

New York City Department of Consumer and Worker Protection

Notice of Adoption

Notice of Adoption to amend rules to implement new legislation regarding electric space heaters.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer and Worker Protection by Sections 1043 and 2203(f) of the New York City Charter and Section 20-104(b) of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Title 6 of the Rules of the City of New York.

This rule was proposed and published on September 26, 2022. A public hearing was held on October 26, 2022.

Statement of Basis and Purpose of Rule

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is adding rules to implement Local Law 64 of 2022. This rule adds a penalty schedule for violations related to the sale of certain electric space heaters. The rule also clarifies section numbers in chapter 6 of Title 6 of the Rules of the City of New York

Local Law 64 of 2022 prohibits the sale of electric space heaters unless they are equipped with thermostats and an automatic function that disables the space heater if it overheats or tips over, and requires that they be approved for use by a nationally recognized testing laboratory. Moreover, the thermostat, automatic function, and testing label must all be disclosed on the packaging of every electric space heater.

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.

Section 1. Sections 6-80, 6-81, 6-82, and 6-83 of subchapter c of chapter 6 of title 6 of the Rules of the City of New York are renumbered as 6-1000, 6-1001, 6-1002, and 6-1003, respectively.

Section 2. Section 6-80, Open Captioning at Motion Picture Theaters Penalty Schedule, of subchapter b of chapter 6 of title 6 of the Rules of the City of New York is renumbered as Section 6-83.

Section 3. Subchapter B of chapter 6 of title 6 of the Rules of the City of New York is amended by adding a new section 6-84, to read as follows:

§ 6-84 Electric Space Heater Penalty Schedule.

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules 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 and subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty 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).

Each failure to comply with respect to any one stock keeping unit gives rise to a separate violation of subdivision a of section 20-699.11 of the Administrative Code.

| Citation | Violation Description | First Violation | First Default | Second Violation | Second Default | Third Violation | Third Default | Forth and Subsequent Violation | Forth and Subsequent Default |
|-------------------------|---|-----------------|---------------|------------------|----------------|-----------------|---------------|--------------------------------|------------------------------|
| Admin. Code § 20-699.11 | Distributing, selling, or offering for sale a non-compliant electric space heater | \$0 | \$0 | \$750 | \$1,000 | \$900 | \$1000 | \$1000 | \$1,000 |