

## Message from the Chair



Dear Friend,

On behalf of the New York State Assembly Committee on Consumer Affairs and Protection, I am pleased to report to you an update of the Committee's work over these past few months. In this update, you will find information about legislation that was passed during the 2014 session, news from a recent hearing on legislation before the Committee, as well as some useful information to consider as winter and the holiday season approach.

After the legislative session comes to a conclusion, the legislation that was passed by both houses of the Legislature is sent to the Governor for his consideration. Some of the bills passed by the Committee that will be sent to the Governor deal with issues such as ensuring sunscreen sold to keep New Yorkers safe from the sun's harmful rays

includes an expiration date, as well as legislation that would keep certain employment agencies from conducting business without a license and circumventing existing law. You can find more information on these proposals and on other new laws in the Legislative Accomplishments section on the following page.

Please also take time to review some of the helpful seasonal safety tips, as well as information about your rights during the winter months as a tenant. This type of information can help keep you and yours safe and worry-free during the holiday season. I hope you find the information useful in having a safe and nice holiday season.

The Committee is now preparing for the upcoming legislative session. My colleagues and I will continue to work on existing issues and many other new ideas as we continue to work towards making all of New York a safer place for consumers and business alike. I look forward to reporting back to you soon.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey Dinowitz". The signature is fluid and cursive.

Jeffrey Dinowitz  
Chairman, Committee on Consumer Affairs and Protection

## Hearing/Bill on Data Breaches

Recently, several major retailers have revealed that the security of certain personal information stored by such retailers had been compromised through a series of large-scale data breaches. In such instances, hackers have used sophisticated methods to bypass what were thought to be comprehensive security methods in place by retailers to prevent such crimes to gain access to highly sensitive personal information, including consumers' credit card information. Considering the extent of such breaches to date, the Committee held a hearing to understand how such breaches occur, how

A.10190 (Dinowitz) could address these issues, what other proactive measures can be undertaken, and how the Department of State can use existing resources to assist affected consumers, and whether any additional legislative or budgetary measures are required.

These data breaches have left many consumers vulnerable to identity theft and/or financial fraud. The list below, which is adapted from testimony provided at the hearing by the Department of State's Division of Consumer Protection, can help you mitigate any negative effects of data breaches:

1. Pay attention to news relating to data breaches and determine if your information may be at risk. If you suspect your information



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## Legislative Accomplishments

### A.8955-B (Dinowitz)

Current law allows a parent to freeze the credit of a child only after a file already exists in the child's name. Often times, this file exists because the child has already been the victim of identity theft. This new law will allow parents in New York to freeze their child's credit even when no file exists, thereby averting the potential for identity theft to occur in the first place.

(Chapter 441 of the Laws of 2014)

### A.9116 (Simanowitz)

This new law will clarify the language relating to location services provided by finders because the current statutory language is ambiguous and could be interpreted to exempt abandoned property location services agreements from the provisions of this statute when both the finder and the finder's client are not located in the state of New York. This proposal corrects the problem and makes it clear that this statute applies when the finder and claimant are located outside of the state of New York.

(Chapter 372 of the Laws of 2014)

### A.5308-C (Otis)

This new law would require the Department of State, in consultation with the Office of Parks, Recreation, and Historic Preservation, to promulgate rules and regulations establishing safety standards for anchoring, secur-

ing, and counter-weighting moveable soccer goals that comply with the guidelines for moveable soccer goal safety produced by the United States Consumer Product Safety Commission or its successor. Soccer goals erected upon one-, two- and three-family residential real property would be exempt from these provisions.

(Chapter 436 of the Laws of 2014)

### A.2727-B (Weisenberg)

According to the American Cancer Society, over 800,000 new skin cancer cases of curable basal cell or squamous cell cancers are diagnosed each year. Since 1973, the incidence of skin cancer has increased about four percent per year. Many consumers use sunscreen products to prevent the risk of skin cancer. In light of how important these products are in combating skin cancer, it is important that the consumer be aware that sunscreen does not protect against the sun's rays after a certain shelf life. This new law would increase consumer awareness of sunscreen product effectiveness by requiring all products to be labeled with a "best if used before" date. (Passed both Houses; Awaiting action from the Governor)

### A.7916-A (Morelle)

This new law will require builders to provide buyers with information on the benefits of installing an automatic fire sprinkler system in one- or two-family houses, as well as costs associated with such installation. As a result, New Yorkers constructing a new one- or two-family house will be informed of the availability, benefits, and costs of automatic fire sprinkler systems and can decide whether to choose to have them installed.

(Chapter 201 of the Laws of 2014)

### A.9396-B (O'Donnell)

Under existing law, employment agencies are required to be licensed by the State and abide by existing laws, many of which offer protections to job seekers. However, some entities are not licensed and they have been able to charge and collect fees from job applicants. This new law will provide an additional enforcement mechanism by prohibiting unlicensed agents from charging or collecting fees, and it will provide job applicants with an additional defense if they are facing a collection action brought by an unlicensed agent.

(Passed both Houses; Awaiting action from the Governor)



*Committee Chairman Jeffrey Dinowitz stood with Attorney General Eric Schneiderman, New York City Comptroller Scott Stringer, New York City Public Advocate Letitia James, and New York City Department of Consumer Affairs Commissioner Julie Menin, to highlight the importance of public health and safety when buying toys that can contain hazardous materials. Assemblyman Dinowitz also spoke about how critical it is to be cautious of scams during the holiday season.*

## Wi-Fi "Hot Spot" Privacy

Many consumers will give and receive Internet-ready devices, such as tablets, laptops, and smartphones, this holiday season. Before using the Internet capabilities of your new device in a coffee shop or public space, be aware that some wireless Internet connections, also known as "hot spots," may not be entirely secure. In some instances, thieves may be able to view and steal personal information, such as credit card numbers and passwords, from wireless Internet users connected to an unsecured network. Fortunately, several measures can be taken to protect your security when connected to a hot spot.

First, it is important to determine if a hot spot is secure. You should assume that networks not requiring a pass-

word are unsecure. Networks that require a password may be secure, but the level of protection may vary based on the type of encryption employed. Experts recommend that consumers use networks with Wi-Fi Protected Access encryption (i.e., WPA or WPA2) and avoid any network that does not provide this level of protection. If you need to use an unsecured or less secure network, avoid entering sensitive personal information, such as bank or credit card account information, sending personal e-mails, or posting information to social networking sites while connected to the network. If you simply wish to shield your screen from prying eyes, consider buying a notebook privacy filter, which makes it impossible to read a laptop screen from an angle.

## Consumer Tips for the Holiday Season

The holiday season is here once again, and that means shoppers will fill the stores, fireplaces, and festive lights will be lit, and heating systems will be turned up to guard against cold winter nights. While you go about your holiday activities, keep the following tips in mind so that you and your loved ones may enjoy a safe and warm holiday season.

### Toy Shopping Tips

Before heading out to the stores, it is a good idea to familiarize yourself with the latest toy recalls by visiting the Consumer Product Safety Commission's (CPSC) product recall site at: <http://www.recalls.gov/> or by calling 1-800-638-CPSC. Once at the store, be sure to purchase toys that are appropriate for the age of the child (most manufacturers include age guidelines on packages), and be aware of the top five toy hazards identified by the CPSC, namely scooters and other riding toys, small balls and other toys with small parts, balloons, magnets, and toys with chargers and adapters. Also, be sure to discard any plastic wrappings from toys before they become dangerous playthings. Lastly, when shopping for infants and toddlers, avoid toys with removable parts or cords.

### Holiday Safety

During the holiday season, a crackling fire, decorative candles, and illuminated decorations can bring a festive mood to any household. However, these seasonal amenities can pose a fire hazard. Fortunately, there are steps you can take to protect your family. If you plan to use your fireplace or wood stove or burn candles in the coming weeks, keep the following safety tips in mind. Be sure to have your chimney inspected and cleaned by a certified specialist annually. Always keep the area around your fireplace, wood stove, or candles free of flammable materials, and never leave a fire unattended. Only use holiday lights that have been tested for safety by a nationally-recognized testing laboratory, and make sure that any lights used outside are certified for outdoor use. Check holiday lights for damaged wires and avoid using more than three sets of lights per extension cord. Lastly, make sure to keep live holiday trees watered and place the tree away from fireplaces, vents, and radiators.

### Winterize Your Home

Home heating season is upon us, and homeowners are looking for ways to reduce their heating

costs. There are steps you can take to winterize your home that can save money and increase your personal comfort. First, consider having your furnace checked by a professional to ensure that it is working efficiently. Be sure to replace the furnace filter regularly and according to the manual, and consider installing a programmable thermostat that allows you to regulate the temperature of your house when you are not home. Lastly, consider caulking and weather-stripping doors and windows, which can help lower your bill by trapping heat in your home and keeping cold winter drafts at bay.

### Heat Regulations for Tenants

By law, tenants in a multiple dwelling or multiple residence (i.e., a building with three or more apartments) must be provided with heat and hot water as follows:

- **Heat:** From October 1 through May 31 – Between 6 a.m. and 10 p.m. heat must register 68 degrees Fahrenheit when the outside temperature falls below 55 degrees Fahrenheit. Between 10 p.m. and 6 a.m., heat must register 55 degrees Fahrenheit when the outside temperature falls below 40 degrees Fahrenheit.
- **Hot Water:** 24 hours a day – every day of the year. Hot water must register at or above a constant temperature of 120 degrees Fahrenheit at the tap.

The NYS Division of Housing and Community Renewal (DHCR) is authorized to reduce the rent of any rent-stabilized or rent-controlled apartment when these required heat and hot water services are not maintained. Tenants should file an Application for Rent Reduction for Failure to Provide and Maintain Heat and/or Hot Water Service with the DHCR if the landlord does not provide proper heat or hot water. This form is available for you at my office.

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may be at risk, see what, if anything, the effected entity is doing proactively to help protect consumers from any further harm.

2. Carefully check your credit and debit card statements for any unrecognized charges, including any from an unknown retailer or for a suspicious amount.
3. If you notice suspicious activity on your statements, immediately notify your card issuer about the suspicious account and see if they will issue you a new card and card number.
4. Check your credit report. Under the law, you are entitled to one free credit report from each of the
- three major credit reporting agencies. Visit [www.annualcreditreport.com](http://www.annualcreditreport.com) to receive these free copies of your credit report, and check each of them for any suspicious activity.
5. Change your account passwords regularly, and try not to use the same password for multiple accounts, especially for all of your financial accounts.
6. Consider placing a security freeze on your or, beginning January 1, 2015, your child's credit report. Doing so may cost you a nominal fee, unless you or your child is a victim of identity theft, but the security freeze may offer you peace of mind.

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# New Year's Resolutions: How to Avoid Scams and Have a Productive Year

As the door closes on 2014, many people will open 2015 with New Year's resolutions. Common personal promises like obtaining an academic degree and joining a gym will echo throughout the nation. If you resolve to make 2015 the year you go back to school or join your local gym and get into shape, it is important to be aware of potential scams and know your rights.

## For-Profit Colleges and Universities

If you are planning to go back to school next year and are considering for-profit institutions, be aware that several reports have raised significant concerns about the business practices and academic standards of some of these colleges and universities. As with any big decision, it is important that you research and shop around to find a suitable degree program. Most importantly, make sure that the institution you are considering is accredited, since employers or other colleges generally do not recognize unaccredited degrees. The United States Department of Education maintains a database of postsecondary schools that have been accredited by approved agencies, which is available at: <http://ope.ed.gov/accreditation/>.

Watch out for "diploma mills," which are unaccredited schools that pose as legitimate colleges and offer extremely short and inexpensive degree programs or claim to grant degrees based mainly on life experience. Be sure to explore all your options and compare prices of similar programs at other institutions. Many community colleges offer the same programs as for-profit schools, but at a fraction of the cost.

## Gym Memberships: Shop Around and Know the Law to Protect Your Rights

If you have decided to join a gym, take your time and consider all your options before signing a contract. It is a good idea to call or visit at least three health clubs or gyms to ensure that you select a gym that will best meet your needs. For comparison purposes, you should learn about a gym's dues and when they must be paid, the hours of operation, the type of classes offered, and the training and expertise of the staff. Be sure to ask if the gym offers trial periods or free passes so that you can try it before entering into a long-term obligation.

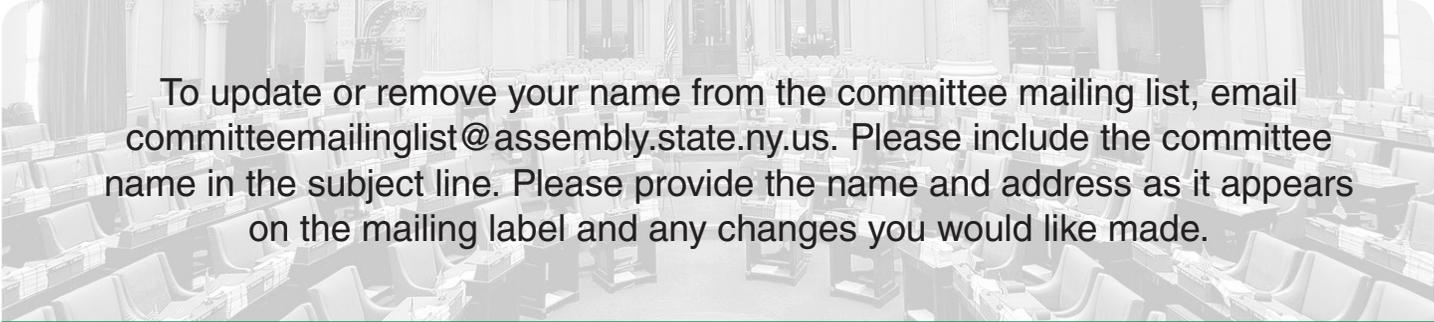
Under New York's Health Club Services Act, gym contracts cannot exceed \$3,600 per year or be effective for more than thirty-six months. Under the Act, you can cancel a contract within three days of signing it, and at any time, if the health club ceases to offer the services stated in the contract, or if you move twenty-five miles from any gym operated by the gym with which you signed a contract.

2014 Legislative Update from the New York State Assembly

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## Committee on Consumer Affairs and Protection

Sheldon Silver, Speaker • Jeffrey Dinowitz, Chair



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## Committee on Consumer Affairs and Protection

Assemblyman Jeffrey Dinowitz, Chair