

## **New York City Department of Consumer and Worker Protection**

### **Notice of Adoption**

Notice of Adoption to amend Department of Consumer and Worker Protection (“DCWP” or “Department”) rules to permit additional time to renew certain licenses that expired in 2020 and 2021 and were subject to license term extensions created by emergency executive orders.

The Commissioner of Consumer and Worker Protection hereby gives notice—pursuant to the authority granted by sections 1043, 2203(c), and 2203(f) of the New York City Charter and sections 20-104(a) and 20-104(b) of the New York City Administrative Code—of the adoption of amendments to chapter 1 of Title 6 of the Rules of the City of New York.

This rule was proposed and published on July 5, 2022. A public hearing was held on August 4, 2022. The Department received comments from the public.

Pursuant to New York City Charter Section 1043(f)(1)(d), this rule shall become effective immediately.

### **Statement of Basis and Purpose of Rule**

DCWP is amending its rules to permit additional time to renew certain licenses that expired during 2020 and 2021 and were subject to license term extensions created by emergency executive orders.

On March 12, 2020, the City of New York declared a state of emergency due to the threat posed by COVID-19 to the health and welfare of City residents. On April 14, 2020, emergency executive order (“EEO”) 107 of 2020 declared that “[a]ny license or permit issued by the City, and authorized by a local law or rule, that will expire or is otherwise required to be renewed during the State of Emergency is hereby extended during the pendency of the emergency.” On May 26, 2020, the Mayor signed Local Law 57 of 2020, which granted, to all licenses or permits that had been extended by EEO 107, a 45-day period commencing upon the expiration of EEO 107 during which licensees or permittees could renew a license or permit. EEO 107 expired on June 30, 2021.

As a result, for most licenses issued by the Department, if a license would have expired between March 12, 2020, and August 14, 2021, such license instead expired on August 14, 2021. Pursuant to 6 RCNY § 1-09, a licensee could renew such license until October 12, 2021. Notwithstanding the EEO and the rules, some licensees have been so severely impacted by COVID-19 that they were unable to submit a renewal application in a timely manner. This rule amendment provides businesses whose licenses had been extended by EEO 107 an additional 60-day period to apply to renew their license, thereby precluding the need for such businesses to apply for a new license.

This additional renewal period applies to the following license categories:

- Dealer In Products for the Disabled
- Debt Collection Agency
- Electronic & Home Appliance Service Dealer
- Electronic Cigarette Dealer, if expired in even years
- Electronics Store
- Garage
- Garage and Parking Lot
- General Vendor

- General Vendor Distributor
- Home Improvement Contractor
- Horse Drawn Cab Owner
- Horse Drawn Cab Driver
- Locksmith
- Locksmith Apprentice
- Newsstand
- Parking Lot
- Pawnbroker
- Pedicab Business
- Pedicab Driver
- Scale Dealer Repairer
- Secondhand Dealer - Auto
- Secondhand Dealer - General
- Sightseeing Bus
- Sightseeing Guide
- Stoop Line Stand
- Storage Warehouse
- Ticket Seller
- Ticket Seller Business
- Tobacco Retail Dealer, if expired in even years
- Tow Truck Company
- Tow Truck Driver

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.

### **Rule Amendment**

Section 1. Section 1-09 of Chapter 1 of Title 6 of the Rules of the City of New York is amended to read as follows:

#### **§ 1-09 Late Renewal.**

[Any] (a) Except as provided in subdivision (b), any application for a license renewal that is filed sixty days or more after the expiration date of such license [shall] will be treated as a new license application.

(b) Any application for a renewal of a license subject to Emergency Executive Order number 107 of 2020, received by the Department within 60 days of the effective date of this subdivision, will be treated as a renewal application.

**Required Finding of Substantial Need Pursuant to New York City Charter Section 1043(f)(1)(d)**

It is hereby certified that there is substantial need for this rule to take effect immediately without waiting for 30 days to elapse after publication in the City Record. This rule provides licensees more time to renew certain licenses that expired in 2020 and 2021 and were subject to license term extensions created by emergency executive orders related to COVID-19.

On January 30, 2020, the World Health Organization designated the outbreak of the novel coronavirus, COVID-19, as a public health emergency of international concern. On March 7, 2020, the Governor of New York State declared a disaster emergency for the entire State. On March 12, 2020, the Mayor of New York City declared a state of emergency within the City.

On April 14, 2020, the Mayor issued emergency executive order (“EEO”) 107 of 2020, which declared that “[a]ny license or permit issued by the City, and authorized by a local law or rule, that will expire or is otherwise required to be renewed during the State of Emergency is hereby extended during the pendency of the emergency.” On May 26, 2020, the Mayor signed Local Law 57 of 2020, which granted, to all licenses or permits that had been extended by EEO 107, a 45-day period commencing upon the expiration of EEO 107 during which licensees or permittees could renew a license or permit. EEO 107 expired on June 30, 2021. As a result, for most DCWP licenses, if a license would have expired between March 12, 2020, and August 14, 2021, such license instead expired on August 14, 2021. Pursuant to 6 RCNY § 1-09, a licensee could renew such license until October 12, 2021.

Notwithstanding the EEO and the rules, some licensees have been so severely impacted by COVID-19 that they were unable to submit a renewal application in a timely manner. This rule amendment provides businesses whose licenses had been extended by EEO 107 an additional 60-day period to renew their lapsed license, thereby precluding the need for such businesses to seek a new license.

The need for this rule to take effect immediately is substantial because former licensees who were unable to renew in a timely manner are now prohibited from legally operating their businesses. Delaying the effective date of this rule would be counterproductive, extending the economic harm to these businesses caused by COVID-19 when the City is actively seeking to mitigate the threat that COVID-19 poses to the health and welfare of the City.

IT IS HEREBY CERTIFIED that there is substantial need for this rule to take effect immediately upon publication in the City Record to ensure certain businesses in the City are able to operate legally as quickly as possible and to aid in the City’s general economic recovery.

Date: 8/8/2022

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Vilda Vera Mayuga

/s/ Vilda Vera Mayuga

Commissioner, Department of Consumer and  
Worker Protection

Eric Adams

/s/ Eric Adams

Mayor, New York City

