

# Small Business Forward

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**NYC**

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## Introduction

On January 4, 2022, Mayor Eric Adams signed Executive Order 2 “Small Business Forward” to reform existing business regulations and ensure local businesses face fewer needless fines and penalties. The Executive Order was a clear and emphatic signal that the City will be fundamentally overhauling how we engage with small business, ensuring a more seamless and supportive interaction on every front. The Executive Order built upon Local Law 80, City Council legislation from 2021 to reform business violations and penalties, and it called on the Department of Buildings (DOB), Department of Environmental Protection (DEP), Department of Sanitation (DSNY), Fire Department (FDNY), Department of Consumer and Worker Protection (DCWP), and the Department of Health and Mental Hygiene (DOHMH) to review business regulations with the goal of reducing fine schedules and allowing for cure periods or warnings for first-time violations without compromising health and safety.

Small Business Forward required the six regulatory agencies to evaluate the 25 provisions of law or rules that are most heavily enforced through the issuance of notices of violations, with a focus on violations that are most frequently issued to small businesses. For each provision, the agencies were required to determine whether:

- The provision served an important public purpose or should be repealed
- The civil penalties associated with the provision are appropriate or should be reduced
- The provision should include a cure period or warning for first-time offenses

In addition, Small Business Forward required agencies to do a review of their enforcement systems, including inspector training, administration, and the process for tracking warnings and cure periods. In accordance with Small Business Forward, all required agencies submitted their first round of recommendations by March 31, 2022.

Concurrently, feedback on violations and the City’s enforcement practices was solicited from nearly 1,000 small business owners through an online survey. Other stakeholders provided feedback through virtual listening sessions including meetings hosted by the Chambers of Commerce, NYC Business Improvement District (BID) Association and its regulatory working group, Community Development Financial Institutions, the New York Laundromat Business Association, the Korean American Nail Salon Association of New York, the New York Japanese Restaurant Association, the National Supermarket Association, and the New York City Hospitality Alliance.

An Inter-Agency Working Group chaired by the Deputy Mayor for Economic and Workforce Development, the Chief Efficiency Officer, and the Commissioner of the Department of Small Business Services (SBS) was established to assess the recommendations submitted by the

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<sup>1</sup> Local Law number 80 for the year 2021 reduced regulatory burdens and compliance costs by repealing certain requirements enforced by DCWP, and by reducing the amounts of civil penalties for violations of certain provisions of law, eliminating civil penalties for certain first-time violations, and providing an opportunity to cure certain first-time violations of various provisions enforced by DSNY, DOHMH, the Department of Transportation (DOT), DCWP, DEP, and DOB

regulatory agencies. The working group pushed agencies to zero-in on violations that directly impact small business and to submit additional violations for elimination and fine reductions. The following report summarizes the final list of proposed reforms and the plan to implement the reforms set forth by each agency.

## Review of Top 25 Violations

In total, 232 violations issued in 2019 were evaluated by the six participating agencies (see table below). Reforms were recommended for 118 violations, including the repeal of 30 provisions and the reduction of civil penalties associated with 49. In addition, the agencies recommended that 39 provisions be amended to include a first-time warning or cure period or to extend an existing cure period. Once implemented, the estimated associated savings to New York City small businesses is approximately \$8.9 million annually.

Agency	Total Reviewed	Total Issued	Standard Penalty for 1st Violation	Total Proposed Reforms	Fine Reduction	Cure/ FirstTime Warning	Eliminate	Projected Savings
<b>DCWP</b>	44	21,417	\$18-\$2000	24	8	7	9	\$953,227
<b>DOB</b>	32	11,479	\$400-\$2500	26	6	15	5	\$1,509,531
<b>DEP</b>	37	22,900	\$220-\$4800	22	4	15	3	\$4,831,290
<b>DSNY</b>	44	41,130	\$50-\$250	26	21	-	5	\$441,300
<b>DOHMH</b>	35	190,560	\$100-\$1000	14	9	-	5	\$671,255
<b>FDNY</b>	38	5,261	\$500-\$900	4	1	-	3	\$476,555
	<b>232*</b>	<b>287,486</b>		<b>118*</b>	<b>49</b>	<b>37</b>	<b>30</b>	<b>\$8,883,158</b>

\*Includes 2 violations from Department of Transportation

## Timeline for Implementing Reforms

The implementation of the recommendations in most cases will require an amendment to the NYC Administrative Code or The Rules of the City of New York. In some cases, the reforms can be achieved through agency policy reforms. The Administrative Code of New York is determined by the NYC City Council and Mayor, and requires new legislation proposed by one or more Council members and ratified by both the Council and the Mayor. The required time to accomplish a change to the Administrative Code varies but can often be 5-6 months. The public has an opportunity to give input via public hearing and individual meetings with Councilmembers. The Administration looks forward to working with Speaker Adams and the City Council on changes to the Administrative Code that will provide small business relief.

The Rules of the City New York are determined by the Mayor and set at his direction by City Agencies. Rules are drafted by Agencies in partnership with the City Law Department and the Mayor's Office of Operations. The process to create or change a Rule takes a minimum of 60 days and includes a period for public comment. The projected timeline for implementing the reforms is December 31, 2022.

<b>Change Required to Implement Reform</b>	<b>Number of Reforms</b>	<b>Estimated Completion Date</b>
Internal Policy Change	13	June 30, 2022
Proposed Amendment to the NYC Administrative Code	25	December 31, 2022
Amendment to the Rules of The City of New York	78	December 31, 2022
Amendment to New York State Law	5	May 1, 2023

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2 <https://www1.nyc.gov/site/law/public-resources/laws-of-the-city-of-new-york.page>

3 <https://rules.cityofnewyork.us/understand-the-rule-making-process>



## Enforcement System Review

As required by Small Business Forward, a review of enforcement systems including inspector training, administration, and the process for tracking warnings and cure periods was completed by the agencies. All six agencies reported having formal and robust training programs which inspectors are required to complete as part of their initial onboarding. DCWP, FDNY and DOHMH training programs also include an on-the-job training component for new inspectors requiring them to shadow senior inspectors for several weeks as part of their initial training. All agencies hold refresher trainings at least quarterly on specific topics and in response to new or amended rules or regulations.

Improved technology has enhanced the enforcement processes at all agencies. Inspectors are equipped with hand-held devices for inspections (iPads, mobile applications, etc.) that facilitate the process and provide a greater level of consistency. The systems allow for the tracking of inspection outcomes including warnings and cures.

Despite these improvements, small businesses frequently report being poorly treated by inspectors, a lack of transparency in the inspection process, and difficulty communicating with agencies and accessing city systems. Additional work is needed to identify the core reasons for the high level of dissatisfaction among small businesses with respect to their interactions with agencies.

## Previous Efforts to Reform Small Businesses Violations and Fines

In recent years, repeated efforts have been made to “cut red tape” for small businesses, asking agencies to reform their business violations and fines.

In 2013, at the behest of the City Council, the Bloomberg Administration introduced first-time warnings for 83 violations from DSNY, DEP, and DCWP (formerly the Department of Consumer Affairs). Sixty-one of these reforms were related to “misplaced or inaccurate postings” at Consumer Affairs. According to estimates at the time, the full battery of reforms amounted to an anticipated \$3.8 million in savings for small businesses.

In 2019, the de Blasio Administration launched the “Fix It, Don’t Fine It” program. As part of this effort, 75 violations were identified at DOB, DEP, the Department of Transportation (DOT), DSNY, and DCWP where fines would be eliminated for first-time violations or allowed cure periods. Total anticipated savings for small businesses was estimated at \$6 million. This reform effort was stalled, in part, by the pandemic, but many of these violations were ultimately amended as part of City Council’s Local Law 80 in 2021.

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4 Bloomberg administration scales back some unpopular fines - POLITICO

5 Fix It, Don’t Fine It: City Expands Relief for Small Businesses | City of New York (nyc.gov)

As detailed above, Mayor Adams' EO2 Small Business Forward has built upon and surpassed both of these previous Administration efforts. The six participating agencies have identified 118 violations requiring reform. This includes not only cure periods and first-time warnings, but also a recommendation to eliminate of 30 violations and reduce penalties for 49 others. The total anticipated savings for small businesses equals approximately \$8.9 million, more than double the Bloomberg Administration's efforts and over 50% more than was estimated for the last Administration's "Fix It, Don't Fine It" reform proposals.

## **NYC Business Portal Expansion and Inter-Agency Working Group to Streamline Business Openings and Processes**

The reforms implemented through Small Business Forward are an important first step in improving the regulatory environment for small business in New York City. Building on this foundation, the Inter-Agency Working Group will shift its focus to lay the groundwork for the development of a robust one-stop-shop Business Portal (the "Portal"), which will allow businesses to execute and track all interactions with the City in real time.

Starting in June 2022, the Inter-Agency Working Group will do an in-depth review of the processes for small business intake, permitting, licensing, violations, and payment to ensure the processes are maximized for efficiency in advance of conversion to the Portal.

Through the Portal, small businesses will have seamless and sequenced access, and be guided across multiple agencies. The Portal will also enable businesses to track their transactions with the City (including filings, permits, and inspections) to allow greater accessibility and transparency, enable more predictability of processing times, and facilitate compliance with City rules and regulations. This in turn will allow businesses to better manage the time required for start-up, renovations, re-licensing, and other activities so that they can refocus on their core business and not waste precious hours engaging with the City.

## Department of Consumer and Worker Protection (DCWP)

The Department of Consumer and Worker Protection evaluated 44 provisions. Reforms are recommended for 24 provisions including the repeal of nine provisions. In addition, they will amend 15 provisions to include a first-time warning or cure period.

Agency	Violation Code ID	Section of Law/Rule	Violation description	Recommendation for Change	Action Required for Reform
DCWP	n/a	1 NYCRR ° 221.4	Declaration of responsibility on product packaging	Recommend reduce first time penalty from \$300 to \$0	Amendment to NY State Law
DCWP	n/a	1 NYCRR ° 221.5(c)	Labels do not clearly state the net quantity of items in containers	Recommend reduce first time penalty from \$300 to \$0	Amendment to NY State Law
DCWP	n/a	6 RCNY ° 2-134(a)(1)	Business fails to prominently and conspicuously display price list sign, or price list sign is not displayed at point at which orders are placed or payment is made, or lettering on sign is less than 1 inch	Recommend making eligible for cure. New citation is 6 RCNY ° 4-131(a)(1).	Amendment to the Rules of The City of New York
DCWP	n/a	NYC Admin Code ° 20-822(a)	Sale of expired meds: business offered for sale over-the counter medication later than expiration date on the label.	Recommend reduce first time penalty from \$250 to \$0	Amendment to the NYC Administrative Code
DCWP	n/a	6 RCNY ° 4-112(b)	No last day of sale or last date of recommended usage on packaging	Recommend reduce first time penalty from \$100 to \$0	Amendment to the Rules of The City of New York
DCWP	n/a	1 NYCRR ° 221.13(b)(18)	Deli items do not have prices displayed	Recommend making eligible for cure	Amendment to NY State Law
DCWP	n/a	NY Agri & Mkts ° 190(5)	Store does not have a scale for customers	Recommend making eligible for cure	Amendment to NY State Law



DCWP	n/a	1 NYCRR ° 221.13(b)(19)	Fails to post sign stating identity of commodity sold in bulk and price per pound or unit price	Recommend making eligible for cure	Amendment to NY State Law
DCWP	n/a	NYC Admin Code § 20-910(f)	Fails to post open door or window complaint sign	Recommend making eligible for cure	Amendment to the NYC Administrative Code
DCWP	n/a	6 RCNY § 2-70.2(F)	Use the stoop line stand to wash, trim bunch or prepare	Recommend reduce first time penalty from \$175 to \$0	Amendment to the Rules of The City of New York
DCWP	n/a	NYC Admin Code § 20-910(b)	Exterior door or window open while an air conditioner/central cooling system was operating	Recommend reduce first time penalty from \$250 to \$0	Amendment to the NYC Administrative Code
DCWP	n/a	6 RCNY § 2-70.2(E)	Licensee accepts payment outside for merchandise sold or displayed at such stoop line stand	Recommend reduce first time penalty from \$175 to \$0	Amendment to the Rules of The City of New York
DCWP	n/a	6 RCNY § 3-24(c)	Scale is not located between the buyer and seller	Recommend making eligible for cure	Amendment to the Rules of The City of New York
DCWP	n/a	NYC Admin Code § 20-740(b)	Receipt does not include the year-round phone number and/or address of tax preparer.	Recommend reduce first time penalty from \$375 to \$0	Amendment to the NYC Administrative Code
DCWP	n/a	NYC Admin Code § 20-544	Car Wash failed to maintain accident records	Recommend making eligible for cure	Amendment to the NYC Administrative Code
DCWP	n/a	NYC Admin Code § 20-727	Business failed to post raincheck policy.	Recommend repeal	Amendment to the NYC Administrative Code
DCWP	n/a	NYC Admin Code § 20-744	3rd party sold travel tickets with excessive fees	Recommend repeal	Amendment to the NYC Administrative Code

DCWP	n/a	NYC Admin Code § 20-756	Invoice for delayed payment transaction failed to include required disclosures	Recommend repeal	Amendment to the NYC Administrative Code
DCWP	n/a	NYC Admin Code § 20-757	Invoice for delayed payment transaction included unsolicited offer.	Recommend repeal	Amendment to the NYC Administrative Code
DCWP	n/a	NYC Admin Code § 20-760	Failure to check ID when offering a tobacco product promotion	Recommend repeal	Amendment to the NYC Administrative Code
DCWP	n/a	NYC Admin Code § 20-801	Child care provider failed to post required disclosure	Recommend repeal	Amendment to the NYC Administrative Code
DCWP	n/a	NYC Admin Code § 20-802	Child care provider failed to provide inspection report with information materials	Recommend repeal	Amendment to the NYC Administrative Code
DCWP	n/a	6 RCNY § 2-260	Picture tubes sold or offered for sale without proper label (these are older televisions with a cathode ray tube or CRT)	Recommend repeal	Amendment to the Rules of The City of New York
DCWP	n/a	6 RCNY § 5-69	Vendor offering blood pressure reading services failed to post disclosure sign	Recommend repeal	Amendment to the Rules of The City of New York

## Department of Buildings (DOB)

The Department of Buildings evaluated 32 provisions. Reforms are recommended for 26 provisions including the repeal of five provisions and the reduction of civil penalties associated with seven. In addition, they will amend 14 provisions to either include a first-time warning or cure period or extend an existing cure period.

Agency	Violation Code ID	Section of Law/Rule	Violation Description	Recommendation for Change	Action Required for Reform
DOB	101	28-105.1	Work without a permit. (Class 1)	If issued to small business, waive additional \$6k civil penalty that must be paid directly to DOB.	Amendment to the NYC Administrative Code & Rules of The City of New York
DOB	201	28-105.1	Work without a permit. (Class 2)	If issued to small business, waive additional \$6k civil penalty that must be paid directly to DOB.	Amendment to the NYC Administrative Code & Rules of The City of New York
DOB	203	28-118.3.2	Occupancy contrary to that allowed by the Certificate of Occupancy or Buildings Department records. (Class 2)	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	301	28-105.1	Work without a permit. (Class 3)	Reduce standard penalty from \$500 to \$250	Amendment to the NYC Administrative Code & Rules of The City of New York
DOB	232	28-301.1	Failure to maintain building in code-compliant manner: illumination for exits, exit discharges and public corridors per BC 1006.1; 27-381.	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York

DOB	226	28-301.1	Failure to maintain building in code-compliant manner: Use of prohibited door and/or hardware per BC 1008.1.8; 27-371(j).	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	265	28-303.7	Failure to file a complete boiler inspection report.	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	303	28-118.3.2	Occupancy contrary to that allowed by the Certificate of Occupancy or Buildings Department records (Class 3)	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	220	28-105.11	Failure to post or properly post permit for work at premises.	Reduce standard penalty from \$625 to \$300	Amendment to the Rules of The City of New York
DOB	222	28-117.1	Operation of a Place of Assembly without a current Certificate of Operation.	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	274	28-105.1	Outdoor sign on display structure without a permit.	Introduce 60-day cure period	Amendment to the Rules of The City of New York
DOB	281	ZR-Misc.	Misc. sign violation under the Zoning Resolution.	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	219	27-528, BC 1024.1.3 (2008 code) & BC 1028.1.3 (2014 code)	Approved Place of Assembly plans not available for inspection.	Elimination of Violation Type	Amendment to the Rules of The City of New York
DOB	225	28-105.12.2	Place of Assembly contrary to approved construction documents.	Elimination of Violation Type	Amendment to the Rules of The City of New York

DOB	278	28-301.1	Failure to maintain sign in accordance w Tit.27; Tit.28; ZR; RCNY.	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	310	27-3018(b)	Failure to conspicuously post electrical work permit while work is in progress.	Elimination of Violation Type	Amendment to the Rules of The City of New York
DOB	2A1	28-105.12.1	Outdoor sign permit application contrary to Code and ZR requirements.	Introduce 60-day cure period	Amendment to the Rules of The City of New York
DOB	276	ZR 32-64	Sign(s) in specified C District exceed(s) surface area restrictions.	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	277	ZR 32-652	Sign in specified C District extends beyond street line limitation.	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	275	ZR 32-653	Prohibited sign on awning, canopy, or marquee in C District.	Extend existing cure period from 40 to 60 days	Amendment to the Rules of The City of New York
DOB	2E5	EC 314.25	Failure to provide cover/faceplate/lampholder/luminaire canopy for electrical outlet.	Elimination of Violation Type	Amendment to the Rules of The City of New York
DOB	2D2	EC 110.25	Electrical closet not dedicated to electrical distribution equipment only.	Elimination of Violation Type	Amendment to the Rules of The City of New York
DOB	309	27-3018(B)	Electrical work without a permit	Reduce standard penalty from \$400 to \$200	Amendment to the Rules of The City of New York

DOB	224	28-118.3	Change in occupancy/use of C of O as per §28-118.3.1 - §28-118.3.2 by operating a Place of Assembly as per when current C of O does not allow such occupancy.	Reduce standard penalty from \$500 to \$250.	Amendment to the Rules of The City of New York
DOB	2E8	EC 410.30	Luminaries & Lampholders not installed in an approved manner	Reduce standard penalty from \$500 to \$250	Amendment to the Rules of The City of New York
DOB			Failure to File an Annual Boiler Report	Implement First-Time Waiver	Amendment to the Rules of The City of New York



## Department of Environmental Protection (DEP)

The Department of Environmental Protection 37 provisions. Reforms are recommended for 22 provisions including the repeal of three provisions and the reduction of civil penalties associated with four. In addition, they will amend 15 provisions to include a first-time warning or cure period.

Agency	Violation Code ID	Section of Law/Rule	Violation Description	Recommendation for Change	Action Required for Reform
DEP	AW52	20-04e	Failed to file annual test report for backflow device	Proposed Change: Expand compliance period for small businesses to 60 days and conduct targeted outreach to small businesses about their backflow device requirements.	Amendment to the Rules of The City of New York
DEP	BAH7	24-109a3	Unregistered boiler or water heater	Proposed Change. DEP will amend policy so that we send three emails to owners within 6 months of expiration date before they are eligible to receive a violation. For unregistered equipment which is cancelled after 1 year of failure to renew, DEP policy will be to give two weeks to get equipment registered.	Internal Policy Change
DEP	AW55	20-05b2	Failed to return water meter permit	Proposed change: grant extensions on a case-by-case basis.	Internal Policy Change

DEP	AW51	20-04d	Failed to install backflow device	Proposed Change: Expand compliance period for small businesses to 60 days and conduct targeted outreach to small businesses about their backflow device requirements.	Amendment to the Rules of The City of New York
DEP	AW54	20-05b1	Water meter repair/removal without permit	Proposed Change: Create a Small Business Palm Card that inspectors can hand out when visiting a small business for any inspectorial reason. If the customer presents an invoice showing who performed the illegal work, we will pursue enforcement towards the plumber of record.	Internal Policy Change

DEP	BX2F	1-42a	Utilized improperly located air samplers (Asbestos)	Proposed Change: Inspectors will give verbal warnings. This requirement is essential in determining where asbestos is being released into the ambient spaces. Improperly placed samplers will not provide a true indication of asbestos release into those spaces. On average, at least 5 sampling pumps will be running at the same time.	Internal Policy Change
DEP	BX51	1-102d	Failed to bag detached asbestos directly	Proposed Change: Inspectors will give warnings for small amounts present in the work area if it can be cleaned up immediately and doesn't pose a current health and safety issue. This is a health and Safety issue as the presence of too much asbestos in the work area will cause an increase in the potential of workers to be exposed and possible release into the environment.	Internal Policy Change

DEP	BN17	24-220c	Failed to have Noise Mitigation Plan available	Proposed Change: DEP inspectors will use their discretion to have the violating issue remedied on site before issuing a violation. In addition, DEP can issue a 5-Day Cure Period to resolve a potential noise violation related to construction projects.	Internal Policy Change
DEP	AW63	20-05p	Inadequate protection of water meter/remote receptacle/AMR	Proposed Change: Conduct outreach to all customers reminding them of the importance of protecting a meter from cold weather or freezing conditions. DEP will grant limited extensions if the small business owns the property and circumstances are reasonable.	Internal Policy Change
DEP	AQ01	24-706	Failed to file Facility Inventory Form (RTK)	Proposed Change: Conduct enhanced outreach to facilities before issuing violations. DEP will grant the facility a 30-day compliance period and advise the facility that we can provide assistance with the filing process.	Internal Policy Change

DEP	AP84	24-524	Failed to comply with Commissioner's Order (Sewer) - failed to maintain grease interceptor(s)	Proposed Change: DEP to issue a warning and require establishments to clean grease interceptor asap and submit proof within 7 days.	Internal Policy Change
DEP	AP84	24-524	Failed to comply with Commissioner's Order (Sewer) - undersized grease interceptor(s)	Proposed Change: increase the time to cure the violation from 30 days to 60 days (business must install the proper sized grease interceptor)	Internal Policy Change
DEP	AP84	24-524	Failed to comply with Commissioner's Order (Sewer) – grease interceptor installed backwards or not functioning properly	Proposed Change: increase the time to cure the violation from 15 days to 30 days (business must rectify the problem with their grease interceptor)	Internal Policy Change
DEP	AP84	24-524	Failed to comply with Commissioner's Order (Sewer) - no access to grease interceptor	Proposed Change: increase the number of days to provide access to the grease interceptor from 3 to 7 days	Internal Policy Change
DEP	AP84	24-524	Failed to comply with Commissioner's Order (Sewer) - post a permanent sign above the sink	Proposed Change: increase the number of days a business has to post a permanent sign above the sink and to submit a notarized statement indicating its purpose from 7 to 30 days.	Internal Policy Change

DEP		24-218.1	Use of a mobile telephone in a place of public performance	Eliminate (difficult to enforce)	Amendment to the NYC Administrative Code
DEP		24-233(a)	Unreasonable noise - personal audio device	Eliminate (difficult to enforce)	Amendment to the NYC Administrative Code
DEP		24-237(c)	Operation of a steam whistle attached to a stationary boiler	Eliminate (violation rarely/ never observed)	Amendment to the NYC Administrative Code
DEP		24-706	Failed to file a facility inventory update	Reduce penalty	Amendment to the NYC Administrative Code
DEP		24-706(b)	Failed to submit a Material Safety Data Sheet	Reduce penalty	Amendment to the NYC Administrative Code
DEP		24-706(c)	Failed to make copy of FIF or MSDS available at facility	Reduce penalty	Amendment to the NYC Administrative Code
DEP		24-718	Failed to properly file risk management plan	Reduce penalty	Amendment to the NYC Administrative Code



## Department Of Health and Mental Hygiene (DOHMH)

The Department of Mental Health and Hygiene evaluated 35 provisions. Reforms are recommended for 14 provisions including the repeal of five provisions and the reduction of civil penalties associated with nine.

Agency	Section of Law/Rule	Violation Description	Recommendation for Change	Action Required for Reform
DOHMH	NYCHC81.09(a)	Cold food that requires time/temperature control for safety not held at 41°F or below.	Recommend reducing maximum penalty: \$600 to \$500.	Amendment to the Rules of The City of New York
DOHMH	NYCHC81.09(a)	Hot food that requires time/temperature control for safety not held at or above 140 °F.	Recommend reducing maximum penalty: \$600 to \$500	Amendment to the Rules of The City of New York
DOHMH	NYCHC81.09(e)	Food that requires time/temperature control for safety not cooled by approved method.	Recommend reducing maximum penalty: \$600 to \$500	Amendment to the Rules of The City of New York
DOHMH	NYCHC81.07(a)	Food: adulterated/contaminated.	Recommend reducing maximum penalty: \$600 to \$500	Amendment to the Rules of The City of New York

DOHMH	Ad Code 17-199.11(b)	Prohibited drink listed on children's meal menu (beverage other than water, milk, fruit/vegetable juice)	Reduce fine: \$100 to \$50	Amendment to the NYC Administrative Code
DOHMH	Ad Code 17-1507(a)	Failure to conspicuously post healthy eating information sign	Reduce fine: \$500 to \$200	Amendment to the NYC Administrative Code
DOHMH	24 RCNY 32-03	"Dining with Dogs" sign not posted at or near entrance	Reduce fine: \$250 to \$200	Amendment to the Rules of The City of New York
DOHMH	Ad Code 17-1903	Offering force-fed product on the menu	Reduce fine: \$500 to \$400	Amendment to the NYC Administrative Code
DOHMH	24 RCNY 7	No certificate of completion of small animal care and handling course	Reduce fine: \$500 to \$400	Amendment to the Rules of The City of New York
DOHMH	Ad Code 17-172(a); 24 RCNY 23	Failure to post the "choking" poster	Eliminate (DOHMH will provide poster at no charge to businesses)	Amendment to the NYC Administrative Code
DOHMH	24 RCNY 32-03	"Dining with Dogs" sign incomplete	Eliminate (limit signage violations)	Amendment to the Rules of The City of New York
DOHMH	Ad Code 17-1702(a)(2)(c)	Dogs and/or cats from prohibited sources, three or more distinct finally determined non-compliant items citations, other than no access violations, as indicated on the most recent USDA inspection report	Eliminate (new method in effect)	Amendment to the NYC Administrative Code

DOHMH	Ad Code 17-1702(a)(2)(e)	Dogs and/or cats from prohibited sources, USDA Breeder with finally determined USDA Order to Cease and Desist issued by an Administrative Law Judge in the last five years	Eliminate (new method in effect)	Amendment to the NYC Administrative Code
DOHMH	Ad Code 17-1702(a)(2)(f)	Dogs and/or cats from prohibited sources, USDA Class A breeder with finally determined USDA Order to pay civil penalty issued by an Administrative Law Judge in the last five years	Eliminate (new method in effect)	Amendment to the NYC Administrative Code

## Fire Department of New York City (FDNY)

The Fire Department of the City of New York evaluated 38 provisions. Reforms are recommended for 4 provisions including the repeal of three provisions and the reduction of civil penalties associated with one.

Agency	Violation Code ID	Section of Law/Rule	Violation description	Recommendation for Change	Action Required for Reform
FDNY	BF02	3 RCNY 109-02	VC2 Combustible Waste Containers (failure to provide a required container for combustible waste and/or store combustible waste in a required container)	Eliminate	Amendment to the Rules of The City of New York

FDNY	BF18	3 RCNY 109-02	VC18 Certificates of Approval, Certificates of License and Company Certificates (failure to obtain and/or produce a certificate of approval, certificate of license or company certificate)	Eliminate	Amendment to the Rules of The City of New York
FDNY	BF29	3 RCNY 109-02	VC29 Designated handling and use rooms or areas (failure to provide a required room or area for handling and/or use of materials, operations or other activity regulated by the Fire Code)	Eliminate	Amendment to the Rules of The City of New York
FDNY	BF19	3 RCNY 109-02	VC19 Affidavits, design and installation documents and other documentation (failure to prepare, produce, file with the Department and/or submit for Department approval affidavits, applications, certifications, design and installation documents and/or other required documentation)	Reduce first violation penalty from \$600 to \$575	Amendment to the Rules of The City of New York

## Department of Sanitation (DSNY)

The Department of Sanitation evaluated 44 provisions. Reforms are recommended for 26 provisions including the repeal of five provisions and the reduction of civil penalties associated with 21.

Agency	Violation Code ID	Section of Law/Rule	Violation Description	Recommendation for Change	Action Required for Reform
DSNY	ASW4	16RCNY1-11(D)(2)	Failure to post signage in organics collection areas 1st offense	Reduce first violation from \$250 to \$0	Amendment to the Rules of The City of New York
DSNY	ARI4	16RCNY1-10(E)(2)(II)	Failure to post signage (single stream) 1st offense	Reduce first violation from \$100 to \$0	Amendment to the Rules of The City of New York
DSNY	ASV4	16RCNY1-11(D)(1)	Failure to post private carter sticker (organics) 1st offense	Reduce first violation from \$250 to \$0	Amendment to the Rules of The City of New York
DSNY	ARG4	16RCNY1-10(E)(4)	Unlabeled recycling container (owner lessee) (single stream) 1st offense	Reduce first violation from \$100 to \$0	Amendment to the Rules of The City of New York
DSNY	ARI1	16RCNY1-10(E)(2)(II)	Failure to post signage (source separation) 1st offense	Reduce first violation from \$100 to \$0	Amendment to the Rules of The City of New York
DSNY	ARG1	16RCNY1-10(E)(4)	Unlabeled recycling container (owner lessee) (source separation) 1st offense	Reduce first violation from \$100 to \$0	Amendment to the Rules of The City of New York
DSNY	ASX4	16RCNY1-11(B)(1)	Fail to recycle organics (food service establishment chain 100 or more) 1st offense	Reduce first violation from \$250 to \$0	Amendment to the Rules of The City of New York

DSNY	ASV7	16RCNY1-11(D)(1)	Failure to post sticker indicating self transporter organics 1st offence	Eliminate/ Repeal	Amendment to the Rules of The City of New York
DSNY	ASW1	16RCNY1-11(D)(1)	Failure to post sticker indicating on site processor organics 1st offence	Eliminate/ Repeal	Amendment to the Rules of The City of New York
DSNY	ASGM	16-401 (c) (2)	Charge for/ask why single-use non compostable plastic straw is required	Eliminate/Repeal (enforcement very difficult)	Amendment to the NYC Administrative Code
DSNY	ASGS	16-401(d)	Provide compostable straws to be used outside of the food establishment	Eliminate/Repeal (enforcement very difficult)	Amendment to the NYC Administrative Code
DSNY	ASGY	16-401(d)	Fail to maintain required bins for disposal of compostable straws	Eliminate/Repeal (enforcement very difficult)	Amendment to the NYC Administrative Code
DSNY	ASR4	16RCNY1-11(B)(1) - Ad Code	Failure to recycle organics (stadium)	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	ASR7	16RCNY1-11(B)(1) - Ad Code	Failure to recycle organics (hotel)	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	ASS1	16RCNY1-11(B)(1) - Ad Code	Failure to recycle organics (food manufacture 25,000 square feet)	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York



DSNY	ASS4	16RCNY1-11(B)(1) - Ad Code	Failure to recycle organics (food wholesaler 20,000 square feet)	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	ASS7	16RCNY1-11(B)(2) - Ad Code	Failure to supply written agreement to DSNY within 5 business days	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	AST1	16RCNY1-11(B)(3)(I) - Ad Code	Fail supply weight measurement records to DSNY w in5 business days	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	AST4	16RCNY1-11(B)(3)(II) - Ad Code	Existence of public nuisance conditions	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	AST7	16RCNY1-11(B)(3)(IV) - Ad Code	Fail notify DSNY regarding onsite organic waste processing equipment	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	ASU1	16RCNY1-11(C)(1) - Ad Code	Organics containers not labelled	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	ASU4	16RCNY1-11(C)(2) - Ad Code	Organics mixed with non-organic materials	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York

DSNY	ASU7	16RCNY1-11(C)(3)(IV) - Ad Code	Organics placed out for collection in container without latching device	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	ASV1	16RCNY1-11(C)(3)(I) - Ad Code	Organics in storage area placed in a container w o latching device	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	ASX1	16RCNY1-11(B)(1) - Ad Code	Fail to recycle organics (fse at least 15,000 sq ft) 1st offense	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York
DSNY	ASX7	16RCNY1-11(B)(1) - Ad Code	Fail to recycle organics retail food store at least 25000 sq ft	Reduce first violation from \$250 to \$0	Amendment to the NYC Administrative Code & Rules of The City of New York

## Regulations Not Appropriate for Reform

The following regulations were reviewed as part of the E02 process, and it was recommended that no further changes be made to them at this time. In many cases, agencies believed that such changes would create risk to public health, safety, or consumer protections. In other cases, action had previously been taken to reduce fines or provide a cure period, rendering further action unwarranted at this time.

Agency	Violation Code ID	Section of Law/Rule	Violation description
DCWP	n/a	6 RCNY ° 5-37	Refund policy does not state under what conditions a refund will be given*
DCWP	n/a	NYC Admin Code ° 20-708	Business displayed for sale items without displaying the prices*
DCWP	n/a	NYC Admin Code ° 17-706(a)	Sold cigarettes to a person under 21 years of age
DCWP	n/a	NY Pub Health ° 1399-CC(2)	Selling e-cigarettes to a person under 21 years of age
DCWP	n/a	NYC Admin Code ° 20-202(a)(1)	Business engages in unlicensed tobacco retail activity.
DCWP	n/a	6 RCNY ° 2-134(a)(4)(i)	Business fails to post complaint and refund sign prominently and conspicuously*
DCWP	n/a	6 RCNY ° 5-41	Business engaged in deceptive trade practice by collecting sales tax on a non-taxable good or service.*
DCWP	n/a	6 RCNY ° 2-70.2(A)	Business maintains box, barrel, or other obstruction outside of stoop line stand enclosure*
DCWP	n/a	6 RCNY ° 5-70(a)	Business does not display a price list*
DCWP	n/a	NYC Admin Code ° 20-708.1(b)	5 or more stock keeping items within following stock keeping units fail to conspicuously and clearly display item prices stamped, tagged, or affixed to items.*
DCWP	n/a	NYC Admin Code ° 17-704(a)	Sold or offered for sale cigarettes removed from packaging that bears a health warning
DCWP	n/a	NYC Admin Code ° 17-715(a)	Sold, offered for sale, or possessed with intent to sell flavored tobacco product
DCWP	n/a	NY Pub Health ° 1399-GG(1)	Sold or offered for sale a cigarette removed from packaging that bears a health warning
DCWP	n/a	NYC Admin Code ° 17-176.1(d)(1)	Sold pack of cigarettes for less than the price floor
DCWP	n/a	6 RCNY ° 1-03(a)	DCA license or complaint sign is not posted.*

DCWP	n/a	NYC Admin Code ° 20-561(a)(1)	Business engages in unlicensed electronic cigarette retail dealer activity
DCWP	n/a	6 RCNY ° 5-32(c )	Receipt did not include required information*
DCWP	n/a	NYC Admin Code ° 17-706(a-1)	Sold e-cigarettes to a person under 21 years of age
DCWP	n/a	24 RCNY ° 13-03(b)	Selling or offering for sale a cigar or package of cigars for less than the cigar price floor of \$8.00 for the first cigar, plus \$1.75 for each additional cigar, excluding otp and sales tax
DOB	103	28-118.3.2	Occupancy contrary to that allowed by the Certificate of Occupancy or Buildings Department records.
DOB	127	27-369, BC 1020.2 (2008 code), & BC 1023.2 (2014 code)	Failure to provide unobstructed exit passageway.
DOB	126	28-301.1	Failure to maintain building in code-compliant manner: Use of prohibited door and/or hardware per BC 1008.1.8; 27-371(j).
DOB	122	28-117.1	Operation of a Place of Assembly without a current Certificate of Operation.
DOB	132	28-301.1	Failure to maintain building in code-compliant manner: illumination for exits, exit discharges and public corridors per BC 1006.1; 27-381.
DOB	125	28-105.12.2	Place of Assembly contrary to approved construction documents.
DEP	BA51	24-163	Vehicle idling over 3 minutes (1 minute adj to school)
DEP	BX1W	1-38b	Certified asbestos investigator failed to maintain records
DEP	BN14	24-220a	Failed to adopt Noise Mitigation Plan for construction
DEP	BX18	1-38b	Certified asbestos investigator failed to inspect properly
DEP	BA06	24-109g	Operated emission source with expired registration
DEP	BN20	24-222	Construction activity prohibited day/time (Noise)
DEP	BX22	1-51c	Allowed person inside workplace without proper PPE (Asbestos)
DEP	BN10/BN11	24-218	Unreasonable noise
DEP	BN29	24-227	Excessive noise from circulation device*

DEP	BX5Z	1-102b	Failed to sufficiently wet down asbestos-containing material
DEP	BX9Z	1-81u	Failed to maintain exit signs in work area (asbestos)
DEP	BX0L	1-107c	Failed to maintain blanket of foam/liquid during removal (asbestos)
DEP	BX0R	1-107i	Failed to properly seal openings /ensure adequate air supply (Asbestos)
DEP	BX0S	1-107j	Failed to plasticize fixed objects as specified (Asbestos)
DOHMH		NYCHC 151.02 (a) & 151.02 (b)	Failure to eliminate rodent infestation shown by active rodent signs: one or more live rodents, or rodent droppings, burrows, runways, tracks, rub marks or gnaw marks; in interior or exterior of premises. Failure to eliminate conditions conducive to rodent infestation of premises. Failure to eliminate conditions conducive to pests, e.g., uncovered garbage cans or containers, garbage spillage, uncontained garbage*
DOHMH		NYCHC81.23(a)	Harborage or conditions conducive to pests with pests, signs of pests
DOHMH		NYCHC81.17(e)(1)	Flooring: unacceptable material used, not maintained or not clean*
DOHMH		NYCHC81.27(b)	Food contact surface not washed, rinsed and sanitized when required
DOHMH		NYCHC81.23(a)	Mice or evidence of mice
DOHMH		NYCHC81.17(e)(3)	Non-food contact surface (equipment, fixtures, decorative material, fans, etc.) not clean or not in working order*.
DOHMH		NYCHC81.23(a)	Filth or food/refuse/sewage associated flies, other nuisance pests
DOHMH		NYCHC81.17(e)(2)	Non-food contact surfaces (wall, ceiling): unacceptable materials used, not maintained or not clean*
DOHMH		NYCHC81.07(a)	Food not protected from contamination
DOHMH		NYCHC81.20(b)	Improper disposal of sewage or liquid waste*
DOHMH		NYCHC81.20(b)	Condensate from equipment not properly disposed of. Conduit not properly installed or maintained*
DOHMH		NYCHC81.23(a)	Live roaches

DOHMH		NYCHC81.07(i)	Supplies or equipment under or near source of contamination
DOHMH		NYCHC81.15(a)	Food Protection Certificate (FPC) not held by manager or supervisor of food operations*
DOHMH		NYCHC81.17(d)(1)	Food contact surface improperly constructed or maintained; not easily cleanable*
DOHMH		NYCHC81.07(h)	Food dispensing utensil not properly stored between use
DOHMH		NYCHC81.13(b)	Effective hair restraint not worn*
DOHMH		NYCHC81.27(c)	Wiping cloth improperly stored and/or sanitized*
DOHMH		NYCHC81.05(a)	No current valid permit, registration, other authorization to operate establishment
DOHMH		NYCHC81.07(d)	Food not properly protected when stored
DOHMH		NYCHC81.09(f)	Thawing procedure improper
FDNY	BF20	3 RCNY 109-02	VC 20 Failed to conduct required test or inspection - Sprinkler/standpipe
FDNY	BF20	3 RCNY 109-02	VC 20 Failed to conduct required test or inspection – Rangehood
FDNY	BF20	3 RCNY 109-02	VC20 Failed to conduct required test or inspection – public assembly
FDNY	BF5	3 RCNY 109-02	VC 5 Failed to produce permit and/or record - Sprinkler/ standpipe
FDNY	BF5	3 RCNY 109-02	VC 5 Failed to produce permit and/or record - District Office
FDNY	BF5	3 RCNY 109-02	VC 5 Failed to produce permit and/or record - High Rise Unit
FDNY	BF5	3 RCNY 109-02	VC 5 Failed to produce permit and/or record – Shelter Task Force
FDNY	BF5	3 RCNY 109-02	VC 5 Failed to produce permit and/or record – Public Assembly
FDNY	BF5	3 RCNY 109-02	VC 5 Failed to produce permit and/or record – Rangehood
FDNY	BF12	3 RCNY 109-02	VC 12 Failed to prevent unnecessary/unwarranted alarms - 1035 Desk
FDNY	BF12	3 RCNY 109-02	VC 12 Failed to prevent unnecessary/unwarranted alarms - Sprinkler/standpipe
FDNY	BF12	3 RCNY 109-02	VC 12 Failed to prevent unnecessary/unwarranted alarms - Rangehood



FDNY	BF12	3 RCNY 109-02	VC 12 Failed to prevent unnecessary/ unwarranted alarms - Shelter task force
FDNY	BF17	3 RCNY 109-02	VC 17 Failed to obtain certificate of fitness – district office
FDNY	BF17	3 RCNY 109-02	VC 17 Failed to obtain certificate of fitness – Sprinkler/standpipe
FDNY	BF17	3 RCNY 109-02	VC 17 Failed to obtain certificate of fitness – Public assembly
FDNY	BF17	3 RCNY 109-02	VC 17 Failed to obtain certificate of fitness – Public buildings
FDNY	BF17	3 RCNY 109-02	VC 17 Failed to obtain certificate of fitness – High rise
FDNY	BF17	3 RCNY 109-02	VC 17 Failed to obtain certificate of fitness – Shelter task force
FDNY	BF6	3 RCNY 109-02	VC6 Failed to provide sign/posting/ instructions - Sprinkler/ standpipe
FDNY	BF6	3 RCNY 109-02	VC6 Failed to provide sign/posting/ instructions – high rise
FDNY	BF6	3 RCNY 109-02	VC6 Failed to provide sign/posting/ instructions – Shelter task force
FDNY	BF6	3 RCNY 109-02	VC6 Failed to provide sign/posting/ instructions - Rangehood
FDNY	BF6	3 RCNY 109-02	VC6 Failed to provide sign/posting/ instructions – district office
FDNY	BF6	3 RCNY 109-02	VC6 Failed to provide sign/posting/ instructions – public assembly
FDNY	BF11	3 RCNY 109-02	VC11 Failed to provide general maintenance – Rangehood
FDNY	BF11	3 RCNY 109-02	VC11 Failed to provide general maintenance – Sprinkler/standpipe
FDNY	BF11	3 RCNY 109-02	VC11 Failed to provide general maintenance – Field units
FDNY	BF11	3 RCNY 109-02	VC11 Failed to provide general maintenance – rangehood
FDNY	BF11	3 RCNY 109-02	VC11 Failed to provide general maintenance – District office
FDNY	BF3	3 RCNY 109-02	VC3 Sell/store/use/ manufacture/ transport material without Fire Department permit – district office
FDNY	BF1	3 RCNY 109-02	VC1 Failed to provide portable fire extinguishers and fire hoses – Rangehood

FDNY	BF1	3 RCNY 109-02	VCI Failed to provide portable fire extinguishers and fire hoses – District office
FDNY	BF1	3 RCNY 109-02	VCI Failed to provide portable fire extinguishers and fire hoses – Sprinkler/standpipe
DSNY	AS26	A.C.16-118(2)(A)	Failure to clean 18 inches into street
DSNY	AS06	A.C.16-118(2)(A)	Dirty sidewalk*
DSNY	AS6M	16-118(2)(A)	Dirty area*
DSNY	AS18	A.C.16-120(C)	Storage of receptacles 1st occurrence*
DSNY	AS19	16-120(D)	Loose rubbish 1st occurrence*
DSNY	AS07	A.C.16-118(2)(A)	Sidewalk obstruction*
DSNY	ASP1	A.C.16-120(A)	Uncovered receptacles 1st occurrence*
DSNY	ASP7	A.C.16-120(A)	Improper receptacles 1st occurrence*
DSNY	AS30	10.119.	Illegal posting of handbill/notice*
DSNY	AS02	16-116(B)	Posting of sign/permit
DSNY	AS21	A.C.16-123	Snow, ice, dirt on sidewalks
DSNY	AS09	A.C.16-118(4)	Spillage from a receptacle 1st offense
DSNY	AS24	A.C.16-122(C)	Disabled vehicle
DSNY	AS23	A.C.16-122(B)	Street obstruction
DSNY	AS3F	16-118(4)	Spillage from a motor vehicle 1st offense
DSNY	AS16	A.C.16-120(A)	Improper disposal 1st occurrence*
DSNY	ASZ7	A.C.16-120(A)	Broken receptacles 1st occurrence*
DSNY	ARD1	16RCNY1-10(C)(1)	Commingling of designated recyclables with solid waste (single stream) 1st offense

\* These violations are either already curable or were recently reformed as part of LL80



**NYC**