

DEPARTMENT OF CONSUMER AFFAIRS

Julie Menin, Commissioner



WHAT WE DO

The Department of Consumer Affairs (DCA) empowers consumers and businesses to ensure a fair and vibrant marketplace. DCA licenses and regulates nearly 80,000 businesses in 55 different industries, and enforces the Consumer Protection Law and other related business laws in New York City. The agency educates the public and businesses through outreach and partnerships with stakeholders throughout the City.

DCA performs onsite inspections of businesses to ensure compliance with license regulations, weights and measures regulations, and the NYC Consumer Protection Law, and also implements and enforces the new Paid Sick Leave Law by educating employers and employees about the rules and investigating complaints. In enforcing its laws, the agency provides mediation and restitution for consumer complaints.

DCA's Office of Financial Empowerment (OFE) assists New Yorkers with low incomes to build assets and make the most of their financial resources by providing free financial counseling at nearly 30 Financial Empowerment Centers, providing access to mainstream banking, and encouraging the use of free tax preparation services and tax credit utilization.

FOCUS ON EQUITY

DCA's commitment to a fair and equitable marketplace begins with consumer advocacy, business education and transparency. In an effort to create a more sensible regulatory environment for New York's small businesses, DCA exceeded the Mayor's goal of reducing fine revenue by \$5 million in Fiscal 2015 through its implementation of nearly two-dozen reforms to ease onerous fines on businesses. DCA now allows businesses to choose which language inspections are conducted in and has introduced internal mapping technology so enforcement efforts are distributed equitably throughout the City. The agency continues to educate New York City employers and employees about the Paid Sick Leave Law through extensive outreach and has been resolving complaints — through settlement when possible and through enforcement when needed — to ensure that New York City employees get time off to care for themselves and their families. Through OFE, DCA has expanded its efforts to promote economic opportunity and help reduce inequality by educating consumers about budgeting, debt reduction, safe banking options and free tax preparation.

OUR SERVICES AND GOALS

SERVICE 1 Protect and advocate for consumers.

- Goal 1a Mediate consumer complaints with businesses to achieve fair and timely outcomes.
- Goal 1b Ensure all businesses comply with NYC's Consumer Protection Law and related laws.
- Goal 1c Adjudicate violations in a timely manner and ensure compliance with penalties.

SERVICE 2 Assist and educate businesses and promote a fair marketplace.

- Goal 2a Ensure that business licensing is easy.
- Goal 2b Educate businesses to help them understand their responsibilities toward consumers and their employees.

SERVICE 3 Educate and empower New Yorkers with low incomes.

- Goal 3a Help residents with low incomes achieve financial stability.

SERVICE 4 Protect and advocate for workers under the Paid Sick Leave Law.

- Goal 4a Resolve complaints in a timely manner to ensure employers' compliance with the Paid Sick Leave Law.

HOW WE PERFORMED

- The number of complaints docketed for mediation remained stable compared to last year. The Department continued a policy implemented in December 2014 to keep cases open longer to pursue additional mediation and achieve better outcomes, which contributed to a 45 percent increase in restitution secured for consumers via mediation from \$390,000 to \$570,000. As a result of these additional efforts, the median complaint processing time exceeded DCA's 28 day target at 36 days, and 30 percent of complaints were resolved within 20 days compared to a revised target of 35 percent. While restitution secured via mediation is up, total restitution awarded is down nine percent while the proposed tribunal consolidation with the Office of Administrative Trials and Hearings is being finalized.
- DCA's small business relief package, an initiative implemented in July 2014 to reduce the number and cost of violations, continues to create a more balanced regulatory environment for the City's businesses. For example, compared to the first four months of Fiscal 2014, the baseline period, the number of violations issued decreased by 49 percent from 8,403 to 4,291. At the same time, the agency has engaged in rigorous enforcement of the newly enacted Sensible Tobacco Law (STL) regulations, which has led to a more than 100 percent increase in related violations compared to last year. Specifically, during the reporting period DCA issued over 700 violations related to STL enforcement, which included more than 600 charges for selling tobacco products at prices that are either beneath the price floor or less than posted prices, more than 200 flavored tobacco charges, and 170 charges for selling tobacco products to youth ages 18 to 20. DCA has supplemented its enforcement efforts with robust direct outreach to businesses across the five boroughs to help them understand how to comply with a variety of laws, including licensing laws, the consumer protection law, as well as the Paid Sick Leave and commuter benefits laws. DCA's multilingual team conducted 54 such outreach events throughout the City during the first four months of Fiscal 2016.
- DCA's Licensing Center served more than 34,000 customers in the first four months of Fiscal 2016, a nearly 15 percent increase from a year ago. Despite the increase, average customer wait times in the Center remained low at 8 minutes, beating DCA's target of 15 minutes. Likewise, DCA processed basic license applications in only 2 days on average compared to a target of 4 days.
- The Department closed almost 200 Paid Sick Leave complaint cases in the first four months of Fiscal 2016, securing more than \$590,000 in restitution for almost 8,000 employees and over \$315,000 in fines resulting from complaints. Overall, complaints were resolved in 85 days, including complaints that required a comprehensive investigation. Complaints resolved through an expedited settlement process averaged only 33 days to resolve.

SERVICE 1 Protect and advocate for consumers.

Goal 1a Mediate consumer complaints with businesses to achieve fair and timely outcomes.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Total docketed complaints	3,907	3,853	3,702	*	*	1,239	1,237
Resolved consumer complaints	3,800	3,873	3,495	*	*	1,134	1,371
Complaints processed - Within 0-20 days (%)	50%	52%	36%	35%	35%	45%	30%
- Within 21-50 days (%)	50%	47%	48%	50%	50%	54%	44%
- Within 51-90 days (%)	0%	1%	16%	10%	10%	1%	26%
★ Median complaint processing time (days)	21	20	27	28	28	22	36
Restitution awarded (\$000)	\$7,223	\$3,588	\$6,189	\$4,500	\$4,500	\$1,608	\$1,464
★ Mediated complaints resolved to the satisfaction of the business and consumer (%)	62%	62%	62%	62%	62%	61%	63%

★ Critical Indicator "NA" - means Not Available in this report * No Target ↕ shows desired direction

Goal 1b

Ensure all businesses comply with NYC's Consumer Protection Law and related laws.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Total inspections	74,029	73,035	65,506	*	*	20,951	24,057
Total violations issued	23,326	19,888	11,923	*	*	3,397	4,291
★Licensing Law compliance rate (%)	93%	93%	95%	93%	93%	95%	96%
Consumer Protection Law - refund and receipt compliance rate (%)	80%	81%	91%	80%	80%	91%	89%
Weights and Measures Law compliance rate - gasoline pumps (%)	97%	99%	99%	98%	98%	99%	99%
Weights and Measures Law compliance rate - fuel trucks (%)	80%	78%	70%	72%	72%	74%	68%
★ Inspected stores complying with tobacco regulations (%)	91%	92%	92%	90%	90%	93%	96%

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Goal 1c

Adjudicate violations in a timely manner and ensure compliance with penalties.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
★Decisions issued in 30 days or less (%)	94%	95%	89%	90%	90%	97%	77%
Total settlements (\$000)	\$9,270	\$9,395	\$7,542	*	*	\$2,007	\$2,045
★ Number of fines collected within 45 days of assessment (%)	84%	81%	82%	80%	80%	82%	83%

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SERVICE 2 Assist and educate businesses and promote a fair marketplace.

Goal 2a

Ensure that business licensing is easy.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
★Basic license application - Average processing time (days)	2	3	2	4	4	3	2
License applications received online (%)	27%	19%	20%	*	*	18%	19%
★Licensing Center wait time (minutes)	11	16	13	15	15	7	8

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Goal 2b

Educate businesses to help them understand their responsibilities toward consumers and their employees.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Businesses educated through direct outreach	11,217	34,865	22,659	*	*	NA	NA

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SERVICE 3 Educate and empower New Yorkers with low incomes.

Goal 3a Help residents with low incomes achieve financial stability.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Financial Empowerment Center clients - Percent achieving measurable success (%)	37.0%	39.0%	45.0%	*	*	NA	NA
- Total debt reduced (\$000) (cumulative)	\$14,497	\$23,893	\$33,088	*	*	\$27,578	\$36,490
- Total savings accumulated (\$) (cumulative)	\$1,995,846	\$2,987,936	\$3,596,836	*	*	\$3,192,908	\$4,024,073
Tax returns filed through citywide Tax Credit Campaign	NA	96,611	153,365	*	*	NA	NA

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SERVICE 4 Protect and advocate for workers under the Paid Sick Leave Law.

Goal 4a Resolve complaints in a timely manner to ensure employers' compliance with the Paid Sick Leave Law.

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Paid Sick Leave (PSL) complaints received	NA	NA	583	*	*	257	116
PSL complaints closed	NA	NA	369	*	*	29	197
Average time to resolve all PSL complaints (calendar days)	NA	NA	33	*	*	27	85
- Average time to resolve through settlement (calendar days)	NA	NA	42	*	*	27	33
Employees receiving restitution	NA	NA	97	*	*	2	7,939
Total amount of employee restitution (\$)	NA	NA	\$54,961	*	*	\$803	\$590,556
Total amount of PSL fines (\$)	NA	NA	\$50,050	*	*	\$0	\$315,377

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AGENCY CUSTOMER SERVICE

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Response to 311 Service Requests (SRs)							
Average customer in-person wait time (minutes)	12	16	13	17	17	NA	NA
Completed customer requests for interpretation	1,611	2,536	3,377	*	*	NA	NA
CORE customer experience rating (0-100)	86	94	95	83	83	NA	NA

Performance Indicators	Actual			Target		4-Month Actual	
	FY13	FY14	FY15	FY16	FY17	FY15	FY16
Response to 311 Service Requests (SRs)							
Percent meeting time to first action - Consumer Complaint - Exchange/Refund/Return (4 days)	97%	70%	83%	85%	85%	83%	85%
Percent meeting time to first action - Consumer Complaint - False Advertising (4 days)	97%	69%	84%	85%	85%	87%	81%
Percent meeting time to first action - Consumer Complaint - Non-Delivery Goods/Services (4 days)	96%	71%	82%	85%	85%	84%	81%
Percent meeting time to first action - Consumer Complaint - Overcharge (4 days)	96%	71%	82%	85%	85%	86%	82%
Percent meeting time to first action - DCA / DOHMH New License Application Request - General Street Vendor License (7 days)	92%	92%	65%	85%	85%	95%	59%

"NA" - means Not Available in this report * No Target

AGENCY RESOURCES

Resource Indicators	Actual			Sept. 2015 MMR Plan	Updated Plan	Plan	4-Month Actual	
	FY13	FY14	FY15	FY16	FY16 ¹	FY17 ¹	FY15	FY16
Expenditures (\$000,000) ²	\$27.3	\$32.5	\$37.4	\$41.3	\$41.0	\$40.8	\$12.2	\$12.9
Revenues (\$000,000)	\$37.1	\$38.5	\$32.9	\$28.0	\$28.0	\$27.3	\$8.1	\$8.1
Personnel	331	384	367	435	440	439	385	364
Overtime paid (\$000)	\$724	\$866	\$197	\$158	\$201	\$179	\$78	\$35
¹ January 2016 Financial Plan ² Expenditures include all funds "NA" - Not Available in this report								

NOTEWORTHY CHANGES, ADDITIONS OR DELETIONS

- DCA updated its targets for the percent of complaints processed within 0-20 days and within 51-90 days to reflect its policy to invest more time in negotiations between consumers and businesses. The 0-20 day target was revised downwards from 40 percent to 35 percent and the 51-90 day target was revised upwards from 5 percent to 10 percent; the target for complaints processed within 21-50 days remained at 50 percent.
- DCA added a new service area — Protect and advocate for workers under the Paid Sick Leave Law — with a corresponding goal and metrics. The new metrics include: 'Paid Sick Leave (PSL) complaints received,' 'PSL complaints closed,' 'Average time to resolve all PSL complaints (calendar days),' 'Average time to resolve through settlement (calendar days),' 'Employees receiving restitution,' 'Total amount of employee restitution (\$)' and 'Total amount of PSL fines (\$).'

ADDITIONAL RESOURCES

For additional information on items referenced in the narrative, go to:

- Paid Sick Leave Law:
<http://www.nyc.gov/html/dca/html/law/PaidSickLeave.shtml>

For more information on the agency, please visit: www.nyc.gov/dca.

