

**NYC Department of Consumer and Worker Protection
Regulatory Agenda for FY 2024**

I. Summary of Overall Regulatory Agenda

Pursuant to Section 1042 of the New York City Charter, the NYC Department of Consumer and Worker Protection (“DCWP”) hereby publishes its Regulatory Agenda for Fiscal Year 2024, which begins on July 1, 2023 and ends on June 30, 2024. DCWP plans to promulgate rules to amend sections in the following chapters of Title 6 of the Rules of the City of New York (“Rule” or “6 RCNY”):

- Chapter 1 – License Enforcement
- Chapter 2 – Licenses
- Chapter 5 – Unfair Trade Practices
- Chapter 6 – Administrative Hearings

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II. Rules to be Promulgated

A. Chapter 1- License Enforcement

1. Rule 1-01.1 Applications

- Subject: Proposed rule would extend the prohibition on submission of a new license application for a period of one year after an applicant has had a license revoked or denied for substantive (not administrative) reasons beyond fraudulent representations to the agency.
- Reason for amendment: DCWP receives thousands of applications each year, and having to process repeat applications is inefficient because circumstances warranting denial or revocation are unlikely to have changed.
- Anticipated content: Amendment to subdivision(c) of 6 RCNY 1-01.1.
- Objective: To conserve DCWP’s limited resources and avoid reviewing unmeritorious applications.
- Legal basis: City Charter Sections 1043 and 2203(c), Admin. Code Section 20-104(b).
- Relevant federal, state, and local laws and rules: Chapters 1 and 2 of the Admin. Code; Chapters 1 and 2 of Title 6 of the Rules of the City of New York.
- Types of individuals and entities likely to be affected: Individuals and entities that have a license application denied or revoked.
- Approximate schedule: August-October 2023.

B. Chapter 2 – Licenses

1. Subchapter G, Part 1, Newsstands

a. Rules 2-61 Definitions and 2-64 Application Procedures

- Subject: Amendments to newsstand license rules to implement changes in Local Law 128 of 2021.
- Reason for amendment: To align the rules with language in Local Law 128 of 2021 and clarify certain related newsstand license application procedures.
- Anticipated content: Amendments to current rule sections.
- Objective: To maintain accuracy and relevancy of rules and clarify application procedures for newsstand license applicants and current newsstand licensees.
- Legal basis: City Charter Sections 1043 and 2203(c), Admin. Code Section 20-104(b).
- Relevant federal, state, and local laws and rules: Sections 20-228, 20-229, and 20-232 of Title 20 of the Administrative Code of the City of New York.
- Types of individuals and entities likely to be affected: Newsstand licensees and applicants.
- Approximate schedule: May – August 2023.

2. Subchapter I, Motion Picture Projectionists

a. Rules 2-81 Written Examination Required

- Subject: This rule relies on and refers to a Code provision that has been repealed.
- Reason for amendment: To modernize DCWP's rules and maintain accuracy.
- Anticipated content: Repeal the section.
- Objective: To aid public understanding and maintain accuracy of rules.
- Legal basis: City Charter Sections 1043 and 2203(c), Admin. Code Section 20-104(b).
- Relevant federal, state, and local laws and rules: Local Law 66 of 2016, which repealed the relevant Code section that necessitated this rule.
- Types of individuals and entities likely to be affected: N/A.
- Approximate schedule: July – September 2023.

3. Subchapter Q, Operation of Parking Lots and Garages

a. Rule 2-161 Operation of Parking Lots and Garages

- Subject: Amendments to parking garage requirements related to payment method and rate schedules, maximum vehicle capacity, and insurance coverage.
- Reason for amendment: To clarify and streamline DCWP's rules.
- Anticipated content: Amendments to current rule sections.
- Objective: To aid public understanding and maintain accuracy of rules.
- Legal basis: City Charter Sections 1043 and 2203(c), Admin. Code Section 20-104(b).
- Relevant federal, state, and local laws and rules: Section 20-320 *et. seq.* of Title 20 of the Administrative Code of the City of New York.
- Types of individuals and entities likely to be affected: Parking lot and garage operators.
- Approximate schedule: May – July 2023.

4. Subchapter S, Debt Collection Agencies

a. Rules 2-193 *et seq.* Debt Collection Agencies

- Subject: General amendments to the rules governing debt collection agencies.
- Reason for amendment: In response to feedback from the industry, and in an effort to harmonize state and federal requirements, DCWP is planning to make amendments to the proposed rules governing debt collection agencies about language access services, relating to medical debt, and required disclosures.
- Anticipated content: Amendments to current rule sections: 2-193, 5-76, and 5-77.
- Objective: To clarify and supplement the existing regulations, especially in light of state and federal regulatory updates.
- Legal basis: 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.
- Relevant federal, state, and local laws and rules: Subchapter s of chapter 2 of title 6 and subchapter l of chapter 5 of the Rules of the City of New York.
- Types of individuals and entities likely to be affected: Debt collection agencies.
- Approximate schedule: June – August 2023.

5. Subchapter V, Home Improvement Business

a. Rule 2-224 Home Improvement Business Trust Fund

- Subject: In addition to the existing criteria, rule would allow DCWP to provide consumers with limited restitution from the home improvement business trust fund in circumstances where mediation is unsuccessful.
- Reason for amendment: To allow more consumers to benefit from the trust fund.
- Anticipated content: Amendment to Rule 2-224.
- Objective: To benefit consumers aggrieved by businesses.
- Legal basis: City Charter Sections 1043 and 2203(c), Admin. Code Sections 20-104(b) and 20-391.
- Relevant federal, state, and local laws and rules: Admin. Code Section 20-385 *et seq.*, 6 RCNY Section 2-220 *et seq.*
- Types of individuals and entities likely to be affected: Consumers owed restitution by home improvement businesses.
- Approximate schedule: July-September 2023

C. Chapter 5 – Unfair Trade Practices

1. Rule 5-14 Certifications (new section)

- Subject: New rule clarifying that it is an unfair trade practice to describe goods or services as “certified” or “certified pre-owned” unless such goods or services meet certain requirements.
- Reason for amendment: To provide notice to businesses that this emerging practice is deceptive and to allow the agency to enforce against it.
- Anticipated content: New rule setting forth requirements for describing goods or services as “certified” or “certified pre-owned.”
- Objective: To protect consumers from unfair trade practices.
- Legal basis: City Charter Sections 1043 and 2203(c), Admin. Code Section and 20-702.
- Relevant federal, state, and local laws and rules: Admin. Code Section 20-700 *et seq.*
- Types of individuals and entities likely to be affected: Businesses that describe goods or services as “certified” or “certified pre-owned” and consumers.
- Approximate schedule: July-September 2023

D. Chapter 6 – Administrative Hearings

1. Rule 6-19 Dealers in Second-Hand Articles Penalty Schedule

- Subject: To implement Local Law 123 of 2022 by amending the Dealers in Secondhand Articles Penalty Schedule to add a new charge related to the purchase of second-hand catalytic converters.
- Reason for amendment: To add penalties for violations.
- Anticipated content: Rule will add violation penalty amounts.

- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter Sections 1043 and 2203(f).
- Relevant federal, state, and local laws and rules: Admin. Code Section 20-268.7.
- Types of individuals and entities likely to be affected: Dealers in Second-Hand Articles.
- Approximate schedule: April-June 2023.

2. Rule 6-36 Towing Vehicles Penalty Schedule

- Subject: The existing penalty schedule does not list tow related violations in Title 19 of the Admin. Code.
- Reason for amendment: To add penalties for violations enforced by DCWP.
- Anticipated content: Rule will be amended to include missing violation penalty amounts.
- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter Sections 1043 and 2203(f), and sections 19-169(b) and 19-169.1(m) of the New York City Administrative Code.
- Relevant federal, state, and local laws and rules: Sections 19-169 and 19-169.1, of the New York City Administrative Code.
- Types of individuals and entities likely to be affected: Businesses that tow vehicles.
- Approximate schedule: July-August 2023.

3. Rule 6-37 Booting of Motor Vehicles Penalty Schedule

- Subject: The existing penalty schedule does not list booting related violations in Title 19 of the Admin. Code.
- Reason for amendment: To add penalties for violations enforced by DCWP.
- Anticipated content: Rule will be amended to include missing violation penalty amounts.
- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter Sections 1043 and 2203(f), and section 19-169.2(k) of the New York City Administrative Code..
- Relevant federal, state, and local laws and rules: Admin. Code Section 19-169.2.
- Types of individuals and entities likely to be affected: Businesses that boot motor vehicles.
- Approximate schedule: July-August 2023.

4. Rule 6-85 Breach Notification Penalty Schedule (new section)

- Subject: Local Law 151 of 2021 created a requirement for DCWP licensees to promptly notify DCWP of certain security breaches. This rule will create a penalty schedule related to violations of that law.
- Reason for amendment: To add penalties for violations.
- Anticipated content: Rule will add violation penalty amounts.
- Objective: Update content to help support public understanding and compliance.
- Legal basis: City Charter Sections 1043 and 2203(f), and section 20-119 of the New York City Administrative Code..
- Relevant federal, state, and local laws and rules: Admin. Code Sections 20-117 and 20-119.
- Types of individuals and entities likely to be affected: Certain businesses that are regulated by DCWP.
- Approximate schedule: April-June 2023.