



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

EXECUTIVE ORDER NO. 2

January 4, 2022

SMALL BUSINESS FORWARD:
REVIEW AND REFORM OF COMPLIANCE COSTS ON BUSINESSES

WHEREAS, the COVID-19 pandemic has severely impacted New York City and its businesses;

WHEREAS, governments, including the State of New York and the City of New York, took measures to combat the spread of COVID-19, which limited the spread of the virus but also had a catastrophic impact on the City's economy;

WHEREAS, New York City's economy continues to struggle with slow job growth and an unemployment rate that is more than double the national average; and

WHEREAS, the Omicron variant of COVID-19, declared a variant of concern by the U.S. Centers for Disease Control and Prevention, has spread rapidly in New York City, threatening to further destabilize the City's economic recovery; and

WHEREAS, Local Law number 153 for the year 2013 reduced regulatory burdens and compliance costs by providing opportunities to cure first-time violations of certain provisions of law, including certain signage violations enforced by the Department of Consumer and Worker Protection and the Department of Sanitation, as well as violations of certain air pollution and noise control provisions enforced by the Department of Environmental Protection; and

WHEREAS, Local Law number 80 for the year 2021 reduced regulatory burdens and compliance costs by repealing certain requirements enforced by the Department of Consumer and Worker Protection, 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 the Department of Sanitation, the Department of Health and Mental Hygiene, the Department of Transportation, the Department of Consumer and Worker Protection, the Department of Environmental Protection, and the Department of Buildings; and

WHEREAS, creating a healthy environment for businesses is critical to restoring a strong economy in New York City; and

WHEREAS, businesses have suffered enormous financial impacts and economic hardships as a result of the COVID-19 pandemic; and

WHEREAS, reviewing, and where necessary seeking to revise, provisions of law that impose unnecessary or disproportionate burdens on businesses, and especially small businesses, will assist the business community; and

WHEREAS, this Administration is committed to creating a regulatory climate in which businesses can rebuild, grow, and thrive;

NOW, THEREFORE, by the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. No later than March 31, 2022, the Department of Buildings (“DOB”), the Department of Consumer and Worker Protection (“DCWP”), the Department of Environmental Protection (“DEP”), the Fire Department (“FDNY”), the Department of Health and Mental Hygiene (“DOHMH”), and the Department of Sanitation (“DSNY”), shall each identify the 25 provisions of law or rules that are most frequently enforced through the issuance of notices of violation by or on behalf of such agency, and to the extent practicable, identify those violations that are most frequently issued to small businesses.

a. For each such provision of law or rules, each such agency shall evaluate whether:

i. the provision is necessary to promote an important public purpose, and if not, assess whether such provision should be amended or repealed to better effectuate the public purpose at issue;

ii. the civil penalties established to enforce such provision are in an amount appropriate to achieve the public purpose sought to be achieved by the provision or, whether such civil penalties should be reduced; and

iii. the provision of law establishing such civil penalties requires a warning or a cure period for persons who violate such provision for the first time, or whether rules should be adopted implementing such warning or cure period.

b. For each such provision about which an agency determines that reform is recommended, such agency shall specify whether legislation or rule-making, or any other administrative reform, is recommended.

c. For each such violation about which an agency determines that neither legislation, rule-making nor any other administrative reform is recommended, such agency shall explain the reasons for such determination, including, for example, the safety or health risks that could ensue from any change to the provision.

§ 2. Each of the City agencies described in Section 1 of this Order shall undertake a review of the systems used to enforce each of the violations identified in such section. Such review shall include, but not be limited to, evaluating procedures used to train inspectors, to administer inspections, and to track the issuance of warnings and cure periods for businesses that

engage in such violations for the first time, where such warnings and cure periods are already required or recommended by the agency.

§ 3. There shall be an Inter-agency Working Group established in the Mayor's Office ("Working Group") to evaluate the submissions of each City agency required by Sections 1 and 2 of this Order and oversee the advancement of the legislative, regulatory or administrative reforms identified by the Working Group. The Working Group shall seek to prioritize reforms that, to the extent practicable, would benefit small businesses. DOB, DCWP, DEP, FDNY, DOHMH and DSNY shall each appoint one representative to the Working Group. The chairpersons of the Working Group shall be the Deputy Mayor for Economic and Workforce Development or her representative and the Commissioner of the Department of Small Business Services or his representative.

§ 4. Within 45 days of receiving the submissions of each City agency required by Sections 1 and 2 of this Order, the Working Group shall submit to the First Deputy Mayor a plan to accomplish the recommendations set forth by each agency. In developing this plan, the Working Group shall consult with the Office of the Chief Counsel to the Mayor and the Corporation Counsel, as necessary. If the Working Group rejects any of the agency recommendations, it shall set forth its reasoning in the plan.

§ 5. Unless otherwise extended by Executive Order, the term of the Working Group shall expire upon its submission of the plan to the First Deputy Mayor.

§ 6. This Order shall take effect immediately.

A handwritten signature in black ink, appearing to read "Eric Adams", with a long horizontal line extending to the right from the end of the signature.

Eric Adams
Mayor