

New York City Department of Consumer and Worker Protection

Notice of Adoption of Final Rule

Notice of Adoption to amend the Department of Consumer and Worker Protection's ("Department") rules to implement Local Laws 80 and 99 of 2020. This final rule repeals all references to billiards, adds an entry to the Department's penalty schedules for unlicensed activity, and clarifies that all references to the Department of Consumer Affairs refer to the Department of Consumer and Worker Protection. Finally, this final rule adds a penalty schedule to implement Local Law 99, which creates requirements for hotels related to hotel service disruptions.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of Consumer and Worker Protection by Sections 1043, 2203(f) and 2203(h)(1) of the New York City Charter and Section 20-853 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Sections 1-02 and 6-11, and adds Sections 1-23 and 6-73, of Title 6 of the Rules of the City of New York.

This final rule was proposed and published on December 10, 2020. A public hearing was held on January 11, 2021.

Statement of Basis and Purpose of Final Rule

The Department is amending its rules to implement Local Laws 80 and 99 of 2020.

Local Law 80 repealed subchapter 4 of chapter 2 of title 20 of the New York City Administrative Code (the "Code"), which previously imposed licensing requirements for billiard rooms. Following this new law, a license is no longer required to operate a billiard room. This final rule repeals all references to billiards in the Department's rules.

Local Law 80 also amended section 20-105 of title 20 of the Code by clarifying the penalties for unlicensed activity. This final rule adds an entry in the Department's penalty schedules for the section 20-105 unlicensed activity penalties.

Additionally, Local Law 80 changed the name Department of Consumer Affairs to the Department of Consumer and Worker Protection. This final rule adds a section to clarify that all references in the Department's rules to Department of Consumer Affairs refer to the Department of Consumer and Worker Protection. This final rule also changes the name of title 6 of the Rules of the City of New York from "Department of Consumer Affairs" to "Department of Consumer and Worker Protection."

Finally, this final rule adds a penalty schedule to implement Local Law 99 of 2020, which creates requirements for hotels related to hotel service disruptions. More specifically, this law imposes requirements related to notice and fees if a hotel experiences a service disruption, such as construction work that disturbs a guest or the unavailability of a hotel amenity. The penalties for violations of the hotel service disruptions provisions are provided by section 20-852 of the Code.

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.

Final Rule

Section 1. The title of title 6 of the rules of the city of New York is amended to read as follows:

Title 6: [Department of Consumer Affairs] Department of Consumer and Worker Protection

§ 2. Subdivision a of section 1-02 of chapter 1 of title 6 of the rules of the city of New York is amended as follows:

(a) The licenses and permits listed below expire on the dates indicated:

License	Date (years refer to calendar years)
Amusement Arcades	January 16 of Even Years
Auctioneer and Night Auction Sales	June 15 of Even Years
[Billiard Room]	[August 1 of Odd Years]
Booting of Motor Vehicles	December 31 of Odd Years
Debt Collection Agency	January 31 of Odd Years
Electronic or Home Appliance Service Dealers	June 30 of Even Years
Electronic Stores	December 31 of Even Years
Employment Agency	May 1 of Even Years
Garage, Parking Lot	March 31 of Odd Years
Home Improvement Contractor	February 28 of Odd Years
Home Improvement Salesperson	February 28 of Odd Years
Horse Drawn Cab	March 31 of Even Years
Horse Drawn Cab Driver	May 31 of Even Years
Laundry – Retail, Industrial, and Industrial Delivery	December 31 of Odd Years
Locksmith; Locksmith Apprentice	May 31 of Odd Years
Process Server	February 28 of Even Years
Products-for-the-Disabled Dealer	March 15 of Odd Years
Secondhand Dealer	July 31 of Odd Years
Sightseeing Bus	March 31 of Even Years
Sightseeing Guide	March 31 of Even Years
Stoop Line Stand	March 31 of Even Years
Storage Warehouse	April 1 of Odd Years
Towing Vehicles Company	April 30 of Even Years
Towing Vehicles Driver	October 31 of Even Years

§ 3. Chapter 1 of title 6 of the rules of the city of New York is amended by adding a new section 1-23 to read as follows:

§ 1-23 References to the Department of Consumer Affairs.

Any reference to the Department of Consumer Affairs in this title shall be deemed to be a reference to the Department of Consumer and Worker Protection.

§ 4. Section 6-11 of subchapter B of chapter 6 of title 6 of the rules of the city of New York is amended as follows:

§ 6-11 License Enforcement Penalty Schedule.

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

For the fine amounts marked by a single asterisk, if the respondent timely submits the appropriate proof of having cured a first-time violation, the respondent will not be subject to a civil penalty [pursuant to Local Law 153 of 2013].

In certain cases, the Department may ask for license suspension or revocation, as permitted by statute. If a respondent is found in violation of multiple provisions that require a suspension period, the suspension periods shall run concurrently.

Unless otherwise specified by law, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within two years of the prior violation(s).

For violations of Section 20-105, each day of unlicensed activity constitutes a distinct and independent violation. Except as otherwise expressly provided, fines imposed for Section 20-105 violations shall be in addition to, and shall not be offset or modified by, any fines or civil penalties prescribed by Chapter 2 of Title 20 of the Administrative Code or provisions of state law governing businesses licensed by the department.

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin Code § 20-105	Unlicensed Activities	\$100 per day	\$100 per day	\$100 per day	\$100 per day	\$100 per day	\$100 per day
Admin Code § 20-109	Improper license transfer	\$375	\$500	\$450	\$500	\$500	\$500
Admin Code § 20-110	Failure to obtain [DCA] Department approval of change of corporate ownership	\$375	\$500	\$450	\$500	\$500	\$500

Admin Code § 20-111	Failure to obtain [DCA] Department approval of change in a partnership	\$375	\$500	\$450	\$500	\$500	\$500
Admin Code § 20-112	Failure to comply with licensee address requirements	\$375	\$500	\$450	\$500	\$500	\$500
Admin Code § 20-113	Failure to comply with trade name requirements	\$375	\$500	\$450	\$500	\$500	\$500
Admin Code § 20-114	Failure to comply with inspection and license display requirements	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 1-01.1	Failure to provide truthful information on application	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 1-03(a)	Failure to post the license sign	\$375*	\$500*	\$450	\$500	\$500	\$500
6 RCNY § 1-03(b)	Failure to post the sidewalk cafe license and complaint sign	\$375*	\$500*	\$450	\$500	\$500	\$500
6 RCNY § 1-04	Making false representations and altering or falsifying Department documents or providing or using falsified documents	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 1-05	Failure to contain license number in advertisements and other printed and electronic matter	\$375*	\$500*	\$450	\$500	\$500	\$500
6 RCNY § 1-13	Failure to comply with requirements related to responding to a consumer's complaint	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 1-14	Failure to appear for or respond to a request for documents, subpoena, request for interrogatories, or notice of deposition	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 1-15	Failure to satisfy judgment	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 1-16	Failure to comply with record and business premise inspection requirements	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 1-17	Improper wearing of badge	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 1-18	Failure to destroy identification documents issued by the department	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 1-21	Injurious conduct committed by a licensee	\$500	\$500	\$500	\$500	\$500	\$500

§ 5. Section 6-14 of subchapter B of chapter 6 of title 6 of the rules of the city of New York is hereby repealed.

§ 6. Subchapter B of chapter 6 of title 6 of the rules of the city of New York is amended by adding a new section 6-73 to read as follows:

§ 6-73 Hotel Service Disruptions Penalty Schedule.

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

In certain cases, the Department may ask for license suspension or revocation, as permitted by statute. If a respondent is found in violation of multiple provisions that require a suspension period, the suspension periods shall run concurrently.

Unless otherwise specified by law, a second, third, or fourth and subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within two years of the prior violation(s).

<u>Citation</u>	<u>Violation Description</u>	<u>First Violation</u>	<u>First Default</u>	<u>Second Violation</u>	<u>Second Default</u>	<u>Third Violation</u>	<u>Third Default</u>	<u>Fourth and Subsequent Violation</u>	<u>Fourth and Subsequent Default</u>
Admin Code § 20-851	Violation of hotel service disruption provisions	\$500	\$500	\$1,000	\$1,000	\$2,500	\$2,500	\$5,000	\$5,000