

New York City Department of Consumer and Worker Protection

Notice of Adoption

Notice of Adoption of rules implementing Local Law 151 of 2023, which amended penalties for certain violations of the Department’s laws and rules.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer and Worker Protection by sections 1043, 2203(f) and 2203(h)(1) of the New York City Charter, sections 20-104 of the New York City Administrative Code, and in accordance with the requirements of section 1043 of the New York City Charter, that the Department amends Title 6 of the Rules of the City of New York. This rule was proposed and published on April 8, 2024. A public hearing was held on May 8, 2024, and no comments were received.

Statement of Basis and Purpose of Rule

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is adding rules to implement Local Law 151 of 2023 (“LL 151”).

LL 151 provides civil penalty relief for small businesses from violations issued by the Department. The law modifies certain fixed penalty amounts, and either eliminates the initial civil penalty or provides a cure period for first-time violations issued for particular business categories. LL 151 also repeals several subchapters within the Department’s Consumer Protection Law that are no longer relevant.

To implement LL 151, this rule amends the Perishable Foods Penalty Schedule and the Air Conditioning System Penalty Schedule to modify penalties as set forth in the law. The rule also updates the list of violations in the Department’s rules for which the opportunity to cure a first-time violation is available to include an additional curable violation. Finally, the rule repeals the Availability for Sale of Advertised Merchandise Penalty Schedule because the related subchapter is repealed by LL 151.

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. The table in paragraph (5) of subdivision (b) of section 6-03 of subchapter A of chapter 6 of Title 6 of the Rules of the City of New York is amended by adding the following row in the appropriate numerical order:

<u>6 RCNY § 2-433</u>	<u>requiring that car washes maintain a log documenting complaints of damage to vehicles</u>
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§2. The Perishable Foods Penalty Schedule contained in section 6-45 of subchapter B of chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third [and Subsequent] Violation	Third [and Subsequent] Default	Fourth and Subsequent Violation	Fourth and Subsequent Default
Admin. Code § 20-685	Failure to meet the requirement(s) for the sale of perishable food	[\$100] <u>\$0</u>	[\$100] <u>\$0</u>	[\$175] <u>\$131</u>	\$175	[\$225] <u>\$202</u>	\$225	<u>\$225</u>	<u>\$225</u>
6 RCNY § 4-112	Failure to meet the requirement(s) for display	[\$100] <u>\$0</u>	[\$100] <u>\$0</u>	[\$175] <u>\$131</u>	\$175	[\$225] <u>\$202</u>	\$225	<u>\$225</u>	<u>\$225</u>

6 RCNY § 4-113	Failure to meet requirement(s) for labeling of perishable foods	[\$100] <u>\$0</u>	[\$100] <u>\$0</u>	[\$175] <u>\$131</u>	\$175	[\$225] <u>\$202</u>	\$225	\$225	\$225
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§3. The Availability for Sale of Advertised Merchandise Penalty Schedule contained in section 6-51 of subchapter B of chapter 6 of Title 6 of the Rules of the City of New York is REPEALED.

§4. The Air Conditioning System Penalty Schedule contained in section 6-63 of subchapter B of chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third [and Subsequent] Violation	Third [and Subsequent] Default	Fourth and Subsequent Violation	Fourth and Subsequent Default
Admin. Code § 20-910(b)	Business keeps door or window open while using air conditioner to cool the area adjacent to the door or window	[\$250] <u>\$0</u>	[\$250] <u>\$0</u>	[\$500] <u>\$375</u>	\$500	[\$500] <u>\$450</u>	\$500	\$500	\$500
Admin. Code § 20-910(b)	Chain store keeps door or window open while using air conditioner to cool the area adjacent to the door or window	[\$500] <u>\$375</u>	\$500	[\$1,000] <u>\$900</u>	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Admin. Code § 20-910(f)	Failure to post open door or window complaint sign	\$375	\$500	\$450	\$500	\$500	\$500	\$500	\$500