

## New York City Department of Consumer and Worker Protection

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

**What are we proposing?** The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to add rules implementing the penalty schedule for Local Law 119 of 2024, which prohibits landlords and real estate agents from charging their fees to tenants where the agent is representing the landlord for the rental of a residential property.

**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 May 14, 2025. 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: 531 840 448#
- To participate in the public hearing via videoconference, please follow the online link: <https://tinyurl.com/4x5enuh9>
  - Meeting ID: 288 747 604 545
  - Passcode: Hh7gL35c

**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).
- **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 emailing [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 May 14, 2025. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit comments?** Yes. You must submit any comments to the proposed rule on or before May 14, 2025.

**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 May 7, 2025.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, all comments received by DCWP on the proposed rule will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

**What authorizes DCWP to make this rule?** Sections 1043 and 2203(f) of the New York City Charter authorize the Department of Consumer and Worker Protection to make these proposed rules.

This proposed rule was not included in the Department of Consumer and Worker Protection's regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

**Where can I find DCWP's rules?** The Department's rules are in Title 6 of the Rules of the City of New York.

**What laws govern the rulemaking process?** DCWP must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043 of the City Charter.

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

The Department of Consumer and Worker Protection ("DCWP" or "Department") is proposing to add rules implementing the penalty schedule for Local Law 119 of 2024, which prohibits landlords and real estate agents from charging their fees to tenants where the agent is representing the landlord for the rental of a residential property.

The law also prohibits landlords and agents from requiring tenants to use a particular real estate agent, prohibits the advertisement of tenant fees in residential rental listings, and requires that all fees associated with residential rentals be itemized and disclosed in writing.

Sections 1043 and 2203(f) of the New York City Charter 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.

Subchapter B of chapter 6 of Title 6 of the Rules of the City of New York is amended to add new section 6-89 to read follows:

#### **§ 6-89 Fees for Rental of Residential Property Penalty Schedule.**

All citations are to Title 20 of the Administrative Code of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

Unless otherwise specified by law, a second or third or subsequent violation means a violation by the same respondent, whether by admitting to the violation, being found in violation in a

decision, or entering into a settlement agreement for violating the same provision of law or rule, within two years of the prior violation(s).

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third Violation	Third Default	Fourth and Subsequent Violation	Fourth and Subsequent Default
Admin. Code § 20-699.21 (a)	Agent liability for unlawful imposition or collection of fee for residential rental	\$750	\$1,000	\$1,800	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Admin. Code § 20-699.21 (b)	Landlord liability for unlawful imposition or collection of fee by agent	\$750	\$1,000	\$1,800	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Admin. Code § 20-699.21 (c)	Unlawful conditioning of residential rental on engagement of an agent	\$750	\$1,000	\$1,800	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Admin. Code § 20-699.21 (d)	Unlawful fees posted in listing	\$750	\$1,000	\$1,800	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000
Admin. Code § 20-699.22 (a)	Failure to disclose in residential rental listing all fees to be paid by tenant in a clear and conspicuous manner	\$375	\$500	\$900	\$1000	\$1,000	\$1,000	\$1,000	\$1,000
Admin. Code § 20-699.22 (b)	Failure to provide tenant with itemized fee disclosure for residential rental	\$375	\$500	\$900	\$1000	\$1,000	\$1,000	\$1,000	\$1,000

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Penalties for Violation of Prohibition of Certain Fees Charged to Tenants by Landlords and Real Estate Agents

**REFERENCE NUMBER:** 2025 RG 015

**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  
Senior Counsel

Date: 4/2/25

**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: Penalties for Violation of Prohibition of Certain Fees Charged to Tenants by  
Landlords and Real Estate Agents**

**REFERENCE NUMBER: DCWP-58**

**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 is not practicable under the circumstances.

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

April 2, 2025  
Date