Testimony of Commissioner Samuel A.A. Levine
New York City Department of Consumer and Worker Protection

Before the Committee on Consumer and Worker Protection
Hearing on Introductions 285, 286, 417, 685, 837, 847

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Introduction

Good morning, Chair Epstein, and members of the Committee on Consumer and Worker Protection. My name is Samuel Levine, and I am the Commissioner of the Department of Consumer and Worker Protection (DCWP). I am joined by our Chief of Staff, Carlos Ortiz, and Associate General Counsel, Andrew Schwenk. Thank you for the opportunity to testify before the committee today on these bills.

Protecting New Yorkers

The NYC Department of Consumer and Worker Protection (DCWP) is the nation's leading municipal enforcement agency charged with delivering economic justice. DCWP leverages its authority to bring New Yorkers real economic relief and protect them from predatory, deceptive, and unfair practices that violate their rights as consumers and workers. This includes pioneering cutting-edge protections, such as the City's Consumer Protection Law, Protected Time Off Law, Fair Workweek Law, and Delivery Worker Laws, including the Minimum Pay Rate for delivery workers. Through licensing more than 45,000 businesses in over 45 industries, DCWP ensures fair competition and a level playing field for responsible small businesses that are integral to New York City's vibrant communities. DCWP also provides essential services such as free tax preparation and financial counseling to ensure New Yorkers keep more of what they earn and can plan for their futures. DCWP is committed to making sure New York City is a fairer, more affordable place to live.

Championing Consumers and Workers

I am incredibly proud of this agency's work on the affordability agenda over the last four months, and our fight for New Yorkers has only just begun. We have taken on major corporations to recover millions of dollars for consumers and workers targeted by junk fees, stolen wages, and exorbitant price hikes. Mayor Mamdani has signed executive orders tasking DCWP to tackle subscription tricks and traps and junk fees under the City's Consumer Protection Law. Since then, our team has been hard at work, and this past month we introduced a proposed rule, the Click to Cancel rule, to strengthen New Yorkers' consumer rights, ensuring they can easily cancel automatic renewals and continuous service offers. We have also filed legal actions against companies like Extra Space and Radiant Solar for their deceptive and illegal schemes that drove up costs for consumers, as well as against Instant Recovery Corp, a Bronx-based tow truck operator, for charging illegal fees, and using unlawful tactics to exploit New Yorkers. Overall, since the start of the Mamdani Administration, we have secured more than $9.3 million for New Yorkers, delivering real economic relief and justice to consumers, workers and small businesses across the city.

Earlier this year, our strengthened Protected Time Off law went into effect for 4.3 million employees in New York City, requiring an additional 32 hours of unpaid time off and expanding the reasons for which an employee can use time off, including childcare, workplace violence, public benefits hearings, and more. We implemented a package of laws that expanded protections to more delivery workers, including minimum pay requirements that will ensure grocery delivery workers for companies like Instacart receive a dignified pay rate and close the loophole that allowed apps to pay far less than the minimum wage. We also celebrated the passage of much-needed deactivation protections, which will prevent arbitrary and unfair deactivations of contracted delivery workers and high-volume for-hire vehicle drivers, as well as the Aland Etienne Safety and Security Act, which will provide security guards that keep us safe every day with better pay and benefit standards. This is just the beginning; we will continue to lead the nation in implementing cutting-edge worker protection laws that strengthen workplace rights and improve labor standards for workers.

While we are thrilled about what we have done, we are also excited for the future of DCWP. As we continue our mission of delivering economic justice, we recognize that New York City is still facing a severe affordability crisis, largely driven by corporate greed, and predatory practices from unscrupulous businesses. Our strategy of robust and aggressive enforcement is one of the necessary steps to bring real accountability to the worst actors.

Introduction 285

Turning to today's legislation, Introduction 285 would amend the responsibilities of the Office of the Utility Advocate to include additional public training, education, and more, in light of rising costs from NYS-approved rate increases, more extreme weather conditions, and potential reductions in federal funding for energy assistance. DCWP defers to the Mayor's Office of Climate and Environmental Justice.

Introduction 286

Introduction 286 would require DCWP to develop and conduct ongoing outreach and education to raise awareness of deceptive and unconscionable trade practices involving cryptocurrency and other digital assets. Generally, we have serious concerns about the hazards of cryptocurrency. We support the intent of this legislation. We understand the rise of scams in the digital space has been detrimental to many New Yorkers. However, we do not have the policy expertise to advise on cryptocurrency or digital assets, or to develop a meaningful outreach campaign. Furthermore, the NYS Department of Financial Services (DFS) already actively regulates the digital assets industry and is therefore in a better position to address these concerns.[1]

Introduction 417

Introduction 417 would require those who are required to post construction permits to post information, developed by DCWP, on how workers can file a wage theft complaint, as well as other information on worker rights related to wage theft under state law. We support this legislation. However, there are already a number of wage-related posting requirements for this industry. Rather than creating a redundant notice that may lead to confusion for workers, we recommend the bill instead require the display of our Workers' Bill of Rights poster. This would increase workers' awareness of core workplace rights under local, state, and federal law.

Introduction 685

Introduction 685 would establish an Office of Insurance Accountability within DCWP. The office would provide information on types of insurance and issue generalized guidance for consumers, track legal actions alleging unfair practices by insurance companies that harm consumers, and alert the public to relevant findings. It would also conduct an annual study and issue reports on the cost of insurance, provide recommendations relating to stabilizing insurance costs, and create a unit to assist consumers in resolving insurance-related issues. We share the Council's concerns regarding the complicated universe surrounding insurance products and understand the need for increased transparency within the industry, particularly in light of the affordability crisis our city faces. However, many insurance products are heavily regulated by the New York State Department of Financial Services. We are concerned that the bill's requirements could

[1] https://www.dfs.ny.gov/consumers/fraud_cyber_protection

be duplicative of efforts by New York State. Additionally, the bill would require DCWP to accept and triage consumer complaints and issues related to insurance, without being the regulatory authority for the industry. This could cause confusion and frustration for consumers who are experiencing major issues with their insurance and lead them away from the state agency that actually possess the authority to take real action against these companies' predatory behaviors. Insurance prices are a serious issue that New Yorkers are encountering. For that reason, we look forward to working with the Council through the legislative process to successfully achieve the bill's intent, especially that consumers are able to receive the help they need for their insurance issues. We look forward to working with Council on finding solutions to the affordability crisis that so many New Yorkers are facing.

Introduction 837

Introduction 837 would direct DCWP, in consultation with CCHR, MOIA and Aging, to establish and implement an ongoing outreach and education program for New York City residents about scams related to Hajj. DCWP supports the intent of the legislation. We are not presently aware of specific scams surrounding the topic of Hajj, but we recognize that this issue may be impacting many of our city's Muslim residents. We would like to hear from affected stakeholders to understand the scope of the problem and how issues like this are handled in other municipalities.

Introduction 847

Introduction 847 would require DCWP to establish and implement an outreach and education program to create awareness of common scams targeting and impacting tourists. This bill would also require DCWP to develop and distribute educational materials specifically targeted to tourists during the 2026 World Cup. DCWP supports the intent of the legislation. Our consumer protection laws extend to the millions who visit New York City each year. We understand the importance of tourism to the city and welcome Council's eagerness to ensure tourists are protected from common scams in New York City. We would like to hear more from stakeholders on how to best educate those that visit our city in an efficient manner.

Conclusion

Thank you for the opportunity to testify before your committee on today's legislation. We look forward to working with all of you to further our efforts to protect all New Yorkers in this new era of economic justice. I welcome any questions you may have for further discussion.