

# **BILL DRAFTING MANUAL**

*A Guide to Researching and Writing Legislation for  
New York City*

Second Edition (2018)

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## PREFACE

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.<sup>1</sup> 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.<sup>2</sup>

### **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 (Rule 3.4)
- Drafting multiple bills that might move in a package (Rule 4.4.4.5) and leaving gaps in numbering where appropriate (Rule 4.5)
- Handling short sections that contain lists (Rule 4.4.1)
- Drafting cross references (see Rule 5 generally), including to local, state, and federal rules and regulations (Rules 5.2, 5.4, and 5.6)
- Drafting reporting bills (Rule 7.3)
- Presenting information in tables (Rule 7.6)
- Dividing definitions into multiple parts (Rule 9.5) and incorporating definitions from sources other than local laws (Rule 9.6)
- Using brackets and underlining for deletions and additions, including in unconsolidated laws (Rule 11.1)
- Referring to offices, boards, and commissions in addition to other city agencies (Appendix E)

### **A note on how this manual uses examples:**

We have included a number of examples to help illustrate the material contained in this manual. Examples are generally set off in indented gray boxes and follow the material that they are illustrating.

#### ***Example:***

This is an example of an example.

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<sup>1</sup> 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 D: Distinctions from State Style.

<sup>2</sup> The National Conference of State Legislatures (“NCSL”) has compiled manuals from nearly all 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>.

Occasionally, examples contain ~~strikethroughs~~ to indicate incorrect practices and SMALL CAPITALS to indicate correct practices. These markings are illustrative only and should not be used when actually drafting legislation.

The manual also occasionally uses *italics* to make observations about the examples and **boldface** to emphasize points.

Note also that the manual uses wavy brackets and underlining to indicate places where the drafter should add text in a real bill, e.g., { \_\_\_\_ }.

Furthermore, while all text that appears in the body of a bill should be double-spaced, the examples in this manual are single-spaced to save paper.

As explained in this manual, the Rules of the Council (the Council's internal rules that outline policies and procedures for the Council itself) require brackets [ ] for deletions and underlining for insertions.

Finally, the manual draws periodically on examples from enacted bills; because certain drafting rules have changed over time, we have taken the liberty of updating those examples to reflect the current rules.

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

## 1. INTRODUCTION TO BILL DRAFTING: FROM IDEA TO LEGISLATION

The Council is the City’s law-making body,<sup>3</sup> 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 wields core 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, the Council’s authority remains substantial. The Council exercises this 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, mediated, and given effect. The legislative drafter has the important task of facilitating this process and working with Council Members, advocates, the executive, and other stakeholders to translate these voices into legislation. Because the Council can act quickly and decisively, the City serves as a laboratory of democracy.<sup>4</sup> 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.

### 1.1 THE PROCESS OF ADOPTING LEGISLATION

Legislative proposals, known as bills, generally seek to add to, amend, or repeal existing laws. Most legislation for the City takes the form of a local law.<sup>5</sup> Some legislation is adopted by referendum of the voters.<sup>6</sup> When enacted, most local laws either are codified in the Administrative Code of the City of New York (“Administrative Code”), which lays out the more detailed legal obligations of entities

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<sup>3</sup> 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.

<sup>4</sup> *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.”).

<sup>5</sup> *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.

<sup>6</sup> *See* N.Y. Municipal Home Rule Law §§ 23, 24 (mandatory and permissive referenda); Charter § 38 (mandatory referenda).

and individuals within the City, or in the Charter, which generally lays out the fundamental structure and processes of the City’s government. Amending the Charter and amending the Administrative Code are similar processes. Absent a referendum requirement, amending the Charter follows the same process as amending the Administrative Code.

Adopting a bill in the City requires many steps. To provide a brief summary: 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. The introduced bill is referred to the appropriate subject matter committee. The bill remains pending in the committee until a hearing is scheduled or, in rare cases, it is voted out by the full body. If a decision is made to have a hearing, the committee holds a hearing (or a joint hearing with another committee), listens to the public’s feedback, and “lays it over” (i.e., decides whether to hold another hearing) or votes on whether to recommend the bill to the full Council. A fiscal impact statement is prepared for each bill that will be voted on.<sup>7</sup>

All bills must be “aged”—placed on the desks of Council Members in final form at least seven calendar days, not including Sundays—before the bill is passed.<sup>8</sup> It should be noted that this process can be avoided only if the Mayor issues a Message of Necessity *and* the Council passes the bill by a two-thirds vote.<sup>9</sup> If a majority of the Council then votes affirmatively on a bill at a Stated Meeting,<sup>10</sup> the Mayor can sign the bill into law, ignore the bill (in which case it becomes law in 30 days), or veto the bill within 30 days of its presentation to him or her.<sup>11</sup> If the Mayor vetoes the bill, the Council can override the Mayor’s veto with a two-thirds vote within 30 days of receiving the veto.<sup>12</sup>

## 1.2 DRAFTING BILLS FOR THE CITY

The Rules of the Council require that Council Members receive legislative drafting services.<sup>13</sup> Generally, attorneys 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.<sup>14</sup> 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

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<sup>7</sup> Charter § 33.

<sup>8</sup> N.Y. Municipal Home Rule Law § 20(4); Charter § 36.

<sup>9</sup> Charter § 36.

<sup>10</sup> *Id.* § 34.

<sup>11</sup> N.Y. Municipal Home Rule Law § 21; Charter § 37.

<sup>12</sup> Charter § 37.

<sup>13</sup> Rules of the Council, 6.60; *see* Appendix B: Rules of the Council, Chapter VI, Proposed Local Laws and Resolutions.

<sup>14</sup> *See, e.g.*, Charter § 82(11).

request of the other official. The Public Advocate can introduce bills without the assistance of a Council Member.

### **1.2.1 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. However, often 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.<sup>15</sup> 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 and detail them in a legal memorandum and discuss such potential constraints with a supervisor before drafting a bill.

### **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 uses, 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.

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<sup>15</sup> 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. *See id.* § 29.

## **1.3 TYPES OF LOCAL LAW**

### **1.3.1 Consolidated and Unconsolidated Law**

The City adopts both consolidated (codified) and unconsolidated (uncodified) provisions. A drafter first should decide whether a law should be unconsolidated or consolidated, and if consolidated, then should decide whether the law should be placed in the Charter or the Administrative Code (the two bodies of codified laws in the City), as discussed in the following section.

Laws that are adopted but are not part of the Administrative Code or the Charter are referred to as “unconsolidated.” Unconsolidated provisions nevertheless carry the force of law. Unconsolidated laws are most commonly used where the law is meant to have a one-time effect or to apply 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 finite (and ideally short) period of time and then dissolve.

Moreover, even when a bill’s operative provisions will be consolidated in the Charter or Administrative Code, certain provisions of that bill remain unconsolidated. These unconsolidated portions are the “bill sections” and the effective dates. All 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. Since the modern Charter’s inception in the 1930s, it has been intended as the vehicle for legislation relating to the fundamental structure of government and core powers of city agencies. In contrast, the Administrative Code generally includes legal obligations of entities and individuals.

A word of caution about amending the Charter: 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 a broad reference 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

The rules promulgated by city agencies are contained in the Rules of the City of New York (“RCNY”). Only city agencies may promulgate rules to carry out duties delegated by federal, state, or local law.<sup>16</sup> The City Administrative Procedure Act (“CAPA”) prescribes the process for rulemaking.<sup>17</sup>

The Charter or the Administrative Code typically contains the source of authority underlying agency rules, though another body of law (state law, for example) may contain the source. Thus, while the Council does not adopt or amend rules directly, by amending relevant portions of the Charter or Administrative Code the Council may require agencies to adopt new rules or to amend existing rules. Local legislation generally trumps an agency rule, except where provided by state or federal authority.

## 1.4 TIPS FOR RESEARCHING LEGISLATION

### 1.4.1 Finding Laws, Resolutions, and Regulations

It is very important to identify the existing law relevant to a topic being considered for drafting. Amending or adding to local laws requires being able to find the relevant provisions in the first place. Moreover, seldom does a bill involve issues that are completely novel, so some preliminary research is always helpful, if only to provide initial direction.

Drafters for the Council rely on various sources for finding existing 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 Administrative Code and the Charter, usually running only a few weeks behind adoption by the Council: <http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO>: The bottom of that page has links to the Charter and Administrative Code. This website also includes information on state consolidated laws, some important state unconsolidated laws, the state constitution, and legislative bills and resolutions from 1995 to the current session. The website can be used to obtain cross-references (i.e., where a provision is referred to in other provisions), although drafters should complement those cross-references with independent research because the website is not infallible.

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<sup>16</sup> Charter § 1043(a).

<sup>17</sup> See Charter §§ 1041–1047.

- *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, can be more error-free than Lexis or Westlaw, is updated more quickly than Lexis or Westlaw, and can serve as a beginning point to search for legislative history. LRS also can be used to track state bills, set up alerts, and conduct more sophisticated searches.
- *Lexis*. Subscription required.
- *Westlaw*. Subscription required. Westlaw’s “New York City Municipal Materials” (found by going to Home > Statutes & Court Rules > New York Statutes & Court Rules) includes both consolidated and unconsolidated local laws.
- *New York Legal Publishing*. Subscription required.

Be aware that Lexis and Westlaw do not immediately update their editions of the Charter and Administrative Code after the Council enacts bills—the LRS website does so more speedily—but they do provide useful information about how courts and commentators have interpreted the provisions being amended.

City bills and resolutions from 1998 to the current session, including local laws that are unconsolidated, also can be found via:

- *The Legislative Research Center* on the Council website, <http://legistar.council.nyc.gov/Legislation.aspx>.<sup>18</sup>
- *The Legistar application on computers in the Legislative Division*.
- *The LaGuardia and Wagner Archives*, <http://www.laguardiawagnerarchive.lagcc.cuny.edu/AdvancedSearch.aspx>. The New York City Council Collection archives can be useful in finding city bills and resolutions, including legislative history, 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 2014 Construction Codes can be found at the Department of Buildings website, which also includes links to prior codes: <http://www1.nyc.gov/site/buildings/codes/2014-construction-codes.page>.

The RCNY can be found at NYC Rules, <http://rules.cityofnewyork.us/codified-rules>, on Lexis, 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 Lexis. New York Law School maintains the CityAdmin Online Library, <http://www.nyls.edu/cityadmin/>, which archives the

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<sup>18</sup> Appendix C of this manual provides instructions for finding local laws on the Council website.



administrative rulings of a number of city agencies and the Executive Orders of the Mayor.

#### **1.4.2 Finding Legislative History**

Drafters should look for 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 the law. However, in terms of what to cite in an actual bill, the rules outlined in Rule 0 permit the drafter to include legislative history only going back to 1985 for the Administrative Code and 1963 for the Charter.

To find legislative history, use any of the following sources that are available to you: Lexis, 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.

## 2. THE FORMAL PARTS OF A BILL

Every local law contains four 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	<b>Title</b>
<u>Be it enacted by the Council as follows:</u>	<b>Enacting Clause</b>
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 . . . .	<b>Body</b>
§ 2. This local law takes effect immediately.	<b>Effective Date</b>

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.

## The Formal Parts of a Bill

Another sketch of a local law follows. Note the list of bill sponsors, in which, due to longstanding custom, the word “the” is capitalized in “The Speaker” but not in other titles (e.g., “the Mayor,” “the Public Advocate,” etc.).

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Int. No. {\_\_\_}

By Council Member {\_\_\_} / By The Speaker (Council Member {\_\_\_}) / By the Public Advocate (Ms./Mr. {\_\_\_}) / By Council Member {\_\_\_} (by request of the Mayor) / By Council Member {\_\_\_} (by request of the Manhattan Borough President)

### A LOCAL LAW

To amend the {administrative code of the city of New York / New York city charter}, in relation to {\_\_\_}

Be it enacted by the Council as follows:

- 1           Section 1. {Add the first bill section here.}
- 2           {Add the text of the bill here, following the relevant rules for underlining new
- 3 text in consolidated bills, deleting text in brackets, etc.}
- 4           § 2. This local law takes effect {add in the effective date}.

{Initials of drafter}

LS #{\_\_\_}

{Date and time of last update}

{Centered Page Number}

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In contrast, when drafting a new unconsolidated law, do not refer to the Administrative Code or the Charter in the bill title. Also do not underline text beyond the words “Be it enacted by the Council as follows:”.

**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:<sup>19</sup>

<b>Font</b>
Times New Roman; 12-point font for bill text; 9-point font for drafter’s initials, LS No., and timestamp
<b>Spacing</b>
List of sponsors & title: single-spaced
Bill text: double-spaced
Drafter’s initials, LS No., and timestamp: single-spaced
<b>Margins</b>
One inch, all sides
<b>Alignment</b>
Int./Res. No.: centered
A LOCAL LAW: centered
Bill text: full justified (flush on both left and right margins)
<b>Pagination</b>
Bottom center (all pages, including the first)
<b>Bill section numbers (unconsolidated)</b>
After section 1, all sections begin with a section symbol (§), not the word “Section”
<b>Line numbers</b>
Body of the text, restarting with each page

The bill templates include line numbers. As shown on the consolidated bill example above, line numbers begin after the enacting clause, starting with “Section 1”

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<sup>19</sup> See Appendix A: Construction Codes, A Special Drafting Situation, for formatting instructions for the Construction Codes.

## The Formal Parts of a Bill

continuing to and including the effective date. Do not use line numbers after the effective date (i.e., do not use for the initials, LS No. and timestamp at the end of a bill). Line numbers can be removed if necessary.<sup>20</sup> 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. The title is neither consolidated nor unconsolidated law.

The title of a bill must “briefly refer to the subject matter,”<sup>21</sup> and both the title and the bill must cover only a single subject.<sup>22</sup> A good title is short and general and need not summarize each incidental provision. However, a title should capture the general goal or purpose of the bill and key mechanisms that will help fulfill the goal or purpose.

Some authorities recommend that a drafter wait to write the title until after finishing the rest of the bill. Drafters certainly should check the title carefully after completing the bill to make sure that it is not misleading and that it captures the subject matter. But considering the goal of the legislation and drafting a title before turning to the bill itself might help craft the bill.

All titles are single-spaced.

Do not put a period after the title. Although prior practice required a period after the title, drafters should omit this period going forward to conform to the state model. (When drafting plain language summaries and cover sheets for bills, do not put a period after the title in those documents either; one can cut and paste the title across documents to ensure consistency.)

#### ***Examples:***

#### A LOCAL LAW

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

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<sup>20</sup> To remove line numbers in Microsoft Word: 1) Place the cursor anywhere in the line-numbered section. 2) In the menu at the top of the screen, select *Layout* and then select *Line Numbers*. 3) In the drop-down box, select *None*.

<sup>21</sup> Rule 6.00, Rules of the Council.

<sup>22</sup> Charter § 32; N.Y. Municipal Home Rule Law § 20(3). 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”).

A LOCAL LAW

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

**Example:**

By Council Member {\_\_\_}

A Local Law in relation to establishing a temporary task force on post-incarceration reentry for adolescents

Be it enacted by the Council as follows:

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

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 the administrative code of the city of New York, 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 the charter, relating to the department of records and information services

**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

## The Formal Parts of a Bill

break.<sup>23</sup> 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.

### *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 local law means all the text *other than* the title and the enacting clause. Therefore, the body includes:

- Bill sections;
- Bill text; and
- Effective dates.

The following sections of this manual address various components of the body of the bill:

- Rule 3: Bill sections, including how to provide legislative histories for the provisions being amended;
- Rule 4: The classification and numbering of provisions in the body of the bill;
- Rule 5: References to local, state, and federal law;
- Rule 6: Effective dates;
- Rule 7: Other possible sections to add to the body of a bill; and
- Rule 9: Definitions.

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<sup>23</sup> See N.Y. Municipal Home Rule Law § 20(2); Charter § 32; and Rule 6.00, Rules of the Council.

### 3. BILL SECTIONS

The body of every bill consists of one or more parts referred to as “bill sections ,” which are a type of unconsolidated law. Bill sections can be used for various purposes. For example, they can declare legislative findings and intent; direct that certain provisions of consolidated law be added, amended, renumbered, or repealed; make appropriations; make the bill’s provisions severable; and set the bill’s effective date.

The phrase “bill section” is a term of art; when used in this manual, that phrase only refers to the unconsolidated portions of a bill that explain where bill text will be placed and what general action the bill text is performing. The phrase is not referring to the consolidated text being added or amended by the bill.

Number bill sections consecutively using the section symbol (§), followed by a space, followed by a numeral (1, 2, 3, etc.), followed by a period. But spell out the word “Section” for the first bill section. Bill sections are *not* underlined.

***Example:***

Section 1. {Add bill text here.}

§ 2. {Add bill text here.}

§ 3. {Add bill text here.}

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 include the boldface portions of the bill but not the underlined portion. (The boldface style would not be applied in the actual text; rather it is used here solely to illustrate a point.)

***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.**



## Bill Sections

Following the bill section number, any proposal to amend or repeal any part of the Charter or Administrative Code must cite the full title of the body of law being amended, repealed, or renumbered 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 the 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 for instructions on how to refer to a repeal in a consolidated bill section.

### *Example:*

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

§ 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 seeks to amend existing provisions as opposed to when it seeks to add new provisions without amending existing text (the bolding is only for illustrative purposes):

### *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

The legislative history set forth in bill sections is relied on to trace the history of a particular provision to make sure that the provision being amended is the most recent version of that provision and to provide more information about its source. Rules follow for when and how to incorporate legislative history into bills.

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, do not cite to chapter 907 or any history that precedes chapter 907.

When citing legislative history in a bill section amending the Charter, do not cite to any history that precedes the 1963 Charter.

In general, and as explained in more detail below, if a portion of consolidated law to be amended has been added to the Administrative Code or Charter or has been renumbered or amended, the bill section should state the local law number and year of the last local law adding, redesignating,<sup>24</sup> or amending it, as the case may be.

In rare cases, state law (not local law) will have added, renumbered, or amended the text; in those situations, first make sure that the City has authority to amend, redesignate, or repeal that law, as the case may be, and also make sure to specify the chapter and year of the state law in the 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 examples show how to include legislative history for the portion of law 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.

**3.1.1 Portion to Be Amended Was in 1985 Administrative Code or in 1963 Charter**

If the portion to be amended is part of the Charter of 1963 or the Administrative Code of 1985 (see rules above) and has not subsequently been renumbered or amended, state only the identifying number or letter of that portion without 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:

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<sup>24</sup> When used in this manual, “redesignate” is generally interchangeable with the terms “renumber” and “reletter.”

## Bill Sections

### **3.1.2 Portion to Be Amended Was Added**

If the portion to be amended was added after the Charter of 1963 or the Administrative Code of 1985 and has not been amended or renumbered 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:

### **3.1.3 Portion to Be Amended Was Added Then Amended**

If the portion 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 portion.

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:

### **3.1.4 Portion to Be Amended Was Added Then Renumbered**

If the portion 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 renumbered without amendment, state the number and year of the local law or the chapter and year of the state law that added the portion, together with the number and year of the local law or the chapter and year of the state law that renumbered the portion.

*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 renumbered 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 renumbered by local law number 35 for the year 2008, is amended to read as follows:

### **3.1.5 Portion to Be Amended Was Amended Then Renumbered**

If the portion to be amended was previously amended and then later renumbered without substantive amendment, state the number and year of the local law or the

chapter and year of the state law that last amended the portion, together with the number and year of the local law or the chapter and year of the state law that renumbered the portion.

The example refers to both the local law that last amended § 21-310 *and* the local law that last renumbered 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 renumbered by local law number 19 for the year 1999, is amended to read as follows:

**3.1.6 Portion to Be Amended Was Renumbered Then Amended**

If the portion to be amended was renumbered 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 § 21-312 but does not refer to the earlier local law that renumbered 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:

**3.1.7 Portion Is To Be Added Only**

If new provisions are to be added to existing law without amendment to such existing law, do not include legislative history. The drafter will find that 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.

***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:

**3.1.8 Portion Is To Be Renumbered Only**

If a portion of existing law is to be renumbered without amendment, do not include legislative history. Stating that the portion is renumbered is sufficient.

***Example:***

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

### 3.1.9 Referring to Unamended Provisions in Previously Amended Text

Treat a provision as having been amended if it was included in a bill 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 and 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., amend) subdivision b.

This rule means, additionally, that a drafter should provide the legislative history for each provision included 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 included paragraph 1 for context. The bill includes the legislative history for each paragraph because each paragraph has a unique legislative history—i.e., it was included in a distinct law (regardless of whether either paragraph was actually amended or just included for context). Local law number 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.

#### *Examples:*

§ 2. Subdivision a of section 57-198 of the administrative code of the city of New York, 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.

§ 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:

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.

However, when a provision is not being amended but is included because it is useful for context, that provision often will share its most recent legislative history with the provisions actually being amended. In these cases, separate legislative history is not needed. Instead, the bill section can provide the same legislative history for more than one provision at once.

Resources such as LRS (see Rule 1.4.1) make providing this kind of legislative history particularly easy for provisions that have been included in bills but not actually changed. These resources will treat paragraph 1 in the first example above as having been amended by that local law, even though paragraph 1 was only included for context. In contrast, resources such as Westlaw handle legislative history differently. If one is using a resource such as Westlaw, one should supplement the research by looking at actual bill texts through resources such as the Council's Legistar site and provide accurate and complete legislative history as far as practicable.

### **3.2 SPECIAL RULE FOR AMENDING UNCONSOLIDATED LAW**

When amending an unconsolidated local law, set forth, in addition to the legislative history of the portion being changed (if any, as in the second example), the number and year of adoption of the local law.

***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 legislators that the bills are related helps prevent confusion.

When a bill affects 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 summarize such 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:

## Bill Sections

Note that the phrase “relating to” is preferred to “in relation to” in this instance where another bill is described. Additionally, the provision in the example below ensures that the amending bill will take effect at the same time as the bill being amended so that the amendment process is seamless:

***Example:***

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**

Drafters have significant discretion when deciding how to distribute, in single or multiple bill sections, amendments to non-consecutive provisions of the Charter or Administrative Code. 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 by including, in a single bill section, the text of intervening provisions, even though they are not being amended. This option is particularly appropriate when the intervening material is brief.

In the example that follows, subdivision b is included for clarity, even though no change is being made to it.

***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. The following example amends section 44-1234 by setting forth amendments to subdivisions a and c in separate bill sections.

***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. . . .

This method of using separate bill sections for non-consecutive provisions may be more appropriate than the method in Rule 3.4.1 when the provisions being amended are unrelated or when intervening material is lengthy.

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

In general, a drafter may amend non-consecutive provisions in the same bill section without setting forth intervening provisions that are not being amended, as long as the bill section refers to the specific provisions being amended. The following example amends subdivisions a and c of section 44-1234 but does not amend the intervening subdivision b, which is omitted.

***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.



## **4. CLASSIFICATION AND NUMBERING IN THE BODY OF A BILL**

Consistency in the hierarchical structure of statutory divisions is important for clarity and organizational purposes.

This section discusses division and classification structures in the bodies of bills amending the Charter and the Administrative Code—i.e., consolidated text. Other bodies of law that the Council can amend, such as the Construction Codes, use different structures, as discussed in Appendix A. Rule 8 describes the use of numbers in the text of a bill.

### **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 between chapters and sections.

#### ***Charter structure:***

Chapter

Section

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

#### ***Administrative Code structure:***

Title

Chapter

Subchapter

Article

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 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.

***Example:***

Section BC 202 of the New York city building code is amended by adding new definitions of “500-YEAR FLOOD ELEVATION” and “SHADED X-ZONE” in appropriate alphabetical order to read as follows:

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:***

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

If a short title is appropriate, include it in the first section of a particular chapter. The section heading should read “Short title”<sup>25</sup> followed by the lead-in “This {chapter or section} shall be known as and may be cited as” (when referring to a chapter or section of consolidated law) or “This local law shall be known as and may be cited as” (when referring to unconsolidated law). The short title itself should be enclosed in quotation marks and, again, should describe the law to which it refers. Do not use 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. Recall that this manual occasionally uses strikethroughs to indicate incorrect practices and small capitals to indicate correct practices. Note the quotation marks around the title and that, contrary to the general rule, the period in short titles will fall outside the quotation marks for clarity.

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<sup>25</sup> Note that 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.”

## Classification and Numbering in the Body of a Bill

### *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”.

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”.

Generally, title/chapter/subchapter headings use capital letters, with a blank line between each line of text. Do not put periods in the title/chapter/subchapter headings. 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 4.3.1). Note that title headings are formatted differently for the Construction Codes, as described in more detail in Appendix A: Construction Codes, A Special Drafting Situation.

## 4.3 SECTIONS

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

### 4.3.1 Section Headings and Periods

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

#### *Examples of section heading in Administrative Code:*

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

**Not:** § 6-116.2 a. The comptroller and the mayor shall jointly maintain, at the financial information services industry, a computerized database.

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

#### *Examples of single period in Administrative Code section heading:*

§ 20-291 Definition.

§ 9-104 Transfer of inmates by commissioner of correction.

#### *Example comparing the double periods in the Charter with the single period in the Administrative Code:*

##### **Charter:**

§ 3021. Hardship appeals panel.

##### **Administrative Code:**

§ 1-112 Definitions.

### 4.3.2 Section Numbers

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.,

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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 therefore 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 renumber 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 renumber 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 § 77-5001 rather than § 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 additions can be made 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 § 11-2060. The first section number of the following chapter, chapter 21, is § 11-2101, leaving a gap of 40 sections that could be added to chapter 20 without resorting to decimals, if the need arises.

#### 4.4 DIVISIONS WITHIN SECTIONS

Historically, the labeling of divisions within sections in both the Charter and the Administrative Code has been inconsistent.<sup>26</sup> In most cases, when amending existing sections, conform the bill to the designations used in the original section to avoid confusion.

Generally, when adding new sections, however, use the following subunit designators (the bolding is only for illustrative purposes):

<p><b>Section</b></p> <p><b>a. Subdivision</b> (lowercase letter followed by a period)</p> <p><b>1. Paragraph</b> (numeral followed by a period)</p> <p><b>(a) Subparagraph</b> (lowercase letter in parentheses)<sup>27</sup></p> <p><b>(1) Clause</b> (numeral in parentheses)</p> <p><b>(A) Item</b> (capital letter in parentheses)</p>
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Do not draft 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 using that preexisting structure for the new section to maintain internal consistency. Factors to consider include whether the content of the surrounding sections is related to the content being added, how many cross-references to the provision exist in both laws and regulations (because changing the structure would require amending those cross-references), and whether the preexisting outline has been applied consistently.

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.

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<sup>26</sup> This is true even within a single title. *Compare* Administrative Code § 21-131: a./1./(i), *with* § 21-134: a./(1) or 1)/A./(a)/(i).

<sup>27</sup> If one ends up in the very rare situation of drafting a subparagraph (i) (i.e., following an (h)) and one also needs to use romanettes in that subparagraph for an embedded list, one would end up with (i) . . . (i). Find a way to reorder the subparagraph; that (i) could be an (h) or a (j), for example. Or perhaps the embedded list is not as necessary as it appeared at first.

#### 4.4.1 Special Rule for Lists in Short Sections

One question that sometimes arises is how to handle short sections, particularly ones that include lists. Such sections might seem to require a single subdivision, or they might seem better off drafted as proceeding straight from the section level to a set of paragraph-list items. See Rule 4.4 for the difference between subdivisions and paragraphs.

The general preference and recommendation is to draft around both of those alternatives—essentially, to end up with either a single section with no further divisions or, in most cases, a section with at least two subdivisions (and then paragraphs, etc. as needed).

The background principles guiding this recommendation are the following. First, there is value in adhering to the structure laid out in Rule 4.4 (Divisions within Sections), proceeding from the section level to the subdivision, paragraph, subparagraph, clause and item levels. Second, general outline principles require that where there is an “a” there is a “b” (see Rule 4.4.4.1), so having a single “a” standing alone, for example, is awkward and might look like a mistake. Third, once the drafter starts trying to work around the problem, the drafter might realize that the section can be logically broken into two (or more) parts—often with the first subdivision providing the general mandate and the second subdivision providing specifics.

For example, one might draft a reporting requirement as follows that appropriately stands alone.

***Example:***

§ 19-5062 Hot air balloon reporting. The department shall report on the frequency of air balloons in the sky by January 1 of each year, identifying the color, size and velocity of balloons by borough.

However, with a slightly more complicated reporting requirement, the drafter might be tempted to begin with undesignated text and use subdivisions for list items—but is discouraged from doing so given a general sense that subdivisions are more appropriate for complex provisions than for list items. Following are two examples of what not to do, generally.

***Example:***

**Not:**

§ 19-5062 Hot air balloon reporting. The department shall report on the frequency of air balloons in the sky by January 1 of each year, identifying, by borough, the following information for each such balloon:

- a. Color;
- b. Size; and

- c. For each balloon that is 30 feet or more in diameter:
  - 1. Velocity;
  - 2. Direction of travel; and
  - 3. Price.

Similarly, the drafter might be tempted to skip the subdivision level and go straight to paragraphs for the list items, but the drafter generally should not do so.

***Example:***

**Not:**

§ 19-5062 Hot air balloon reporting. The department shall report on the frequency of air balloons in the sky by January 1 of each year, identifying, by borough, the following information for each such balloon:

- 1. Color;
- 2. Size; and
- 3. For each balloon that is 30 feet or more in diameter:
  - (a) Velocity;
  - (b) Direction of travel; and
  - (c) Price.

Instead, if the drafter thinks further division is necessary, the following is the preferred approach—dividing up the text into two (or more) substantive subdivisions and then proceeding to paragraph list items and further divisions as necessary.

***Example:***

§ 19-5062 Hot air balloon reporting. a. The department shall report on the frequency of air balloons in the sky by January 1 of each year.

b. Such report shall identify the following information, by borough, for each such balloon:

- 1. Color;
- 2. Size; and
- 3. For each balloon that is 30 feet or more in diameter;
  - (a) Velocity;



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(b) Direction of travel; and

(c) Price.

In the very rare case that no alternative exists to having a single subdivision within a section or, in the alternative, to having a set of list items numbered as paragraphs follow the undesignated section text, talk to the supervisor about whether a decision has been made on the preferred approach for the division.

Note that this conundrum might arise from the general directive that statutory language should be as concise and direct as possible, and the Administrative Code and Charter in some places have overly complex sections with numerous subdivisions, with drafters seeking instead to write short sections without many subdivisions. This impulse is the right one, but just keep in mind that one must balance the goal of avoiding overly complex sections with the goal of avoiding unworkably short ones. A drafter's discretion comes into play when deciding how many sections and subdivisions a particular program will require.

### **4.4.2 Using Lead-In Language to Introduce Subunits**

A unit that becomes subdivided can begin with lead-in language and a colon. However, many sections will subdivide without such language or colon. Use discretion about whether lead-in language is necessary. When using lead-in language, make each subunit grammatically consistent with that lead-in. If a section begins with lead-in language that is not designated with a subdivision, follow Rule 4.4.1 for numbering any subsequent list items.

#### ***Example:***

a. The department shall provide the mayor and the speaker of the council with a report by February 28 of each year setting forth information about the management and operation of all full-service shelters performing services pursuant to a contract with the city.

b. Such report shall include, but need not be limited to:

1. The following information with respect to the previous calendar year:

(a) The total number of animals accepted by each full-service shelter;

(b) The total number of animals that were sterilized at each full-service shelter;

...

(f) The total number of animals at each full-service shelter that were returned to their owners; and

(g) The number of animals at each full-service shelter that were provided to other shelters for adoption.

#### **4.4.3 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 bill text being referred to.<sup>28</sup> 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

#### **4.4.4 Other Rules Applicable to Subunits**

##### **4.4.4.1 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.

##### **4.4.4.2 Cleaning Up Numbering/Lettering**

If amending an existing law and a clear reason exists to clean up the numbering/lettering, consider doing so, even if the change is not directly part of the substantive amendment. For example, if the existing lettering goes from (a) to (c) without a (b), or if there are two subdivisions designated as (d), consider whether it would be better to fix the lettering at this point.

However, exercise extreme caution and discretion 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 will also need to be updated; if they are numerous, it may be better to avoid interfering with them and not clean up the numbering/lettering. Likewise, check for references to the provisions in case law, rules, and regulations. If the out-of-order provision is commonly cited, correcting it may do more harm than good. Reasons to proceed with renumbering or relettering include striving toward consistency in numbering and organization in the Charter and Administrative Code. Not renumbering can lead to unduly long paragraphs when drafters tack on sentences to existing provisions in order to avoid adding new unit designators, and it can lead to the proliferation and preservation of complicated numbering systems, including hyphenated subunit designators and even duplicate section numbers.<sup>29</sup>

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<sup>28</sup> Note that this local rule is different from the relevant state rule.

<sup>29</sup> For example, the Administrative Code contains two sections 6-130 and two sections 6-138.

#### **4.4.4.3 Embedding Lists**

It can be tempting to embed lists within a single unit (rather than break them into separate subunits) and to designate them with unit designators such as (a), (b), or (i), (ii). However, avoid embedding such lists; instead, separate them out as subunits.<sup>30</sup>

If it is necessary to embed a list—if the list truly could not be broken out into separate provisions—use romanettes in parentheses ((i), (ii), (iii), etc.). One rare situation appropriate for an embedded list is where a concluding statement is required to help a reader parse the provisions in the embedded list. Never use romanettes for separate provisions—they are reserved exclusively for embedded lists.

#### **4.4.4.4 Tracking Related Bills**

Periodically check the latest versions of provisions being amended or added in order to make sure that the numbering and lettering initially chosen are still appropriate. Keep track of similar bills that might be moving through the system and that are amending the same provisions for the same reasons, especially when at the stage of aging bills.<sup>31</sup> Check for amendments enacted by the State Legislature in addition to those adopted by local law.

#### **4.4.4.5 Organizing Sections in Bill Packages**

For various reasons, a drafter may be asked to generate multiple bills for introduction or passage as a single package. It could be appropriate to place such bills in the same portion of the Charter or Administrative Code. 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 process and helps avoid errors. However, if a Council Member specifically requests separate bills on the same subject, confirm the separate drafting approach with a supervisor.

When bills cannot be combined during the drafting process, 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.

#### **4.4.4.6 Where the Bills Might Not Move Together**

Ordinarily, Rule 4.4.4.5 means treating the other bills in the package as if they do not exist by using duplicate numbering for new provisions in each bill; the result is that

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<sup>30</sup> The provisions in the following example could be broken out: “It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action . . . .”

<sup>31</sup> See *supra* note 8 and accompanying text.

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, § 77-9002 is already taken by existing law, so both bills should use § 77-9003.

***Examples:***

§ 77-9003 Provision of drinking water required.

§ 77-9003 Refusal to provide water punishable.

Remember that one of the bills will need to be renumbered if it becomes clear that both likely will be enacted to avoid having two bills occupy the same section in the Administrative Code. Be vigilant if multiple bills have been drafted with the same section number—as noted, duplicate section numbers have found their way into the Administrative Code.<sup>32</sup>

**4.4.4.7 Where the Bills Will Move Together**

When it appears certain that a package of bills will move through the legislative process together, it may be necessary to draft or amend the bills as if all will be adopted. This approach can be used, for example, when the same provision is being amended or when a portion of one bill will affect another bill in the package.

***Example in which separate bills are amending the same section:***

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, relating to the bandwidth of mobile networks, as proposed in introduction number 526-A for the year 2015, is amended to read as follows:

Any bill that depends for its effect on another bill passing should refer to the bill on which it depends in the relevant bill section by providing the year the other bill is likely to become a local law, the title of the bill and the other bill's introduction number.

***Example in which a new section is added to a chapter created by another bill:***

Section 1. Chapter 9 of title 23 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2016, relating to mobile applications, as proposed in introduction number 999-A for the year 2015, is amended by adding a new section 23-903 to read as follows:

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<sup>32</sup> See note 29 and accompanying text.

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Additionally, synchronize the relevant sections of both bills to take effect at the same time.

### *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.

When two bills amend the same text such that it is necessary to establish the placement of each vis-à-vis the other, one bill should reflect the changes made by the other bill (as if one of them had been “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.

### *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.

If two bills that clearly are moving toward passage (i.e., not just at the stage of being sent to the Council Member or introduced) use the same section numbers, whether they are part of the same package or not, amend one of the bills to use the next available section number to avoid duplicate numbering.

When bills in a package share interlocking designators (sections, subdivisions, etc.), it can be helpful to assign numbering 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. Mark these skipped provisions as “Reserved.”

### *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.

When certain “housekeeping” sections—such as those covering definitions, applicability, and exceptions—are identical in a bill package, consider:

- Repeating the generally applicable “housekeeping” provisions in each bill in identical form if necessary for each bill to be capable of accomplishing its goals by itself if required.
- Only including bill-specific provisions in the individual bill to which they apply.
- Leaving gaps in numbering where appropriate, filled with the placeholder term “Reserved.”

**Example:**

§ 77-9003 Reserved.

Building on the example from Rule 4.4.4.6 above, assume that three drafting requests relate to the same subject for inclusion in a new chapter in the Administrative Code. The plan would be for the Council to adopt the bills at the same time and for the new chapter, when consolidated, to contain five sections: two “housekeeping” sections that provide definitions for the entire chapter and govern its applicability, and three sections that impose more substantial legal requirements.

In this example, treat the substance of each bill as if the other bills will not be adopted, but structure the numbering of each bill to reflect the general logic of the new chapter as a coherent whole.

**Example:**

The framework of the second bill would look like this:

§ 77-9001 Definitions. *{This section is repeated verbatim from the first bill.}*

§ 77-9002 Applicability. *{This section is repeated verbatim from the first bill.}*

§ 77-9003 Reserved. *{This number is reserved for content from the first bill.}*

§ 77-9004 Refusal to provide water punishable. *{This section is the focus of this bill.}*

§ 77-9005 Reserved. *{This number is reserved for content from the third bill.}*

## 4.5 GAPS IN NUMBERING

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

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of a new chapter, subchapter, article, etc., to allow new sections to be added to the preceding chapter, subchapter, article, etc. (see relevant discussion of section numbering in Rule 4.3.2). 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 insufficient space for new sections at the end of the new chapter.

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 THE CHARTER AND THE 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.” However, do not include the full title (“New York city charter”) in such a cross-reference.<sup>33</sup>

*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”).<sup>34</sup>

*Example:*

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

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

<sup>34</sup> 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 unit 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 unit 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.

*Examples:*

It is unlawful for any person to fail to make a good faith effort to comply with subdivision c of section 17-507.

**Not:** . . . comply with section 17-507(c).

**Not:** . . . comply with subdivision c of section 17-507 of this chapter.

### 5.1.4 Referring to the Charter or to the 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 a special exception 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. (Bolding is for illustrative purposes only.)

*Example in unconsolidated law:*

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

*Example in unconsolidated law:*

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

## 5.2 REFERRING TO NEW YORK CITY RULES

When referring to provisions of the RCNY, use the following citation format.

*Examples:*

section 153.01 of title 24 of the rules of the city of New York

chapter 12 of title 15 of the rules of the city of New York

## 5.3 REFERRING TO STATE LAW

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 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, the space after the period, and the 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 of referring to state bills in resolutions in Rule 10.

## 5.4 REFERRING TO STATE RULES AND REGULATIONS

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 10.2 of title 8 of the New York codes, rules and regulations

chapter I of subtitle A of title 8 of the New York codes, rules and regulations

## 5.5 REFERRING TO FEDERAL LAW

When referring to provisions of federal law, cite either the public law or the U.S. Code. The choice can become significant if Congress updates the provision referenced.

Following are examples of citations to public law.

*Examples:*

section 1122 of the tax reform act of 1986, as enacted by public law 99-514

section 4 of the federal bank holding company act of 1956

Following are examples of citations to the U.S. Code. Note that the references to subunits of federal law are slightly different from those used for state and local law.<sup>35</sup>

*Examples:*

subsection (c) of section 2823 of title 15 of the United States code

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

Some specialized bodies of federal law may be cited by a common name instead of the U.S. Code.

*Examples:*

section 882 of the internal revenue code

section 212 of the immigration and nationality act

## 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

subtitle B of title 29 of the code of federal regulations

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<sup>35</sup> 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

The effective date is part of the body of the bill: usually the last bill section and typically unconsolidated.<sup>36</sup>

A drafter must choose the effective date carefully. The way it is drafted can have a critical impact on the substantive provisions of a bill.

In some cases, the bill can become effective immediately. In other cases, delay *must* be built into the effective date, such as when state law so requires.<sup>37</sup>

And in some other cases, delay *should* be built into the effective date. For example, if a bill imposes new duties on a governmental agency, the effective date should give the agency time to prepare for administering the bill (such as by promulgating rules) or performing the new duties. Similarly, if a bill affects court or legal procedures, defines as a crime some act or omission not previously a crime, or affects or imposes limitations on rights, obligations, or duties of the public, the effective date should be delayed to give ample notice to those affected. Different provisions of the same bill can have different effective dates.

In most cases, do not build requirements into an effective date that are unrelated to when the bill should take effect (e.g., requiring a study); put that requirement elsewhere, such as in another unconsolidated bill section. In some cases, though, a complex effective date serves an important purpose.<sup>38</sup>

### 6.1 HOW TO PHRASE THE EFFECTIVE DATE

When drafting an effective date, use the phrase “after it becomes law” instead of the phrase “after its enactment” or “after its enactment into law.” Although bills frequently have used the latter two phrases, they sometimes have caused confusion about the triggering event from which the effective date should be measured. The recommended phrase helps achieve uniformity among local laws and conformity with state practice.

***Example:***

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

**Not:** This local law shall take effect in 120 days.

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<sup>36</sup> N.Y. 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.”

<sup>37</sup> See, e.g., N.Y. Municipal Home Rule Law § 24.

<sup>38</sup> See, e.g., Local Law 34 for the year 2007.

## The Effective Date

**Not:** This local law shall take effect 120 days after its enactment.

**Not:** 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.

### 6.2 120 DAYS AFTER BECOMING A LAW

If the bill will require agency rules or would benefit from them, a 120-day effective date usually is the best default. This generally allows sufficient time for the agency to satisfy the requirements of CAPA,<sup>39</sup> though additional time may be needed if the bill has complex requirements.

In addition to providing enough time, consider adding language in the effective date provision authorizing (“may”) or requiring (“shall”) the appropriate agency to create rules and take other necessary actions before the effective date.

Where rulemaking is not required but the drafter nonetheless wishes to allow time between adoption and the effective date, the drafter can choose an effective date that is 30 days, 60 days, 90 days, or some similar amount of time out from the date the bill becomes law. Avoid using months; using days makes calculations easier.

#### *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.

Occasionally, making the bill effective one year after it becomes law is appropriate:

#### *Example:*

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

### 6.3 RETROACTIVE

Occasionally, it is desirable for a local law to relate back to a date before its passage.

#### *Example:*

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

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<sup>39</sup> See note 17 and accompanying text.

## 6.4 ON A “DATE CERTAIN” (A SPECIFIED DATE)

If using a date certain—an actual date, not just a period of time after a bill becomes law—continue to monitor the relation between the enactment date and the effective date. Otherwise, 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 implementing agencies and the public. Try to choose a date on the first of the month or on some other easy day for agencies to roll out the bill (e.g., not a weekend or holiday). A date certain might be particularly well-suited to reporting bills.

### *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.

§ 5. This local law takes effect on the first of May in the year in which it becomes law, except that if it becomes law after such date, this local law takes effect immediately *{or 30 days, 90 days, etc. after it becomes law}*.

Note: While the second example 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.

## 6.5 ON THE DATE IT BECOMES LAW

A bill may be made effective on the date it becomes law if none of the above considerations applies—there are no rulemaking requirements, due process considerations, or other actions required to implement the new law. Note, however, that even if a local law states that it becomes effective immediately, by law it cannot become effective until after it has been filed with the Secretary of State.<sup>40</sup>

### *Example:*

§ 7. This local law takes effect immediately.

An immediate effective date is 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:

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<sup>40</sup> N.Y. Municipal Home Rule Law § 27(3).

## The Effective Date

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.

### 6.6 EFFECTIVE WHEN ANOTHER PROVISION TAKES EFFECT OR WHEN THE FEDERAL GOVERNMENT OR THE STATE TAKES ACTION

Sometimes a change proposed in a bill will only be triggered if some extrinsic event happens. For example, a drafter occasionally may make a bill effective or conditional upon the date another bill becomes law or upon the effective date of another bill.

#### *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 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.

A different extrinsic event could be the passage of a particular date.

#### *Example:*

§ 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.

Effective dates can also be contingent on external factors other than the passage of a particular date, such as the City receiving funding from the State.

### 6.7 STAGGERING

Not all sections of a bill must take effect on the same date. Different sections of a bill may take effect at different times.

#### *Example:*

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

### 6.8 CONTINGENT EXPIRATION

A bill may also be drafted to expire (sunset) upon the occurrence of some event. For example, a bill creating a task force might provide that the task force ceases to exist upon the issuance of a final report. Although such an expiration provision is often included in a consolidated portion of a bill, it may be included in a bill section with the bill's effective date instead.

***Example:***

§ 3. This local law takes effect immediately and expires and is deemed repealed upon the issuance of the final report required by section 1 of this local law.



## 7. OTHER POSSIBLE SECTIONS TO ADD TO A BILL

### 7.1 STATEMENTS OF LEGISLATIVE INTENT OR PURPOSE

A declaration of legislative intent or purpose is rarely appropriate within the legislation. Reserve such information for the committee report. However, a declaration of legislative intent or purpose may be appropriate in a recodification bill to make clear that the recodification is intended to restate the law without substantive change if that is the case or in other situations where expressly providing the basis for legislative action is important—in such situations, consult with your supervisor on the most appropriate approach.

In a declaration of legislative intent or purpose section, state only what the particular law is to achieve. Place the legislative intent section before the substantive provisions to which it relates. The legislative intent provision usually constitutes the first bill section and usually is unconsolidated.

Do not include a legislative intent or purpose statement in a bill if it consists of argumentative material that is better saved for the debate on the bill. Do not place provisions granting rights, prohibiting actions, or otherwise creating substantive law in a legislative intent or purpose statement. Do not include material that more appropriately belongs in the committee report, such as certain kinds of statistics and justifications for a bill.

### 7.2 EXPIRATION/SUNSET CLAUSES

A Council Member might want a program or a provision to end after a certain period of time. For example, the bill might include an expiration date or sunset clause for pilot programs, where funding is available for only a fixed period of time, for a reporting bill where the reporting need not stretch into the future to accomplish its goal, or where the state law authorizing the local law itself contains a sunset clause.

A sunset provision can emphasize that the legislation is experimental, even if the requesting Council Member hopes that the program or concept will be extended or made permanent by later legislation. Occasionally, a Council Member might want a sunset provision to be accompanied by a report to the Council so the Council can decide whether to extend the law.

A drafter can take a couple of approaches in writing expiration/sunset clauses.

#### 7.2.1 In Consolidated Text

If the substance of the bill is consolidated text, include the expiration date/sunset provision in that consolidated text.

*Example:*

d. This section expires two years after the effective date of the local law that added this section.

Putting the expiration date in the consolidated law simplifies research and minimizes the need to consult the unconsolidated provisions of the local law that added it. After expiration, however, the expired material becomes extraneous and impairs the law's utility until it is repealed.

### 7.2.2 In Unconsolidated Text

A second method is to put an expiration date in the same bill section as the effective date, which is unconsolidated.

#### *Examples:*

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

§ 4. This local law takes effect 30 days after it becomes law and remains in effect until September 1, 2016, when it is deemed repealed.

It might be best to put the expiration date or sunset clause in *both* the consolidated and unconsolidated portions of the bill.

A final option is to make both the bill and the expiration date unconsolidated. This option may be preferable when the law will expire relatively soon after its adoption.

## 7.3 REPORTING REQUIREMENTS

Some bills require that an agency report to the Mayor, Council Members, or other elected officials regarding the bill's implementation and effects. Indeed, some bills contain only reporting requirements, with no other substantive provisions.

Although requiring an agency to produce a report may seem like a minor burden on the 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.

A drafter might couple a reporting requirement with provisions that allow the agency to stop reporting at some defined point—instead of extending reporting long after the issue that prompted the requirement has been addressed. As one option, the drafter might consider including a sunset provision (see Rule 7.2) to ensure that the reporting requirement does not outlive its usefulness.

#### *Examples:*

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

## Other Possible Sections to Add to a Bill

§ 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 five 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.

As a second option, the drafter could make the 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 issue a report . . . .

b. The commissioner shall include with any such report a recommendation to the mayor and the speaker of the council about whether continued reporting on such topic is necessary and appropriate.

## 7.4 SEVERABILITY CLAUSES

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.<sup>41</sup> Therefore, as a general matter, individual severability clauses in bills amending the Charter or Administrative Code are disfavored. Drafters relying on the existing severability clauses in the Charter and Administrative Code may include a note in the relevant committee reports that such clauses apply, although such notes are not necessary for the default severability 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 at the time of publication apply to unconsolidated laws, so drafters should consider whether severability clauses are necessary in bills adding or amending unconsolidated laws.

## 7.5 NON-SEVERABILITY CLAUSES

Alternatively, a local law can be drafted with a “reverse” severability clause, which provides that if any part of a law is struck down, the entire law should be struck down. Sometimes known as “poison pills” or non-severability clauses, 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

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<sup>41</sup> Charter § 1153; Administrative Code § 1-105.

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 that, “[a]lthough 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.”<sup>42</sup>

**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 is deemed invalid.

## 7.6 PRESENTING INFORMATION IN TABLES

Consider using a table to present large amounts of statistical or factual information. Tables are useful for presenting, for example, the schedule of penalties for a large number of violations or the numbers of certain fixtures required in different occupancies. Tables may be nested within a section, or they may be treated as separate structures. Appendix A: Construction Codes, A Special Drafting Situation provides further discussion of tables in the Construction Codes, including an example of a table as a separate structure. In either case, include gridlines marking individual rows and columns, and write the table title in all capital letters.

**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

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<sup>42</sup> *City of New York v. State of New York*, 94 N.Y.2d 577, 588 n.2 (2000).

## Other Possible Sections to Add to a Bill

When amending an existing table, drafters should typically include the entire table in the bill, unless doing so would be extremely cumbersome (for example, when amending a table that is several pages long). As a matter of good practice, tables reproduced in copies of the law are more likely to contain errors, so drafters should confirm the existing table contents to be amended from multiple sources or trace the history of the table through the laws that have amended it previously.

### *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	<del>[\$375]</del> <u>\$450</u>

### *Example of amending a very long table:*

§ 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>

## 8. NUMBERS

The following rules govern the use of numbers within the body of a bill. Note that, notwithstanding these rules, amendments generally should follow the style and form already used in the sections to be amended.

The rules are presented in this section according to whether they apply to bill titles, to consolidated text only, to unconsolidated text only, or to both consolidated and unconsolidated text.

### 8.1 SUMMARY: USING NUMERALS OR SPELLING OUT NUMBERS

<b>Use numerals (1, 2, etc., also known as figures or digits) for numbers:</b>	<b>Spell out numbers (one, two, etc.):</b>
In bill titles	One to nine in consolidated law, except in situations expressly included in the numerals column (dates, money, etc.)
In most unconsolidated text, such as bill sections	That begin a sentence; this rule trumps all other rules
In all dates	Used as ordinals (first, second, etc.)
When cross-referencing sections, subdivisions, etc. of consolidated law	When cross-referencing bill sections (unconsolidated provisions) in the same bill
In technical charts, formulas, and tables	When enumerating in a bill section how many provisions a bill is adding
That refer to the time of day (except “noon” or “midnight”)	In fractions and mixed numbers
To express amounts of money in most contexts	

Note that the term “numeral” is used in this manual to mean Arabic numerals (also known as digits or figures), as distinguished from roman numerals or spelled-out numbers.

The following sections provide additional explanations and examples.

## 8.2 NUMBERS IN BILL TITLES

Use numerals for numbers within bill titles.

*Example:*

### 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

## 8.3 NUMBERS IN CONSOLIDATED LAWS ONLY

Spell out numbers zero through nine in consolidated law and use numerals for numbers 10 and above, except where this manual prescribes otherwise.

*Examples:*

three little kittens

six streets

nine lives

10 such kittens

100 days

101 Dalmatians

127 hours

1,000 feet

123,456 gallons

1,000,000 persons

*Example (see also Rule 8.5.7 on percentages):*

§ 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.

*Example of spelling out numbers one through nine and using numerals (discussed in Rule 8.5.3) to refer to provisions of consolidated law:*

Any building, erection or place, including one- or two-family dwellings, 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  
.....

## 8.4 NUMBERS IN UNCONSOLIDATED LAWS ONLY

### 8.4.1 Numbers within Bill Sections

Use numerals for almost all numbers used *within* bill sections, including 0 through 9. As noted, bill sections are unconsolidated provisions and do not include any consolidated portions.

Note that this rule differs from the rule for consolidated law; spell out zero to nine in consolidated law.

#### *Examples:*

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:

Section 1. Paragraph 9 of subdivision c of section 22-2010 of the administrative code of the city of New York is amended to read as follows:

§ 3. Any owner subject to the requirements of this local law shall file with the commissioner a report of compliance within 7 years after the effective date of this local law.

§ 2. This local law takes effect 90 days after it becomes law.

### 8.4.2 References in Bill Sections to Number of Provisions Being Added

However, there are two small exceptions to the general rule that numerals should be used in unconsolidated law. First, in a bill section, although not necessary or advised, if it seems important to refer to *how many* provisions are being added to consolidated law, spell out that number. The goal is to avoid confusion with the provision designators themselves, which could be expressed in numerals. (In the example that follows, the spelled-out number is boldfaced for effect.) Second, when cross-referencing a bill section in the same bill, spell out the bill section number, as explained in Rule 8.5.2.

#### *Example of referring to how many provisions are being added to consolidated law:*

Section 1. 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:

The *preferred* approach, however, is to avoid enumerating how many provisions are being added; just list the provisions. To draw on the prior example, omit “five” and state:



## Numbers

Section 1. 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:

### 8.5 NUMBERS IN BOTH CONSOLIDATED AND UNCONSOLIDATED PROVISIONS

#### 8.5.1 Dates (in Both Consolidated and Unconsolidated Text)

Use numerals for all specific dates, including effective dates, whether appearing in a bill section or consolidated law. Do not use ordinals (first, second, third; 1st, 2nd, 3rd) for dates.

#### *Examples:*

This local law takes effect 90 days after it becomes law.

**Not:** This local law takes effect ninety days after it becomes law.

#### *Examples:*

This local law takes effect on October 1, 2014.

**Not:** This local law takes effect on October first, two thousand fourteen.

**Not:** This local law takes effect on October first, 2014.

**Not:** This local law takes effect on October 1st, 2014.

**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. (Note that it is still preferable to avoid using the ordinal where possible.)

#### *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 vehicle manufactured on or after May 15, 1984, shall be equipped with . . . .

### 8.5.2 References to Bill Sections (in Both Consolidated and Unconsolidated Text)

Spell out numbers of bill sections in cross-references within the same bill. (In the example that follows, the spelled-out bill section number is boldfaced for effect.)

*Example:*

§ 3. This local law takes effect 90 days after it becomes law, except that subdivision b of section **99-1234** of the administrative code of the city of New York, as amended by section **two** of this local law, takes effect 120 days after this local law becomes law.

### 8.5.3 References (in Both Consolidated and Unconsolidated Text) to Provisions in Consolidated Law

In both consolidated and unconsolidated law, use numerals to refer to provisions in consolidated law. (Compare to the rule for references to bill sections, which are spelled out.)

*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

### 8.5.4 Ordinals (in Both Consolidated and Unconsolidated Text)

Spell out ordinals (e.g., first, second, third), and remember, pursuant to Rule 8.5.1, not to include ordinals in dates.

*Examples:*

The fourth council district is defined as follows:

**Not:** The 4th council district is defined as follows:

The second unnumbered paragraph . . . .

**Not:** The 2nd unnumbered paragraph . . . .

### 8.5.5 Numbers That Look Like Letters (in Both Consolidated and Unconsolidated Text)

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. It is almost always clear from context whether the

## Numbers

drafter intended I to mean the letter or the number, and if it is not clear from context the reader can refer to the underlying law being referenced.

### **8.5.6 Amounts of Money (in Both Consolidated and Unconsolidated Text)**

In most instances, use numerals and the dollar symbol for amounts of money. Use decimal points only when the number of cents is not zero.

#### *Example of amounts of money in most contexts:*

a penalty of \$450

contracts for more than \$100,000

\$5.52

However, in budget bills, follow the state practice and first spell out the amount and then put the dollar symbol and amount in numerals in parentheses: e.g., one million dollars (\$1,000,000).

#### *Examples:*

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

one hundred dollars (\$100)

### **8.5.7 Percentages (in Both Consolidated and Unconsolidated Text)**

Always spell out the word “percent” instead of using the percent sign (except in highly technical contexts, such as tax tables).

In terms of the numbers preceding the word percent, follow the general rules in this manual. So, for example, in consolidated text spell out numbers one through nine, but use numerals in a highly technical context or for the number 10 or above.

#### *Examples:*

Nine percent

12 percent

### **8.5.8 References to Time (in Both Consolidated and Unconsolidated Text)**

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

#### *Examples:*

11:30 a.m.

1:00 p.m.

**Not:** two o'clock post meridian

However, use “noon” instead of 12:00 p.m. to avoid confusion. While one could use “midnight” instead of 12:00 a.m., midnight could be construed as falling either at the beginning or at the end of a specified day; therefore, either specify which is intended or avoid using midnight altogether.<sup>43</sup> In the example below, “midnight” could be interpreted as falling in the early morning or late night of April 15.

**Examples:**

**Not:** Applications shall be submitted to the commissioner before midnight on April 15 of each year.

Rephrasing can help avoid the ambiguity:

Applications shall be submitted to the commissioner no later than 11:59 p.m. on April 15 of each year.

Or, in some cases, the reference to the time of day can be deleted.

Applications shall be submitted to the commissioner no later than April 15 of each year.

### **8.5.9 Fractions (in Both Consolidated and Unconsolidated Text)**

Spell out simple fractions and use a hyphen between the numbers in most bill text. This rule applies to all numbers, whether or not they are greater than nine.

**Examples:**

one-half

one-fourth

one-tenth

Connect the numerator and denominator with a hyphen, *unless* either number already contains a hyphen. When spelling out round numbers such as three hundred in the numerator, do not insert a hyphen just because the number happens to be in the numerator if the number would not be hyphenated when not part of a fraction.<sup>44</sup>

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<sup>43</sup> 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 (NY Sup. Ct. Suffolk County 1975).

<sup>44</sup> This rule applies to numbers at the beginning of a sentence as well, which are spelled out.

## Numbers

### *Examples of fractions in bill text:*

one-tenth  
one thirty-second  
forty-five one-hundredths  
twenty-one thirty-sixths  
one one-hundredth  
three hundred one-thousandths (*with this hyphen placement, the fraction reads as 300/1,000*)  
three one-hundred-thousandths (*with this hyphen placement, the fraction reads as 3/100,000*)

However, use numerals (i) to denote fractions of a percent, (ii) for fractions in technical tables and (iii) in other situations where spelling out numbers is too cumbersome. Use regularly sized characters separated by a slash. Do not use superscripts or special characters.

### *Examples of fractions of a percent and fractions in technical contexts:*

1/4 percent  
1/100  
17/56  
0.0065 percent  
**Not:** sixty-five ten thousandths of one percent

#### **8.5.10 Mixed Numbers (in Both Consolidated and Unconsolidated Text)**

Spell out mixed numbers in most bill text—i.e., numbers that are made up of both whole and fractional numbers. Hyphenate the fractional part as directed in Rule 8.5.9, but do not put a hyphen between the whole number and the non-fractional part.

### *Examples of mixed numbers in bill text:*

one and one-half  
five and thirty-one thirty-seconds

However, use numerals for mixed numbers in technical tables and materials. Do not include a hyphen between the whole number and the fraction. Do not use superscripts or special characters.

*Examples of fractions in mixed numbers:*

1 1/2

5 31/32

3 1/2 by 4 1/2 feet

**8.5.11 Numbers at the Beginning of Full Sentences (in Both Consolidated and Unconsolidated Text)**

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:*

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

**Not:** § 4. 30 days after the submission of the report, . . . .

## 9. DEFINITIONS SECTIONS

Limit definitions to defining terms; do not have definitions perform any additional action in a bill, such as prohibiting, requiring, or authorizing any actions. For example, it is inappropriate to prohibit the use of oral contracts by defining the term “contract” to mean “a written agreement.”

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.

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

### 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.

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 in the 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.

If a higher-level 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 the higher-level 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. The best practice is to refer expressly to the higher-level definition to make clear that the more specific lower-level 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-level definition may work in some cases, but not in all; consider confining a new definition to a new section only.

#### *Example:*

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

If a higher-level 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-level 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, as per 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 renumber existing entries or add definitions non-alphabetically to avoid renumbering. 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.



## Definitions Sections

### **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 one or more human beings.

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

Dwelling. Except as provided in § 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; 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 or not 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 one or more human beings.

~~Person. The term “person” includes a natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization. {This term is already defined identically in Administrative Code § 1-112, which applies throughout the entire Administrative Code, and so should not be repeated.}~~

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. *{This term is being defined differently from the definition at a higher level and so should be included here.}*

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 Administrative Code or Charter, 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, typically preceded by language such as “For purposes of this {section/subdivision/etc.}, . . .” 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:*

1. 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:*

1. 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 EXISTING DEFINITIONS

The following rules apply where the drafter is amending an existing definitions section of the Administrative Code or Charter. Generally, update the definitions provisions to conform to the “guide words” format described in Rule 9.2, which does not include unit designators (i.e., no introductory “1.” or “(a)”). However, if updating a definitions section to use the new guide-word style would be unduly cumbersome, the drafter might decide instead to conform the amendments to the section’s existing style.

If seeking to implement the guide word format, search the Charter and Administrative Code for any cross-references to the definitions section being revised. Then 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.

## Definitions Sections

In the following example, a definition for the term “hotel” is being added to an existing provision, § 99-1001 of the Administrative Code, triggering some cleanup work:

### *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 one 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.

§ 2. Subdivision a of section 99-1002 of the administrative code of the city of New York, as amended by local law 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 DIVIDING DEFINITIONS INTO MULTIPLE PARTS

When dividing a definition into parts, the numbering and hierarchy follow special rules that differ slightly from the numbering rules set forth in Rule 4.4. To divide definitions into separate parts, a drafter should begin with numerals (1, 2, 3, etc.) followed by a period. 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 4.4.

The example below divides the definition of “player-operated amusement device” into two paragraphs, which are designated with numerals. Again, the division starts with a

paragraph even though, as here, the section does not have any lettered subdivisions, which would ordinarily appear first in the numbering hierarchy.

**Example:**

§ 20-9998 Definitions. For purposes of this chapter, the following terms have the following meanings:

...

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.

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 seven 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 . . . .

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

**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.

## **9.6 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, a drafter should 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.
- Whether the decision would leave the bill complete, containing all of the information necessary for the Council to consider it.
- The possible effect that an amendment to the source definition would have on the local law (and whether consistency between the two is desirable).

## 10. RESOLUTIONS

Resolutions are often used to support federal or state legislation, to commemorate people and historical dates, and even to criticize or denounce practices and policies. A resolution differs from a bill in form, mode of passage, and consequences. 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.<sup>45</sup> A nonbinding resolution is effectively a statement the Council makes as a whole.

However, there are important exceptions to these principles where the Charter or other law authorizes a particular kind of resolution to bind or affect city agencies and the public. For example, budgetary and land use actions are taken through resolutions. 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.

### 10.1 RULES FOR STANDARD RESOLUTIONS

The following are general rules for writing resolutions. Rule 10.2 addresses one special kind of situation – drafting home rule messages – where specific rules apply.

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<sup>45</sup> “A legislative body may in that form express an opinion, may govern its own procedure within the limitations imposed upon it by its constitution or charter, and, in case it have ministerial functions, may direct their performance; but it cannot adopt that mode of procedure in making laws where the power which created it has commanded that it shall legislate in a different form.” *City of San Antonio v. Micklejohn*, 89 Tex. 79, 82 (1985). Thomas Jefferson, in his *Manual of Parliamentary Practice* (sec. XXI), recognized the use of resolutions by the Congress to express fact, principles, opinions, and purposes.

## Resolutions

### 10.1.1 Formatting

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

Res. No.
Resolution {_____}
By Council Member {_____}
Whereas, {Insert text here}; and
Whereas, {Insert text here}; and
Whereas, {Insert text here}; and
Whereas, {Insert text here}; and
Whereas, {Insert text here}; and
Whereas, {Insert text here}; now, therefore, be it
Resolved, That the Council of the City of New York {insert text here}.
LS# {___}
{Date}
{Drafter's initials}

- Single-space the title of the resolution and the list of sponsors (when it breaks onto multiple lines), but double-space the rest of the resolution text.
- Begin each paragraph with “Whereas” or “Resolved,” followed by a comma, with the first letter always capitalized and indented .
- Capitalize the first word of each sentence that follows the “Whereas” or “Resolved” clauses. In terms of capitalizing other words, capitalization rules in resolutions are looser than for bills, generally meaning that more words can be capitalized in resolutions than in bills—such as the names of laws, entities, and individuals (e.g., “Public Officers Law”).
- End each clause with a semicolon and the word “and,” except for the final “Whereas” clause, which should end with a semicolon followed by “now, therefore, be it” with no final punctuation. The “Resolved” clause should begin on the next line.
- Include only one “Resolved” clause.

- Only use one sentence per “Whereas” clause, and avoid using semicolons except at the end of each clause.
- Each “Whereas” clause should support the premise of the resolution in a logical and linear fashion.
- Make sure the right-hand margin of the whole document is justified.
- The resolved clause must be identical to the title of the resolution (only differing in verb form).

### **10.1.2 Content**

- The title should be descriptive, yet succinct.
- Introduce the issue/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 all abbreviations, even obvious ones (for example: “U.S. Department of Agriculture (USDA)”).
- Provide sources as often as possible, especially for specific information and statistics, even if just to cite news reports.
  - Do not use footnotes.
  - Support specific facts by noting the source of information (for example: “According to a report by Advocates for Children, 50 percent of students require services . . .,” or “A number of women’s groups have expressed support for this legislation . . .”).
- Find and include a local nexus if the subject matter of the resolution is outside of the City.
- Do not call generally on the “City of New York,” the Council, or a Council committee to take an action.
  - If the sponsor wants the Council to take an action and it is within the Council’s authority to do so, then the proper avenue is to draft a local law, not a resolution.
  - 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.
- When discussing state legislation:



## Resolutions

- Check to see whether there is both an Assembly and a Senate version. If so, mention them both. Always find out the status of each bill in its respective house.
- Always describe what the legislation does.
- Put a period and a space between the “A” or “S” and the bill number. Insert a hyphen after the bill number and before the appropriate letter to indicate an amended version (e.g., A. 1215-A).
- Do not use the terms “Senate bill” or “Assembly bill” when describing pending legislation. One can refer to the related legislative chamber, however.
- Provide the full name of the Assembly Member and/or State Senator who introduced the bill.
- The month and year a bill was introduced may be included.

### *Example of one approach to describing pending state bills:*

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

## **10.2 RESOLUTIONS THAT AMEND THE RULES OF THE COUNCIL**

Special rules apply to resolutions that adopt or amend the Council’s own rules:

- Be aware of Charter § 46 and Council Rule 10.20, which relate to the Council’s authority and process for adopting and amending its rules.
- In most cases, include the entire text of the rule that the resolution would amend.
- Do not use the “Whereas . . . Resolved” format of a normal resolution. 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. Demarcate the first section with “Section 1.” Use a section symbol 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 . . .”).
- In titles and bill 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 a “Be it enacted by the Council as follows” clause.

A resolution amending an existing rule should look like this:

<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 {_____}</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: 80px;">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>LS# {___}</p> <p>{Date}</p> <p>{Drafter’s initials}</p>
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## 11. OTHER STYLE RULES

Drafting bills 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, using gender-neutral language, and more.

While usage rules and conventions appear throughout this manual, this section highlights some recurring drafting issues.

In addition to studying these rules, the drafter should become familiar with the definitions and provisions in the State General Construction Law and with the “General Provisions” of the Charter<sup>46</sup> and the Administrative Code,<sup>47</sup> which provide definitions and other general construction rules for each body of law.

### 11.1 INDICATING DELETIONS AND ADDITIONS

When amending existing law, bracket the language to be deleted and underline new language.<sup>48</sup> Do not omit text that is deleted; keep it in, but surround it with brackets. Similarly, do not add new language without underlining it. 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 a “new” unconsolidated law. Further, all local laws must state which provision of law is to be added, amended, or repealed.<sup>49</sup>

When a deletion and an insertion appear next to each other, the deleted material precedes the added material (i.e., the deleted material appears to the left of the inserted material). When, for example, adding an item (e.g., “giraffes”) to a list (e.g., “Apples, oranges and polar bears”), insert the item earlier in the list (if alphabetical order is important, for example) or at the end.

#### *Examples:*

Apples, ~~giraffes~~, oranges and polar bears are included

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

#### 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 proposed word or hyphenated word.

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<sup>46</sup> Charter §§ 1150 through 1153.

<sup>47</sup> Administrative Code §§ 1-102 through 1-113.

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

<sup>49</sup> *Id.*

**Example:**

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

**Not:** Any work[man]er who fails to comply . . . .

When amending existing law using brackets and underlining, use an open style that places a space between a deletion in brackets and an underlined addition, even if they are not part of the original text or the text being added.<sup>50</sup> Deletion of punctuation is the major exception to this rule, as explained below.

The following example indicates certain spaces with a  $\Delta$  symbol to emphasize where spaces should be included (but not underlined).

**Example:**

1. [Any]  $\Delta$  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]  $\Delta$  laundrying fabrics for a fee, or a place used or maintained for the storage,  $\Delta$  temporary holding, collection or delivery of [such articles]  $\Delta$  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.

**Example:**

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

### 11.1.2 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.

The commissioner of consumer affairs[,] shall promulgate rules . . . .

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<sup>50</sup> Although this method does not account for all spaces that the publisher will need to add or delete when printing the bill, the inclusion (or not) of those spaces does not change the substance of the law, but inclusion has the benefit of making amendments easier to read.

## Other Style Rules

**Not:** The commissioner of consumer [affairs,] affairs 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 using underlined text without the middle punctuation. Do not merely bracket the punctuation mark in this case.

### *Examples:*

[comparably-worded] comparably worded

**Not:** comparably[-]worded

[inter-group] intergroup

**Not:** inter[-]group

### **11.1.3 Repeals**

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 enclosure in brackets), the word “REPEALED” should appear in capital letters in a bill section.

### *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 City generally follows the State’s guidelines on capitalization for bills. Due to historical practice, the capitalization rules that apply in the Charter and the Administrative Code often differ from common standards. For example, when referring to the Charter in a non-legislative document, one might write “New York City Charter.” When including such a reference in a local law, however, one should write “New York city charter.”

Generally, limit capitalization to proper nouns unless consistency with the form and style of the provision being amended requires otherwise.

Capitalization conventions in bill drafting apply to titles as well as text. The rules are somewhat looser for resolutions, where uppercase letters are more permissible.

### **Proper names, places, or designations**

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 and institutions**

department of state; city university of New York; public service commission; department of housing preservation and development; council;<sup>51</sup> mayor

*Note that when referring to the power of a commissioner, say "commissioner of sanitation," not "commissioner of the department of sanitation." Do not refer to the "department of" when describing something a commissioner should do. Appendix E provides the titles of select city agencies and agency heads for this purpose, based on the relevant Charter (or in some cases state) provision that created the commissioner for each agency.<sup>52</sup>*

### **Federal departments and agencies**

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

### **Nations, nationalities, or ethnic groups**

English language; Indian reservation; 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

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<sup>51</sup> Exception: The word "Council" is uppercase in a bill's enacting clause.

<sup>52</sup> Past practice in the Administrative Code has been inconsistent.

## Other Style Rules

### Acts and laws

G.I. bill of rights; P.L. 83-550; internal revenue code; New York city charter (*not* New York City Charter); administrative code of the city of New York (*not* Administrative Code; *not* City of New York); servicemen’s readjustment act of 1944

### Legal holidays

Christmas day; Good Friday; Independence day; Memorial day

### Newspapers

The New York Times; The Wall Street Journal; the City Record<sup>53</sup>

### Titles in provisions

members of the council; council member;<sup>54</sup> speaker of the council;<sup>55</sup> 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

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

## 11.5 PERIODS AFTER SECTION NUMBERS: ADMINISTRATIVE CODE VERSUS CHARTER

As noted in Rule 4.3.1, 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.

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.

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<sup>53</sup> Despite this general rule, lowercase the “the” that precedes “City Record,” pursuant to Charter § 1066. Example: the City Record.

<sup>54</sup> Use “council member” (lowercase) in bill text, but use “Council Member” (initial capitals) when naming bill sponsors in legislative items and in resolutions.

<sup>55</sup> Use “the speaker” (lowercase) in bill text, but use “The Speaker” (initial capitals, always including “The”) when naming the Speaker as a sponsor of a bill or resolution.

## 11.6 THE PRESENT TENSE

A bill should use the present tense, regardless of its effective date; e.g.: “A tax is hereby imposed,” not “A tax shall be imposed.” (See also the rules about the use of “shall” versus “may” in Rule 11.16.) Avoid using the future tense. Bills operate in the continuing present; they tell the reader what must, cannot, may, and need not be done; it is rarely necessary to include the future tense.

### *Examples:*

Beginning January 1, 2025, the penalty for any violation of this section is \$100.

**Not:** Beginning January 1, 2025, the penalty for any violation of this section shall be \$100.

After the parties both eliminate one of the three nominees, the remaining doctor becomes the independent medical examiner.

**Not:** After the parties both eliminate one of the three nominees, the remaining doctor will become the independent medical examiner.

## 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, use as 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.

## 11.8 CONSISTENCY

In most writing and speaking situations, one uses synonyms to avoid repetition or to add emphasis. In drafting, however, avoid using synonyms. 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.”<sup>56</sup>

## 11.9 SIMPLE LANGUAGE AND COMMON MEANINGS OF WORDS

Use simple language and the common meanings of words, choosing short, familiar words and phrases that best express the intended meaning according to common and

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<sup>56</sup> 1A Sutherland Statutory Construction § 21:5 (7th ed.).



## Other Style Rules

approved usage. Strained meanings for words, even if precisely defined in the statutes, 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 redundant phrases, 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.”

Use only necessary words. Courts attempt to give meaning to all words in a statute. For example, the following is too verbose: “The chief clerk is hereby authorized and it shall be his duty to sign and approve every order which may be issued by the commission, and said chief clerk shall have every such order published as provided for in this article.” A more concise and direct statement follows: “The chief clerk shall sign every order of the commission and provide for the publication of such order as required by section . . . .”

Use “the,” “this,” or “that” rather than “said” (except when citing a statute).

The following suggestions apply some of these principles; they may not be appropriate in every case:

<b>Instead of:</b>	<b>Try:</b>
accorded .....	given
admit of .....	allow
among and between .....	among (if more than two); between (if between 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
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 phrase “and/or.” Instead, use “A, 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 six months’ imprisonment, a \$500 fine or both.

**11.11 MODIFIERS**

Make sure adjectives and adverbs modify only the intended words. For example, “an 18-year-old parolee, probationer or convict” is ambiguous; does “18-year-old” modify only “parolee” or does it also modify “probationer” and “convict”? Similarly, “licensees may hunt moose, deer or ducks that are not on the endangered species list” is ambiguous.

## Other Style Rules

Modifying all the terms in a series could look like: “a person who is a parolee, probationer or convict and is at least 18 years old.” Or, “licensees 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. Licensees may hunt any of the following if the animal is not on the endangered species list:

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

To modify only one term in a series, try: “a probationer or convict, or a parolee who is at least 18 years old,” or “licensees may hunt ducks that are not on the endangered species list, moose or deer . . . .”

## **11.12 OUTDATED OR OFFENSIVE TERMINOLOGY**

Most of the following outdated or offensive terms have been removed from the Administrative Code and Charter, but some still remain.

### **11.12.1 Prohibited Terms**

Do *not* use these terms: mental retardation, handicapped, drug abuse, almshouse, deformity, asylum,<sup>57</sup> crippled, feeble-minded, mentally deficient, idiot, insane, senile, mendicant, beggar.

### **11.12.2 Terms Referring to Physical or Mental Condition**

Avoid using any terminology that equates a person with his or her physical or mental condition or that has a negative connotation. For example, use phrases such as “individuals with disabilities” and “a person with mental illness,” rather than “the disabled,” “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.<sup>58</sup> Although a drafter is allowed to comply with this directive by substituting the disjunctives *he or she* and *his or her* for a gendered term, other methods are even more gender neutral and less cumbersome and therefore are preferred. Consider the

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<sup>57</sup> Context matters for this term; using the term “asylum” can be appropriate, for example, when discussing immigration-related matters.

<sup>58</sup> See Administrative Code § 1-113.

following examples (with the strikethroughs indicating incorrect practices and small capitals correct practices):

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

An applicant shall submit with ~~his~~ THE 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 fails to obtain 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.

<b>Instead of:</b>	<b>Use:</b>
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:

## Other Style Rules

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

Gender-specific language may be necessary when the subject matter by its nature involves only one sex.

Delay in accessing abortion or emergency contraception creates increased health risks and financial burdens, and may eliminate a woman's ability to obtain these services altogether, severely limiting her reproductive health options.

### 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. The preferred practice is to refer to “the effective date of the local law that added this {section, subdivision, paragraph, etc.}.”

Often in the context of reporting, accountability, and licensing bills, as well as other bills, a drafter must decide how and whether to use the terms “biannual” and “biennial.” The term “biannual” can mean every two years *or* twice a year. The State’s bill drafting manual considers “biannual” to mean twice a year (and it recommends using the term “semiannual” instead) and considers the term “biennial” to mean once every two years.

Use the phrase “twice a year” or “every six months” (the latter of which is more specific—i.e., if a six-month gap is desired) instead of “biannual” or “semiannual”; and use “biennial” or “every two years” to mean . . . every two years.

## 11.14 ACRONYMS AND ABBREVIATIONS

The general rule is to 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”

Local law differentiates between the mandatory and the precatory. Of particular importance is the distinction between “shall” and “may.”

### 11.16.1 “Shall”

Use “shall” to express a duty, mandate, obligation, prohibition, requirement, or condition precedent. For example: “The commissioner shall prescribe rules” or “No person shall operate.”

The phrase “shall not” means that a person has no authority to, has a duty to not, or is not permitted to do something.

Avoid using “shall” to state a legal fact or result—this usage is known as a “false imperative”:

#### *Examples:*

**False imperative:** This section shall not apply to offenses committed . . . .

**Correct:** This section does not apply to offenses committed . . . .

**False imperative:** A person shall be deemed to be liable if . . . .

**Correct:** A person is liable if . . . .

Do not use the word “shall” in definitions sections.

#### *Example:*

Commission. The term “commission” means . . . .

**Not:** Commission. The term “commission” shall mean . . . .

Similarly avoid using “shall” to confer a legal right.

Therefore, using “shall” is appropriate in many circumstances, but not where the bill text is merely describing future circumstances or the consequences of directives.

### 11.16.2 “May”

Use “may” to confer a power, privilege, or right. For example: “The applicant may demand an extension of time.” The term “may” indicates that something is permissive or non-mandatory—that a thing or person is permitted to do something or that a person has discretion or authority to do something.

#### *Examples:*

**Correct:** A person may appeal by filing a written notice with the director.

## Other Style Rules

**Incorrect:** A person shall have the right to appeal by filing a written notice with the director.

**Correct:** The board may promulgate rules.

**Incorrect:** The board shall have authority to promulgate rules.

While many legislative bodies use “may not” to indicate that something is prohibited, the City generally uses “shall not,” which generally is understood as prohibiting a behavior.

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

### 11.18 BOLDING

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

### 11.19 PUNCTUATION

Punctuate carefully. Changing a comma can change the entire meaning of a sentence.

Practice, though inconsistent, has been to not use a serial comma, also known as the Oxford comma, in local or state laws. Therefore, do not use a comma before “and” or “or” to separate the last of a conjunctive series of three or more words, phrases, or clauses in a sentence. Example: “men, women and children.” However, in some situations, the sentence would be unclear without it. In those situations, use discretion.

Avoid using parentheses except in the designating of section divisions.

Do not use brackets as punctuation because they have a special use as indicating deletions (see Rule 11.1).

### 11.20 GENERAL GRAMMAR RULES

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

#### 11.20.1 “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.

**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.

**11.20.2 Split Infinitives**

Try to avoid split infinitives (and splitting up compound verb forms). Occasionally, however, it may be appropriate to use a split infinitive to avoid ambiguity or patent artificiality or to avoid using a modifier.

**11.20.3 “Affect” Versus “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 accomplishment or achievement of a result: “A tax cut can effect an increase in gross domestic product.”

**11.20.4 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.<sup>59</sup> If the plural must be used in a compound word, the significant word takes the plural:

attorneys general  
corporation counsels

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<sup>59</sup> N.Y. General Construction Law § 35.



## Other Style Rules

deputy sheriffs  
grants-in-aid  
judge advocates  
notaries public  
rights-of-way  
trade unions

## APPENDIX A: CONSTRUCTION CODES, A SPECIAL DRAFTING SITUATION

The City’s Construction Codes—contained in title 28 of the Administrative Code—present a unique drafting situation because these codes are largely based on international model codes that are updated periodically (usually every three years).

Most of title 28 was enacted in 2008, with a substantial revision in 2014, and includes general administrative and enforcement provisions in chapters 1 through 5 and the following five technical codes:

- 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. 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)<sup>60</sup> 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.

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, 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).

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<sup>60</sup> 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.

## Appendix A: Construction Codes, A Special Drafting Situation

**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.

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

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).

Every section begins with a “lead title.”<sup>61</sup> 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 section 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.

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<sup>61</sup> For other parts of the Administrative Code, lead titles are referred to as “section headings.”

*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.

**Exception:** Exterior walls may be made of metal.

**9999.1.1.2 Design.** Walls shall be designed as follows:

1. Rooms shall have four 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 7.6.

*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**

<b>Total Occupants</b>	<b>Number of Fixtures</b>
1 to 400	10
Over 400	10 plus one additional fixture for every 100 occupants

**REFERENCES IN PREFATORY TEXT**

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:

**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:**

a pipe that is one-half inch (13 mm)

**Not:** a pipe that is 1/2 inch

**Not:** a pipe that is one half inch

Hyphenate compound modifiers preceding a noun as follows:

**Example:**

one-half-inch (13 mm) pipe

**Not:** 1/2 inch pipe

**Not:** one half inch pipe

**Not:** 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 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 should 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) renumbering 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**

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: RULES OF THE COUNCIL, CHAPTER VI, PROPOSED LOCAL LAWS AND RESOLUTIONS**

**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 and in quadruplicate, 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 named 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: Rules of the Council, Chapter VI, Proposed Local Laws and Resolutions

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: HOW TO FIND LOCAL LAWS ON THE COUNCIL WEBSITE**

This process is only one of the ways to find local laws online (as of spring 2018).

Go the Council's homepage: <https://council.nyc.gov/>

Click on the various Council Legislation tabs. Once within the Legistar system, if you know the local law number, type it into the first search field. The number must consist of three numbers; 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 specific number of the local law, leave this field blank and move onto the next field.

If you want to see all the local laws for a specific year, open the second search field (e.g., "This Year") and pick the session or year of the local laws you are looking for.

Next, open the third search field ("All Types") and choose the "Local Law" option.

Once you have all the information entered, click the **Search Legislation** tab. This will list the specific local law or a series of local laws depending on what search information you entered in the search fields.

To view a local law, click the File # (under the File # tab) next to the local law number, and go to the Legislative File screen for that particular local law. On this screen you can review the local law, committee report, hearing testimony, hearing transcript, fiscal impact statement, Mayor's letter, votes, action history, etc. To view any attachment, just click on the highlighted links.

## **APPENDIX D: DISTINCTIONS FROM STATE STYLE**

Because 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:

	<b>New York State Bill Drafting Manual (and Conventions)</b>	<b>New York City Bill Drafting Manual</b>
<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	Spell out numbers one through nine; use numerals for 10 and above
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 requirement that new definitions be added alphabetically; definition begins with the defined term in quotes	<ul style="list-style-type: none"> <li>- Do not use separate designators for individual definitions</li> <li>- Add new definitions alphabetically</li> <li>- Begin definition with the term not in quotes, followed by language required in Rule 9 of the Manual</li> </ul>

Appendix D: Distinctions from State Style

<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 for first bill section, viz. “Section 1.”

**APPENDIX E: 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.

	<b>Nickname</b>	<b>Agency Title</b>	<b>Agency Head</b>	<i>See</i>
<b>Administrative Tax Appeals,</b> Office of	OATA	office of administrative tax appeals	director of the office of administrative tax appeals	Charter § 150
<b>Administrative Trials and Hearings,</b> Office of	OATH	office of administrative trials and hearings	chief administrative law judge	Charter § 1048
<b>Aging,</b> Department for the	DFTA	department for the aging	commissioner for the aging	Charter § 2400
<b>Art Commission</b>	<i>See Public Design Commission.</i>			
<b>Buildings,</b> Department of	DOB	department of buildings	commissioner of buildings	Charter § 641
<b>Business Integrity Commission</b>	BIC	business integrity commission	chairperson of the business integrity commission	Charter § 2100
<b>Campaign Finance Board</b>	CFB	campaign finance board	chairperson of the campaign finance board	Charter § 1052
<b>Children’s Services,</b> Administration for	ACS	administration for children’s services	commissioner of children’s services	Charter § 615
<b>City Planning,</b> Department of	DCP	department of city planning	director of city planning	Charter § 191



Appendix E: Titles of Select City Agencies and Agency Heads

	<b>Nickname</b>	<b>Agency Title</b>	<b>Agency Head</b>	<b>See</b>
<b>Citywide Administrative Services,</b> Department of	DCAS	department of citywide administrative services	commissioner of citywide administrative services	Charter § 810
<b>Civil Justice,</b> Mayor’s Office of		office of civil justice	coordinator of the office of civil justice	Charter § 13-b
<b>Civilian Complaint Review Board</b>	CCRB	civilian complaint review board	chair of the civilian complaint review board	Charter § 440
<b>Combat Domestic Violence,</b> Mayor’s Office to	OCDV	office to combat domestic violence	director of the office to combat domestic violence	Charter § 19
<b>Conflicts of Interest Board</b>	COIB	conflicts of interest board	chair of the conflicts of interest board	Charter § 2602
<b>Consumer Affairs,</b> Department of	DCA	department of consumer affairs	commissioner of consumer affairs	Charter § 2201
<b>Correction,</b> Department of	DOC, NYCD	department of correction	commissioner of correction	Charter § 621
<b>Criminal Justice,</b> Mayor’s Office of	MOCJ	office of criminal justice	coordinator of criminal justice	Charter § 13
<b>Cultural Affairs,</b> Department of	DCLA	department of cultural affairs	commissioner of cultural affairs	Charter § 2501
<b>Design and Construction,</b> Department of	DDC	department of design and construction	commissioner of design and construction	Charter § 1200

	<b>Nickname</b>	<b>Agency Title</b>	<b>Agency Head</b>	<b>See</b>
<b>Education,</b> Department of	DOE	department of education	chancellor of the city school district <sup>62</sup>	Education Law § 2590-a; Bylaws of Panel for Educational Policy <sup>63</sup>
<b>Emergency Management</b> Department	EM or OEM	emergency management department / New York city office of emergency management	commissioner of emergency management	Charter § 495
<b>Environmental Protection,</b> Department of	DEP	department of environmental protection	commissioner of environmental protection	Charter § 1401
<b>Equal Employment Practices</b> Commission	EEPC	equal employment practices commission	chair of the equal employment practices commission	Charter § 830
<b>Finance,</b> Department of	DOF	department of finance	commissioner of finance	Charter § 1501
<b>Fire Department</b>	FDNY	fire department	fire commissioner <sup>64</sup>	Charter § 481

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<sup>62</sup> While the Education Law § 2590-a defines “chancellor” as “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, and therefore adding in the word “school” will ensure understanding.

<sup>63</sup> Education Law § 2590-b refers to a “board of education,” but in its bylaws the board refers to itself as the “Panel for Educational Policy.” The bylaws further indicate that the Panel for Educational Policy, the Chancellor and various other officers together constitute the Department of Education. *See also Nacipucha v. City of New York*, 18 Misc. 3d 846, 849-54 (Sup. Ct. Bronx Cnty. 2008) (describing structure of Department of Education).

<sup>64</sup> Charter § 481 refers to the fire commissioner only as “the commissioner.” The title provided here is derived from convention.

Appendix E: Titles of Select City Agencies and Agency Heads

	<b>Nickname</b>	<b>Agency Title</b>	<b>Agency Head</b>	<b>See</b>
<b>Franchise and Concession Review Committee</b>	FRCR	franchise and concession review committee	chair of the franchise and concession review committee	Charter § 373
<b>Health and Mental Hygiene, Department of</b>	DOHMH	department of health and mental hygiene	commissioner of health and mental hygiene	Charter § 551
<b>Homeless Services, Department of</b>	DHS	department of homeless services	commissioner of homeless services	Charter § 610
<b>Housing Preservation and Development, Department of</b>	HPD	department of housing preservation and development	commissioner of housing preservation and development	Charter § 1800
<b>Human Resources Administration</b>	<i>See</i> Department of Social Services.			
<b>Human Rights, Commission on</b>	CCHR	New York city commission on human rights	chairperson of the New York city commission on human rights	Charter §§ 902, 903
<b>Immigrant Affairs, Mayor's Office of</b>	MOIA	office of immigrant affairs	director of the office of immigrant affairs	Charter § 18
<b>Independent Budget Office</b>	IBO	independent budget office	director of the independent budget office	Charter § 259
<b>Information Technology and Telecommunications, Department of</b>	DoITT	department of information technology and telecommunications	commissioner of information technology and telecommunications	Charter § 1070

	<b>Nickname</b>	<b>Agency Title</b>	<b>Agency Head</b>	<b>See</b>
<b>Investigation,</b> Department of	DOI	department of investigation	commissioner of investigation	Charter § 801
<b>Labor Standards,</b> Office of		office of labor standards	director of the office of labor standards	Charter § 20-a
<b>Landmarks Preservation</b> Commission		landmarks preservation commission	chair of the landmarks preservation commission	Charter § 3020
<b>Law Department</b>	Law	law department	corporation counsel	Charter § 391
<b>Long-Term Planning and Sustainability,</b> Office of	MOS	office of long-term planning and sustainability	director of long-term planning and sustainability	Charter § 20
<b>Operations,</b> Mayor's Office of		office of operations	director of the office of operations	Charter § 15
<b>Parks and Recreation,</b> Department of	Parks	department of parks and recreation	commissioner of parks and recreation	Charter § 531
<b>Payroll Administration,</b> Office of		office of payroll administration	director(s) of the office of payroll administration	Charter § 870
<b>Police Department</b>	NYPD	police department	police commissioner	Charter § 431
<b>Probation,</b> Department of	DOP	department of probation	director of probation	Executive Law § 255
<b>Procurement Policy Board</b>	PPB	procurement policy board	chair of the procurement policy board	Charter § 311

Appendix E: Titles of Select City Agencies and Agency Heads

	<b>Nickname</b>	<b>Agency Title</b>	<b>Agency Head</b>	<b>See</b>
<b>Public Design Commission</b> <sup>65</sup>		art commission	president of the art commission	Charter §§ 851, 853
<b>Records and Information Services, Department of</b>	DoRIS	department of records and information services	commissioner of records and information services <sup>66</sup>	Charter § 3000
<b>Sanitation, Department of</b>	DSNY	department of sanitation	commissioner of sanitation	Charter § 751
<b>Small Business Services, Department of</b>	SBS	department of small business services	commissioner of small business services	Charter § 1300
<b>Social Services, Department of</b>	DSS/HRA	department of social services/ human resources administration <sup>67</sup>	commissioner of social services	Charter § 601
<b>Standards and Appeals, Board of</b>	BSA	board of standards and appeals	chair of the board of standards and appeals	Charter § 659
<b>Taxi and Limousine Commission</b>	TLC	New York city taxi and limousine commission	chairman <sup>68</sup>	Charter §§ 2300, 2301
<b>Transportation, Department of</b>	DOT	department of transportation	commissioner of transportation	Charter § 2901

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<sup>65</sup> 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.

<sup>66</sup> Charter § 3000 refers to the commissioner of records and information services only as “the commissioner.” The title provided here is derived from convention.

<sup>67</sup> 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.

<sup>68</sup> 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.”

	<b>Nickname</b>	<b>Agency Title</b>	<b>Agency Head</b>	<i>See</i>
<b>Veterans’ Services,</b> Department of		department of veterans’ services	commissioner of veterans’ services	Charter § 3100
<b>Youth and Community Development,</b> Department of	DYCD	department of youth and community development	commissioner of youth and community development	Charter § 731

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