

## 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 related to parking lots and garages.

**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 September 23, 2024. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial +1 646-893-7101.
  - Phone conference ID: 776 756 778#
- To participate in the public hearing via videoconference, please follow the online link:
  - <https://tinyurl.com/a2sjkbwf>
  - Meeting ID: 218 920 066 520
  - Passcode: ugB9wd

**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 rule at the public hearing must sign up to speak. You can sign up before the hearing by email at [Rulecomments@dcwp.nyc.gov](mailto:Rulecomments@dcwp.nyc.gov). You can also sign up on the phone or videoconference before the hearing begins at 11:00am on September 23, 2024. 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 September 23, 2024.

**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 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 September 16, 2024.

**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 included in DCWP’s regulatory agenda for this Fiscal Year.

**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 those requirements.

## Statement of Basis and Purpose of Proposed Rule

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend rules related to parking lots and garages.

Parking lots and garages are permitted to charge customers different rates based on their method of payment (e.g., credit card, debit card, cash). They may also change rate schedules for monthly parking as long as they provide sufficient notice to customers, post an updated rate schedule, and submit a copy of such schedule to DCWP. These proposed rules will clarify the obligations of the owner of a parking lot or garage with respect to these policies.

The proposed rules will also clarify the documentation required to establish the maximum permissible motor vehicle capacity for a parking garage and insurance requirements for parking lots and garages.

Specifically, these proposed new rules would:

- Clarify the requirements with respect to charging customers different rates based on their method of payment;
- Clarify the requirements for a change to a new rate schedule for monthly parking rates;
- Clarify that a certificate of occupancy or temporary certificate of occupancy is required for new premises or when a licensee requests an increase to the maximum vehicle capacity at previously licensed premises; and,
- Clarify the required minimum insurance coverage limits for parking lots and garages.

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.

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. Subchapter Q of Chapter 2 of Title 6 of the Rules of the City of New York is amended as follows:

### Subchapter Q: Operation of Parking Lots and Garages

#### **§ 2-161 Operation of Parking Lots and Garages.**

(a) Except within the discretion of the Commissioner, no license may be issued or renewed unless the applicant certifies, in such form and manner as determined by the Commissioner, that the premises proposed to be licensed comply with all applicable Local, State, [And] and Federal laws and regulations.

(b) (1) The determination of the maximum motor vehicle capacity of each garage and parking lot, which shall appear on the face of the license, shall be made as follows:

[(1) for previously licensed premises,] (i) by adopting the maximum vehicle capacity requested by the applicant or licensee if the requested maximum vehicle capacity does not exceed the maximum vehicle capacity as stated on the previous license document for the premises; [and] or,

[(2) for] (ii) by requiring that newly licensed premises and [for] previously licensed premises seeking an increase in maximum vehicle capacity from the previous license [document, by requiring that the applicant] submit documents to show the maximum vehicle capacity allowed by applicable local, state or federal laws and regulations, [as applicable] which may include a certificate of occupancy or temporary certificate of occupancy issued by the New York City Department of Buildings. [Both previously and newly licensed premises must certify, in such form and manner as determined by the Commissioner, that the maximum vehicle capacity being requested complies with Local, State And Federal laws and regulations, as applicable.]

(2) A licensee must notify the Department within 10 days of any change that reduces the maximum vehicle capacity legally permitted at the premises, including changes to a certificate of occupancy or temporary certificate of occupancy issued by the New York City Department of Buildings.

(c) [(1) The application for a license must state the number of applicant's employees, including the number of full time employees and the number of part time employees.

(2)] The premises of licensed parking lots and garages must be adequately attended at all times during operation.

(d) (1) The number and types of insurance policies carried by the applicant for a license, must be set forth on the face of the application and must be reasonably adequate, in the opinion of the Commissioner, to protect the public, which policies shall include coverage for legal liability resulting from operation on the licensed premises of vehicles and bicycles owned by the licensee or by third persons, for injury or damage to person or property and garage keepers liability, in the sum of not less than [\$100,000 for injury to any one person and

\$300,000 for personal injury to two or more persons and \$25,000 for damage to property] \$300,000 combined single limit per accident.

(2) In the event of cancellation of any of the insurance policies referred to in the application, the licensee must [make immediate notification to] immediately notify the Commissioner of such cancellation and of any substitutions. Such notification may be made on behalf of the licensee by its insurance company or broker.

(3) The applicant [shall] must present for review and consideration at the time of this application for a license, or renewal thereof, the original or a true copy or copies of policies of insurance, or certificates of insurance.

(e) In the event of a change of ownership of licensed garage or parking lot that does not require approval from the Commissioner pursuant to sections 20-110 and 20-111 of the Administrative Code, the licensee of record must [make prompt notification to] notify the Commissioner within 30 days of such change in ownership.

(f) (1) (i) Motor vehicles [shall] must not be stored or parked by licensees on public streets, avenues, highways, or public places except when permission is given by the customer in a written agreement which is signed by the customer.

(ii) Bicycles [shall] must not be stored or parked by licensees on public streets, avenues, highways, or public places.

(2) Every licensee [shall] must report to the Police Commissioner, in writing, the registration number, make and the name of the owner of every motor vehicle stored on a transient basis and left in a licensed garage or parking lot and remaining unclaimed for a period of more than seventy-two consecutive hours. No additional report shall be required to be made concerning any such vehicle, unless it shall have remained unclaimed for an additional thirty or more consecutive days. In such case, an additional report or reports [shall] must be made at least every thirty days after such prior report, during the period for which such vehicle [shall have] remains[ed] unclaimed. The term "transient basis" used in this subdivision (f) means storage of cars for periods not covered by contractual agreements for storage of cars by the week, month or longer periods.

(g) (1) Licensed parking lots and garages [having a] with separate entrances and exits, must have their main entrance and main exit clearly designated, with illuminated signs marked "Entrance" and "Exit."

(2) (i) Each licensee [shall] must post conspicuously at the public entrance or entrances to the garage or parking facility or, when impossible, in immediate proximity thereto, a durable sign or signs composed of black letters and numerals on white background, the upper-case (capital) letters and numerals to be three inches (3") high, the lower-case letters to be two inches (2") high; all letters "same serif," as per attached specimen "No. 1." Letters and numerals [shall] must be proportionately spaced and [shall] neither [be] contracted nor expanded so as to inhibit readability. Each classification and the applicable rate or rates thereunder [shall] must be listed on a separate line not to exceed forty inches (40") in width. Said lines [shall] must be spaced one and one-half inches (1 1/2") apart, as measured between the upper-case (capital) letters. Rates for fractional or hourly periods [shall] must be so listed as to reflect the total charge for each aggregate period up to the maximum thereof.

For Example:

Up to 1 hour: \$ . . . . .

Up to 2 hours: \$ . . . . .

Maximum: . . . . . Hours: . . . . .

or

Maximum: 6 A.M. to 7 P.M. . . . . .

as per attached specimen "No. II."

(ii) Separate signs, having reverse color schemes placed in juxtaposition to each other, [shall] must be used when DAY and NIGHT Rates differ, provided that the DAY Rate sign (black letters on white background) [shall be] is so marked that a motorist parking [his] a vehicle or a bicyclist parking [his] a bicycle when DAY Rates are in effect may, from said schedule, readily and easily determine [his] the total charges should [he] they remove [his] their vehicle or bicycle when NIGHT Rates (white letters and numerals on black background) are in effect.

For Example:

DAY RATES	NIGHT RATES
Enter 7 A.M. to 6 P.M.:	Enter 6 P.M. to 2 A.M.:
Up to 1 hour: \$	Up to 1 hour: \$
Up to 2 hours: \$	Up to 2 hours: \$
etc.	etc.,
Maximum to 6 P.M.: \$	Maximum to 2 A.M.: \$

One of the following may be used, (whichever policy the Licensee adopts) under the last line of the "DAY Rates" sign.

For Example:

Either

After 6 P.M.\$ ..... for

each additional hour or part thereof.

Maximum to 2 A.M.: \$ .....

or

After 6 P.M. – NIGHT RATES apply.

(See attached specimen "No. II")

(iii) Licensees who maintain a different Rate Schedule for certain days of the week or for special occasions such as Matinees, Ball Games, etc., shall list chronologically such rates directly under the normal rate schedule applicable to DAY or NIGHT listings, as the case may be, or on a separate adjacent sign, to permit easy and ready readability.

(iv) A replica or legible typewritten facsimile of such rate sign or signs, at least eight inches (8") by ten inches (10"), [shall] must be [so] conspicuously posted or displayed at the place designated by the Licensee for the payment of charges so that it can be readily seen by the customer. A copy thereof shall also be filed in quadruplicate with the COMMISSIONER OF [CONSUMER AFFAIRS] THE DEPARTMENT OF CONSUMER AND WORKER PROTECTION OF THE CITY OF NEW YORK simultaneously with the filing of the Licensee's rate schedule or change thereof.

(v) Auxiliary signs may be displayed, provided that all letters and numerals are equal size and conform to the style of letterings as hereinabove set forth, and further provided that such sign or signs neither mislead nor confuse or tend to mislead or confuse the public [except as otherwise expressly provided herein]. The license sign required to be displayed by § 1-03 (Chapter 1 of Title 20, Administrative Code) [shall] must be located in a conspicuous position at the place designated by the licensee for the payment of charges.

(vi) Each licensee [shall] must also post conspicuously at the public entrance or entrances to the garage or parking facility or, when impossible, in immediate proximity thereto, a separate sign or signs composed of letters and numerals of the same dimensions and specifications as hereinabove set forth, stating the name, address, license number of the Licensee, the licensed capacity of said premises, the minimum number of bicycle parking spaces in said premises, and the business hours thereof.

(vii) The Commissioner may, upon due application by a licensee, vary any of the foregoing requirements, provided such variance is not inconsistent with the aim and purpose of this subdivision (g) nor detrimental to the public welfare. The sign posted at parking facilities accessory to multiple dwellings, which provide parking services exclusively to the residential tenants of the accessory multiple dwelling, and are subject to the Rent Stabilization Law and Code in regard to the charges for such services, may contain the following information on rates: "No transients or non-residents permitted. Residential tenants only. Rates as fixed by rent laws," or wording to such effect.

(viii) Licensees required to provide space for parking bicycles [shall] must post the rate schedules for rates the licensee is authorized to charge for parking bicycles in the same manner as required for posting the rate schedule for vehicles, which may be on the same sign or separate signs. The signs for the rate schedule applicable to each type of conveyance shall be clearly marked as DAY or NIGHT RATES for VEHICLES or DAY or NIGHT RATES for BICYCLES, as appropriate.

(ix) The rates initially posted for parking bicycles on or after the effective date of Local Law Number 51 for the year 2009 by licensees required to provide space for parking bicycles by such law shall remain in effect without having been filed with the Commissioner until January 14, 2010, provided such licensee files such rates with the Commissioner prior to such date. No rate shall be in effect thereafter unless a rate change is implemented as provided by law and this subchapter.

(x) Licensees who elect to maintain different rates based on payment method, in accordance with State and local requirements, must clearly and conspicuously display at the public entrance or entrances to the garage or parking facility or, if such display is impossible, in immediate proximity thereto, the rate and any discount or incentive offered for each payment method accepted (e.g., credit card, debit card, cash).

(xi) Licensees may charge different prices to consumers for monthly parking or storage services so long as each such rate charged, and the qualifications or requirements for obtaining such rate, are clearly and conspicuously posted on a sheet of paper at least eight inches (8") by ten inches (10") at the place designated by the Licensee for the payment of charges, such that it can be readily seen by the customer. A copy of such rate sheet must be provided to each consumer who purchases monthly parking or storage services by mail, or email where agreed to by the consumer, prior to the consumer's initial purchase and at least sixty days prior to the effective date of any change in rates.

(3) (i) The sign must be sufficiently illuminated, clearly visible and readable.

Specimen No. 1    Specimen No. II

ABCDEFGHIJKLMN	DAY RATES
OPQRSTUVWXYZ	Enter 7 A.M. to 6 P.M.
abcdefghijklmn	Up to 1/2 hour.....\$ .00
1/2 0123456789	Up to 1 hour..... 0.00
1/2 0 1 2 3 4 5 6 7 8 9	Up to 2 hours..... 0.00
	Up to 3 hours..... 0.00
	Up to 4 hours..... 0.00
	After 6 P.M. .... 0.00
	for each add'l hour
	or part thereof
	Max. to 2 A.M. .... 0.00

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(or)

After 6 P.M.:

Night Rates Apply

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(ii) Each licensee whose garage or parking facility is located in Manhattan shall also post conspicuously at the public entrance or entrances to the garage or parking facility or, when impossible, in immediate proximity thereto, a separate sign, at least 12-inches by 18-inches in dimension with black letters at least 1-inch high, on a white background, stating the following:

ATTENTION MANHATTAN RESIDENTS

If you garage your car on a monthly basis or longer, you may be eligible for an exemption from the 8% parking tax surcharge.

To apply for a certificate of exemption, contact:

N.Y.C. Department of Finance  
Parking Tax Exemption Section  
25 Elm Place  
Brooklyn, NY 11201  
1-(718) 935-6144

(h) (1) In the event the maximum capacity of a licensed parking lot or garage has been reached, a sign composed of letters at least six inches in height, must be posted at the public entrance of such garage or parking lot, stating, "Capacity full."

(2) In the event that all available bicycle parking spaces are occupied, a sign composed of letters at least six inches in height, must be posted at the public entrance of such garage or parking lot, stating, "Bike Parking Capacity Filled."

(i) (1) Every applicant for a license [shall] must file with his application a schedule of rates showing the prices charged for hourly, daily, weekly, and monthly parking or storage of motor vehicles and bicycles, and all other rates charged therefor.

(2) No licensee license [shall] may make any charge for parking or storage in excess of the rates set forth in such schedule, unless and until at least sixty days prior to the effective date of such changed rates, such licensee:

(i) has filed with the Commissioner in writing, such changes in rates;

(ii) in the case of a change to any hourly, daily, or weekly parking or storage rates for motor vehicles and bicycles, has posted such changed rates on a sign which conforms with the requirements of 6 RCNY § 2-161(g)(2) and (3). In addition, the sign shall have the following heading in letters at least six inches in height:

"NEW RATE SCHEDULE  
EFFECTIVE (DATE)."

(iii) in the case of a change to any monthly parking or storage rates, has posted such changes on a sheet that conforms to the requirements of 6 RCNY § 2-161(g)(2)(xi). In addition, the rate sheet must have the following heading in letters at least 1 inch in height:

"NEW MONTHLY RATES  
EFFECTIVE (DATE)."

(3) Licensees are expected and will be required to charge for parking the price scale filed with the Commissioner and advertised by sign on the premises, except that the charges to residential tenants in multiple dwellings shall be in accordance with the Rent Stabilization Law and Code if such charges are subject thereto. Where a lesser amount is charged, except as prescribed and controlled by the Rent Stabilization Law and Code for residential tenancies in multiple dwellings, the schedule filed with the Commissioner will be deemed to have been so amended and no higher price charged except after a formal sixty [days] days' notice to the Commissioner.

(4) A licensee who has taken over the business of a previous licensee may not increase the schedule of prices until formal notice has first been filed with the Commissioner and sixty days have elapsed subsequent to such filing. Such licensee must provide notice of the rate increase to each consumer who purchases monthly parking or storage services by mail, or email where agreed to by the consumer, at least sixty days prior to the effective date of any increase in rates.

(j) No contract, agreement, lease, receipt, rule or regulation made or issued by any licensee with or to a person who parks or stores a motor vehicle or bicycle in a garage or parking lot operated by such licensee, license [shall] may exempt such licensee from liability for damage or loss caused by the negligence of such licensee or any employee of such licensee.

(k) Where a trade name is used by an applicant for a license, or a co-partnership applies for a license, a certified copy of the certificate required to be filed with the County Clerk must be filed with the application.

(l) Licensees may not reserve space for so-called regular customers unless such customer has obligated himself to pay on a weekly or monthly basis whether or not reserved space is actually used by the customer.

(m) [Licensee] A licensee is required to keep a written record of all weekly or monthly space rentals [which] and preserve such record [must be preserved] for twelve months. The original of said record, or a true copy thereof, is required to be kept at the garage or parking lot at all times when the [said] garage or parking lot is open for business.

(n) [Licensee] A licensee is not permitted to use a customer's vehicle or bicycle under any circumstances whatsoever except when indispensably necessary to the operation of the business conducted by the licensee in connection with the incidental movement of vehicles or bicycles solely for the purpose of storage.

(o) [Licensee] A licensee may not require a customer to purchase supplies or services as a condition to parking on the licensed premises.

(p) [Licensee] A licensee may not require a customer to estimate or otherwise indicate time of departure from the licensed premises as a condition to parking on the premises.

(q) All licensed parking lots and garages shall comply with all applicable zoning requirements and with all other laws, ordinances, rules and regulations affecting the conduct of the licensed business as enforced by any city agency. Any violation of such requirements, laws, ordinances, rules or regulations may result in the suspension or revocation of the offender's license or the imposition of a monetary penalty.

(r) (1) Whenever a parking charge is determined by the time for which a parking space is provided and the receipt cannot be immediately stamped or marked with the time of return upon the customer's appearance at the licensed premises, an auxiliary time clock shall be provided at each place designated by the licensee for the payment of charges.

(2) For the purpose of determining the legal parking fee, the customer shall be permitted to stamp the receipt using the auxiliary time clock and the time shown thereon shall be the one utilized in making such determination.

(3) The time on an auxiliary time clock shall, at all times, correspond to the time shown on the time clock ordinarily used by the person receiving the parking fee.

(4) Whenever an auxiliary time clock is required to be provided as set forth hereinabove, a sign [shall] must be conspicuously posted directly above or adjacent to the clock stating:

"CUSTOMER'S TIME CLOCK. THIS CLOCK MAY BE USED BY CUSTOMER TO STAMP TIME ON PARKING RECEIPT WHENEVER CASHIER CANNOT STAMP RECEIPT IMMEDIATELY UPON CUSTOMER'S ARRIVAL TO PICK UP CAR OR BICYCLE"
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Said statement shall be on a sign or placard at least 12 inches by 18 inches in dimension and shall have letters thereon not less than 1 inch high.

(s) Licensees shall take reasonable care to prevent damage to or loss of a customer's vehicle, bicycle or personal property. Licensees must also respond in writing within 30 days to all written notices of claim from consumers. A licensee's failure to meet its obligations under this subdivision(s) will subject it to an order to pay damages to the affected party.

(t) A licensee [shall be in compliance] must comply with §§ 25-80, 36-70 and 44-60 of the zoning resolution regarding bicycle parking for the purpose of exempting licensees from the requirements of subdivisions (a) through (f) of § 20-327.1 of the administrative code of the city of New York only if such licensee files with the

Department an affidavit affirming it is in full compliance with the requirements specified in such sections of the zoning resolution.

(u) A licensee who is granted a waiver from compliance with the requirements of § 20-327.1 of the administrative code of the city of New York as provided by § 20-327.1(a)(3) of such code [shall] must post a sign in letters at least four inches high adjacent to the public entrance to its parking garage or lot stating "Bike Parking Not Required by Law." Such licensee [shall] must have a copy of the waiver available on premises and [shall] must display it on request.

**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 Relating to Parking Lots and Parking Garages

**REFERENCE NUMBER:** 2023 RG 017

**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: August 14, 2024

**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 RELATING TO PARKING LOTS AND PARKING GARAGES**

**REFERENCE NUMBER: DCWP-32**

**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

August 14, 2024  
Date