed | shall |
| is authorized to | may |
| is directed to | shall |

11. Other Style Rules

| | |
|--|---------------------|
| it shall be lawful to..... | may |
| null and void | void |
| or, in the alternative | or |
| per centum..... | percent |
| prior to..... | before |
| render (in the sense of give)..... | give |
| subsequent to..... | after |
| successfully completes or passes | completes or passes |
| suffer (in the sense of permit)..... | permit |
| to the effect that | that |
| until such time as | until |
| with the object of changing | to change |

11.10 “AND” AND “OR”

The term “and” generally means all of a list of items. The term “or” generally means any one or more of a list of items. Never use the expression “and/or.” Instead, use “A or B, or both,” or, where applicable, just “or.”

Use the word “and” to connect two or more phrases, conditions, events, and so on, all of which must occur.

Use the word “or” to connect two or more phrases, events, conditions, and so on when only one or more, but not all, need occur.

Example:

The penalty for a conviction of any provision of this section is 6 months’ imprisonment, a \$500 fine, or both.

11.11 MODIFIERS

Make sure adjectives and adverbs modify only the intended words. For example, “A licensee may hunt moose, deer or ducks that are not on the endangered species list” is ambiguous—does the phrase “that are not on the endangered species list” apply only to ducks or to all three categories of animal?

Modifying all of the terms in a series could look like: “A licensee may hunt any of the following animals not on the endangered species list: moose, deer or ducks,” or, as in the example below.

Example:

a. A licensee may hunt any of the following if the animal is not on the endangered species list:

1. Moose;
2. Deer; or
3. Ducks.

11.12 OUTDATED OR OFFENSIVE TERMINOLOGY

Most of the following outdated or offensive terms have been removed from the Charter and Administrative Code, but some still remain. Keep in mind that the lists below of terms to avoid will never be complete. In general, follow norms of respectful and inclusive professional communication.

11.12.1 *Prohibited Terms*

Do *not* use these terms or their variants, even though they might still be encountered in statutory text: alien,⁵⁴ almshouse, asylum,⁵⁵ beggar, crippled, deformity, drug abuse, feeble-minded, handicapped, idiot, illegal immigrant, illegal migrant, inmate, insane, mendicant, mental retardation, mentally deficient, senile.

11.12.2 *Terms Referring to Physical or Mental Condition*

Avoid using any terminology that equates a person with a physical or mental condition or that has a negative connotation. For example, use phrases such as “individuals with disabilities,” “persons experiencing homelessness,” and “a person with mental illness,” rather than “the disabled,” “the homeless,” “the mentally ill,” or “person suffering from autism.” For more guidance, *see* Laws of New York, ch. 455 (2007).

11.12.3 *Terms Referring to Gender*

In 2002, the Council adopted legislation to require drafting with gender-neutral terms.⁵⁶ Although a drafter may comply with this directive by substituting the disjunctives *he or she* and *his or her* for a gendered term, the preferred standard is gender-silent drafting, in which gendered terms—even in balanced usage—are avoided altogether. Consider the following examples.

⁵⁴ *See* Administrative Code § 1-114(a).

⁵⁵ Context matters for this term; using the term “asylum” can be appropriate, for example, when discussing immigration-related matters.

⁵⁶ *See* Administrative Code § 1-113.

11. Other Style Rules

Use *the, a, an, such, that,* or *any* in place of a personal pronoun:

An applicant shall submit with [his] an application any fee required by the commissioner.

Use a possessive noun in place of a possessive pronoun:

The commissioner or [his] the commissioner's designee shall provide

Repeat the antecedent:

No person may provide commercial laundry services unless [he] the person first obtains a license.

Rearrange the sentence to avoid the need for a gender-specific pronoun:

[If a] Any dry cleaner who conducts business without first obtaining the required license [he] is guilty of a misdemeanor.

Some nouns and adjectives themselves are gender-specific. A drafter can avoid these by using a gender-neutral substitute.

| Instead of: | Use: |
|-----------------------|---------------------------------------|
| assemblyman | assembly member |
| chairman | chairperson / chair |
| councilman | council member |
| councilmanic | council |
| fireman | firefighter |
| foreman..... | supervisor |
| husband..... | spouse |
| man | individual / person |
| man hours | worker hours / hours worked |
| manmade | artificial / synthetic / manufactured |
| policeman | police officer |
| widow / widower | surviving spouse |
| wife..... | spouse |
| workman..... | worker |

The commissioner shall forward a copy of the application to the [councilman] council member for the [councilmanic] council district in which the applicant seeks to execute such project.

In some cases, simply eliminate gender-specific terms:

In an action for slander [of a woman] imputing lack of chastity [to her], it is not necessary to allege or prove special damages.

11.12.4 Updating Terminology Used

If in doubt about whether a particular term or phrase is no longer appropriate (*e.g.*, has become offensive or outdated) and what the best alternative language might be, consult with relevant stakeholders, advocacy groups, and experts in the field.

11.13 TERMS RELATING TO TIME

Avoid terms such as “presently,” “currently,” “now,” “existing,” “heretofore,” and “hereafter”; they may be confusing once material is codified. Refer to “the effective date of the local law that added this (provision)” when necessary.

Example:

This section does not apply to any contract executed before the effective date of the local law that added this chapter.

Avoid using the words “biannual” and “biennial,” which might be confusing to some readers. Instead, use a more straightforward phrase like “twice a year,” “every 6 months,” or “every 2 years,” depending on the intended result.

11.14 ACRONYMS AND ABBREVIATIONS

Avoid acronyms and abbreviations in bills.

11.15 EXTRANEOUS PROVISIONS

Do not include material in a bill that has no legal effect. This material impairs the usefulness of the statutes and may contribute to misinterpretation and confusion. Material without legal effect includes examples, illustrations, rationales, background information, estimates, projections, suggestions, advice, or argumentative matter. Such material may be appropriate for the committee report instead.

11.16 “SHALL” VERSUS “MAY”

A significant amount of legislation can be characterized as requiring, authorizing or prohibiting activity. Which of these is intended will influence when and how a drafter should use “shall” or “may.”

11.16.1 Use “*Shall*” to Require and “*Shall Not*” to Prohibit

Use “shall” to express a duty, mandate, obligation, prohibition, requirement, or condition precedent.

11. Other Style Rules

Example:

The commissioner shall submit a report to the speaker of the council . . .

Use “shall not” or a variation such as “no person shall” to express a prohibition.

Example:

An inspector shall not enter a dwelling unless at least 1 of the following conditions is met.

Example:

No person shall operate a recreational vehicle without a license as required by this section.

Avoid using “shall” to state a legal fact or result where nothing is being required or prohibited. This usage is known as a “false imperative.”

Examples:

Write this:

This section does not apply to offenses committed . . .

Not this:

This section shall not apply to offenses committed . . .

Write this:

A person is liable if . . .

Not this:

A person shall be liable if . . .

Do not use the word “shall” in definitions sections to state the meaning of a term.

Example:

Write this:

Commission. The term “commission” means . . .

Not this:

Commission. The term “commission” shall mean . . .

Similarly avoid using “shall” to confer a legal right without stating an obligation.

Example:

| | |
|---|---|
| <p>Write this:</p> <p>A licensee is eligible . . .</p> | <p>Not this:</p> <p>A licensee shall be eligible . . .</p> |
|---|---|

11.16.2 Use “May” to Authorize

Use “may” to confer a power, privilege, right, or discretion. The term “may” indicates that something is permissive or non-mandatory—that a person is permitted to do something or that a person has discretion or authority to do something.

Example:

The commissioner may grant a licensee’s request for an extension of up to 30 days to file a renewal application.

Example:

| | |
|--|--|
| <p>Write this:</p> <p>A person may appeal by filing a written notice with the director.</p> | <p>Not this:</p> <p>A person shall have the right to appeal by filing a written notice with the director.</p> |
|--|--|

Example:

| | |
|---|--|
| <p>Write this:</p> <p>The board may promulgate rules in furtherance of the purposes of this chapter.</p> | <p>Not this:</p> <p>The board shall be authorized to promulgate rules in furtherance of the purposes of this chapter.</p> |
|---|--|

While some legislative bodies use “may not” to indicate that something is prohibited, the Council generally uses “shall not,” which is understood as prohibiting a behavior. See Rule 11.16.1.

11.17 USING MODEL LAWS

Bill drafters frequently receive requests to model a city bill after state or federal law or law of another city. The requester may feel that the wording of the model is best because the model was enacted elsewhere and has been administered and implemented

11. Other Style Rules

successfully. However, the model almost always has to be changed to fit local circumstances.

When working from a model law, be sure to check for applicable definitions located in other provisions of the source law. Take into account whether case law or other background norms apply in the same way to the source jurisdiction as to the City.

11.18 BOLDING

Do not bold any text except as prescribed for amendments to the Construction Codes (*see* Appendix A: Construction Codes. This prohibition includes section headings.

11.19 PUNCTUATION

11.19.1 *Serial Comma*

Include a serial comma before *and* or *or* in a series.⁵⁷ Where a list is punctuated using semicolons, include a serial semicolon before *and* or *or*.

If using the serial comma or semicolon would introduce an ambiguity, rephrase the sentence to avoid the ambiguity.

Example of simple series:

Notwithstanding any law, rule, or regulation to the contrary, . . .

Example of complex series:

The term “real estate office” means a place of business that is primarily engaged in the business of selling, buying, leasing, or renting real property; listing real property for sale, purchase, lease, or rental; or providing brokerage services in connection with such selling, buying, leasing, renting, or listing.

11.19.2 *Parentheses*

Avoid using parentheses () in bill text, except to set off numbers or letters designating provisions (*see* Rule 4.3).

11.19.3 *Brackets*

Do not use brackets [] for any purpose other than to indicate a deletion. *See* Rule 11.1.

11.20 REFERRING TO THE AGENCY HEAD VS. THE AGENCY

Legislative instructions for implementation by the mayoral administration should usually refer to a city official rather than an agency when imposing obligations or

⁵⁷ The serial comma is also sometimes known as the Oxford comma or Harvard comma.

prohibitions, or when granting authority.⁵⁸ Keep in mind that the official usually has authority to delegate within the agency.

Example:

The commissioner of transportation shall submit the report to the speaker of the council.

In some cases, of course, a reference to an agency might be necessary because a reference to the official would be inaccurate. In the example below, referring to the “website of the commissioner” would be confusing since the website at issue is for the department as a whole. Note that the reference to the department merely states whose website it is; the requirement to publish still properly falls on the commissioner.

Example:

The commissioner shall publish such report on the website of the department.

When referring to a commissioner, write, *e.g.*, “commissioner of sanitation” rather than “commissioner of the department of sanitation.” Appendix D: Titles of Select City Agencies and Agency Heads provides the correct titles to use in legislation, based on the relevant Charter (or in some cases state law) provision that created the commissioner for each agency.

11.21 GENERAL GRAMMAR RULES

The following rules could be found in any manual of style; they are not specific to legislative drafting.

11.21.1 “Which” Versus “That”

Use “that” to introduce a restrictive clause, *i.e.*, a clause that limits the possible meaning of the subject.

Use “which” to introduce a nonrestrictive clause, *i.e.*, a clause that gives information about the subject but does not limit its meaning.

In general, a comma separates “which” from the clause that precedes it, while no comma separates “that” from the preceding clause.

Compare the following examples.

⁵⁸ See Arthur J. Rynearson, *Legislative Drafting Step-by-Step* at 4 (2013) (“The reason for this is simple: a bureaucrat cannot be held accountable but an official can.”).

11. Other Style Rules

Examples:

The commissioner must honor those applications that are less than 60 days old.

The commissioner must honor those applications, which are less than 60 days old.

In the first example, the clause “*that* are less than 60 days old” limits “those applications,” such that the commissioner only must honor applications if they are less than 60 days old. In the second example, the clause “*which* are less than 60 days old” merely gives incidental information about the applications—the sentence as written means that the commissioner must honor all of the applications, and, incidentally, those applications are more than 60 days old.

11.21.2 Split Infinitives

Avoid splitting infinitives and other compound verb forms unless necessary to avoid ambiguity or patent artificiality.

Example:

Write this:

The commissioner shall submit a report to the council within 90 days of the effective date of the local law that added this section.

Not this:

The commissioner shall promptly submit a report to the speaker of the council.

11.21.3 “Affect” and “Effect”

“Affect” is both a noun and a verb. When used as a noun it means feeling or emotion: “The affect of grief is devastating.” When used as a verb it conveys action against or upon a person or means to influence: “Economic fluctuations affect tax revenues.”

“Effect” is also both a noun and a verb. When used as a noun it means that which is brought about as a result or an impression: “The effect of a tax cut cannot always be foreseen.” When used as a verb it conveys the idea of bringing something about, or an accomplishment or achievement of a result: “A tax cut can effect an increase in gross domestic product.”

If the difference is still not clear, most general style guides include a comprehensive explanation.⁵⁹

⁵⁹ Merriam-Webster provides helpful guidance at <https://www.merriam-webster.com/words-at-play/affect-vs-effect-usage-difference>, permalink: <https://perma.cc/G8KF-WJZZ>.

11.21.4 *The Singular Instead of the Plural*

Use the singular instead of the plural wherever possible. The singular includes the plural, and the plural includes the singular.⁶⁰ If the plural must be used in a compound word, the significant word takes the plural:

attorneys general
corporation counsels
deputy sheriffs
grants-in-aid
judge advocates
notaries public
rights-of-way
trade unions

11.22 CONTRACTIONS

Do not use contractions in legislative text.

Example:

Write this:

The commissioner may provide for additional time, not to exceed 30 days, in which to file a renewal application.

Not this:

The commissioner may provide for additional time in which to file a renewal application, provided that the additional time doesn't exceed 30 days.

⁶⁰ N.Y. General Construction Law § 35.

APPENDIX A: CONSTRUCTION CODES

The City’s Construction Codes—contained in title 28 of the Administrative Code—present a unique drafting situation. The City must revise these Construction Codes every three years to keep them up to date with the latest version of the I-Codes, a set of model construction codes for the United States developed by the International Code Council.⁶¹ The City’s Construction Codes also have New York City-specific amendments throughout to tailor them to the City’s high density urban environment. Drafters may refer to the latest version of NYC Buildings Construction Codes Revision Cycle Handbook, usually available on the Department of Buildings’ website, for additional information on the process, goals, and history of the Construction Codes revision cycle.⁶²

Most of title 28 of the Administrative Code was enacted in 2008. It was substantially revised in 2014, and again in 2021. Title 28 includes general administrative and enforcement provisions in chapters 1 through 5 and the following five technical codes:⁶³

- The Plumbing Code (chapter 6)
- The Building Code (chapter 7)
- The Mechanical Code (chapter 8)
- The Fuel Gas Code (chapter 9)
- The Energy Conservation Code (chapter 10)

Generally, all buildings are subject to the administrative and enforcement provisions of title 28 of the Administrative Code. Construction of new buildings and certain types of alterations to existing buildings must comply with the technical codes of title 28. Drafters should check section 28-101.4.3 of the Administrative Code to determine the kinds of existing buildings that may use prior codes (for example, the 1968 Building Code contained in title 27)⁶⁴ and under which circumstances. Drafters should also check article 315 of chapter 3 of title 28 for a list of requirements that are “retroactive”—*i.e.*, that buildings are required to meet by a certain date even if they are not otherwise undergoing work.

⁶¹ See Administrative Code §§ 28-601.1, 28-701.1, 28-801.1, and 28-901.1.

⁶² The Fire Code, which is separate from the Construction Codes, is also subject to a mandatory three-year revision cycle per Title 29 of the Administrative Code.

⁶³ At the time of completion of the third edition of this manual, there is also a plan to move the Electrical Code to Title 28 of the Administrative Code during the next code revision cycle.

⁶⁴ Use the term “prior” when describing codes adopted before the 2008 Codes (before July 1, 2008). “Prior codes” is a defined term in the 2014 Code.

Although the 1968 Building Code contained in title 27 still has effect, drafters generally should *not* make changes to it. Instead, to impose requirements on existing buildings, drafters should make appropriate changes to section 28-101.4.3 of the Administrative Code or article 315 of chapter 3 of title 28.

When making amendments to title 28 of the Administrative Code, the conventions described elsewhere in this manual may be used except as provided in this Appendix.

CROSS-REFERENCES

When making a cross-reference within one of the technical codes, the terms “Section,” “Item,” and “Exception” should be capitalized. If the cross-reference points to a section/item/exception that is contained in another technical code or the Administrative Code, refer to that code as well (see examples below).

Example: *A citation within the Administrative Code to a Building Code provision:*

Walls shall be constructed of wood in accordance with item 1 of section 9999 of the New York city building code.

Example: *A citation within the Building Code to another Building Code provision:*

Walls shall be constructed of wood in accordance with Item 1 of Section 9999.

Note that when referring to another code from within a technical code the reference is capitalized and italicized as in the following examples. Also note that New York City is added before the technical codes but not the Administrative Code.

Example: *A citation within the Building Code to a Plumbing Code provision:*

Pipes shall be designed and constructed in accordance with Exception 2 of Section 1234.5 of the *New York City Plumbing Code*.

Example: *A citation within the Building Code to an Administrative Code provision:*

Construction documents shall indicate the manner of wall construction, in accordance with Section 28-999 of the *Administrative Code*.

FORMATTING

Text in title 28 should be full justified and single-spaced.

In title 28, sections are not subdivided into subdivisions, paragraphs, etc. Instead, sections are nested within one another, and each is referred to as a “section” regardless of whether it is nested or not. When adding or amending a section, the bill should have that section start flush with the left margin. An item, an exception, or a nested section within that section would then be half-indented (two ticks in, if using the ruler at the top of the document in Microsoft Word).

Appendix A: Construction Codes

Every section begins with a “lead title.”⁶⁵ Section numbers and lead titles should be bolded, as in the example that follows. A lead title in title 28 should be followed by a period; section numbers should not be followed by a period. Items and exceptions generally should not have lead titles. (*Exception:* In the few instances where items and exceptions do have lead titles, a period should follow both the item/exception number *and* the lead title.)

Material in numbered items and numbered exceptions should be aligned so that all text in the item or exception begins a half-indent (two ticks on the Microsoft Word ruler) after the number.

Example:

306.4 Location restrictions. Locations of spaces classified in Factory Group F may be restricted within a building containing a Group R occupancy pursuant to Section [~~509.8~~] 510.8.

Note that in the example above there is no period after “306.4”; the period only comes after the lead title.

Example:

§ 28-101.3.1 Occupancy classifications in prior codes. With regard to prior code buildings, references to occupancy classifications in this code shall be deemed to refer to the equivalent occupancy classification under the 1968 or prior building codes.

Example:

§ 28-999 Boilers. Boilers shall be capable of delivering hot water in accordance with section 9999.10 of the New York city plumbing code.

§ 28-999.1 High-pressure boilers. High-pressure boilers shall be made of steel.

Exception: Underground high-pressure boilers shall comply with the requirements provided in section 9999.22 of the New York city plumbing code.

Example:

9999.1.1 Wall construction. Walls shall be constructed in accordance with Sections 9999.1.1.1 and 9999.1.1.2.

9999.1.1.1 Materials. Walls shall be made of wood.

⁶⁵ For other parts of the Administrative Code, lead titles are referred to as “section headings.”

Exception: Exterior walls may be made of metal.

9999.1.1.2 Design. Walls shall be designed as follows:

1. Rooms shall have 4 walls.
2. Walls shall be vertical.
3. Exterior walls shall be designed to withstand wind forces.

Exceptions:

1. Exterior walls in areas of the city that are not prone to winds, as specified in the Sections 9999.10.
2. Shielded exterior walls.

Tables can be useful in the Construction Codes. *See also* Rule 7.8.

Example of a table as a separate structure:

1520.3 Required number of fixtures. Assembly and Mercantile occupancies shall provide the required number of fixtures in accordance with Table 1520.3.

**TABLE 1520.3
REQUIRED NUMBER OF FIXTURES**

| Total Occupants | Number of Fixtures |
|-----------------|---|
| 1 to 400 | 10 |
| Over 400 | 10 plus 1 additional fixture for every 100 occupants |

REFERENCES IN PREFATORY TEXT

When adding a section in the general administrative and enforcement provisions of the Construction Codes contained in chapters 1 through 5 of title 28 of the Administrative Code, specify the article and chapter in title 28 that is being amended.

Example:

§ 3. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.8.3 to read as follows:

Appendix A: Construction Codes

When adding or amending a section in one of the technical codes, specify the technical code being amended rather than title 28 of the Administrative Code.

When adding or amending a section in one of the technical codes, and such section does *not* have a decimal, include the appropriate prefix before the section (“BC” for Building Code; “PC” for Plumbing Code; “MC” for Mechanical Code; “FGC” for Fuel Gas Code; “ECC” for Energy Conservation Code).

If adding a new section to one of the technical codes, specify the relevant chapter of that technical code.

Example:

§ 2. Section 200.1 of the New York city building code is amended by adding a new definition for “CHAIR” in appropriate alphabetical order to read as follows:

Example:

§ 3. Section 999.1 of the New York city building code, as added by local law number 999 for the year 2000, is amended to read as follows:

Example:

§ 8. Chapter 25 of the New York city building code is amended by adding a new section 2599.1.4 to read as follows:

Example:

§ 3. Chapter 35 of the New York city building code is amended by adding a new section BC 3599 to read as follows:

Example:

§ 2. Section BC 1101 of the New York city building code is amended by adding a new section 1101.5.1.2 to read as follows:

When adding or amending an item or exception in the Construction Codes, specify that an item or exception is being added or amended.

Example:

§ 2. Section 310.1.1 of the New York city building code is amended by adding a new item 4 to read as follows:

Example:

§ 2. Section 28-203.1 of the administrative code of the city of New York, as amended by local law number 203 for the year 2017, is amended by adding a new exception 6 to read as follows:

NUMBERS AND MEASUREMENTS

Within the technical codes, measurements using imperial units (feet, inches, etc.) should be followed by the equivalent metric measurement enclosed in parentheses. When serving as a compound modifier before a noun, a fraction generally will be entirely hyphenated. When not, it might have a single hyphen but will not be entirely hyphenated.

Hyphenate fractions serving as compound modifiers after a noun as follows or where the fraction is standing alone:

Example:**Write this:**

a pipe that is one-half inch (13 mm)

Not this:

a pipe that is 1/2 inch

a pipe that is one half inch

Hyphenate compound modifiers preceding a noun as follows:

Example:**Write this:**

one-half-inch (13 mm) pipe

Not this:

1/2 inch pipe

one half inch pipe

one-half-inch-pipe

Metric equivalents of 10,000 or more should use a space, rather than a comma, as a digit separator (*e.g.*, “10 974” instead of “10,974”). No digit separator is used for metric equivalents less than 10 000 (*e.g.*, “8954” instead of “8 954” or “8,954”). Imperial units of 1,000 or more should use a comma as a digit separator.

Example:

1114.5.1 Support of excavation. When an onsite stormwater disposal system installation requires an excavation deeper than 5 feet (1524 mm), the sides of the

Appendix A: Construction Codes

excavation shall be protected and maintained in accordance with Section 3304.4 of the *New York City Building Code*.

MOVING AND REMOVING SECTIONS

The Construction Codes contain numerous cross-references. Therefore, when moving or removing sections, drafters must check to see how the move/removal will affect relevant cross-references throughout the Construction Codes and elsewhere.

Also, because the technical codes are based on international model codes, drafters should avoid (where possible) redesignating sections and should use the convention shown in the example when removing sections.

Example:

§ 3. Section 304.2 of the New York city building code is REPEALED and a new section 304.2 is added to read as follows:

304.2 Reserved.

DEFINITIONS

Although drafters should always be careful to check for defined terms when preparing legislation, this becomes particularly important when drafting legislation concerning the Construction Codes because of the large number of defined terms therein. Section 28-101.5 contains defined terms, each of the technical codes contains defined terms (e.g., BC 202, MC 202, etc.), and several chapters and sections contain defined terms specific to those chapters or sections.

REFERENCE STANDARDS

The technical codes incorporate by reference some industry standards. These standards are often found in appendices and sometimes include instructions for altering the standard to meet the City's specific needs. Adding or amending these instructions presents a special drafting situation, which is addressed in the examples below.

Let's assume that section 9999.1 of the Building Code incorporates an industry reference standard known as the 2010 National Wall Code, which governs wall construction. Let's also assume that section 9999.1 contains a number of New York City amendments to the 2010 National Wall Code to account for the nuances of wall-building in New York City, but that it does not contain any amendments to section 203.4 of article 2 of the National Wall Code concerning the construction of exterior walls.

Section 203.4 of the National Wall Code provides as follows:

Example:

203.4 Design. Exterior walls shall be constructed to withstand wind speeds of 100 mph (160.9 kph).

Now let's assume that the drafter wants to change this text to require that exterior walls be able to withstand wind speeds of 200 mph instead. The relevant portion of the bill would read as follows.

Example:

§ 3. Section 9999.1 of the New York city building code is amended by adding New York city amendments for section 203.4 of the 2010 National Wall Code to read as follows:

Section 203.4

Revise section 203.4 to read as follows:

203.4 Design. Exterior walls shall be constructed to withstand wind speeds of 200 mph (321.9 kph).

Let's take the same fact pattern above, but assume instead that section 9999.1 *does* already amend section 203.4 of the National Wall Code so that exterior walls are required to withstand wind speeds of 150 mph.

In this case, the relevant portion of the bill would read as follows:

Example:

§ 3. The New York city amendments to section 203.4 of the 2010 National Wall Code set forth in section 9999.1 of the New York city building code, as added by local law number 99 of the year 2001, are amended to read as follows:

Section 203.4

Section 203.4 – Revise section 203.4 to read as follows:

203.4 Design. Exterior walls shall be constructed to withstand wind speeds of [150 mph (241.4 kph)] 200 mph (321.9 kph).

APPENDIX B: COUNCIL RULES, CHAPTER 6

6.00. Preparation and Presentation of Papers - The word paper when used herein shall include all local laws, resolutions, petitions, communications from City, county and borough offices and reports which may be proposed to the Council for action. All papers other than committee reports shall be presented in writing, endorsed with the name of the introducer or originator, and with the exception of committee reports, must be deposited with the Office of the Speaker before 1 p.m., at least three business days, excluding municipal holidays preceding the meeting day.

The style of local laws shall be “Be it enacted by the Council as follows.” Every local law shall embrace only one subject. The title shall briefly refer to the subject matter.

Every other paper shall be endorsed with a short statement of its subject matter. All proposed local laws and resolutions are to be assigned a chronological introduction or resolution number and shall appear on the agenda in alphabetical order according to the name of the first-named prime sponsor, except that the Speaker’s name shall appear first. If amended, the number of the proposed local law or resolution shall be followed by a designation beginning with the letter A, and continuing sequentially through the alphabet with each amended version.

6.10. Local Laws; How Prepared - A local law amending or repealing any existing law shall contain in brackets the part repealed and the new part to be inserted shall be underscored. When any such local law is printed in the Minutes, the part repealed shall be in brackets and the new part shall be in italics instead of being underscored. All local laws presented, whether new or of an amendatory nature, shall state specifically the section of the law to be added, amended or repealed. The latest draft of the proposed local law shall contain in the lower left corner the date and time of the most current version. Committee staff shall be responsible for transmitting such version to Members for consideration, and to post on the web site.

6.20. Sponsors - a. The first-named sponsors on all proposed local laws and resolutions shall be deemed to be the prime sponsors. In the event the Speaker of the Council is not a prime sponsor, the name of such member shall appear in the sequence in which such member requested to be added as a sponsor.

b. The first-named prime sponsor’s approval shall not be necessary before the names of any co-prime sponsor may be added to proposed local laws or resolutions. However, approval shall be necessary where the first-named prime sponsor has so indicated. In either event, a member may add his or her name as a sponsor after the introduction of a proposed local law or resolution by making such request in writing to the Legislative Document Unit.

c. Certain legislative matters, as designated by the Speaker, may be introduced under the sponsor name, “by the Committee on Rules, Privileges and Elections

Committee.” Legislative matters sponsored under such process shall continue to be assigned to the appropriate committee for its consideration.

6.30. Papers Referred to Committee; Change of Reference - Every proposed local law or resolution introduced shall, upon its introduction, be referred by the Speaker to a committee to consider and report thereon. The Speaker may also refer proposed local laws or resolutions to two committees for their joint consideration. When a matter is jointly referred, each committee shall vote separately on the matter and an affirmative vote of both committees shall be required in order to report such matter to the full Council. At any time prior to the first meeting of such committee to consider such proposed local law or resolution, such reference may be changed by the Speaker. The first-named prime sponsor may, at any time prior to the first meeting of such committee to consider such proposed local law or resolution, petition the Speaker to change the committee to which the matter has been referred.

6.40. Type of Enactment - a. All enactments shall be by local law or resolution.

b. The introduction of all proposed local laws shall be accompanied by a plain language summary of the bill which shall be posted on the Council’s legislative tracking database and updated when the applicable bill is amended.

6.50. Fiscal Impact Statements - No proposed local law or budget modification shall be voted on by a Council committee or the Council unless it is accompanied, on a separate form, by a fiscal impact statement prepared by the Finance Division of the Council. Any proposed local law or budget modification with a fiscal impact statement indicating a fiscal impact may be referred by the Speaker to the Committee on Finance following approval by the committee to which such matter was originally referred.

6.55. Preliminary Fiscal Estimate - A first name prime sponsor of any proposed local law that has been introduced may request the preparation of a preliminary fiscal estimate for such proposed local law at any time, which shall be produced within 60 days of such a request to the extent practicable.

6.60. Legislative Drafting Services - a. The Speaker shall ensure that the Council central staff provides legislative drafting services to all members on an equitable and confidential basis. Confidentiality precludes Council central staff from refusing to provide legislative drafting services to any member on the basis that similar legislation is currently being drafted.

b. Some or all of such drafting services shall be provided by a dedicated drafting unit within Council central staff, the primary function of which is the drafting of legislation.

c. Members shall have access to a tracking database that identifies the staff member to whom each of their requests has been assigned, and which provides the status of each such request.

Appendix B: Council Rules, Chapter 6

d. Members shall submit all proposed local laws and resolutions and proposals for laws and resolutions to the legislative division prior to introduction; provided that any proposed local law or resolution submitted by any member to the Speaker's office in conformance with the rules of this chapter shall be deemed to have been approved by the legislative division.

e. Central staff, to the extent practicable, shall respond to requests for legislation in the order in which they were received, providing a draft of the proposal to the requesting Member within sixty days of the date of such request.

f. Upon request, a member may view any legal memorandum drafted by staff of the legislative division regarding a request such member has made for legislation.

g. Members may request amendments to legislation for which they are the first-named prime sponsor at any time prior to such legislation receiving any committee vote. Once finalized for consideration, such amended legislation shall be posted to the Council's website.

APPENDIX C: DISTINCTIONS FROM STATE STYLE

As local constraints and structures differ from state ones, some drafting rules in this manual diverge from state drafting rules by necessity (for example, the City Council is not divided into an Assembly and a Senate; local bills are styled “Local Laws”). Other rules here diverge because of ongoing local practice. Still others diverge because of a decision that local practice today would benefit. The following chart of distinctions is intended as a guide for those who are accustomed to adapting the state manual to local drafting:

| | New York State Bill Drafting Manual (and Conventions) | New York City Bill Drafting Manual |
|--|--|---|
| <i>Relatively clear distinctions between state and local rules</i> | | |
| Use of parentheses when referring to subunit designations (e.g., clause (1) of subparagraph (a)) | Only use parentheses when the reference is to a letter or romanette (not a numeral) | Use parentheses for a reference whenever the designation being referenced is itself in parentheses, without regard to whether it is a letter or numeral |
| Effective dates | Practice appears to be built on the formulation “This local law shall take effect on the {number of days} after it shall have become a law.” | The basic formulation is “This local law takes effect {number of days} after it becomes law.” |
| Numbering in consolidated law | Spell out numbers unless otherwise specified, though practice might vary | Use numerals for all expressions of numbers except as specified in Rule 8. |
| Expression of sums of money | For appropriation bills, express sums twice: once spelled out and once in numerals in parentheses; for all other bills, spell out | For budget bills, express twice: once spelled out and once in numerals in parentheses; for all other bills, use numerals only |
| Definitions | Practice appears to be to use a separate designator for each definition; no | - Do not use separate designators for individual definitions |

Appendix C: Distinctions from State Style

| | | |
|--|---|---|
| | requirement that new definitions be added alphabetically; definition begins with the defined term in quotes | - Add new definitions alphabetically - Begin definition with the term not in quotes, followed by language required in Rule 9 of the Manual |
| <i>Local style might differ from state practice</i> | | |
| Order of numbering and lettering for statutory divisions | — | Use: a. / 1. / (a) / (1) / (A) |
| References to time | — | Use numerals and the abbreviations a.m. and p.m. |
| Spelling out “section” for first bill section | A recent practice appears to be to use section symbol (§) for all bill sections, including the first | Spell out “section” for first bill section, viz. “Section 1.” |

APPENDIX D: TITLES OF SELECT CITY AGENCIES AND AGENCY HEADS

When drafting a bill, use this chart to determine how to refer to select agencies and agency heads. If the term “department” or “commissioner” is defined for the title, chapter, section, etc. in which the drafter is working, use that shortened term instead of the full title that appears in this chart. Agency nicknames should not be used in bills but may be used in committee reports, plain language summaries, and similar documents if accompanied by an explanation of which agency the nickname refers to.

| | Nickname | Agency Title | Agency Head | See |
|--|--------------------------------------|--|--|----------------|
| Administrative Tax Appeals, Office of | OATA | office of administrative tax appeals | director of the office of administrative tax appeals | Charter § 150 |
| Administrative Trials and Hearings, Office of | OATH | office of administrative trials and hearings | chief administrative law judge | Charter § 1048 |
| Aging, Department for the | DFTA | department for the aging | commissioner for the aging | Charter § 2400 |
| Art Commission | <i>See Public Design Commission.</i> | | | |
| Buildings, Department of | DOB | department of buildings | commissioner of buildings | Charter § 641 |
| Business Integrity Commission | BIC | business integrity commission | chairperson of the business integrity commission | Charter § 2100 |
| Campaign Finance Board | CFB | campaign finance board | chairperson of the campaign finance board | Charter § 1052 |

Appendix D: Titles of Select City Agencies and Agency Heads

| | Nickname | Agency Title | Agency Head | See |
|---|--|--|---|----------------|
| Children’s Services, Administration for | ACS | administration for children’s services | commissioner of children’s services | Charter § 615 |
| City Healthcare Services, Committee on | | committee on city healthcare services | chairperson of the committee on healthcare services | Charter § 20-e |
| City Planning, Department of | DCP | department of city planning | director of city planning | Charter § 191 |
| Citywide Administrative Services, Department of | DCAS | department of citywide administrative services | commissioner of citywide administrative services | Charter § 810 |
| Civil Justice, Mayor’s Office of | | office of civil justice | coordinator of the office of civil justice | Charter § 13-b |
| Civilian Complaint Review Board | CCRB | civilian complaint review board | chair of the civilian complaint review board | Charter § 440 |
| Combat Domestic Violence, Mayor’s Office to | <i>See Mayor’s Office to End Domestic and Gender-Based Violence.</i> | | | |
| Conflicts of Interest Board | COIB | conflicts of interest board | chair of the conflicts of interest board | Charter § 2602 |

| | Nickname | Agency Title | Agency Head | See |
|---|-----------------|--|--|----------------|
| Consumer and Worker Protection, Department of | DCWP | department of consumer and worker protection | commissioner of consumer and worker protection | Charter § 2201 |
| Correction, Department of | DOC | department of correction | commissioner of correction | Charter § 621 |
| Criminal Justice, Mayor’s Office of | MOCJ | office of criminal justice | coordinator of criminal justice | Charter § 13 |
| Cultural Affairs, Department of | DCLA | department of cultural affairs | commissioner of cultural affairs | Charter § 2501 |
| Cyber Command, Office of | | office of cyber command | director of the office of cyber command | Charter § 20-j |
| Data Analytics, Mayor’s Office of | MODA | office of data analytics | director of the office of data analytics | Charter § 20-f |
| Design and Construction, Department of | DDC | department of design and construction | commissioner of design and construction | Charter § 1200 |

Appendix D: Titles of Select City Agencies and Agency Heads

| | Nickname | Agency Title | Agency Head | See |
|---|-----------------|--|--|--|
| Education, Department of | DOE | department of education | chancellor of the city school district ⁶⁶ | Education Law § 2590-a; Bylaws of Panel for Educational Policy ⁶⁷ |
| Emergency Management Department | NYCEM, OEM | emergency management department ⁶⁸ | commissioner of emergency management | Charter § 495 |
| End Domestic and Gender-Based Violence, Mayor’s Office to | ENDGBV | office to end domestic and gender-based violence | director of the office to end domestic and gender-based violence | Charter § 19 |
| Environmental Protection, Department of | DEP | department of environmental protection | commissioner of environmental protection | Charter § 1401 |
| Equal Employment Practices Commission | EETPC | equal employment practices commission | chair of the equal employment practices commission | Charter § 830 |

⁶⁶ While Education Law section 2590-a defines “chancellor” as the “chancellor of the city district,” this phrase would be used primarily outside the sections of the Administrative Code or Charter that are dedicated to education. Therefore, adding in the word “school” will ensure better understanding.

⁶⁷ Education Law section 2590-b refers to the “city board of education,” but in its bylaws the board refers to itself as the “Panel for Educational Policy.” The board’s bylaws further indicate that the Panel for Educational Policy, the Chancellor and various other officers and school employees together constitute the Department of Education. *See Nacipucha v. City of New York*, 18 Misc. 3d 846, 849-54 (Sup. Ct. Bronx Cnty. 2008) (describing structure of Department of Education).

⁶⁸ May also be known as the New York city office of emergency management. *See* Charter § 495.

| | Nickname | Agency Title | Agency Head | See |
|---|-----------------|--|---|-------------------|
| Finance, Department of | DOF | department of finance | commissioner of finance | Charter § 1501 |
| Fire Department | FDNY | fire department | fire commissioner ⁶⁹ | Charter § 481 |
| Food Policy, Office of | | office of food policy | director of the office of food policy | Charter § 20-i |
| Franchise and Concession Review Committee | FCRC | franchise and concession review committee | chair of the franchise and concession review committee | Charter § 373 |
| Gender Equity, Commission on | CGE | commission on gender equity | chair of the commission on gender equity | Charter § 20-b |
| Health and Mental Hygiene, Department of | DOHMH | department of health and mental hygiene | commissioner of health and mental hygiene | Charter § 551 |
| Homeless Services, Department of | DHS | department of homeless services | commissioner of homeless services | Charter § 610 |
| Housing Preservation and Development, Department of | HPD | department of housing preservation and development | commissioner of housing preservation and development | Charter § 1800 |

⁶⁹ Charter § 481 refers to the fire commissioner only as “the commissioner.” The title provided here is derived from convention.

Appendix D: Titles of Select City Agencies and Agency Heads

| | Nickname | Agency Title | Agency Head | See |
|---|---|---|---|---------------------|
| Human Resources Administration | <i>See</i> Department of Social Services. | | | |
| Human Rights, Commission on | CCHR | New York city commission on human rights | chairperson of the New York city commission on human rights | Charter §§ 902, 903 |
| Immigrant Affairs, Mayor's Office of | MOIA | office of immigrant affairs | director of the office of immigrant affairs | Charter § 18 |
| Independent Budget Office | IBO | independent budget office | director of the independent budget office | Charter § 259 |
| Information Technology and Telecommunications, Department of | DoITT | department of information technology and telecommunications | commissioner of information technology and telecommunications | Charter § 1070 |
| Investigation, Department of | DOI | department of investigation | commissioner of investigation | Charter § 801 |
| Labor Standards, Office of | | office of labor standards | director of the office of labor standards | Charter § 2203(e) |
| Landmarks Preservation Commission | | landmarks preservation commission | chair of the landmarks preservation commission | Charter § 3020 |

| | Nickname | Agency Title | Agency Head | See |
|---|-----------------|---|---|------------------|
| Law Department | Law | law department | corporation counsel | Charter § 391 |
| Long-Term Planning and Sustainability, Office of | MOS | office of long-term planning and sustainability | director of long-term planning and sustainability | Charter § 20 |
| Management and Budget, Office of | OMB | office of management and budget | director of management and budget | Charter § 225(b) |
| Minority and Women-Owned Business Enterprises, Mayor's Office of | Office of M/WBE | office of minority and women-owned business enterprises | director of the office of minority and women-owned businesses ⁷⁰ | Charter § 20-h |
| Nightlife, Office of | | office of nightlife | director of the office of nightlife | Charter § 20-d |
| Older Workforce Development, Center for | | center for older workforce development | director of the center for older workforce development | Charter § 20-k |
| Operations, Mayor's Office of | | office of operations | director of the office of operations | Charter § 15 |
| Parks and Recreation, Department of | Parks | department of parks and recreation | commissioner of parks and recreation | Charter § 531 |

⁷⁰ See Charter § 20-h(a), (c); Administrative Code § 6-129(c)(14).

Appendix D: Titles of Select City Agencies and Agency Heads

| | Nickname | Agency Title | Agency Head | See |
|---|-----------------|--|--|---------------------|
| Payroll Administration, Office of | | office of payroll administration | director(s) of the office of payroll administration | Charter § 870 |
| Police Department | NYPD | police department | police commissioner | Charter § 431 |
| Prevention of Hate Crimes, Office for the | OPHC | office for the prevention of hate crimes | coordinator of the office for the prevention of hate crimes | Charter § 20-g |
| Probation, Department of | DOP | department of probation | director of probation | Executive Law § 255 |
| Procurement Policy Board | PPB | procurement policy board | chair of the procurement policy board | Charter § 311 |
| Public Design Commission ⁷¹ | | art commission | president of the art commission | Charter §§ 851, 853 |
| Records and Information Services, Department of | DoRIS | department of records and information services | commissioner of records and information services ⁷² | Charter § 3000 |
| Sanitation, Department of | DSNY | department of sanitation | commissioner of sanitation | Charter § 751 |

⁷¹ The Art Commission was renamed the Public Design Commission by Executive Order 119 for the year 2008, except for court documents, contracts, and any other situation where the name “Art Commission” is legally required.

⁷² Charter § 3000 refers to the commissioner of records and information services only as “the commissioner.” The title provided here is derived from convention.

| | Nickname | Agency Title | Agency Head | See |
|--|-----------------|--|---|-----------------------|
| Small Business Services, Department of | SBS | department of small business services | commissioner of small business services | Charter § 1300 |
| Social Services, Department of | HRA/DSS | human resources administration/ department of social services ⁷³ | commissioner of social services | Charter § 601 |
| Standards and Appeals, Board of | BSA | board of standards and appeals | chair of the board of standards and appeals | Charter § 659 |
| Taxi and Limousine Commission | TLC | New York city taxi and limousine commission | chairman ⁷⁴ | Charter §§ 2300, 2301 |
| Transportation, Department of | DOT | department of transportation | commissioner of transportation | Charter § 2901 |
| Veterans' Services, Department of | DVS | department of veterans' services | commissioner of veterans' services | Charter § 3100 |
| Youth and Community Development, Department of | DYCD | department of youth and community development | commissioner of youth and community development | Charter § 731 |

⁷³ Charter § 601 refers to the “department of social services” but does not refer to the human resources administration. The title provided here is derived from convention.

⁷⁴ Charter § 2301 refers to the head of the Taxi and Limousine Commission as the “chairman.” Drafters probably should use a gender-neutral term to comply with Administrative Code § 1-113(a). The Commission rules refer to the “chairperson.”

APPENDIX E: COMPARING THE CHARTER AND ADMINISTRATIVE CODE

| CHARTER | ADMINISTRATIVE CODE |
|--|--|
| Generally relates to the fundamental structure of City government and core powers of City agencies | Generally includes legal obligations of entities and individuals |
| Generally contains broad references to powers or programs | Generally includes details of programmatic implementation |
| Adopted at General Election, effective 1963; a bill amending a provision added or amended after that date must include legislative history | Recodified by the New York State Legislature in chapter 907 of the laws of 1985; a bill amending a provision added or amended after that date must include legislative history |
| Contains multiple chapters (not titles) | Contains multiple titles |
| Does not use compound section numbering system | Uses a compound section numbering system; digits to the left of the hyphen indicate the number of the title in which the section appears |
| Include a period after both a section number and a section heading | Include a period after a section heading but <i>not</i> a section number |
| When adding sections between existing consecutively numbered sections, use a hyphenated letter | When adding sections between existing consecutively numbered sections, use decimals |

APPENDIX F: REPEAL CHECKLIST

Special rules apply where a bill would expressly repeal an existing law. Although those rules are described throughout this manual, this appendix collects them in one place to assist a drafter in preparing a repeal bill.

- ✓ Identify and describe the provision being repealed in the bill title. *See* Rule 2.1.1.
- ✓ If the bill includes a sunset clause, note the expiration and repeal in the bill title. *See* Rules 2.1.1 and 7.4.
- ✓ Omit the recital of legislative history for the provision being repealed. *See* Rule 3.1.10.
- ✓ In the bill section text, state specifically the provision of law to be repealed and write REPEALED in all capital letters. *See* Rule 11.1.4.
- ✓ Search the Charter and Administrative Code for cross-references to the repealed provision. Any such cross-references will also need to be repealed or amended.
- ✓ Remember that to revive a previously repealed provision, it is not sufficient simply to repeal the prior repeal. The provision to be revived must be added as new text.⁷⁵

⁷⁵ *See* N.Y. Gen. Constr. Law § 90 (“The repeal hereafter . . . of any provision of a statute, which repeals any provision of a prior statute, does not revive such prior provision.”); N.Y. Stat. Law § 378 (“The repeal of a statute, which had repealed a provision of an earlier statute, does not revive the prior provision.”).

APPENDIX G: DISTRIBUTION TABLE

In the Third Edition, some rules were renumbered to improve the organization of this manual. For affected rules, the table below illustrates the numbering in both the Second and Third Edition.

| 2D EDITION | 3D EDITION | 2D EDITION | 3D EDITION |
|-------------------|-------------------|-------------------|--------------------|
| 1.4.2 | 1.4.3 | 7.2 | 7.4 |
| 3.1.1 | 3.1.2 | 7.3 | 7.5 |
| 3.1.2 | 3.1.3 | 7.4 | 7.6 |
| 3.1.3 | 3.1.4 | 7.5 | 7.7 |
| 3.1.4 | 3.1.5 | 7.6 | 7.8 |
| 3.1.5 | 3.1.6 | Rule 8 | Subrules rewritten |
| 3.1.6 | 3.1.7 | 9.4 | 9.4, 9.5 |
| 3.1.7 | 3.1.8 | 9.5 | 9.6 |
| 3.1.8 | 3.1.9 | 9.6 | 9.8 |
| 3.1.9 | 3.1.11 | 11.1.2 | 11.1.3 |
| 4.2 | 7.2 | 11.1.3 | 11.1.4 |
| 4.3 | 4.2 | 11.20 | 11.21 |
| 4.3.1 | 4.2.2 | 11.20.1 – 11.20.4 | 11.21.1 – 11.21.4 |
| 4.3.2 | 4.2.3 | Appx. C | 1.4.2 |
| 4.4 | 4.3 | Appx. D | Appx. C |
| 4.4.1 | 4.3.2 | Appx. E | Appx. D |
| 4.4.2 | 4.3.3 | | |
| 4.4.3 | 4.3.4 | | |
| 4.4.4 | 4.3.5 | | |
| 4.4.4.1 – 4.4.4.7 | 4.3.5.1 – 4.3.5.7 | | |
| 4.5 | 4.4 | | |
| 6.3 | 6.7 | | |
| 6.4 | 6.3 | | |
| 6.5 | 6.4 | | |
| 6.6 | 6.5 | | |
| 6.7 | 6.6 | | |

Index

- a* or *an*, usage, 97, 101
- a.m.*, usage, 71
- abbreviations, 71, 85, **102**, 121
 - U.S., 86
- acronyms, 102
- act*, usage, 55
- active voice, 4
- acts and laws, capitalization, 94
- acts and laws, referencing, 94
- adjectives, **99**
- Administrative Code of the City of New York
 - amendment, 4
 - amendment by Legislature, 2
 - bill format, 95
 - capitalization, 94
 - consolidation in, 4
 - cross-referencing, 43, 45, 110
 - distinction from Charter, 5, **131**
 - duplicate section numbers in, 36
 - generally, 2, 4
 - legislative history, 20
 - numbering of provisions, 31, 32
 - periods after section numbers, **30**
 - recodification in 1985, **19**, 20
 - researching, 6, 7, 9
 - severability, 60, 61
 - short reference in Charter, 43
 - short reference to Charter, 43
 - structure, **29**, 30, 32, 36
- adoption of local laws, 1, 18
- adoption of local laws, 2
- adverbs, **99**
- advisory board, 4, *See also* task force
- affect* versus *effect*, 107
- aforementioned*, problem word, 97
- aforesaid*, problem word, 97
- agencies
 - core powers, 5
 - Council oversight, 3
 - names of, **122**
 - referring to, 94, **122**
 - rules, 5, 7, 49
- agency head, referring to, 105
- aging, 2, 38
- alien*, problem word, 100
- alignment of text. *See* justification (alignment).
- all*, usage, 97
- ambiguity, 107
- amending existing law, 2, 8, **9**, 20, 36, 90, 119
 - Construction Codes, 113
 - legislative history, **19–22**, 25
 - non-consecutive provisions, 26
 - reference to law being amended, 18
 - tables, 62
 - unconsolidated law, 18
 - what counts as amendment, **23**
 - wording of bill section, 19
- amending introduced bill, 25
- amendment history. *See* legislative history
- American Legal Publishing, 6
- and*, usage, **99**
 - serial comma before, 105
- and/or*, problem word, 99
- antecedent, 101
- any*, usage, 97, 101
- Appendix A (Construction Codes, A Special Drafting Situation), **12**, **29**, **32**, **56**, **61**, **105**, **109**
- Appendix B (Rules of the Council), 3, 117
- Appendix C (Local Laws on the Council Website), 119
- Appendix D (Distinctions from State Style), 120
- Appendix E (Titles of Select City Agencies and Agency Heads), **106**, **122**
- applicability, 53
- articles (division of Administrative Code), 29, 32
- Assembly, New York, 87
- assemblyman*, problem word, 101
- authority, 104
- autism*, usage, 100
- biannual*, problem word, 102
- biennial*, problem word, 102
- bill sections, **17–28**
 - amending non-consecutive provisions, 26, 27
 - cross-references in, 35
 - effective dates, 48
 - format, 17, 121
 - generally, 4
 - legislative history, 19, 20, 24, 25
 - multiple bills, effective dates, 40
 - repealing, 93
- bill*, usage, 1
- bills
 - formatting, 12
- body of bill, 10
 - classification and numbering, 29
 - components, 16, 17
 - format, 13
 - generally, 13, **16**
- boldface, **105**
 - Construction Codes, 111
- Borough President, 3
- brackets, 41, **90**
 - around punctuation, 92
 - Council Rule regarding, 119
 - partial deletion of words, 91
 - repeal as alternative to, 93

Appendix G: Distribution Table

- spacing adjacent to, 91
- use only for deletions, **105**
- budget bills, 71
- Building Code, 7, 52, **109**, 110, 113
 - Building Code of 1968, 109, 110
 - retroactive requirements, 109
- CAPA. *See* City Administrative Procedure Act
- capitalization, **93**
 - Construction Codes, 110
 - headings, 56
 - in definitions, 76
 - REPEALED*, 93
 - resolutions, 84, 89
 - resolutions amending Council Rules, 89
 - table titles, 61
- case law. *See* judicial decisions
- center alignment. *See* justification (alignment).
- cents, 71
- CFR. *See* Code of Federal Regulations
- chairman*, problem word, 101
- chapter 907 of 1985, 9, **19**, 131
- chapters, **29**, 32
 - Construction Codes, 113
 - definitions, 75
 - in cross-references, 43
- Charter, City of New York, **3**, **4**
 - aging requirement, 2
 - amendment, 4
 - amendment of, **5**
 - bill format, 95
 - capitalization, 94
 - Charter of 1963, 9, 20
 - consolidation in, 4
 - Council legislative power, 1
 - Council oversight power, 3
 - cross-referencing, 43, 45
 - distinction from Administrative Code, 5, **131**
 - enacting clause, 15
 - Fiscal Impact Statement requirement, 2
 - generally, 1, 2
 - legislative history, 20, 21, 22
 - numbering of provisions, 31
 - periods after section numbers, **30**
 - researching, 6
 - resolutions, 88
 - severability, 60, 61
 - short reference in Administrative Code, 43
 - short reference to Administrative Code, 43
 - single-subject rule, 14
 - structure, **29**, **30**, **31**, **32**, 36
- churches, religious organizations, or memorials, capitalization, 94
- City Administrative Procedure Act, 5, 64
 - accounting for in effective date, 49
- city and state departments and institutions, capitalization, 94
- City Council
 - generally, viii, **1**
 - legislative intent, 61
 - legislative process, 1, 119
 - limitations, 1, 3
 - powers, **1**, 3
 - referring to, 94
 - Rules, 3, 88, 90, **117**, 119
 - sponsorship, 3
 - veto override, 2
- City Record, The, 95
- classification of provisions, 29
- clauses
 - division of a section, 32, 44
 - restrictive and non-restrictive, 106, 107
 - U.S. Code, 47
- Code of Federal Regulations, 47
- code*, usage, 55
- codified, 2, 4, 102, *See also* consolidated.
- colon, 35
- commas
 - before *which*, 106
 - in dates, 68
 - in resolutions, 84
 - numbers in Construction Codes, 114
 - serial comma, viii, **105**
- commissioner, referring to, 105, 122
- committee report, 8, 19, 102, 122
 - inclusion of legislative intent, 54
 - severability, 60
- compound verbs, splitting, 107
- condition precedent, **102**
- confusion, prevention of, 25, 32, 36, 51, 52, 57, 71, 97, 102
- Congress, 82, 86, 87, 88
 - capitalization of, 95
- consistency, 35, 36, **97**
- consolidated law, 4, 6, 17, 20, 29, 39
 - cross-references, 43
 - effective date, 48
 - generally, 4
 - legislative history, 25
 - numbers, 66
 - numbers in, 66, 120
 - researching, 20
 - short titles, 54
- Construction Codes, 4, 7, 12, 29, 105, **109–16**
- contractions, 108
- contracts
 - applicability to existing, 53
- Council Member
 - bill drafting, **2**, **3**
 - capitalization, 95
 - gender-neutral phrasing, 101
- councilman*, problem word, 101
- councilmanic*, problem word, 101
- criminal prohibition, 3, 96, 102
 - effective date, 48
 - example of, 33
- cross-references, **43–47**

- Construction Codes, 110, 115
- definitions, 45, 78, 80
- federal law, 47, 81
- local bills, 40
- local law, 6, 36, 43, 45, 120
- local rules, 45
- parentheses in, 35
- repealed provisions, 132
- repeals, 42
- short title, 54
- state bills, 46, 87
- state law, 46, 81
- state regulations, 46
- currently*, problem word, 102
- dates, 11, 50
 - numbers in, 67
- decimal points. *See* numbers, *See* numbers
- deem*, use of, 98
- definitions, 73–81, 120
 - adding new, 74, 75, 77
 - adding single term, 77
 - alphabetization, 73, 75, 78, 79
 - amending, 77, 79
 - applicability, 75
 - at title, chapter, or article level, 74
 - Construction Codes, 113, 115
 - copying, 81
 - cross-references, 45, 78, 80, 81
 - dividing, 32, 79
 - grouping, 73
 - guide words, 73, 75, 76, 78
 - headings, 77
 - in model laws, 105
 - includes*, use of, 74, 76
 - means*, use of, 74, 76
 - non-sequential numbering, 73
 - notwithstanding*, 74
 - Roman rule, 78
 - shall include* disfavored, 76, 103
 - shall mean* disfavored, 74, 76, 103
 - strained meanings, 97
 - stuffing, 73
 - unit designators disfavored, 73, 75, 78
- deletions, 90
 - hyphenated words, 91
 - on preceding additions, 90
 - partial words, 91
 - punctuation, 92
- department, referring to, 105, 122
- disabled*, usage, 100
- discretion
 - conferring, 104
 - drafter, x, 4, 26, 41, 54
- dollar symbol, 71
- doublets, 97
- drug abuse*, problem phrase, 100
- duty, expression of, 102
- each*, usage, 97
- effect* versus *affect*, 107
- effective date, 48–53
 - choice of, 48, 50
 - confusion about, 52
 - date certain, 50
 - default date, 48
 - extrinsic event, 52
 - immediately, 51
 - location, 10, 13
 - Municipal Home Rule Law, 48
 - numbers in, 67
 - phrasing, 48
 - reference to, 102
 - resolutions amending Council Rules, 89
 - retroactive, 52
 - rulemaking, 49, 64
 - staggered, 52
 - sunset clause, 57
 - unconsolidated, 4, 17, 48
 - when another bill takes effect, 51
- Electrical Code, 109
- embedded list, 36, 37
- enacting clause, 15, 94
 - location, 10, 13, 15, 16
- enactment of local laws. *See* adoption of local laws
- Energy Conservation Code, 109, 113
- Executive Order, 88
- existing*, problem word, 102
- expiration clause. *See* sunset clause
- extrinsic event
 - effective date, 52
 - sunset date, 57
- false imperative, 103
- federal departments and agencies, capitalization, 94
- federal departments and agencies, citing, 94
- federal law
 - as a model, 104
 - preemption, 1, 3
 - resolutions supporting, 82
- federal resolutions, 87, 88
- fill alignment. *See* justification (alignment).
- Finance Division, 2, 119
- Fire Code, 4, 109
- fireman*, problem word, 101
- fiscal impact statement, 2, 119
- footnotes
 - in resolutions, 86
- formatting
 - bills, 12
 - Construction Codes, 110
 - definitions. *See* definitions.
 - resolutions, 12, 83
- fractions. *See* numbers
- Fuel Gas Code, 7, 109, 113
- full and complete*, problem phrase, 97
- funds and banks, capitalization, 94
- future tense, 96
- gender, 100, 101, 102

Appendix G: Distribution Table

- gender-silent drafting, *100*
- General Construction Law, *71, 90, 108, 132*
- gridlines, *61*
- handicapped*, problem word, *100*
- have*, usage, *52, 96*
- he or she*, use of, *100*
- headings. *See also* lead titles
 - boldface disfavored, *105*
 - sections, *30*
 - short titles, *55*
 - table of contents, *56*
 - title, chapter, subchapter, *56*
- hearing, *2, 8, 19, 38, 85*
- hereafter*, problem word, *102*
- herein*, problem word, *98*
- hereinabove*, problem word, *97*
- heretofore*, problem word, *102*
- his or her*, use of, *100*
- holidays, capitalization, *95*
- home rule messages, *82*
- homeless*, usage, *100*
- House of Representatives, U.S., *87, 88*
- husband*, problem word, *101*
- hyphens
 - amended bills, *46, 87*
 - fractions, *114*
 - in words to be deleted, *91*
 - section numbers, *31, 43*
- in relation to*, usage, *25*
- incorporation by reference, *81*
- indentation
 - Construction Codes, *110, 111*
 - resolutions, *84*
 - table of contents, *56*
- infinitives, splitting, *107, See also* compound verbs, splitting.
- initials of drafter, *11, 12, 13, 83, 89*
- inmate*, problem word, *100*
- insane*, problem word, *100*
- insertions, *119*
- inseverability. *See* non-severability
- interlocking provisions, *39*
- internal consistency, *4, 32*
- introduced bill, *119*
 - amending, *25*
 - process, *2, 3, 119*
- introduction number, *10*
 - example, *25, 52*
- items
 - Construction Codes, *110, 111*
 - division of a section, *32, 44*
- joint resolutions. *See* resolutions
- judicial decisions, *3, 36, 105*
- justification (alignment of text), *13*
- justification (alignment)
 - Construction Codes, *110*
 - resolutions, *83*
- LaGuardia & Wagner Archives, *7, 9*
- Law Department, City of New York, *ix, 9, 128*
- lead titles, *111*
- lead-in language, *35*
- left alignment. *See* justification (alignment).
- legal effect, absence of, *102*
- legal memorandum, *3*
- legalese, *97*
- legislation*, usage, *1*
- Legislative Division, New York City Council, *vii, ix, 7, 10, 13, 119*
- legislative findings. *See* legislative intent
- legislative history, *19–25*
 - amendments, *19–22*
 - duplicate section numbers, *23*
 - in tables, *63*
 - multiple provisions with different legislative history, *24*
 - omit when adding only, *22*
 - redesignated, *22, 23*
 - repeals, *23, 132*
 - researching, *6, 7–8, 8*
 - writing, *9, 19, 20*
- legislative intent, *17, 54*
 - severability, *61*
- legislative research, *6*
- Legislative Research Center, *7*
- Legislative Retrieval System (LRS), *6, 9*
- Legistar, *7, 8, 29, 39*
- letters
 - designating provisions, *29*
 - that resemble numbers, *68*
- LexisNexis, *6, 7, 9*
- line numbers, *13*
 - omit for enacting clause, *15*
 - omit in resolutions, *13*
- line spacing, *12, 110*
- lists
 - lead-in language, *35*
- LRS. *See* Legislative Retrieval System
- mandate, *102*
- margins, *12*
- may, 104*
- may not, 104*
- Mayor, *2, 59*
 - executive orders, *7*
 - legislation, *3*
 - message of necessity, *2*
 - veto, *2*
- Mayor*, capitalization of, *95*
- Mechanical Code, *7, 109, 113*
- memorandum in support, *54*
- mental retardation*, problem phrase, *100*
- mentally ill*, usage, *100*
- midnight, *71*
- midnight*, problem word, *71*
- misdemeanor, *33, 96, 101*
- misinterpretation, *97, 102*
- mixed numbers. *See* numbers

Bill Drafting Manual

- model laws, 104
- modifiers, **99**, 114
- money, 71
- multiple bills, package, 38
- Municipal Home Rule Law, 82, 90
 - aging requirement, 2
 - bill format, 15
 - effective date, 48, 51
 - mayoral action on a bill, 2
 - referenda, 2
- nations, nationalities, or ethnic groups, capitalization, 94
- New York Codes, Rules and Regulations, 7
 - cross-references, 46
- New York Constitution, 1, 3, 6, 82
- New York Legal Publishing, 6, 9
- New York State Legislature, 2, 6, 19, 38
- newspapers, capitalization, 95
- next succeeding*, 51
- non-severability, 61
- noon, 71
- now*, problem word, 102
- null and void*, 99
- null and void*, problem phrase, 97
- numbers, **66–72**
 - Construction Codes, 114
 - decimal points, 32, 71, 113
 - definitions, 79
 - designating provisions, 29
 - effective dates, 67
 - first word of sentence, 69
 - fractions, 66, 114
 - in cross-references, **68**
 - in technical charts, formulas, and tables, 72
 - large numbers, 70
 - mixed numbers, 66
 - money, 71, 120
 - numerals, *viii*, **66**, 67, 120, 121
 - ordinals, 66, **69**
 - ordinals in dates, 67
 - parentheses, 71
 - percentages, 72
 - spelled out, *viii*, **66**, 67, **69**, **70**, 71, 120
 - tables, 66, 72
 - that resemble letters, 68
 - time, 71
- numerals. *See* numbers
- NYCRR. *See* New York Codes, Rules and Regulations
- obligation, **102**
- offensive terminology, 100, 102
- opening paragraph, amendment of, 28
- or*, usage, **99**
 - serial comma before, 105
- ordinals. *See* numbers
- organizations, societies, and lodges, capitalization, 94
- outdated terminology, 100, 102
- p.m.*, usage, 71
- page numbers, 13, 83
- paragraphs, 32, 37
 - Construction Codes, 110
 - format, 15
 - referring to, 44
 - resolutions, 84
 - U.S. Code, 47
- parentheses
 - bill text, 105
 - clauses, 32
 - cross-references, 120
 - dollar amounts, 71, 120
 - items, 32
 - measurements in Construction Codes, 114
 - numbers, 71
 - romanettes, 37
 - subparagraphs, 32
 - use in cross-references, **35**
- penalty schedule, 61
- percent. *See* numbers
- periods
 - after headings, **56**, 95
 - after paragraph designator, 32
 - after *Resolved* clause, 84
 - after section numbers, 17, **30**, 95, 111
 - after subdivision designator, 32
 - citations and cross-references, 35
 - Construction Codes, 111
 - Construction Codes lead titles, 111
 - definitions, 75
 - short titles, 55
 - single space after, 95
 - titles, 83
- pilot programs, expiration, 57
- placement of provisions, 5, **42**
- plain language summary, 60, 119, 122
- Plumbing Code, 7, 54, 55, 109, 110, 113
- poison pill. *See* non-severability
- policeman*, problem word, 101
- political parties*, capitalization, 94
- possessive nouns, 97
- present perfect tense, 96
- present tense, **96**
- presently*, problem word, 102
- prior to*, 99
- prior to*, usage, 97
- prohibition, **102**, **103**
- pronouns, 101
- proper names, places, or designations, capitalization, 93
- Public Advocate, 3
- punctuation, **105**
 - brackets, **90**
 - deleting, 92
 - resolutions, 84
- quotation marks
 - in definitions, 76

Appendix G: Distribution Table

- in short titles, 55
- RCNY. *See* Rules of the City of New York (RCNY)
- redesignation, 17, 36
 - effect on cross-references, 115
 - legislative history, 22, 23
 - reference to law being redesignated, 18
- redundant language, 98
- referendum, 2, 48
- relating to, usage, 25
- reletter. *See* redesignate
- renumber. *See* redesignate
- repeals, 18, 25, 41, 119
 - bill title, 57
 - capitalization of *REPEALED*, 93, 132
 - checklist, 132
 - cleaning up cross-references, 132
 - Construction Codes, 115
 - example, 14, 15
 - legislative history, 23, 132
 - reference to law being repealed, 18
 - repeal of repealing law, 132
 - title of bill, 14, 132
- reporting, 4, 5, 59
 - burden on agencies, 59
 - expiration, 57
 - one-time report, 60
 - recommendation whether to continue, 60
 - sunset clause, 59
- requirement, 102
- Reserved*, usage, 39
- resolution*, usage, 2
- resolutions, 2, 7, 82–89, 119
 - accuracy of assertions, 86
 - binding, 82
 - budget, 82
 - calling for action, 86, 87
 - capitalization, 84, 93
 - compared to local laws, 82
 - Council Rules, 82, 88, 89
 - drafting, 82
 - federal, 87
 - footnotes, 86
 - format, 13, 83
 - formatting, 12
 - land use, 82
 - line numbers, 13
 - local nexus, 86
 - non-binding, 82
 - numbers in, 66
 - paragraphs, 84
 - primary sources preferred, 86
 - researching, 7
 - Resolved*, 84, 88
 - sections, 88
 - sources, 86
 - state and federal, 6
 - template, 83
 - title, 83, 84, 88
 - Whereas*, 84, 85, 88
 - Resolved*. *See* resolutions
 - retroactivity, 52, 109
 - reverse severability. *See* non-severability
 - Roman rule, 32
 - romanettes, 37, 120
 - rulemaking, 64
 - Rules of the City of New York (RCNY), 5, 7
 - cross-references to, 45
 - Rules of the Council, 2, 3, 14, 15, 82, 88
 - said*, usage, 98
 - section symbol (§), 17, 95
 - sections, 29, 30, 32, 47
 - adding new, 31, 32, 75
 - Construction Codes, 110, 111, 113, 115
 - cross-reference to, 43
 - divisions within, 32
 - duplicate section numbers, 36
 - ending in 01 or 51, 32
 - format, 30
 - headings, 30
 - Construction Codes, 111
 - drafting, 30, 56
 - short titles, 55
 - numbers, cross-references, 31
 - period after section number, 95
 - resolutions, 88
 - Section 1., 13
 - section numbers, 31, 36, 38, 44, 46
 - cross-referencing, 44
 - decimal points, 31
 - duplicates, 38, 39
 - gaps, 41
 - section symbol (§), 17, 95
 - structure, 30
 - U.S. Code, 47
- semicolons
 - resolution *Whereas* clauses, 84
 - serial semicolon, 105
- Senate, New York, 87
- Senate, U.S., 86, 87, 88
- separability. *See* severability
- serial comma. *See* commas, serial comma
- severability, 17, 60, 61
- shall not*, usage, 103, 104
- shall*, usage, 102, 103
- short titles, 54
 - in citation to federal law, 47
- simple language, 97
- single subject rule, 14
- singular usage preferred, 108
- slang, 97
- slashes, 46, 87
- some*, usage, 97
- spacing
 - between deletions and additions, 91
 - line spacing, 12, 110

Bill Drafting Manual

- Speaker of the Council, *1, 119*
 - capitalization of, *95*
 - sponsorship, *3, 95, 119*
- spelling out numbers. *See numbers*
- split infinitives, *107*
- sponsor, *3, 38, 84, 85, 86, 119*
 - byline format, *12, 13, 83*
- staggered effective date, *52*
- state bills, *87*
 - cross-reference to, *46*
 - researching, *6*
- state law, *48*
 - amending local law, *8, 20, 21, 22*
 - as a model, *104*
 - authority from, *3, 5*
 - capitalization, *93*
 - cross-references to, *46*
 - drafting conventions, *120*
 - expiration of authority from, *57*
 - home rule messages, *82*
 - preemption, *1, 3*
 - researching, *6*
 - resolutions supporting, *82*
- state statutes. *See state law*
- statutory interpretation, *54, 61, 97*
 - manual not for use in, *vii*
 - rules of construction, *90*
 - use of definitions, *73*
- strikethroughs, *93*
- subchapters, *29, 30, 32, 75*
- subclauses in U.S. Code, *47*
- subdivisions, *32*
 - Construction Codes, *110*
 - headings, *33*
 - legislative history, *24*
 - referring to, *44*
 - structure, *36*
- subparagraphs, *32, 44*
 - referring to, *44*
 - U.S. Code, *47*
- subsections. *See also subdivisions*
 - U.S. Code, *47*
- subsequent to*, usage, *97, 99*
- subunits, *35, 36*
 - federal law, *47*
- such*, usage, *98, 101*
- sunset clause, *57*
 - extrinsic event, *57*
 - notifying publishers, *58*
 - repeal referenced in bill title, *57*
 - reporting requirements, *59*
 - title of bill, *57, 132*
 - unconsolidated law, *57*
 - when unnecessary, *59*
- synonyms, *97*
- table of contents, *56*
- tables, *61*
 - amending, *62*
 - Construction Codes, *112*
 - numbers in. *See numbers*
- task force, *4, 82*
 - example, *14, 15*
- templates, *10*
 - local law, *11, 13*
 - resolution, *83*
- tense of verbs, *96*
- that*, usage, *98, 101*
 - versus *which*, *106*
- the*, usage, *97, 98, 101*
- this*, usage, *98*
- time, *11, 71, 102*
 - local and state practices, *121*
 - problem words concerning, *102*
- timestamp, *11, 12, 13, 89, 119*
- title of bill, *10, 12, 13, 25, 119*
 - capitalization, *93*
 - format, *12, 13*
 - numbers, *66*
 - repeals, *14, 132*
 - resolutions, *83, 84, 88*
 - sunset clause, *57, 132*
- titles
 - short titles. *See short titles*
- titles (division of Administrative Code), *29, 31, 131*
- titles in statutes (positions), capitalization, *95*
- titles of officials, *106, 122*
- true and correct*, problem phrase, *97*
- U.S. (abbreviation), *86*
- U.S. Code, *47*
- unconsolidated law, *4*
 - amending, *18, 90*
 - bill sections, *17*
 - cross-references, *45*
 - drafting, *12*
 - effective date, *48, 57*
 - finding, *6*
 - legislative history, *20, 25*
 - numbers, *66*
 - numbers in, *66*
 - referring to, *55*
 - reporting requirements, *60*
 - severability clauses, *61*
 - short titles, *54*
 - state law, *6*
 - underlining, *90*
- underlining, *41*
 - bill sections, *17*
 - enacting clause, *12, 15*
 - new bill text, *90, 91*
 - spaces, *91*
 - unconsolidated law, *90*
- unit designators, *32, 36, 78*
 - definitions, *75, 78*
- unnecessary words, *98*
- vanity titles. *See short titles*
- verb tense, *96*

Appendix G: Distribution Table

verbs, splitting compound forms, 107

Westlaw, 6, 7, 9

whatsoever, problem word, 97

Whereas. *See* resolutions

which, usage

versus *that*, 106

wife, problem word, 101

will, usage, 96

workman, problem word, 91, 101