

New York City Department of Consumer Affairs

Notice of Adoption

Notice of Adoption to repeal certain rules identified by an inter-agency review to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. The repealed rules relate to open air street markets, home heating oil credits, and theatre tickets.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Sections 2203(f) and 2203(h)(1) of the New York City Charter, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department repeals Sections 3-111 through 3-131, Section 5-62, and Sections 5-211 through 5-216 of Title 6 of the Rules of the City of New York.

This rule was proposed and published on February 14, 2018. No public hearing was required or held.

Statement of Basis and Purpose of Rule

The Department of Consumer Affairs is repealing the following subsections: 6 RCNY § 3-111 *et seq.*, regarding open air street markets; 6 RCNY § 5-62, regarding the home heating oil credit; and 6 RCNY § 5-211 *et seq.*, regarding theatre tickets. These rules are being repealed because DCA no longer licenses the businesses or enforces the provisions contained in these rules.

Working with the City's rulemaking agencies, the Law Department, the Office of Management and Budget, and the Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. Components of this rule repeal were identified through this initiative.

Specifically:

- Regarding the open air street markets rules, "open air street markets" have not existed in NYC for decades and are no longer recognized in the New York State Agriculture and Markets Law, thereby making these rules obsolete.
- Regarding the home heating oil credit rule, it references the 1978 to 1979 heating season and is outdated and obsolete.
- Regarding the theatre tickets rules, these were promulgated under Article 10-C of the NYS General Business Law, which was repealed in 1983, and are thereby obsolete.

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.

Rule Amendment

Sections 3-111 through 3-131 of subchapter F of chapter 3 of Title 6 of the Rules of the City of New York, relating to open air street markets, are REPEALED.

Section 5-62 of subchapter A of chapter 5 of Title 6 of the Rules of the City of New York, relating to the home heating oil credit, is REPEALED.

Sections 5-211 through 5-216 of subchapter K of chapter 5 of Title 6 of the Rules of the City of New York, relating to theatre tickets, are REPEALED.