NEW YORK CITY TAXI AND LIMOUSINE COMMISSION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Taxi and Limousine Commission ("TLC") is proposing to amend its rules governing minimum driver payment for high-volume for hire services. Specifically, these proposed rules would increase minimum per-mile pay rates to account for increased driver expenses, change the way utilization rates are calculated and applied, prevent high-volume companies from manipulating driver availability, and collect additional data related to driver availability.

When and where is the Hearing? TLC will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 am on February 5, 2025. The public hearing will be held online using Zoom. There will be no in person public hearing. The public hearing will be livestreamed on TLC's website at www.nyc.gov/tlc. To participate in the public hearing, please e-mail the TLC at tlcrules@tlc.nyc.gov or call TLC at 212-676-1135 by February 4, 2025. After you have signed up to speak, TLC will provide you with a Zoom URL to enter in on your computer or dial-in via phone number if you prefer to call in.

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

- **Websit**e. You can submit comments to the Taxi and Limousine Commission through the NYC rules website at www.nyc.gov/nycrules.

- **Email.** You can email comments to tlcrules@tlc.nyc.gov.

- **Mail.** You can mail comments to the Taxi and Limousine Commission, Office of Legal Affairs, 33 Beaver Street – 22nd Floor, New York, NY 10004.

- **Fax.** You can fax comments to the TLC at 212-676-1102.

- **By speaking at the hearing.** To sign up to speak and provide testimony, you must e-mail the TLC at tlcrules@tlc.nyc.gov or call 212-676-1135 by 5:00 p.m. on February 4, 2025. Speakers will not be able to sign up to testify the day of the hearing. Those who did not sign-up in advance to testify are welcome to view the live-stream of the meeting on TLC's website. Please note that the hearing is for accepting oral testimony only and is not held in a "Question and Answer" format.

Is there a deadline to submit written comments? Yes, you must submit written comments by February 4, 2025.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-676-1135. You must tell us by February 4, 2025. This location has the following accessibility option(s) available: Simultaneous transcription for people who are deaf or hard of hearing and audio only access.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at www.nyc.gov/nycrules. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at the Office of Legal Affairs.

What authorizes the Commission to make this rule? Sections 1043 and 2303 of the City Charter and Section 19-503 of the New York City Administrative Code authorize the Commission to make this proposed rule. This proposed rule was not included in TLC's regulatory agenda for fiscal year 2024 because it was not contemplated when the Commission published the agenda.

Where can I find the Commission's rules? The Commission's rules are in Title 35 of the Rules of the City of New York.

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

Statement of Basis and Purpose

TLC is proposing changes to its rules relating to per-trip driver pay for trips dispatched by high-volume for-hire services (HVs). These proposed rules amend the minimum per-mile rate to account for increased driver expenses, change the way utilization rates are calculated and applied, limit the HVs' ability to manipulate driver availability to achieve utilization rates that do not reflect actual driver working time, and expand TLC's data reporting requirements so the agency can better monitor industry trends and enforce violations.

In 2018, TLC drafted a per-trip driver minimum pay policy applicable to the largest for-hire vehicle (FHV) bases, now categorized as HVs and currently comprising Lyft and Uber, and commissioned two economists to study the city's FHV industry and evaluate the agency's proposed policy. The resulting report was issued in 2018 and favorably evaluated TLC's proposed driver pay policy.[1] Following Local Law 150 of 2018,[2] TLC adopted the driver pay policy through rulemaking.[3] The driver pay rules have since been amended.[4]

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[1] James A. Parrott and Michael Reich, "An Earnings Standard for New York City's App-based Drivers: Economic Analysis and Policy Assessment" (June 2018), *available at* http://www.centernyc.org/an-earnings-standard. Hereinafter "the 2018 Report." The precise expense estimates were revised in an updated January 2019 report available at https://www.centernyc.org/the-new-york-city-app-based-driver-pay-standard-revised.

[2] Local Law 150 of 2018, codified as New York City Ad. Code § 19-549, *available at* https://nyc.legistar.com/LegislationDetail.aspx?ID=3487613&GUID=E47BF280-2CAC-45AE-800F-ED5BE846EFF4&Options=ID|Text|&Search=150.

[3] The 2018 rule package as adopted is available at https://www1.nyc.gov/assets/tlc/downloads/pdf/driver_income_rules_12_04_2018.pdf.

[4] *See* https://www.nyc.gov/assets/tlc/downloads/pdf/proposed_rule_fhv_driver_pay_03_08_2023.pdf.

Driver Expenses

Local Law 150 of 2018 specifically states that, in establishing "a method for determining the minimum payment that must be made to a for-hire vehicle driver for a trip dispatched by a high-volume for-hire service", TLC must consider driver expenses.[5] TLC's adopted rules established minimum per-trip payments for HV trips, based on a formula, to provide drivers a minimum take-home pay that covers their expenses and accounts for total working time, including time spent transporting passengers as well as time waiting for a dispatch and driving to pick up passengers.[6] A critical component of the minimum pay formula is the **per-mile rate** that is calculated to cover a typical driver's expenses, such as their costs to acquire, license, insure, and maintain a vehicle with which to provide for-hire service. TLC rules also established yearly adjustments to the per-mile rate to account for inflation using the Consumer Price Index for Urban Wage Earners and Clerical Workers for the NY-NJ-PA metro area (CPI-W), to ensure that real driver earnings were not reduced over time.[7]

TLC has increased the per-mile rate five times since the minimum pay rules were implemented in February of 2019, including annual adjustments in 2020, 2022, 2023, and 2024 that captured inflation as measured by the percent increase in the CPI-W.[8]

Separately from the CPI-W increases, in November of 2022, following a period in which vehicle and gasoline costs rose much faster than the overall CPI-W, TLC adopted rules that provided an update to the per-mile rate using the regional Transportation Index published by the U.S. Bureau of Labor Statistics.[9] Although a legal challenge by Uber required that TLC provide greater explanation of the reasons and methodology for increasing the per-mile rate in such a manner, an updated version of the rules was adopted and implemented in March of 2023. Combined with the scheduled CPI-W increase calculated in February 2023, the additional Transportation Index-based adjustment led to a total increase of 13.16% in the per-mile rate for 2023.

While the driver costs that form the basis of the per-mile rate have been adjusted based on percent increases in other indexes, the underlying figures—such as vehicle payments, insurance premiums, and other for-hire expenses—have not been systematically analyzed or individually revised since the base rate was implemented in February 2019. Several factors have contributed to changes in the *composition* of driver expenses—distinct from the *magnitude* of individual costs, which are captured through inflation adjustments—since the initial expense model was developed in 2019. The steady shift from sedans to mid-size SUVs, for example, means drivers today tend to make larger upfront investments to acquire their vehicles. Further, the limitation on new for-hire vehicle licenses has expanded the market for short-term vehicle rentals, which have an expense structure distinct from owner-operated vehicles. TLC policy efforts like the Green Rides Initiative have increased the relative importance of wheelchair accessible vehicles (WAVs) and electric

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[5] Ad. Code § 19-549(b).

[6] That 2018 rule package is available at https://www1.nyc.gov/assets/tlc/downloads/pdf/driver_income_rules_12_04_2018.pdf.

[7] In rules passed in 2018 as § 59B-24(a)(4); now § 59D-22(a)(4).

[8] Due to the Covid-19 pandemic, there was not an adjustment in 2021.

[9] https://www.nyc.gov/assets/tlc/downloads/pdf/Statment_of_Substantial_Need_310_signed.pdf

vehicles (EVs) to overall driver costs. While WAV- and EV-related costs are not entirely new, specific cost items like EV charging were not addressed by the 2018 expense model. This is a critical omission given that more than 20% of HV trips in October 2024 were completed in either a WAV or EV. And additional changes are likely on the horizon: recent instability in the for-hire vehicle insurance market may signal another change, given the potential for significant increases to insurance premiums due to uncertainty in the for-hire insurance market.[10]

Seeking to better understand how the composition of driver expenses in New York City has evolved, TLC commissioned Dr. James A. Parrott of the Center for New York City Affairs at the New School and co-author of the 2018 Report, to develop a comprehensive update of the expense model based on a driver survey, current data on the vehicle fleet, and related research on vehicle costs. The analysis paid particular attention to the costs of acquiring and operating EVs and the costs of short-term vehicle rentals to ensure structural changes in the industry are sufficiently reflected in the composite expense model.[11]

Upon surveying over 89,000 active HV for-hire vehicle drivers and analyzing characteristics of the 86,000 vehicles involved in providing HV for-hire service as of early 2024, the analysis arrived at a per-mile expense factor of **$0.879 per mile** for non-WAVs before adjusting for utilization. This rate reflects **an increase of 11.4%** compared to the current non-WAV minimum effective March 1, 2024, and is weighted based on fuel type and ownership arrangement as shown in the table below. The revised per-mile factor for WAVs, weighted by ownership arrangement, was **$1.061**, 3.9% greater than the current $1.021 WAV per-mile factor before adjusting for utilization.[12]

Non-WAV composite expense factor			
Fuel type/ownership arrangement	*Per-mile factor*	*Weight*	*Weighted factor*
Gas-powered vehicles, owned	$0.782	0.583	$0.446
EV, owned	$0.914	0.083	$0.076
Gas-powered vehicles, rented	$1.028	0.292	$0.300
EV, rented	$1.133	0.042	$0.047
Composite total			**$0.879**

WAV composite expense factor			
Fuel type/ownership arrangement	*Per-mile factor*	*Weight*	*Weighted factor*
Gas-powered vehicles, owned	$1.037	0.700	$0.726
Gas-powered vehicles, rented	$1.118	0.300	$0.335
Composite total			**$1.061**

[10] https://www.nytimes.com/2024/09/16/nyregion/american-transit-insurance-uber-lyft-nyc.html
[11] The resulting driver expense report, which provides greater detail on the driver expense methodology and findings, is available at https://www.nyc.gov/assets/tlc/downloads/pdf/driver_expense_report.pdf.
[12] The WAV composite expense factor was not weighted by fuel type due to the lack of an electric accessible vehicle on the market.

TLC is proposing amendments to the per-mile rates to account for these new driver expense calculations. TLC will continue to monitor the efficacy of CPI-W-based adjustments in capturing real changes to drivers' expenses through supplemental data analysis and routine driver outreach.

Utilization Rate

An additional critical component of the driver pay rules is the utilization rate. In short, the utilization rate ensures that drivers are paid for all their working time—including time available for dispatch and time en route to a passenger—not just the time that they are performing a trip with a passenger in the vehicle.

The utilization rate is presently calculated by dividing the total time that all HV drivers spend transporting passengers by the total amount of time that all drivers are logged into a HV platform (including time waiting for a dispatch, time en route to pick up a passenger, and time with a passenger). The per-mile and per-minute pay rates are then divided by the utilization rate so that both trip time and non-trip time are accounted. To illustrate, if drivers in the aggregate are logged into the apps for two million hours and are with a passenger on a trip for one million hours, the utilization rate is 50%. A trip that pays $20 based on the per-mile and per-minute minimum rates without accounting for utilization would pay $40 after applying the utilization rate ($20 divided by 50% is $40). In other words, in this example, if drivers are only paid for time driving with a passenger, but they spend just as much time waiting for dispatches and traveling to pick up passengers, then they will earn half the income.

As recognized in the 2018 Report, the inclusion of a utilization rate in the driver pay formula is intended to incentivize HV companies to maintain a higher utilization rate, keeping drivers busier so that they are on income-generating trips for a higher percentage of their working time. The HV companies can do this in several ways, including most notably by not onboarding new drivers, which was the primary intended outcome discussed throughout the 2018 Report.[13] When the supply of drivers is too far above the demand for rides, the result is that more drivers will be idle waiting to be dispatched and the utilization rate will fall (the denominator of the formula, total time on app, will increase more than the numerator, time on a trip, thus lowering the utilization rate).

Instead of not onboarding new drivers, the companies have for many years continued to onboard new drivers, increasing driver supply without ensuring adequate trips for those new drivers. In response to this driver oversupply caused by the companies' onboarding practices, and to raise the utilization rates to the levels required by the current rules, the companies have restricted platform access for drivers who were already working a shift and completing trips.[14] These

[13] *See, e.g.*, pp. 56-57 ("With the new policy, companies will seek ways to increase utilization, such as: limiting the entry of new drivers into their systems; queuing the next ride when a driver is close to completing the current ride; allocating trips to drivers whose driving records suggest they drive very long hours and are therefore likely to reduce their hours; and by promoting more shared rides that increase measured utilization. The app technology provides the companies real-time information on driver time and history. In sum, the app companies could readily improve their management of driver utilization.").

[14] HV companies have instituted these driver restrictions at least twice, in 2019 and in 2024. See, e.g., https://www.vice.com/en/article/the-lockout-why-uber-drivers-in-nyc-are-sleeping-in-their-cars/ and https://www.bloomberg.com/graphics/2024-uber-lyft-nyc-drivers-pay-lockouts.

platform restrictions elevate the utilization rate but prevent drivers from working and earning the daily income they were expecting to earn and ultimately may reduce driver hourly income, in clear conflict with the intent of local law and the agency's driver pay rules.[15]

These proposed rules aim to address issues with the ways utilization rates are calculated and applied in order to more fully attain the benefits of TLC's first-in-the-nation driver pay policy.

The existing initial industrywide utilization rate of 58% was based on limited sample data provided by the HV companies before TLC began requiring more robust data reporting in 2019, and include data from two companies no longer operating in New York City (Juno and Via). To reflect current industry dynamics, TLC is proposing that the industrywide time-based utilization rate be set at 53.3%. This rate was calculated using data from May 2023 through April 2024, the most recent 12-month period in which HV companies were not using lockouts to manipulate when drivers appeared available.

Until now, TLC has only used a time-based utilization rate, i.e., the percentage of time that drivers are on a trip. Going forward, this time-based utilization rate will only be applied to the per-minute—i.e., time-based—portion of the driver pay formula. For the per-mile—i.e., distance-based—portion of the formula, TLC will use a distance-based utilization rate, defined as the percentage of total miles driven that drivers are on a trip (as opposed to miles driven en route to pick up a passenger or while waiting for a trip). In light of TLC's current understanding of utilization rates based on over five years of detailed monthly trip, session, and breadcrumb GPS data reporting by the HV companies, TLC determined that adding a distance-based utilization rate to the formula will more accurately reflect current industry dynamics and the function and intent of the utilization rate portion of the formula. This approach also aligns New York City with other jurisdictions that have adopted similar driver pay formulas.[16] The distance-based utilization rate as estimated using data from May 2023 through April 2024 was 68.5%. TLC will also update its data specifications so that distance-based utilization rates may be calculated more easily in the future.

To further reduce the incentive to restrict driver access to the apps and align TLC's driver pay rules with the approach of other jurisdictions, TLC will not automatically calculate and adjust applied utilization rates going forward. Instead, TLC will monitor and publish utilization rates and alter such rates through the rulemaking process as needed to reflect changing industry dynamics.

Together, TLC's proposed increase in the per-mile driver expense rate, alteration of the time- and distance-based utilization rates, and the expected increase to the per-minute pay rate

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[15] Another way that the 2018 Report proposed that HV companies could maintain high utilization rates was through an increase in shared rides as a way to operate the fleet more efficiently and increase the proportion of passenger time by linking trips. Instead, since February 2019 (the month that the driver pay rules first went into effect), HV shared rides have declined by about 95%.

[16] *See* reports on Seattle, https://www.seattle.gov/documents/Departments/LaborStandards/Parrott-Reich-Seattle-Report_July-2020%280%29.pdf, and Minnesota, https://www.dli.mn.gov/sites/default/files/pdf/TNC_driver_earnings_analysis_pay_standard_options_report_030824.pdf.

pursuant to the CPI-W of approximately 3.93%,[17] will result in **a minimum per-trip payment of approximately $29.38 for a sample trip** of 7.5 miles and 30 minutes. This reflects **an approximate increase of 6.1% over current rates and 27.7% over the original 2019 rates**.

Finally, while no longer automatically calculating and adjusting applied utilization rates, to minimize the incentive for lockouts, help ensure the efficient operation of the for-hire market and prevent TLC's minimum pay rules from being degraded, TLC is proposing rules that would govern drivers' access to the applications to address the issue of lockouts and HV company manipulation of driver availability data. Specifically, the proposed amendments establish that HV companies would be required to provide 72-hours' notice to any driver who the company will not permit to log into the application to accept trips on a given day. This is primarily intended to ensure that drivers have reasonable expectations of when they will be able to access the applications and thus reasonable expectations of their working hours and incomes.[18] Additionally, the amendments establish that once a HV company has permitted a driver to log into the application to accept trips, the HV company may not log the driver off for the next 16 hours except in certain limited circumstances.[19] This is primarily intended to address the issue of "mid-shift lockouts" whereby drivers, after being able to access the application and perform trips, are periodically and unpredictably logged off by the companies, boosting utilization rates but lowering driver hourly pay. This will also help prevent a "race to the bottom" whereby if one HV company engages in lockouts the other is more likely to follow suit so they are not at a competitive disadvantage. To ensure adequate monitoring and compliance of these requirements, TLC is expanding its data collection from HV companies to include more detailed information on driver lockouts.

TLC's authority for these rules is found in sections 1043 and 2303 of the New York City Charter and sections 19-503 and 19-549 of the New York City Administrative Code.

<u>New material is underlined.</u>
[Material inside brackets indicates deleted material.]

Section 1. Subdivision (j) of section 59D-03 of Title 35 of the Rules of the City of New York is amended to read as follows:

(j) *Utilization Rate* refers to the percentage of time <u>or distance</u>, in aggregate, that all Drivers who have made themselves available to accept dispatches from High-Volume For-Hire Services spend transporting passengers on trips dispatched by High-Volume For-Hire Services. The Utilization Rate is calculated by dividing the total amount of time <u>or distance</u> those Drivers spend transporting passengers on trips dispatched by High-Volume

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[17] TLC calculates the percent increase in the annual average CPI-W in January, which is applied March 1. Because TLC is proposing an independent increase in the per-mile rate pursuant to the driver expense study based on data collected in 2024, in 2025 only the per-minute rate will be increased in accordance with the change in CPI-W.
[18] This 72-hour notice requirement is similar to New York City's scheduling requirement for retail workers. *See* Ad. Code Title 6 § 7-650(b) ("such work schedule must be . . . transmitted electronically no later than 72 hours before the employee's first shift on the work schedule").
[19] TLC is proposing 16-hour lockout protections because, according to TLC data, the overwhelming majority of HV drivers work a total of less than 12 hours a day, but will often take breaks during the day to maximize their earnings, for example working six hours during the morning rush hour, taking a mid-day break, and then six hours during the evening rush hour.

For-Hire Services, by the total amount of time <u>or distance</u> Drivers are available to accept dispatches from High-Volume For-Hire Services, have been dispatched by a High-Volume For-Hire Service to pick up a passenger but do not have a passenger in the vehicle, and are transporting passengers on trips dispatched by a High-Volume For-Hire Service.

§ 2. Subparagraphs (iv) and (v) of paragraph (2) of subdivision (a) of section 59D-14 of Title 35 of the Rules of the City of New York are amended to read as follows:

(iv) The geographic position of the Vehicle during the entire time the Vehicle is available to accept dispatches from the High-Volume For-Hire Service at intervals no less frequent than every sixty (60) seconds<u>, with a designation of the Vehicle status at each geographic position and the distance traveled since the previous geographic position</u>

(v) The date and time at which the Vehicle became unavailable to accept dispatches from the High-Volume For-Hire Service<u>, or was prevented from becoming available, with a designation of the reason for the Vehicle unavailability including failure to meet licensure requirements, violation of TLC rules, violation of company rules or policies, and supply management</u>

§ 3. Paragraph (1) of subdivision (a) of section 59D-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

(1) *Per Mile Rate*. For each mile a Driver transports a Passenger in the City on a trip dispatched by the High-Volume For-Hire Service, the High-Volume For-Hire Service must pay the Driver no less than [$0.762] <u>$0.879</u> per mile for a trip dispatched to a Vehicle that is not an Accessible Vehicle and [$0.987] <u>$1.061</u> for a trip dispatched to an Accessible Vehicle, divided by the High-Volume For-Hire Service's Utilization Rate, and for trips that begin in the City but end outside of the City, the Base must pay the Driver no less than [$1.523] <u>$1.758</u> per mile for a trip dispatched to a vehicle that is not an Accessible Vehicle and no less than [$1.975] <u>$2.122</u> per mile for a trip dispatched to an Accessible Vehicle for each mile a Driver transports a Passenger outside of the City; and

§ 4. Subdivision (b) of section 59D-22 of Title 35 of the Rules of the City of New York is amended to read as follows:

(b) *Applied Utilization Rate*. The applied Utilization Rate for purposes of calculating the per-minute [and per-mile rates] <u>rate</u> for all High-Volume For-Hire Services will be [58%] <u>53.3%</u>. <u>The applied Utilization Rate for purposes of calculating the per-mile rate for all High-Volume For-Hire Services will be 68.5%.</u> [Each January, the Commission will calculate the Utilization Rate for all High-Volume For-Hire Services for the prior calendar year. If the Utilization Rate for all High-Volume for

Hire Services for the prior calendar year is at least 53%, the applied Utilization Rate will be 58% for the following calendar year. If the Utilization Rate for all High-Volume For-Hire Services for the prior calendar year is below 53%, the applied Utilization Rate for all High-Volume For-Hire Services for the following year, effective from the immediately following March 1 until the subsequent March 1, will be the actual Utilization Rate from the previous calendar year.]

§ 5. Section 59D-22 of Title 35 of the Rules of the City of New York is amended by adding a new subdivision (c), to read as follows:

(c) *Driver access to High-Volume For-Hire Service applications.*

(1) *Notice requirement.* A High-Volume For-Hire Service must provide at least 72 hours' notice to any Driver who could otherwise make themselves available to accept dispatches from that High-Volume For-Hire Service on a calendar day if such High-Volume For-Hire Service will restrict that Driver's ability to accept dispatches on that calendar day.

(2) *Access requirement.* A High-Volume For-Hire Service must allow any Driver who has made themselves available to accept dispatches to continue to be available to accept dispatches for at least 16 hours following their initial availability.

(3) *Exceptions.* A High-Volume For-Hire Service may restrict a Driver's ability to accept dispatches, without 72 hours' notice, for lack of licensing credentials, violation of TLC rules, and violation of the High-Volume For-Hire Service's rules and policies including misconduct and excessive cancellation or non-acceptance of dispatches.

§59D-22(c)	Fine: $500 per failure to provide notice or failure to allow Driver access	Appearance REQUIRED

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS

253 BROADWAY, 10th FLOOR

NEW YORK, NY 10007

212-788-1400

CERTIFICATION / ANALYSIS

PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of Driver Pay Rules for High Volume For Hire Vehicle Service

REFERENCE NUMBER: TLC-154

RULEMAKING AGENCY: Taxi and Limousine Commission

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

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

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

(iii) Does not provide a cure period because a cure period is not practicable under the circumstances.

/s/ Francisco X. Navarro | *December 26, 2024*

Mayor's Office of Operations | Date

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

100 CHURCH STREET

NEW YORK, NY 10007

212-356-4028

CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Amendment of Driver Pay Rules for High Volume For Hire Vehicle Service

REFERENCE NUMBER: 2024 RG 121

RULEMAKING AGENCY: Taxi and Limousine Commission

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

(i) is drafted so as to accomplish the purpose of the authorizing provisions of law;

(ii) is not in conflict with other applicable rules;

(iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and

(iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN Date: December 26, 2024

Senior Counsel