

New York City Department of Consumer and Worker Protection

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend 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.

When and where is the hearing? DCWP will hold a public hearing on the proposed rule. The public hearing will take place at 11:00am on Thursday, August 4, 2022. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial 646-931-3860
 - Meeting ID: 864 1162 0455
- To participate in the public hearing via videoconference, please follow the online link:
https://us02web.zoom.us/j/86411620455?pwd=kikSz4qN_RDJAWaWo9WjaxMwC_NhzY.1
 - Meeting ID: 864 1162 0455

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DCWP through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to Rulecomments@dca.nyc.gov.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 436-0396. You can also sign up on the phone or videoconference before the hearing begins at 11:00am on Thursday, August 4. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes. You must submit any comments to the proposed rule on or before 12:00am on Thursday, August 4, 2022.

What if I need assistance to participate in the hearing? You must tell DCWP’s External Affairs division if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may tell us by telephone at (212) 436-0396 or by email at Rulecomments@dca.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by July 29, 2022.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, all comments received by DCWP on the proposed rule will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

What authorizes DCWP to make this rule? 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 authorize the Department of Consumer and Worker Protection to make these proposed rules. This proposed rule was not included in the Department of Consumer and Worker Protection’s regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

Where can I find DCWP’s rules? The Department’s rules are in Title 6 of the Rules of the City of New York.

What laws govern the rulemaking process? DCWP must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend 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 may have been so severely impacted by COVID-19 that they were unable to submit a renewal application in a timely manner. This proposed rule would provide 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 proposed additional renewal period would apply 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

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 authorize the Department to make these proposed rules.

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.

Proposed Rule Amendments

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.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Extension of Renewal Time for Certain Licenses

REFERENCE NUMBER: 2022 RG 050

RULEMAKING AGENCY: Department of Consumer and Worker Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose;
and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: June 29, 2022

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Extension of Renewal Time for Certain Licenses

REFERENCE NUMBER: DCWP-20

RULEMAKING AGENCY: Department of Consumer and Worker Protection

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

June 29, 2022
Date