

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 rules to repeal certain violations and make other violations curable to reform small business regulations without compromising consumer and worker wellbeing.

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 Friday, December 30, 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: 280 688 571 103
 - Passcode: fVo8q5
- To participate in the public hearing via videoconference, please follow the online link: https://teams.microsoft.com/registration/x2_1MoFflk6pWxXaZIE77w,5k9tBH8_y0SV_aOBQK6u6Q,I7EAYRbaskqWG-igYhBfMA,vGFpLwRqRUafeTgOis2bNA,VTWY7tgTzkyeJQHQpr6i_g,p_SnYci3Z0S1luBt0faDdw?mode=read&tenantId=32f56fc7-5f81-4e22-a95b-15da66513bef&webinarRing=gcc
 - Meeting ID: 280 688 571 103
 - Passcode: fVo8q5

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 Friday, December 30, 2022. 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 Friday, December 30, 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) 436-0210 or by email at Rulecomments@dcwp.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by Friday, December 23, 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(f) and 2203(h)(1) of the New York City Charter and section 20-104 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 COVID-19 global pandemic caused financial instability for many small businesses in the City of New York. On January 4, 2022, in response to this crisis, the Mayor signed Executive Order 2“Small Business Forward: Review and Reform of Compliance Costs on Businesses”(“EO2”). One goal of the reform was ensuring that small businesses face fewer unnecessary civil penalties. EO2 called for the reform of existing violations and penalties issued by several city agencies.

The Department of Consumer and Worker Protection was one of seven enforcement agencies which conducted a review of its existing violations that are most frequently enforced through the issuance of notices of violations, and to the extent practicable, identified those violations most frequently issued to small businesses that could be repealed or modified to reduce regulatory burdens, increase equity, and support small businesses.

This proposed rule amendment would repeal certain violations and make other violations curable to reform small business regulations without compromising consumer and worker wellbeing.

The violations to be repealed include:

- 1) Picture tubes sold or offered for sale without proper label (these are older televisions with a cathode ray tube or CRT); and
- 2) Vendor offering blood pressure reading services failed to post disclosure sign.

The violations that are now curable are:

- 1) Business fails to prominently and conspicuously display price list sign, or price list sign is not displayed at point at which orders are placed or payment is made, or lettering on sign is less than 1 inch.
- 2) Scale is not located between the buyer and seller.

Sections 1043, 2203(f) and 2203(h)(1) of the New York City Charter and section 20-104 of the New York City Administrative Code authorize the Department of Consumer and Worker Protection 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.

Section 1. Section 2-260 of Chapter 2 and section 5-69 of Chapter 5 of Title 6 of the Rules of the City of New York are repealed in their entirety.

Section 2. Paragraph 5 of subsection b of section 6-03 of Chapter 6 of Title 6 of the Rules of the City of New York is amended as follows:

(5) The Department has made available on its website a list of provisions of the Administrative Code for which the opportunity to cure a first-time violation is available. The following provisions of Title 6 of the Rules of the City of New York constitute the mandates for which the opportunity to cure a first-time violation is available:

Citation	Description
6 RCNY § 1-03(a)	requiring the posting of a sign that includes instructions on contacting the Department to file a complaint about a licensed business
6 RCNY § 1-03(b)	requiring a sidewalk cafe to post a sign that includes the maximum number of tables and chairs permitted for such sidewalk cafe
6 RCNY § 1-05	requiring a licensee to include such licensee's license number in advertisements and other printed and electronic matters
6 RCNY §§ 2-41 through 2-59	all sidewalk cafe rules
6 RCNY § 2-66(a)	requiring newsstands to comply with display restrictions
6 RCNY § 2-66(b)	requiring newsstands to comply with advertising restrictions
6 RCNY § 2-70.2(g)	Sale or offer of improper items in a stoop line stand
6 RCNY § 2-161(g)(1)	requiring that parking lots and garages have separate entrances and exits, with the main entrance clearly designated with illuminated signs marked "entrance" and "exit"
6 RCNY § 2-161(g)(2)(i)	requiring parking lots and garages to post a rate sign
6 RCNY § 2-161(g)(2)(iv)	requiring parking lots and garages to post a rate sign at the location for payment of charges
6 RCNY § 2-161(g)(2)(v)	requiring that parking lot and garage auxiliary signs contain equally sized letters and numbers
6 RCNY § 2-161(g)(2)(vi)	requiring that parking lots and garages post a sign stating: the business hours; the licensed capacity; and the minimum number of bicycle parking spaces
6 RCNY § 2-161(g)(2)(viii)	requiring parking lots and garages to post a rate sign about bicycle parking
6 RCNY § 2-161(g)(3)(i)	requiring that the parking garage and lot sign required by 6 RCNY § 2-161(g)(2) is illuminated, clearly visible and readable
6 RCNY § 2-161(g)(3)(ii)	requiring parking lots and garages to post a Manhattan residents sign
6 RCNY § 2-161(h)(1)	requiring the posting of a sign that the garage is at full capacity for car parking
6 RCNY § 2-161(h)(2)	requiring the posting of a sign that the garage is at full capacity for bicycle parking

6 RCNY § 2-161(u)	requiring that parking lots and garages with waivers under section 20-327.1 of subchapter 17 of Chapter 2 of Title 20 of the Administrative Code of the City of New York post a sign that bicycle parking is not required by law
6 RCNY § 2-211(h)	requiring that a sightseeing bus post a sign on the windshield and near the entrance door of such bus that designates the departure time and destination of such bus
6 RCNY § 2-253	requiring that electronic or home appliance service dealers post sign stating the service dealer identity, the cash policy, and written estimates
6 RCNY § 2-275(c)	requiring dealers of products for the disabled to post a sign summarizing provisions of the New York City Products for the Disabled Law
6 RCNY § 2-424	requiring pedicabs to follow certain restrictions on advertisements
6 RCNY § 2-425	requiring certain signage on pedicabs
6 RCNY § 3-12	requiring labeling declarations required by subchapter A of 6 RCNY Chapter 3 to be written in English
<u>6 RCNY § 3-24(c)</u>	<u>scale is not located between the buyer and seller</u>
6 RCNY § 3-24(f)(2)	requiring stores with weighing and measuring devices for customer use to post a sign informing customers that they may reweigh products using such weighing or measuring device or devices
6 RCNY § 3-60	requiring certain signage for selling prepackaged meats
6 RCNY § 4-55	requiring display of signs for out of order petroleum pumps
6 RCNY § 4-63	requiring display of signs for petroleum pumps
<u>6 RCNY § 4-131(a)(1)</u>	<u>business fails to prominently and conspicuously display price list sign, or price list sign is not displayed at point at which orders are placed or payment is made, or lettering on sign is less than 1 inch</u>
6 RCNY § 4-131(a)(4)(i)	requiring retail laundries to post a notice giving the name and contact information of the person or persons to whom complaints and claims for refunds may be made
6 RCNY § 4-131(a)(4)(ii)	requiring retail laundries to post an out-of-order sign on non-functioning machines
6 RCNY § 4-142	requiring amusement arcades and gaming cafes to post a sign describing age restrictions during certain hours of operation
6 RCNY § 5-24	requiring that a business that accepts credit cards post a list of limitations that such business puts on credit card usage at or near the entrance of the business and in all advertising indicating that credit cards are accepted
6 RCNY § 5-37	requiring the posting of refund policies
6 RCNY § 5-40(e)	prohibiting a sign stating that a business is not liable for its negligence if such a statement is invalid under law
6 RCNY § 5-66(c)	requiring that tax preparers post a sign: stating his or her name, address, telephone number and qualifications; stating that the preparer and taxpayer must sign every tax return; stating how fees are calculated; stating that the tax preparer or their agency will not represent the taxpayer in an audit, if true; and stating that the tax preparer is not licensed by the state board of public accounting or the New York state bar, or both, if true
6 RCNY § 5-70	requirements for retail service establishments

6 RCNY § 5-113	calculation and Display of Price Per Measure
6 RCNY § 5-114	requiring certain consumer commodities to be labeled
6 RCNY § 5-115	requirements for multiple pricing
6 RCNY § 5-191	sign size requirements for redemption of beverage containers
6 RCNY § 5-192	content of sign for redemption of beverage containers
6 RCNY § 5-194	substitute signs for redemption of beverage containers
6 RCNY § 5-195	requiring signage at businesses that sell beverages for off-premises consumption in beverage containers that are covered by title ten of article twenty-seven of the Environmental Conservation Law of the State of New York to be placed within a certain distance of cash registers or to be visible to consumers from any specific vantage point
6 RCNY § 5-222(b)	requiring collateral loan brokers to place signage relating to pawn tickets
6 RCNY § 5-222(d)	requiring collateral loan brokers to place certain signage with a reproduction of the pawn ticket
6 RCNY § 5-250	requiring the posting of signs by employment agencies
6 RCNY § 5-251	requiring the display of a license by an employment agency
6 RCNY § 5-265	requiring the posting of signs about tenant screening reports, pursuant to Section 20-809 of the Administrative Code of the City of New York
6 RCNY § 5-290(a)	requiring car rental businesses to comply with reservation requirements
6 RCNY § 5-290(d)	requiring car rental businesses to post a sign about certain rights
24 RCNY § 6-19	requiring posting of a letter grade on mobile food vending cart.

**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 Violation Schedule (Small Business Forward)

REFERENCE NUMBER: 2022 RG 073

RULEMAKING AGENCY: New York City 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: November 22, 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: Amendment of Violation Schedule (Small Business Forward)

REFERENCE NUMBER: DCWP-23

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) Repeals certain violations and makes other violations curable.

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

November 22, 2022
Date