

## New York City Department of Consumer and Worker Protection

### Amended Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**NOTICE IS HEREBY GIVEN** that the public hearing date and deadline to submit written comments for the proposed rule of the Department of Consumer and Worker Protection that would amend rules relating to debt collectors published in the City Record on November 4, 2022 has been changed from December 5, 2022 to December 19, 2022.

**When and where is the hearing?** DCWP will hold a public hearing on the proposed rules. The public hearing will take place at 11:00am on Monday, December 19, 2022. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial 646-893-7101
  - Meeting ID: 214 275 313 417
  - Passcode: FLVcGc
- To participate in the public hearing via videoconference, please follow the online link:  
<https://tinyurl.com/debt-collectors>
  - Meeting ID: 214 275 313 417
  - Passcode: FLVcGc

**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](mailto:Rulecomments@dcwp.nyc.gov).
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules 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 Monday, December 19. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes. You must submit any comments to the proposed rules on or before Monday, December 19.

**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](mailto:Rulecomments@dcwp.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by Monday, December 12.

**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 rules will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

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

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend its rules relating to debt collectors.

In June of 2020, the Department added new rules requiring debt collectors to inform consumers about whether certain language access services are available and to retain records relating to language access services. After these rule changes took effect, the industry provided additional questions and feedback to the Department. In response, the Department is now proposing these amendments.

The Department is also proposing to update its debt collection rules due to changes in federal regulations. In late 2020, the U.S. Consumer Financial Protection Bureau (“CFPB”) promulgated two new debt collection rules updating the Fair Debt Collection Practices Act of 1977. The CFPB’s new debt collection rules address current industry collection practices, the changing forms of communication, unfair and deceptive practices, and the problems facing consumers today at a national level. These proposed amendments would adopt similar protections as those provided to consumers at the federal and state levels, and include provisions based on the Department’s insight from its regulation of the debt industry for decades, as it pertains to NYC consumers.

Specifically, this proposed rule includes the following provisions:

- Section 2-191 requires written notice to consumers that the statute of limitations on certain debt has expired. These proposed amendments would strengthen the disclosure to inform consumers that it is illegal for a business to sue the consumer on a time-barred debt. (Section 1).
- Section 2-193(c) requires a debt collection agency to maintain an annual report identifying, by language, certain actions taken by the agency in a language other than English. Because the report is organized by language, the contents of the report need not be limited to actions taken in a language other than English. The Department is proposing to amend the subdivision so that it applies to actions taken in any language. Section 2-193 also requires debt collection agencies to maintain other records. These proposed amendments would extend the requirements to cover all records showing compliance with relevant laws and rules as well as monthly logs documenting certain consumer interactions. (Section 2).
- The Department is proposing to add various definitions to Section 5-76 of its rules. These amendments would provide guidance and clarity to the industry on new requirements in Section 5-77. (Sections 3 and 4).
- The Department is proposing minor edits to Section 5-77 to increase clarity. These edits include additional guidance on how debt collection agencies must provide information about the Department’s website and post information on their own websites. (Section 5).
- The Department is also proposing more substantive edits to Section 5-77. These amendments would clarify what information debt collectors must provide consumers at the outset of debt collection communications; place limits on the frequency of debt collection communications; require debt collectors to disclose the existence of a debt to consumers before reporting information about the debt to a credit reporting agency; and clarify how debt collectors may employ modern communication technologies in compliance with the law, including voicemails, email, text messages, and social media. (Section 5).

Sections 1043 and 2203(f) of the New York City Charter, and Sections 20-104(b), 20-493(a), and 20-702 of the New York City Administrative Code authorize the Department to make these proposed amendments.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of the Department, unless otherwise specified or unless the context clearly indicates otherwise.

## Proposed Rule Amendments

Section 1. Section 2-191 of Subchapter S of Chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

### **§ 2-191. Disclosure of Consumer's Legal Rights Regarding Effect of Statute of Limitations on Debt Payment.**

(a) The information about the consumer's legal rights, which a debt collection agency is required to provide the consumer pursuant to § 20-493.2(b) of the Administrative Code, [shall] must be included clearly and conspicuously in every permitted communication for each debt that the debt collection agency is seeking to collect that is beyond the applicable statute of limitations, and [shall be] must state as follows:

"WE ARE REQUIRED BY LAW TO GIVE YOU THE FOLLOWING INFORMATION ABOUT THIS DEBT. [The legal time limit (statute of limitations) for suing you to collect this debt has expired. However, if somebody sues you anyway to try to make you pay this debt, court rules REQUIRE YOU to tell the court that the statute of limitations has expired to prevent the creditor from obtaining a judgment. Even though the statute of limitations has expired, you may CHOOSE to make payments. However, BE AWARE: if you make a payment, the creditor's right to sue you to make you pay the entire debt may START AGAIN.]"

**1. The law limits how long a consumer can be sued for a debt. The time for suing you to collect this debt has EXPIRED. This means: THIS DEBT IS NOT ENFORCEABLE IN COURT.**

**2. It is a violation of federal law to sue or threaten to sue to collect time-barred debt (or debt that is beyond the Statute of Limitations).**

**3. If you would like to learn more about your legal rights and options, you can consult an attorney or a legal aid organization."**

(b) When such information is delivered in writing, the required statement provided in subdivision (a) of this section [shall] must be included, for each debt that is beyond the applicable statute of limitations, in at least 12 point type that is set off in a sharply contrasting color from all other type on the permitted communication, and [shall] must be placed adjacent to the identifying information about the amount claimed to be due or owed on such debt.

(c) A debt collection agency must maintain reasonable procedures for determining whether the statute of limitations applicable to a debt or alleged debt it is collecting or attempting to collect has expired.

§ 2. Section 2-193 of Subchapter S of Chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

### **§ 2-193. Records to be Maintained by Debt Collection Agency.**

(a) Unless otherwise prohibited by federal, state or local law, a debt collection agency [shall] must maintain a separate file for each debt that the debt collection agency attempts to collect from each New York City consumer, in a manner that is searchable or retrievable by the name, address and zip code of the consumer, and by the creditor who originated the debt the agency is seeking to collect. The debt collection agency [shall] must maintain in each debt file the following records to document its collection activities with respect to each consumer:

(1) A copy of all communications and attempted communications or exchanges with the consumer.

(2) A record of each payment received from the consumer that states the date of receipt, the method of payment and the debt to which the payment was applied.

(3) A copy of the debt payment schedule and/or settlement agreement reached with the consumer to pay the debt.

(4) With regard to any debt that the debt collection agency has purchased, a record of the name and address of the entity from which the debt collection agency purchased the debt, the date of the purchase and the amount of the debt at the time of such purchase.

(5) Any other records that are evidence of compliance or noncompliance with subchapter 30 of chapter 2 of title 20 of the Administrative Code and any rule promulgated thereunder, and of part 6 of subchapter A of chapter 5 of title 6 of the Rules of the City of New York.

(6) A log of all communications, attempted communications or exchanges by any medium between a debt collection agency and a consumer in connection with the collection of a debt; for each communication, attempted communication or exchange, the log must identify the date, time and duration, the method of communication, the names and contact information of the persons involved in the communication and a contemporaneous summary of the communication.

(b) A debt collection agency [shall] must maintain the following records to document its collection activities with respect to all New York City consumers from whom it seeks to collect a debt:

(1) [A monthly log of all calls made to consumers, listing the date, time and duration of each call, the number called and the name of the person reached during the call] Monthly logs of the following:

(i) all complaints filed by New York City consumers against the debt collection agency, including those filed with the agency directly or with any not-for-profit entity or governmental agency, identifying the date, the consumer's name and account information, the source of the complaint, a summary of the consumer's complaint, the debt collection agency's response to the complaint, if any, and the current status of the complaint;

(ii) all disputes or requests for verification made by New York City consumers, identifying the consumer's name and account information, the date of the dispute or request for verification, and the date and type of response, if any, sent by the debt collection agency; and

(iii) all cease and desist requests made by New York City consumers, identifying the consumer's name and account information, the date of the request, and the date and purpose of any further contacts by the debt collection agency after receipt of the request from the consumer.

(2) Recordings of [complete conversations] all telephone communications with all NYC consumers or with a randomly selected sample of at least 5% of all calls made or received by the debt collection agency [and a copy of contemporaneous notes of all conversations with consumers]. The method used for randomly selecting the recorded calls [shall] must be [included in the file where the tape recordings are] maintained by the agency and a record in each consumer's account must identify the calls recorded. If an agency elects to record a randomly selected sample of at least 5% of all calls made or received by the agency, it must maintain a log of the total number of calls made or received on a monthly basis and the total number of such calls recorded.

(3) A record of all cases filed in court to collect a debt. Such record [shall] must include, for each case filed, the name of the consumer, the identity of the originating creditor, the amount claimed to be due, the civil court index number and the court and county where the case is filed, the date the case was filed, the name of the process server who served process on the consumer, the date, location and method of service of process, the affidavit of service that was filed and the disposition for each case filed. Such record [shall] must be filed in a manner that is searchable or retrievable by the name, address and zip code of the consumer and the creditors who originated the debts that the debt collection agency is seeking to collect.

(4) The original copy of each contract with a process server for the service of process, and copies of all documents involving traverse hearings relating to cases filed by or on behalf of the debt collection agency. Such records should be filed in a manner that is searchable by the name of the process server.

(5) A record indicating the language preference of the consumer, except where the debt collector is not aware of such preference despite reasonable attempts to obtain it.

(6) A record indicating which medium(s) of electronic communication are permitted or not permitted by each consumer and, if known, the consumer's preferred medium of communication in connection with the collection of a debt.

(7) A record of all debt furnished to a consumer reporting agency, including the date the debt collection agency notified the consumer about the debt before furnishing it and the period of time it waited to receive a notice of undeliverability.

(8) A record of any unverified debt notice issued or received by the debt collection agency, including any unverified debt notice received from the consumer.

(c) A debt collection agency [shall] must maintain the following records relating to its operations and practices:

(1) A copy of all actions, proceedings or investigations by government agencies that resulted in the revocation or suspension of a license, the imposition of fines or restitution, a voluntary settlement, a court order, a criminal guilty plea or a conviction.

(2) A copy of all policies, training manuals and guides for employees or agents that direct, describe, suggest or promote how a collector is to interact with consumers in the course of seeking to collect a debt.

(3) An annual report, in a form made publicly available on the Department's website, identifying, by language, (i) the number of consumer accounts on which an employee collected or attempted to collect a debt owed or due or asserted to be owed or due [in a language other than English]; and (ii) the number of employees that collected or attempted to collect on such accounts [in a language other than English].

(4) A copy of all policies addressing the collection of time-barred debts.

(5) A copy of all policies addressing the verification of debts.

(6) A copy of all policies addressing the furnishing of consumer debt to credit reporting bureaus.

(d) The records required to be maintained pursuant to this section [shall] must be retained for [six years from the date the record was created by the debt collection agency, a document was obtained or received by the debt collection agency, a document was filed in a court action by the debt collection agency, or a training manual or employee guide was superseded, except that recordings of conversations with consumers shall be retained for one year after the date of the last conversation recorded on each completed recording tape] the following periods of time:

(1) For records required to be maintained pursuant to subdivisions (a) and (b) of this section, excluding recordings of conversations with consumers, until three years after the agency's last collection activity on the debt.

(2) For recordings of conversations with consumers, until three years after the date of the call.

(3) For records required to be maintained pursuant to subdivision (c) of this section, until six years from the date the record was created.

§ 3. Section 5-76 of Part 6 of Subchapter A of Chapter 5 of Title 6 of the Rules of the City of New York is amended by adding the following definitions in alphabetical order:

Attempted communication. The term “attempted communication” means any act to initiate a communication or other contact about a debt with any person through any medium, including by soliciting a response from such person. An act to initiate a communication or other contact about a debt is an attempted communication regardless of whether the attempt, if successful, would be a communication that conveys information regarding a debt directly or indirectly to any person. A limited-content message is an attempted communication.

Clear and conspicuous. The term “clear and conspicuous” means readily understandable. In the case of written and electronic record disclosures, a clear and conspicuous statement, representation or element being disclosed is of such location, size, color and contrast to be readily noticeable and legible to consumers. In the case of oral disclosures, a clear and conspicuous disclosure is given at a volume and speed sufficient for a consumer to hear and comprehend it. In any clear and conspicuous disclosure, any required modifications, explanations or clarifications to other information are presented in close proximity to the information being modified, in a manner so as to be readily noticed and understood.

Electronic communication. The term “electronic communication” means communication by electronic means, rather than oral communication in person or by telephone or hard copy communication by mail.

Electronic record. The term “electronic record” means a record created, generated, sent, communicated, received, or stored by electronic means.

Language access services. The term “language access services” means any service made available by a debt collector to consumers in a language other than English. Language access services include, but are not limited to, the use of:

(1) collection letters using a language other than English;

(2) customer service representatives who collect or attempt to collect debt in a language other than English;

(3) a translation service for the collector’s website or for written communications; and

(4) a service that interprets phone conversations in real time.

Limited-content message. The term “limited-content message” means an attempt to communicate with a consumer by leaving a voicemail message that includes all of the following content, that may include other content allowed by federal law, and that includes no other content:

(1) A business name for the debt collector that does not indicate that the debt collector is in the debt collection business;

(2) A request that the consumer reply to the message;

(3) The name of the natural person whom the consumer can contact to reply to the debt collector; and

(4) A call-back telephone number that is answered by a natural person.

§ 4. The definitions for “Communication” and “Debt collector” in Section 5-76 of Part 6 of Subchapter A of Chapter 5 of Title 6 of the Rules of the City of New York are amended to read as follows:

Communication. The term “communication” means the conveying of information regarding a debt directly or indirectly to any person through any medium, including by electronic means. The term communication excludes a limited-content message.

Debt collector. The term “debt collector” means [an individual who, as part of his or her job, regularly collects or

seeks to collect a debt owed or due or alleged to be owed or due] any person engaged in any business the principal purpose of which is the collection of any debts or who regularly collects, or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due to another person. The term does not include:

(1) any officer or employee of the United States, any State or any political subdivision of any State to the extent that collecting or attempting to collect any debt owed is in the performance of [his or her] their official duties;

(2) any person while engaged in performing an action required by law or regulation, or required by law or regulation in order to institute or pursue a legal remedy;

(3) any individual employed by a nonprofit organization which, at the request of consumers, performs bona fide consumer credit counseling and assists consumers in the liquidation of their debts by receiving payments from such consumers and distributing such amounts to creditors; [or]

(4) any individual employed by a utility regulated under the provisions of the Public Service Law, to the extent that New York Public Service Law or any regulation promulgated thereunder is inconsistent with this part; or

(5) any person while performing the activity of serving or attempting to serve legal process on any other person in connection with the judicial enforcement of any debt, or serving, filing or conveying formal legal pleadings, discovery requests, judgments or other documents pursuant to the applicable rules of civil procedure, where such person is not a party, or providing legal representation to a party, to the action.

Where a provision of this part limits the number of times an action may be taken by the debt collector, or establishes as a prerequisite to taking an action that the debt collector has received or done something, or prohibits an action if the debt collector has knowledge of or reason to know something, the term "debt collector" includes any debt collector employed by the same employer.

§ 5. Section 5-77 of Part 6 of Subchapter A of Chapter 5 of Title 6 of the Rules of the City of New York is amended to read as follows:

#### **§ 5-77. Unconscionable and Deceptive Trade Practices.**

It is an unconscionable and deceptive trade practice for a debt collector to attempt to collect a debt owed, due, or asserted to be owed or due except in accordance with the following rules:

(a) *Acquisition of location information.* Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer in order to collect a debt[, after the institution of debt collection procedures shall] must:

(1) identify [himself or herself] themselves, state that [he or she is] they are confirming or correcting location information about the consumer and identify [his or her employer] the debt collector on whose behalf they are communicating when that identification connotes debt collection only if expressly requested;

(2) not state or imply that such consumer owes any debt;

(3) not communicate more than once, unless requested to do so by such person or unless the debt collector reasonably believes that the earlier response of such person is erroneous or incomplete and that such person now has correct or complete location information, in which case the debt collector may communicate one additional time; for the purposes of this paragraph (3), the debt collector need not count as a communication returned unopened mail, an undelivered email message, or a message left with a party other than the person the debt collector is attempting to reach in order to acquire location information about the consumer, as long as the message is limited to a telephone number, the name of the debt collector and a request that the person

sought telephone the debt collector;

(4) not use any language or symbol on any envelope or in the contents of any communication effected by the mail or a delivery service that indicates that the debt collector is in the debt collection business or that the communication relates to the collection of a debt; provided that a debt collector may use [his or her] their business name or the name of a department within [his or her] their organization as long as any name used does not connote debt collection; and

(5) if the debt collector knows the consumer is represented by an attorney with regard to the subject debt and if the debt collector has knowledge of the attorney's name and address or can readily ascertain such attorney's name and address, not communicate with any person other than that attorney for the purpose of acquiring location information about the consumer unless the attorney fails to provide the consumer's location within a reasonable period of time after a request for the consumer's location from the debt collector and:

(i) informs the debt collector that [he or she] the attorney is not authorized to accept process for the consumer; or

(ii) fails to respond to the debt collector's inquiry about the attorney's authority to accept process within a reasonable period of time after the inquiry.

[The employer of a debt collector may not be held liable in any action brought under § 5-77(a)(3) or (5) if the employer shows by a preponderance of the evidence that the violation was not intentional and resulted despite the maintenance or procedures reasonably adapted to avoid any such violation.]

(b) *Communication in connection with debt collection.* A debt collector, in connection with the collection of a debt, [shall] must not:

(1) [After institution of debt collection procedures, without] Without the prior written consent of the consumer given directly to the debt collector [after the institution of debt collection procedures], or without permission of a court of competent jurisdiction, [communicate with the consumer in connection with the collection of any debt;] engage in any of the following conduct:

(i) communicate or attempt to communicate with the consumer at any unusual time or place known, or which should be known, to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating or attempting to communicate with a consumer is after 8 o'clock ante meridian and before 9 o'clock post meridian time at the consumer's location;

(ii) except for any communication which is required by law, communicate or attempt to communicate directly with the consumer if the debt collector knows the consumer is represented by an attorney with respect to such debt and if the debt collector has knowledge of the attorney's name and address or can readily ascertain such attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the debt collector or unless the attorney consents to direct communication with the consumer[, except any communication which is required by law or chosen from among alternatives of which one is required by law is not hereby prohibited];

(iii) communicate or attempt to communicate with the consumer at the consumer's place of employment [if] unless the debt collector knows [or has reason to know] that the consumer's employer or supervisor [prohibits] permits the consumer [from receiving] to receive such a communication; or

(iv) [with excessive frequency. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that more than twice during a seven-calendar-day period is excessively frequent. In making its calculation, the debt collector need not include any communication between a consumer and the debt collector which is in response to an oral or written communication from the consumer, or returned unopened mail, or a message left with a party other than one who is responsible for the debt as long as the message is limited to a



telephone number, the name of the debt collector and a request that one who is responsible for the debt telephone the debt collector; or any communication which is required by law or chosen from among alternatives of which one is required by law] communicate or attempt to communicate, including by leaving limited-content messages, with the consumer with excessive frequency.

(A) Excessive frequency means communication or attempted communication, by any medium, more than three times during a seven-consecutive-calendar-day period, or once within such period after having had an exchange with the consumer in any medium in connection with the collection of such debt.

(B) The date of the first day of such a seven-consecutive-calendar-day period is the day of the first such communication, attempted communication or exchange. In making its calculations, the debt collector need not include any communication, attempted communication or exchange between a consumer and the debt collector which is initiated by or at the request of a consumer or in response to a communication from the consumer, or any communication which is required by law.

[The employer of a debt collector may not be held liable in any action brought under 6 RCNY § 5-77(b)(1)(ii)-(iv) if the employer shows by a preponderance of the evidence that the violation was not intentional and resulted despite maintenance of procedures reasonably adapted to avoid any such violation]

For the purpose of paragraph (1) of this subdivision, the term “consumer” includes the consumer’s parent (if the consumer is a minor), guardian, executor, administrator, or spouse (unless the debt collector knows or should know that the consumer is legally separated from or no longer living with their spouse).

(2) [In order to collect a debt, and except as provided by 6 RCNY § 5-77(a)] Except if otherwise permitted by law, communicate about a debt with any person other than the consumer who is obligated or allegedly obligated to pay the debt, [his or her] the consumer’s attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, a debt collector to whom [or to whose employer] the debt has been assigned for collection[, a creditor who assigned the debt for collection,] or the attorney of that debt collector[, or the attorney for that debt collector’s employer,] without the prior written consent of the consumer or their attorney given directly to the debt collector [after the institution of debt collection procedures, or without the prior written consent of the consumer’s attorney], or without the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy.

(3) Communicate with any person other than [the consumer’s attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, a debt collector to whom or to whose employer the debt has been assigned for collection, a creditor who assigned the debt for collection, or the attorney of that debt collector or the attorney for that debt collector’s employer] those persons enumerated in paragraph (2) of this subdivision in a manner which would violate any provision of [this part] paragraph (1) of this subdivision if such person were a consumer.

(4) [After institution of debt collection procedures, communicate] Communicate with a consumer with respect to a debt if the consumer has notified the debt collector [in writing] that the consumer wishes the debt collector to cease further communication with the consumer with respect to that debt, except [that] for any communication which is required by law [or chosen from among alternatives of which one is required by law is not hereby prohibited]. The debt collector shall have a reasonable period of time following receipt by the debt collector of the notification to comply with a consumer’s request[, except that any debt collector who knows or has reason to know of the consumer’s notification and who causes further communication shall have violated this provision]. The debt collector may, however:

(i) communicate with the consumer once in writing or by electronic means:

(A) to advise the consumer that the debt collector’s further efforts are being terminated; or[;]

(B) [to notify the consumer that the debt collector or creditor may invoke specified remedies which are ordinarily invoked by such debt collector or;

(C) where applicable] to the extent such notice was not previously provided, to notify the consumer that the debt collector or creditor intends to invoke a specific remedy if that is a remedy [he is] they are legally entitled to invoke and if [he] they actually [intends] intend to invoke it; and

(ii) respond to each subsequent [oral or written] communication from the consumer.

(5) [For the purpose of 6 RCNY § 5-77(b)(1)-(4), the term "consumer" includes the consumer's parent (if the consumer is a minor), guardian, executor, administrator, spouse (unless the debt collector knows or has reason to know that the consumer is legally separated from or no longer living with his or her spouse), or an individual authorized by the consumer to make purchases against the account which is the subject of the collection efforts. A request that the debt collector cease further communication, provided for under 6 RCNY § 5-77(b)(4), if made by the consumer's spouse or an individual authorized by the consumer to make purchases against the account, only affects the debt collector's ability to communicate further with the person making the request]Contact a consumer by electronic communication unless the debt collector satisfies the following requirements:

(i) A debt collector must provide a written validation notice to the consumer pursuant to subdivision (f) prior to contacting a consumer by electronic communication. A debt collector may only use a specific email address, text message number, or specific electronic medium of communication if:

(A) the debt collector obtains consent from the consumer to use such email address, text message number, or medium of communication to communicate about the debt, or

(B) the consumer used such email address, text message number or medium of communication to communicate with the debt collector about a debt within the past 60 days and has not since opted out of communications to that email address, text message number or medium of communication or opted out of all electronic communications generally.

(ii) A debt collector who sends any disclosures required by this subchapter electronically must do so in a manner that is reasonably expected to provide actual notice, and in a form that the consumer may keep and access later.

(iii) The debt collector must include in every electronic mail communication to the consumer a clear and conspicuous statement describing a reasonable and simple method by which the consumer can opt-out of further electronic communications or attempts to communicate by the debt collector. The debt collector may not require, directly or indirectly, that the consumer, in order to opt-out, pay any fee to the debt collector or provide any information other than the consumer's opt-out preferences and the email address or text message number subject to the opt-out request.

(6) Communicate with a consumer by sending an electronic message to an email address or a text message number that the debt collector knows or should know is provided to the consumer by the consumer's employer.

(7) Communicate with a consumer on a social media platform, unless the debt collector obtains consent from the consumer to communicate on the social media platform and the communication is not viewable by the general public or the consumer's social media contacts.

(8) Communicate with a consumer through a medium that the consumer has requested that the debt collector not use to communicate with the consumer.

(9) Communicate or attempt to communicate with a consumer to collect a debt for which the debt collector knows or should know that the consumer was issued an unverified debt notice pursuant to subdivision (f).

(c) *Harassment or abuse.* A debt collector, in connection with the collection of a debt, shall not engage in conduct the natural consequence of which is to harass, oppress or abuse any person in connection with a debt. Such conduct includes:

- (1) the use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person;
  - (2) the use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader;
  - (3) the advertisement for sale of any debt to coerce payment of the debt;
  - (4) causing a telephone to ring or produce an alert or other sound, or engaging any person [in] by any communication medium, including but not limited to telephone conversation, repeatedly or continuously with intent to annoy, abuse, or harass any person [at the called number] contacted by the debt collector;
  - (5) the publication of a list of consumers who allegedly refuse to pay debts, except to another employee of the debt collector's employer or to a consumer reporting agency or to persons meeting the requirements of 15 USC § 1681a(f) or 15 USC § 1681b(3); or
  - (6) except [as provided by 6 RCNY § 5-77(a), the placement of telephone calls without meaningful disclosure of the caller's identity] where expressly permitted by federal, state, or local law, communicating with a consumer without disclosing the debt collector's identity.
- (d) *False or misleading representations.* A debt collector, in connection with the collection of a debt, shall not make any false, deceptive, or misleading representation. Such representations include:
- (1) the false representation or implication that the debt collector is vouched for, bonded by, or affiliated with the United States or any State, including the use of any badge, uniform or facsimile thereof;
  - (2) the false representation or implication that any individual is an attorney or is employed by a law office or a legal department or unit, or any communication is from an attorney, a law office or a legal department or unit, or that an attorney conducted a meaningful review of the consumer's debt account;
  - (3) the representation or implication that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to pursue such action;
  - (4) the threat to take any action that cannot legally be taken or that is not intended to be taken;
  - (5) the false representation or implication that a sale, referral, or other transfer of any interest in a debt shall cause the consumer to:
    - (i) lose any claim or defense to payment of the debt; or
    - (ii) become subject to any practice prohibited by this part;
  - (6) the false representation [of] or implication made in order to disgrace the consumer that the consumer committed any crime or other conduct;
  - (7) the false representation or implication that accounts have been turned over to innocent purchasers for value;
  - (8) the false representation or implication that documents are legal process;
  - (9) the false representation or implication that documents are not legal process forms or do not require action by the consumer;
  - (10) the false representation or implication that a debt collector operates or is employed by a consumer reporting agency as defined by 15 U.S.C. § 1681a(f);

(11) the use or distribution of any written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court, official, or agency of the United States or any State, or which creates a false impression as to its source, authorization, or approval;

(12) the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer;

(13) the use of any business, company, or organization name other than the true name of the debt collector's business, company, or organization, unless the general public knows the debt collector's business, company or organization by another name and to use the true name would be confusing;

(14) [after institution of debt collection procedures,] the false representation of the character, amount or legal status of any debt, or any services rendered or compensation which may be lawfully received by any debt collector for the collection of a debt[, except that the employer of a debt collector may not be held liable in any action brought under this provision if the employer shows by a preponderance of the evidence that the violation was not intentional and occurred despite the maintenance of procedures reasonably adapted to avoid any such violation];

(15) except [as otherwise provided under 6 RCNY § 5-77(a) and except for any communication which is required by law or chosen from among alternatives of which one is required by law] for limited-content messages and where otherwise expressly permitted by federal, state, or local law, the failure to disclose clearly and conspicuously in all communications made to collect a debt [or to obtain information about a consumer,] that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose;

(16) the use of any [name that is not the debt collector's actual name; provided that a debt collector may use a name other than his actual name if he or she uses only that name in communications with respect to a debt and if the debt collector's employer has the name on file so that the true identity of the debt collector can be ascertained] assumed name; provided that an individual debt collector may use an assumed name when communicating or attempting to communicate with a consumer about a debt if that collector uses the assumed name consistently and is the only person using that assumed name, and the assumed name is on file so that the true identity of the collector can be ascertained;

(17) any conduct proscribed by New York General Business Law §§ 601(1), (3), (5), (7), (8), or (9);

(18) the false, inaccurate, or partial translation of any communication [when the debt collector provides translation services]; [or]

(19) after the institution of debt collection procedures, the false representation or omission of a consumer's language preference when returning, selling or referring for debt collection litigation any consumer account, where the debt collector [is aware] knows or should know of such preference; or

(20) except where expressly permitted by federal, state, or local law, the failure to disclose clearly and conspicuously in all telephone communications in connection with the collection of a debt where the communication is recorded by the debt collector that the communication is being recorded and the recording may be used in connection with the collection of the debt.

(e) *Unfair practices.* A debt collector may not use any unfair or unconscionable means to collect or attempt to collect a debt. Such conduct includes:

(1) the collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law;

(2) the solicitation or use by a debt collector of any postdated check or other postdated payment instrument for the purpose of threatening or instituting criminal prosecution;

(3) causing charges to be made to any person for communications by misrepresentation of the true purpose of the communication. Such charges include collect telephone calls and [telegram] text message or mobile phone data fees;

(4) taking or threatening to take any nonjudicial action to effect dispossession or disablement of property if:

(i) there is no present right to possession of the property claimed as collateral;

(ii) there is no present intention to take possession of the property; or

(iii) the property is exempt by law from such dispossession or disablement;

(5) after institution of debt collection procedures, when communicating with a consumer by [use of the mails] mail or [telegram] a delivery service, using any language or symbol other than the debt collector's address on any envelope, or using any language or symbol that indicates the debt collector is in the debt collection business or that the communication relates to the collection of a debt on a postcard, except that a debt collector may use [his or her] their business name or the name of a department within [his or her] their organization as long as any name used does not connote debt collection;

(6) after institution of debt collection procedures, [communicating with a consumer regarding a debt without identifying himself or herself and his or her employer or communicating in writing with a consumer regarding a debt without identifying himself or herself by name and address and in accordance with 6 RCNY § 5-77(e)(5)] except where expressly permitted by federal, state, or local law, communicating with a consumer without disclosing the debt collector's name; [or]

(7) after institution of debt collection procedures, if a consumer owes multiple debts of which any one or portion of one is disputed, and the consumer makes a single payment with respect to such debts:

(i) applying a payment to a disputed portion of any debt; or

(ii) unless otherwise provided by law or contract, failing to apply such payments in accordance with the consumer's instructions accompanying payment[. If payment is made by mail, the consumer's instructions must be written. Any communication by a creditor made pursuant to 6 RCNY § 5-77(e)(7)(ii) shall not be deemed communication for the purpose of 6 RCNY § 5-77(b)(1)(iv). The employer of a debt collector may not be held liable in any action brought under 6 RCNY § 5-77(e)(7) if the employer shows by a preponderance of the evidence that the violation was not intentional and resulted despite maintenance of procedures reasonably adapted to avoid any such violation];

(8) engaging in any conduct prohibited by New York General Business Law §§ 601(2) or (4); [or]

(9) after institution of debt collection procedures, collecting or attempting to collect a debt without [first requesting and] recording the language preference of such consumer, except where the debt collector is not aware of such preference despite reasonable attempts to obtain it;

(10) furnishing to a credit reporting agency, as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. § 1681a(f)), information about a debt before the debt collector:

(i) notifies the consumer, by mail, telephone, or in person, about the debt, including the current amount of the debt and the business name of the debt collector, and informs the consumer that:

(A) the debt may be reported to a credit reporting agency; and

(B) New York City consumers can obtain information about their rights on the New York City Department of Consumer and Worker Protection's website at [www.dcwp.nyc.gov](http://www.dcwp.nyc.gov); or

(ii) sends the consumer a validation notice pursuant to subdivision (f) of this section that states the debt may be reported to a credit reporting agency.

If the debt collector elects to notify a consumer about a debt pursuant to subparagraph (i) of paragraph (10) of this subdivision by mail, they must wait no less than 14 consecutive days after they place the notice in the mail, to receive a notice of undeliverability. During the waiting period, the debt collector must permit receipt of, and monitor for, notifications of undeliverability from communications providers. If the debt collector receives such a notification during the waiting period, the debt collector must not furnish information about the debt to a credit reporting agency until the debt collector otherwise satisfies subparagraph (i) of paragraph (10) of this subdivision.

This subdivision does not apply to a debt collector's furnishing of information about a debt to a nationwide specialty credit reporting agency that compiles and maintains information on a consumer's check writing history, as described in section 603(x)(3) of the Fair Credit Reporting Act (15 U.S.C. § 1681a(x)(3));

(11) selling, transferring, or placing for collection or with an attorney or law firm to sue a consumer to recover any debt where the debt collector knows or should know that the debt has been paid or settled or discharged in bankruptcy, except a debt collector may transfer a debt to the debt's owner or to a previous owner of the debt if:

(i) the transfer is authorized under the terms of the original contract between the debt collector and the debt's owner or previous owner, as a result of a merger, acquisition, purchase and assumption transaction, or as a transfer of substantially all of the debt collector's assets; and

(ii) the debt collector also transfers all information pertaining to whether the debt has been paid or settled or discharged in bankruptcy obtained during the time the debt was assigned to the debt collector for collection;

(12) selling, transferring, or placing for collection or with an attorney or law firm to sue a consumer to recover any debt where the debt collector knows or should know that the time to sue on the debt has expired, without including a clear and conspicuous notice to the recipient of the debt that the statute of limitations on such debt has expired; or

(13) selling, transferring, or placing for collection or with an attorney or law firm to sue a consumer to recover any debt for which the debt collector was unable to provide written verification of the debt, despite having received a dispute or request for verification of the debt from the consumer, without including a clear and conspicuous notice to the recipient of the debt that the debt was not verified and a copy of the "unable to verify notice" sent to the consumer pursuant to subdivision (f) of this section.

*(f) Validation of debts.*

(1) [Upon acceleration of the unpaid balance of the debt or demand for the full balance due, the following validation procedures shall be followed by debt collectors who are creditors or who are employed by creditors as defined by 15 U.S.C. § 1602(f) (Truth in Lending Act) but who are not required to comply with 15 U.S.C. § 1637(a)(8) (Fair Credit Billing Act) and who do not provide consumers with an opportunity to dispute the debt which is substantially the same as that outlined in 15 U.S.C. § 1637(a)(8) and regulations promulgated thereunder: Within five days of any further attempt by the creditor itself to collect the debt, it shall send the customer a written notice containing:

(i) the amount of the debt;

(ii) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed valid by the debt collector;

(iii) a statement that, if the consumer notifies the debt collector in writing within the thirty-day period at the address designated by the debt collector in the notice, that the debt, or any portion thereof is disputed, the debt collector shall either:

(A) make appropriate corrections in the account and transmit to the consumer notification of such corrections and an explanation of any change and, if the consumer so requests, copies of documentary evidence of the consumer's indebtedness; or

(B) send a written explanation or clarification to the consumer, after having conducted an investigation, setting forth to the extent applicable the reason why the creditor believes the account of the consumer was correctly shown in the written notice required by 6 RCNY § 5-77(f)(1) and, upon the consumer's request, provide copies of documentary evidence of the consumer's indebtedness. In the case of a billing error where the consumer alleges that the creditor's billing statement reflects goods not delivered in accordance with the agreement made at the time of the transaction, a creditor may not construe such amount to be correctly shown unless it determines that such goods were actually delivered, mailed, or otherwise sent to the consumer and provides the consumer with a statement of such determination.

(iv) if the debt collector is not the original creditor, a statement that, upon the consumer's written request within the thirty-day period, sent to the address designated by the debt collector in the notice, the debt collector will provide the consumer with the name and address of the original creditor;

(v) an address to which the consumer should send any writing which disputes the validity of the debt or any portion thereof or any writing requesting the name and address of the original creditor.

(2) Validation notice. Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector [who is not a creditor and not employed by a creditor shall] must, unless the following information [is] was contained in an initial written communication, or the consumer [has] paid the debt, send the consumer a written notice by mail or a delivery service containing, in a clear and conspicuous manner:

(i) [the amount of the debt] all information required by federal or state law;

(ii) [the name of the creditor to whom the debt is owed] the license number of the debt collection agency assigned to the licensee by the New York City Department of Consumer and Worker Protection, if applicable;

(iii) [a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector] the name of a natural person for the consumer to contact;

(iv) a [statement that if the consumer notifies the debt collector in writing within the thirty-day period at the address designated by the debt collector in the notice that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector] telephone number that is answered by such natural person;

(v) [a] the following statement [that, upon the consumer's written request within the thirty-day period sent to the address designated by the debt collector in the notice, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor];

### Important Additional Consumer Rights under New York City Law:

I. You may contact a debt collector at any time, and by any means, during the collection of a debt to dispute or request verification of the debt.

II. The debt collector must:

(1) Provide you verification of the debt in response to your first dispute or request for verification, within 30 days of receiving such dispute or request, and stop collecting until it provides this information in writing to you; or

(2) Provide you a notice in writing stating that it was unable to verify the debt within 30 days of receiving a dispute or a request, and stop collecting on the debt;

(vi) [an address to which the consumer should send any writing which disputes the validity of the debt or any portion thereof or any writing requesting the name and address of the original creditor;

(vii)] a statement informing the consumer of any language access services available[, including whether the consumer may obtain from the debt collector a translation of any communication into a language other than English]; and

[(viii)] (vii) a statement that a translation and description of commonly-used debt collection terms is available in multiple languages on the Department's website, [[www.nyc.gov/dca](http://www.nyc.gov/dca)] [www.nyc.gov/dcwp](http://www.nyc.gov/dcwp).

The information required under subdivisions (ii) through (vii) may be included on the reverse side of a written validation notice if the debt collector includes them together under a heading entitled, “**Important Additional Rights under New York City Law**” and includes a clear and conspicuous statement on the front of the validation notice referring to the disclosures. If included on the reverse side of the validation notice, the information must be positioned in a manner so it is conspicuous, even after a consumer tears off any response portion of the notice.

(2) *Translated Notices.* If a debt collector offers consumers validation notices in a language other than English, and a consumer requests a notice in such language, the debt collector must provide a translated notice to the consumer in the language requested within 30 days of such request, and the notice must be completely and accurately translated into such language. A debt collector is not required to provide the translated validation notice required by this paragraph to the consumer more than once during the period that the debt collector owns or has the right to collect the debt. If the consumer disputes the debt or requests verification of the debt in the same language as the translated validation notice, the verification letter or unable to verify notice sent by the debt collector must also be translated in the language requested by the consumer.

(3) [If, pursuant to 6 RCNY §§ 5-77(f)(1) or 5-77(f)(2) of this Regulation the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall not attempt to collect the amount in dispute until the debt collector obtains and mails to the consumer verification of the debt or a copy of the judgment or the name and address of the original creditor. The debt collector shall maintain for one year from the date the notice was mailed, records containing documentation of the date such notice was mailed, the date the response, if any, was received and any action taken following such response] *Validation Period.* The validation period extends for 30 consecutive days from the date a consumer receives or is assumed to receive a validation notice. For purposes of determining the validation period, the debt collector may assume that a consumer received the validation notice five days (excluding Saturdays, Sundays and legal public holidays identified in 5 U.S.C. § 6103(a)) after the debt collector sent it.

(4) [The failure of a consumer to dispute the validity of a debt under 6 RCNY § 5-77(f) shall not be construed by any court as an admission of liability by the consumer] *Overshadowing of rights to dispute or request original-creditor information.* During the validation period, a debt collector must not engage in any collection activities or communications that overshadow or are inconsistent with the disclosure of the consumer's rights to dispute the debt and to request the name and address of the original creditor.

(5) *Verification.* A debt collector must provide a consumer verification of a debt or provide an “unverified debt notice” within 30 days of receiving a dispute or a request for verification of the debt. The consumer may dispute the debt, or make such verification request orally or in writing, or electronically if the debt collector permits electronic communications, at any time during the period in which the debt collector owns or has the right to collect the debt. The debt collector must treat a first dispute by the consumer as a request for verification of the debt, unless the debt collector has already provided the consumer the verification information required in this section. The debt collector must cease collection of the debt until such written verification has been provided to the consumer. A debt collector is not required to verify a debt pursuant to this section more than once during



the period that the debt collector owns or has the right to collect the debt; provided, however, that the debt collector must send any such verification documents to the consumer one additional time upon request by the consumer. A debt collector must provide such verification to the consumer in writing by mail or delivery service unless the consumer has consented to receive electronic communications in compliance with § 5-77(b)(5). Verification of a debt must include:

(i) a copy of the debt document issued by the originating creditor or an original written confirmation evidencing the transaction resulting in the indebtedness to the originating creditor, including the signed contract or signed application that created the debt or, if no signed contract or application exists, a copy of a document provided to the alleged debtor while the account was active, demonstrating that the debt was incurred by the consumer. For a revolving credit account, the charge-off account statement, the most recent monthly statement recording a purchase transaction, payment or balance transfer shall be deemed sufficient to satisfy this requirement. Computer documents or electronic evidence created or generated after default on the indebtedness shall not qualify as such confirmation;

(ii) to the extent not already provided in the validation notice, the written documentation itemizing the principal balance of the debt that remains or is claimed or alleged to remain due and all other charges that are due or claimed or alleged to be due, including a copy of the final statement of account issued by the originating creditor and a document itemizing: (1) the total amount remaining due on the total principal balance of the indebtedness to the originating creditor and (2) each additional charge or fee claimed or alleged to be due that separately (i) lists the total for each charge or fee and the date that each charge or fee was incurred; and (ii) identifies and describes the basis of the consumer's obligation to pay it;

(iii) a statement describing the complete chain of title from the original creditor to the present creditor, including the date of each assignment, sale, and transfer; and

(iv) records reflecting the amount and date of any prior settlement agreement reached in connection with the debt.

(6) *Unverified Debt Notice.* If a debt collector cannot provide a consumer with verification of a debt in response to a dispute or request for verification, the debt collector must respond in writing to the consumer within 30 days of receiving the dispute or a request for verification that the debt collector is unable to verify the debt and will stop collecting on the debt, and provide the reason that the debt could not be verified.

(7) *Originating Creditor.* A debt collector must provide the consumer the address of the originating creditor of a debt within 30 days of receiving a request from the consumer for such address. The consumer may make such request orally or in writing, or electronically if the debt collector permits, at any time during the period in which the debt collector owns or has the right to collect the debt. After receiving such request, the debt collector must cease collection of the debt until such address has been provided to the consumer. A debt collector is not required to provide this information more than once during the period that the debt collector owns or has the right to collect the debt.

(8) *Electronic Communications.* If a debt collector delivers a validation notice to a consumer electronically, the debt collector must do so in accordance with § 5-77(b)(5) and the notice must include the debt collector's website, email address, and information on how the consumer can dispute the debt, seek verification of the debt, or request original-creditor information electronically.

(g) [*Liability.* The employer of a debt collector is liable for the debt collector's violation of 6 RCNY § 5-77. A debt collector who is employed by another to collect or attempt to collect debts shall not be held liable for violation of 6 RCNY § 5-77] Reserved.

(h) *Public Websites.* Any debt collector that utilizes, maintains, or refers consumers to a website accessible to the public that relates to debts for which debt collection procedures have been instituted must clearly and conspicuously disclose, on the homepage of such website or on a page directly accessible from a hyperlink on the homepage labeled "**NYC Rules on Language Services**", the following disclosures:

(1) a statement informing the consumer of any language access services available[, including whether the consumer may obtain from the debt collector a translation of any communication into a language other than English]; and

(2) a statement that a translation and description of commonly-used debt collection terms is available in multiple languages on the Department's website, [[www.nyc.gov/dca](http://www.nyc.gov/dca)] [www.nyc.gov/dcwp](http://www.nyc.gov/dcwp).

**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:** Amendment of Rules Governing Language Access Services Provided by Debt Collectors

**REFERENCE NUMBER:** 2020 RG 111

**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: October 13, 2022

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

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

**RULE TITLE: Amendment of Rules Governing Language Access Services Provided by Debt Collectors**

**REFERENCE NUMBER: DCWP-1**

**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

October 13, 2022  
Date