

**NYC Department of Consumer Affairs  
Regulatory Agenda for FY 2020**

**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 2020, which begins on July 1, 2019 and ends on June 30, 2020. 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 2 – Licenses
- Chapter 4 – Market Regulations
- Chapter 5 – Unfair Trade Practices
- Chapter 6 – Administrative Hearings
- Chapter 7 – Office of Labor Policy and Standards

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**II. Rules to be Promulgated**

**A. Chapter 2 – Licenses**

**1. Subchapter H, Sightseeing Guides**

**a. Rules 2-74 Examination to be Taken by Applicants**

- Subject: This section has reference to Code section 20-244(d), which does not exist.
- Reason for amendment: To update reference.
- Anticipated content: Amendments to correct reference, which should refer to 20-244(b).
- Objective: To aid public understanding and maintain accuracy of rules.
- Legal basis: City Charter 2203(c), Admin. Code Section 20-104.
- Relevant federal, state, and local laws and rules: Admin. Code Section 20-242 *et seq.*, 6 RCNY Section 2-71 *et seq.*
- Types of individuals and entities likely to be affected: Sightseeing guides.
- Approximate schedule: January to March 2020.

**2. Subchapter I, Motion Picture Projectionists**

**a. Rules 2-81 Written Examination Required**

- Subject: This rule relies on and refers to a Code provision that has been repealed.
- Reason for amendment: To modernize DCA’s rules and maintain accuracy.

- Anticipated content: Repeal the section.
- Objective: To aid public understanding and maintain accuracy of rules.
- Legal basis: City Charter 2203(c), Admin. Code Section 20-104.
- Relevant federal, state, and local laws and rules: Local Law 66 of 2016, which repealed the relevant Code section that necessitated this rule.
- Types of individuals and entities likely to be affected: N/A.
- Approximate schedule: January to March 2020.

## **B. 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: July-September 2019.

## **C. Chapter 5 – Unfair Trade Practices**

### **1. Subchapter A, Consumer Protection Law**

#### **a. Rule 5-32 Documentation of Transactions**

- Subject: Rule to clarify the definition of “retail purpose” as used in the subchapter.
- Reason for amendment: To clarify the definition of a term used in the subchapter.
- Anticipated content: Amendment to 5-32 to include a test purchase made by DCA in the definition of “retail purpose.”
- Objective: To clarify terms used and allow proper enforcement of the law.
- Legal basis: City Charter 2203(f), Admin. Code Section 20-702.
- Relevant federal, state, and local laws and rules: City Charter 2203(f), Admin. Code Section 20-700 *et seq.*, 6 RCNY Section 5-01 *et seq.*
- Types of individuals and entities likely to be affected: Entities failing to provide receipts as required by the law.

- Approximate schedule: October-December 2019.

#### **b. Rule 5-41 Unlawful Sales Tax**

- Subject: Rule to clarify that it is deceptive to represent that sales tax may be collected when the good or service is not subject to such tax.
- Reason for amendment: Protect against abusive practices.
- Anticipated content: Amendment to 5-41 to include representations that sales tax may be collected.
- Objective: Protect against abusive practices.
- Legal basis: City Charter 2203(f), Admin. Code Section 20-702.
- Relevant federal, state, and local laws and rules: City Charter 2203(f), Admin. Code Section 20-700 *et seq.*, 6 RCNY Section 5-01 *et seq.*
- Types of individuals and entities likely to be affected: Entities improperly charging sales tax.
- Approximate schedule: October-December 2019.

### **2. Subchapter B, Truth-in-pricing Law**

#### **a. Rule 5-113 Calculation and Display of Price Per Measure**

- Subject: Rule requires price displays to be submitted to the commissioner for prior approval.
- Reason for amendment: Unnecessary
- Anticipated content: DCA will eliminate this prior approval requirement.
- Objective: Update content to ease regulatory burden on businesses without harming consumers.
- Legal basis: City Charter 2203(f).
- Relevant federal, state, and local laws and rules: City Charter 2203(f), Admin. Code Section 20-708 *et seq.*, 6 RCNY Section 5-111 *et seq.*
- Types of individuals and entities likely to be affected: Retail entities.
- Approximate schedule: July-September 2019.

### **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 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: July-September 2019.

## **D. Chapter 6 – Administrative Hearings**

### **1. Subchapter B, Penalties**

#### **a. Rule 6-12 Tobacco Retail Dealer Penalty Schedule**

- Subject: The existing penalty schedule has some technical inconsistencies relating to recidivism for certain violations.
- Reason for amendment: To correct the inconsistencies.
- Anticipated content: Rule will be amended.
- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter 2203(f); Admin. Code Section 20-104.
- Relevant federal, state, and local laws and rules: Admin. Code Sections 17-710 and 20-202 *et seq.*
- Types of individuals and entities likely to be affected: Tobacco retail dealers.
- Approximate schedule: October-December 2019.

## **E. Chapter 7 – Office of Labor Policy and Standards**

### **1. Subchapter B. Earned Safe and Sick Time**

#### **a. Rule 7-206**

- Subject: Rules relating to the implementation of the Earned Safe and Sick Time Act, which was amended in 2018 to provide safe time for victims of family offense matters, sexual offenses, stalking and human trafficking, and their family members.
- Reason for amendment: Earned Safe and Sick Time Act permits an employer to request documentation to support the use of safe/sick time after an employee uses safe/sick time on three consecutive days. The current rules clarify the type of documentation an employer may request for the use of sick time; they have not been updated since the addition of safe time uses in 2018.
- Anticipated content: Incorporate documentation for safe time uses into Rule 7-206.

- Objective: Amend the existing rules to conform to the Earned Safe and Sick Time Act and provide guidance to covered employers and protected workers.
- Legal basis: Local Law 199 for the Year 2017.
- Relevant federal, state, and local laws and rules: Earned Sick Time Act (Chapter 8 of Title 20 of the Admin. Code) and existing rules found in Chapter 7 of Title 6.
- Types of individuals and entities likely to be affected: Employees who work at least 80 hours in New York City and their employers.
- Approximate schedule: January-June 2020.

#### **b. Rule 7-213**

- Subject: Rules relating to the implementation of the Earned Safe and Sick Time Act, which was amended in 2018 to provide safe time for victims of family offense matters, sexual offenses, stalking and human trafficking, and their family members.
- Reason for amendment: Earned Safe and Sick Time Act grants the department the power to impose relief to employees for violations related to sick time use, but inadvertently was not amended to include violations related to safe time use. A rule clarifying that Section 20-924(d) of the administrative code applies to safe/sick time uses would help avoid confusion.
- Anticipated content: Clarify that relief to employees is available for violations of the Earned Safe and Sick Time Act relating to safe time
- Objective: Amend the existing rules to conform to the Earned Safe and Sick Time Act and provide guidance to covered employers and protected workers.
- Legal basis: Local Law 199 for the Year 2017.
- Relevant federal, state, and local laws and rules: Earned Sick Time Act (Chapter 8 of Title 20 of the Admin. Code) and existing rules found in Chapter 7 of Title 6.
- Types of individuals and entities likely to be affected: Employees who work at least 80 hours in New York City and their employers.
- Approximate schedule: January-June 2020.

## **2. Subchapter H. Temporary Leave**

### **a. Temporary Leave**

- Subject: Rules relating to the implementation of Admin. Code Section 20-1261 et seq. (Temporary Leave Law), which provides workers the right to a temporary change in their work schedule relating to a caregiving or sick/safe leave personal event.
- Reason for rulemaking: The law became effective on July 18, 2018 and agency rulemaking may assist in implementing the law successfully.
- Anticipated content: Rules to clarify provisions of the law and provide guidance to covered employers and protected employees.

- Objective: Assist employers understand and comply with the law.
- Legal basis: Admin. Code Section 20-1261 et seq.
- Relevant federal, state, and local laws and rules: N/A.
- Types of individuals and entities likely to be affected: Employers and their employees who request a temporary change to their schedule relating to a caregiving or sick/safe leave personal event.
- Approximate schedule: May-September 2020.