

## NOTICE OF PUBLIC HEARING

**Subject:** Notice of Opportunity to Comment on Proposed Amendments to Rules Regarding Display of Sign and Display of License

**Date/Time:** August 26, 2013 at 10:00 AM

**Location:** Department of Consumer Affairs  
66 John Street, 11<sup>th</sup> Floor Hearing Room  
New York, NY 10038

**Contact:** Fran Freedman  
Deputy Commissioner for External Affairs  
Department of Consumer Affairs  
42 Broadway,  
8th floor  
New York, N.Y. 10004  
(212) 487-4407

### Proposed Rule Amendment

Pursuant to the authority vested in the Commissioner of the Department of Consumer Affairs (the “Commissioner”) by Section 2203 of the New York City Charter and Sections 20-104(b) and 20-114(b) of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter, the Department of Consumer Affairs (the “Department”) intends to combine the complaint sign and license into a single consolidated document to be displayed by licensees, rather than two separate documents. This proposed rule was not included in the Department’s most recent regulatory agenda because at the time the regulatory agenda was prepared, the Department had not decided to adopt the rule.

### Instructions

- Written comments regarding this amendment may be sent to Fran Freedman by mail or electronically through NYC RULES [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) by August 26, 2013.
- Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided are asked to notify the Office of the Commissioner at the above address by August 16, 2013.
- Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9 a.m. and 5 p.m. at the office of Fran Freedman.

### Statement of Basis and Purpose of Proposed Rule

Section 2203(e) of the New York City Charter and Section 20-104(b) of the Administrative Code give the Commissioner the power to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the Department. Section 20-114(b) of the Administrative Code

requires all licensees to conspicuously post licenses at their premises. Section 20-224(b) of the Administrative Code gives the Commissioner authority to establish rules and regulations regarding sidewalk cafes.

Sections 1-03 and 1-04 of Title 6 of the Rules of the City of New York require that licensees conspicuously post at their place of business both a general complaint sign with key information about the business and the Department, and their actual license. The Department intends to streamline this requirement by merging the required sign and the printed license into a single consolidated document, which will be provided to licensees by the Department. This will make information clearer to consumers, will make compliance easier for businesses, and will make it more efficient for the City by eliminating the need to print multiple signs. Section 1-103(a) the proposed rule maintains an exception to the requirement to post license and complaint information for licenses for activities carried out at-large, which was formerly contained in section 1-03(c), but adds that licensees without a fixed place of business must show the license upon request. The proposed rule also provides that sidewalk cafes only need to post a single sign, provided by the Department, that will list the maximum number of tables and chairs the sidewalk cafe is permitted to have, license information, contact information for the Department, and other information as deemed appropriate.

The Department intends to gradually phase in the new signs beginning on September 30, 2013 over a period of not more than three years. Once the Department has issued a licensee the new consolidated license and complaint sign, it must be displayed by that licensee. The Department intends to begin issuing the new consolidated signs to new licensees and to current licensees upon renewal of their licenses, after September 30, 2013. Until the consolidated document is issued to a current licensee, both the current complaint sign and the license document must continue to be displayed.

“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.

New text is underlined; deleted material is in [brackets].

## RULE

Section 1. Section 1-03 of Title 6 of the Rules of the City of New York is amended to read as follows:

### **§ 1-03. Display of Sign and License Information.**

(a) Every licensee, except for those licensed to operate a sidewalk cafe as described in subdivision (b) of this section, must post conspicuously at his or her place of business a sign[, at least 11 inches by 17 inches with letters at least 1-inch high, reading as follows:

If you have a complaint about this business, contact:

The NYC Department of Consumer Affairs

(Insert the Department's current address.)

(Insert current phone number in box in bold face type—insert current web address.)

Licensee: (Insert name appearing on license(s)).

Type(s) of License(s): (Identify license(s) held).

License #s: (Insert corresponding license number(s)) provided by the Department that includes the license information, instructions on contacting the Department to file a complaint, and other pertinent information for consumers as the Department deems appropriate. A licensee may post a copy of such

sign at the licensee's place of business only if the original is available at such place of business for inspection by any person. A licensee having no fixed place of business must exhibit his or her license upon the request of any person.

(b) Every licensee licensed to operate a sidewalk cafe pursuant to § 20-224 of subchapter 6 of Chapter 2 of Title 20 of the Administrative Code of the City of New York is [also] required to[

(1) include in the sign required by subdivision a of this section, in letters and in numerals at least 1 inch high stating the maximum number of tables authorized by such license and the maximum number of chairs authorized pursuant to subdivision d of § 20-224 of the Administrative Code of the City of New York; and

(2) post the sign required by subdivision a of this section at a location from which it shall be visible to persons on that portion of the sidewalk that is adjacent to such licensee's sidewalk cafe.

(c) The sign required by subdivision a of this section need not be posted on horse drawn cabs or for licenses issued for activities which are only carried out at large and not at a fixed place of business] post a sign provided by the Department that includes the license information, instructions on contacting the Department to file a complaint, the maximum number of tables and chairs permitted for the sidewalk cafe, and any other pertinent information for consumers as the Department deems appropriate, at a location from which it must be visible to persons on that portion of the sidewalk adjacent to such licensee's sidewalk cafe. A licensee may post a copy of such sign at a location as described in this subdivision only if the original is available at the licensee's place of business for inspection by any person.

§ 2. Section 1-04 of Title 6 of the Rules of the City of New York is amended to read as follows:

§1-04 **[Display of License.**

Every licensee must post conspicuously his or her license (or permit) at the licensee's place of business. This requirement does not apply to licenses issued for activities which are only carried out at large and not at a fixed place of business. A licensee having no fixed place of business must exhibit his or her license (or permit) upon the request of any person. A licensee may post a copy of the license (or permit) at the licensee's place of business only if the original is available at such place of business for inspection by any person.] **Reserved.**

§ 3. Effective Date. Beginning on September 30, 2013, licensees must commence complying with this rule upon receiving the sign described in section 1 of this rule from the Department in connection with the granting of a new license or the renewal of an expiring license, provided that, however, in no case will this rule take effect later than 3 years from the date of this publication.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE:** Combined Complaint and License Signs

**REFERENCE NUMBER:** DCA-13

**RULEMAKING AGENCY:** Department of Consumer Affairs

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

Andrea Bender  
Mayor's Office of Operations

7/24/13  
Date

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-0428**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE: Combined Complaint and License Signs**

**REFERENCE NUMBER: 2013 RG 049**

**RULEMAKING AGENCY: Department of Consumer Affairs**

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

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: July 24, 2013