

**NYC Department of Consumer Affairs
Regulatory Agenda for FY 2021**

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 2021, which begins on July 1, 2020 and ends on June 30, 2021. 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 13 – Petitions for Rulemaking (new)

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II. Rules to be Promulgated

A. Chapter 2 – Licenses

1. Subchapter G, Sidewalk Stands

a. Rule 2-70.2 Physical Characteristics, Requirements and Prohibitions on Stoop Line Stands

- Subject: Update and clarify requirements for stoop line stand construction and the partitions surrounding stoop line stands, as well as clarify that the stand license must be held by the same business occupying the adjacent store front.
- Reason for amendment: To update and clarify language.
- Anticipated content: Amendments to current language in section 2-70.2.
- 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 20-233 *et seq.*, 6 RCNY Section 2-70.2.
- Types of individuals and entities likely to be affected: Stoop line stand licensees.
- Approximate schedule: July to September 2020.

2. 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: July to September 2020.

3. 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- Subject: This rule relies on and refers to a Code provision that has been repealed.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: July to September 2020.

4. Subchapter EE, Towing Vehicles

a. Rules 2-362 *et seq.* Towing Vehicles

- Subject: General amendments to the rules governing towing vehicles after DCA chapter-wide review.
- Reason for amendment: To make amendments in response to consumer complaints and to eliminate certain unnecessary requirements imposed on applicants and licensees.
- Anticipated content: Amendments to current rule sections.
- Objective: To aid public understanding and maintain accuracy and relevancy of rules.
- Legal basis: City Charter 2203(c), Admin. Code Sections 20-104 and 20-505.
- Relevant federal, state, and local laws and rules: Admin. Code Sections 20-495 *et seq.*
- Types of individuals and entities likely to be affected: Tow licensees and applicants.

- Approximate schedule: October to December 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 2020.

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: July to September 2020.

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 2020.

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 2020.

D. Chapter 13 – Petitions for Rulemaking

1. Rule 13-01 Petitions for Rulemaking

- Subject: Section 1043(g) of chapter 45 of the City Charter requires that each agency prescribe by rule the procedure for submission, consideration, and disposition of a petition for rulemaking submitted by any person. DCA intends to promulgate such a rule.
- Reason for amendment: Comply with Charter requirements.
- Anticipated content: DCA will create procedures allowing for the submission, consideration, and disposition of a petition.

- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter 1043(g).
- Relevant federal, state, and local laws and rules: City Charter 2203(f) and (g), Admin. Code Section 20-105.
- Types of individuals and entities likely to be affected: Any persons wishing to petition DCA for rulemaking.
- Approximate schedule: July-September 2020.