

New York City Commission on Human Rights

Notice of Adoption

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commission on Human Rights by section 905(e)(9) of the New York City Charter and in accordance with the requirements of Section 1043 of the Charter, that the New York City Commission on Human Rights (“the Commission”) has amended its rules implementing the Fair Chance Act to fix a clerical error.

No public hearing was held on the ground that the Commission determined, pursuant to Charter sec. 1043(e), that a hearing would serve no public purpose.

Statement of Basis and Purpose of Rule

The New York City Commission on Human Rights (“the Commission”) is amending its rules implementing the Fair Chance Act to fix a clerical error.

The rule will:

- Fix a clerical error in the recently finalized rules implementing the Fair Chance Act. The text that is deleted here is text that should have been deleted in the earlier version.

The Commission’s authority for these rules is found in §§ 905 and 1043 of the New York City Charter.

New material is underlined.

[Deleted material is in brackets.]

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

Section 1. Subparagraph i of paragraph 1 of subdivision g of section 2-04 of title 47 of the rules of the city of New York is amended to read as follows:

- i) In a position where federal, state, or local law requires criminal background checks.
[or bars employment based on criminal history.]
 - A. This exemption does not apply to an employer authorized, but not required, to check for criminal backgrounds.
 - B. This exemption does not exempt an employer from the requirements of § 8-107(10) of the Human Rights Law.

