

**NYC Department of Consumer Affairs
Regulatory Agenda for FY 2018**

I. Summary of Overall Regulatory Agenda

Pursuant to Section 1042 of the New York City Charter, the NYC Department of Consumer Affairs (“DCA”) hereby publishes its Regulatory Agenda for Fiscal Year 2018, which begins on July 1, 2017 and ends on June 30, 2018. DCA will be promulgating rules to amend sections in the following chapters of Title 6 of the Rules of the City of New York (“Rule” or “6 RCNY”):

- Chapter 1 – License Enforcement
- Chapter 2 – Licenses
- Chapter 3 – Weights and Measures
- Chapter 4 – Market Regulations
- Chapter 5 – Unfair Trade Practices
- Chapter 6 – Administrative Hearings

Agency Contact: Casey Adams
(212) 436-0095

II. Rules to be Promulgated

A. Chapter 1 – License Enforcement

1. Rule 1-01 Fingerprinting

- Subject: Rule requires applicants for listed licenses/permits to appear in person at DCA to be fingerprinted.
- Reason for amendment: List is outdated.
- Anticipated content: List will be updated or replaced with language that requires the rule to broadly apply to any license category that requires fingerprinting.
- Objective: Simplify and update content to help support public understanding and compliance.
- Legal basis: City Charter 2203(c), Admin. Code Section 20-104.
- Relevant federal, state, and local laws and rules: Admin. Code Section 20-201 *et seq.*, NYS General Business Law.
- Types of individuals and entities likely to be affected: Individuals and entities seeking to be licensed for a category that requires fingerprinting.
- Approximate schedule: October-December 2017.

2. Rule 1-06 Proof of Surety Bond

- Subject: Rule requires submission of proof of surety bond before a license is issued or renewed.
- Reason for amendment: Rule contains a typo – states “bends” instead of “bonds.”

- Anticipated content: “Bends” will be amended to “bonds.”
- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter 2203(c), Admin. Code Section 20-104.
- Relevant federal, state, and local laws and rules: Admin. Code Section 20-201 *et seq.*, NYS General Business Law.
- Types of individuals and entities likely to be affected: Individuals and entities seeking to be licensed for a category that requires a surety bond.
- Approximate schedule: October-December 2017.

B. Chapter 2 – Licenses

1. Subchapter G, Sidewalk Stands, Part 1 Newsstands

a. Rule 2-64 Application Procedures

- Subject: Rule describes application procedures for newsstand license applications.
- Reason for amendment: Rule contains outdated references to “Art Commission” and will be amended to state “Public Design Commission,” which has replaced the Art Commission’s role in reviewing newsstand license applications.
- Anticipated content: “Art Commission” will be replaced with “Public Design Commission.”
- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter 2203(c), Admin. Code Section 20-104.
- Relevant federal, state, and local laws and rules: Admin. Code Section 20-228 *et seq.*, 6 RCNY Section 2-61 *et seq.*
- Types of individuals and entities likely to be affected: Individuals and entities seeking newsstand licenses.
- Approximate schedule: October-December 2017.

b. Rule 2-65 Siting Requirements for Newsstands

- Subject: Rule describes siting requirements for newsstands.
- Reason for amendment: Rule contains outdated references to “Art Commission” and will be amended to state “Public Design Commission,” which has replaced the Art Commission’s role in reviewing newsstand license applications.
- Anticipated content: “Art Commission” will be replaced with “Public Design Commission.”
- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter 2203(c), Admin. Code Section 20-237.

- Relevant federal, state, and local laws and rules: Admin. Code Section 20-228 *et seq.*, 6 RCNY Section 2-61 *et seq.*
- Types of individuals and entities likely to be affected: Individuals and entities seeking newsstand licenses.
- Approximate schedule: October-December 2017.

2. Subchapter X, Electronic Or Home Appliance Service Dealers

a. Rule 2-253 Display of Required Information

- Subject: Rule requires electronic and home appliance service dealers to post certain information on a sign.
- Reason for amendment: Reduce regulatory burden by repealing subdivisions (a)(1) and (a)(3).
- Anticipated content: Subdivisions (a)(1) and (a)(3) will be repealed.
- Objective: Reduce regulatory burden.
- Legal basis: City Charter 2203(c), Admin. Code Section 20-104.
- Relevant federal, state, and local laws and rules: Admin. Code Section 20-410 *et seq.*, 6 RCNY Section 2-251 *et seq.*
- Types of individuals and entities likely to be affected: Individuals and entities licensed as electronic and home appliance service dealers.
- Approximate schedule: October-December 2017.

C. Chapter 3 – Weights And Measures

1. Subchapter F, Open Air Street Markets

a. Rule 3-111 through Rule 3-131

- Subject: Rules relate to the permitting and regulation of “open air street markets.”
- Reason for amendment: “Open air street markets” have not existed in NYC for decades and are no longer recognized in the NYS Agriculture and Markets Law, thereby making these rules obsolete.
- Anticipated content: Rule 3-111 through Rule 3-131 will be repealed.
- Objective: Update content to help support public understanding.
- Legal basis: Admin. Code Section 20-574.
- Relevant federal, state, and local laws and rules: None.
- Types of individuals and entities likely to be affected: General public.
- Approximate schedule: October-December 2017.

D. Chapter 4 – Market Regulations

1. Subchapter F, Moisture Content of Processed Meats and Meat Products

a. Rule 4-94 Violations

- Subject: Rule authorizes penalty of up to 10 days imprisonment upon a finding of guilt.
- Reason for amendment: Increase equity by repealing this penalty.
- Anticipated content: Imprisonment penalty will be repealed.
- Objective: Increase equity.
- Legal basis: City Charter Section 2203(d).
- Relevant federal, state, and local laws and rules: Admin. Code Section 20-676 *et seq.*, 6 RCNY Section 4-81 *et seq.*
- Types of individuals and entities likely to be affected: Individuals and entities engaged in the business of labeling moisture content on processed meats and meat products.
- Approximate schedule: October-December 2017.

E. Chapter 5 – Unfair Trade Practices

1. Subchapter A, Consumer Protection Law (Part 5, Specific Business And Industry Regulations)

a. Rule 5-62 Home Heating Oil Credit

- Subject: Rule prohibits home heating oil dealers from imposing more stringent retail credit terms, payment schedules and debt collection practices than those in effect during the 1978-1979 heating season.
- Reason for amendment: Reference to 1978-1979 heating season is outdated and makes the rule obsolete.
- Anticipated content: Rule 5-62 will be repealed.
- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter 2203(f), Admin. Code Section 20-702.
- Relevant federal, state, and local laws and rules: None.
- Types of individuals and entities likely to be affected: Individuals and entities that sell heating oil at the retail level.
- Approximate schedule: October-December 2017.

2. Subchapter K, Theatre Tickets

a. Rule 5-211 through Rule 5-216

- Subject: Rules impose requirements related to the sale of theatre tickets.
- Reason for amendment: These rules were promulgated under Article 10-C of the NYS General Business Law, which was repealed in 1983 and thereby made the rules obsolete.
- Anticipated content: Rule 5-211 through Rule 5-216 will be repealed.

- Objective: Update content to help support public understanding and compliance.
- Legal basis: 1983 Repeal of Article 10-C of the NYS General Business Law.
- Relevant federal, state, and local laws and rules: 1983 Repeal of Article 10-C of the NYS General Business Law.
- Types of individuals and entities likely to be affected: General public.
- Approximate schedule: October-December 2017.

3. Subchapter L, Collateral Loan Brokers

a. Rule 5-227 Papers in Which Collateral Loan Brokers Can Advise Auction Sales

- Subject: Rule requires collateral loan broker (i.e., pawnbrokers) to post advertisements related to the sale of unredeemed pawns or pledges in listed newspapers.
- Reason for amendment: List is outdated.
- Anticipated content: DCA will eliminate the list of papers from the rule and replace it with language referring collateral loan brokers to access a list on DCA's website, where the list that will be updated periodically.
- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter 2203(f).
- Relevant federal, state, and local laws and rules: City Charter 2203(f), Article 5 of the NYS General Business Law Section 40 *et seq.*, Admin. Code Section 20-276 *et seq.*, 6 RCNY Section 5-221 *et seq.*
- Types of individuals and entities likely to be affected: Individuals and entities licensed as collateral loan brokers (i.e., pawnbrokers).
- Approximate schedule: October-December 2017.

4. Subchapter M, Employment Agencies

a. Rule 5-248 Prohibited Practices

- Subject: Rule prohibits employment agencies from discriminating against individuals who belong to a protected class.
- Reason for amendment: NYS and NYC Human Rights Laws, respectively Article 15 of the Executive Law and Title 8 of the Administrative Code, include sexual orientation as a protected class. Rule will be amended to also include "sexual orientation."
- Anticipated content: "Sexual orientation" will be added to the rule.
- Objective: Increase equity.
- Legal basis: City Charter 2203(f).
- Relevant federal, state, and local laws and rules: City Charter 2203(f), Article 11 of the NYS General Business Law Section 170 *et seq.*, Admin. Code

Section 20-770 *et seq.*, 6 RCNY Section 5-241 *et seq.*, Article 15 of the Executive Law, Title 8 of the Admin. Code.

- Types of individuals and entities likely to be affected: General public.
- Approximate schedule: October-December 2017.

F. Chapter 6 – Administrative Hearings

1. Subchapter A, Adjudicatory Proceedings

a. Rule 6-03 Pre-Hearing Disposition of Violations

- Subject: Rule authorizes cures for first-time violations of listed provisions.
- Reason for amendment: Rule will be amended to include a first-time violation cure for Rule 2-57(i), which requires a sidewalk café to post its DCA license/complaint sign pursuant to Rule 1-03.
- Anticipated content: Rule will be amended to include a cure for first-time violations of Rule 2-57(i).
- Objective: Support small businesses.
- Legal basis: Local Law 153 for the Year 2013.
- Relevant federal, state, and local laws and rules: Local Law 153 for the Year 2013.
- Types of individuals and entities likely to be affected: Individuals and entities licensed for a sidewalk café.
- Approximate schedule: October-December 2017.