

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 add rules to implement Local Law 64 of 2022. This proposed new rule would add a penalty schedule for violations related to the sale of certain electric space heaters. DCWP also proposes to clarify section numbers in chapter 6 of Title 6 of the Rules of the City of New York

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 Wednesday, October 26. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial 646 558 8656
 - Meeting ID: 849 6765 8732
 - Passcode: 015772
- To participate in the public hearing via videoconference, please follow the online link:
<https://us02web.zoom.us/j/84967658732?pwd=d29lRDdaUEF5NG5Tc3hGc2NXWWWhSZz09>
 - Meeting ID: 849 6765 8732
 - Passcode: 015772

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@dcwp.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 Wednesday, October 26. 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 11:59pm on Wednesday, October 26.

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@dcwp.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by 12:00pm on Tuesday, October 18.

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 and 2203(f) of the New York City Charter and Section 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 add rules to implement Local Law 64 of 2022. This proposed new rule would add a penalty schedule for violations related to the sale of certain electric space heaters. DCWP also proposes to clarify section numbers in chapter 6 of Title 6 of the Rules of the City of New York

Local Law 64 of 2022 prohibits the sale of electric space heaters unless they are equipped with thermostats and an automatic function that disables the space heater if it overheats or tips over, and requires that they be approved for use by a nationally recognized testing laboratory. Moreover, the thermostat, automatic function, and testing label must all be disclosed on the packaging of every electric space heater.

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. Sections 6-80, 6-81, 6-82, and 6-83 of subchapter c of chapter 6 of title 6 of the Rules of the City of New York are hereby renumbered as 6-1000, 6-1001, 6-1002, and 6-1003, respectively.

Section 2. Section 1. Section 6-80, Open Captioning at Motion Picture Theaters Penalty Schedule, of subchapter b of chapter 6 of title 6 of the Rules of the City of New York is hereby renumbered as Section 6-83.

Section 3. A new section 6-84 of subchapter B of chapter 6 of title 6 of the Rules of the City of New York is added to read as follows:

§ 6-84 Electric Space Heater 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.

Unless otherwise specified by law, a second, or third 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).

Each failure to comply with respect to any one stock keeping unit gives rise to a separate violation of subdivision a of section 20-699.11 of the Administrative Code.

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third Violation	Third Default	Forth and Subsequent Violation	Forth and Subsequent Default
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Admin. Code § 20- 699.11	Distributing, selling, or offering for sale a non- compliant electric space heater	\$0	\$0	\$750	\$1,000	\$900	\$1000	\$1000	\$1,000
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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: Penalties for Violations Related to Sale of Space Heaters

REFERENCE NUMBER: 2022 RG 059

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: September 19, 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: Penalties for Violations Related to Sale of Space Heaters

REFERENCE NUMBER: DCWP-22

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

September 19, 2022
Date