



NEW YORK STATE SENATOR

Kevin Thomas

## Senator Kevin Thomas' Consumer Protection Resource Page

SENATOR KEVIN THOMAS March 2, 2021

| ISSUE: **CONSUMER PROTECTION, COMMITTEE ON CONSUMER PROTECTION, CONSUMER AFFAIRS**

A graphic with a blue background featuring a large, stylized virus particle. On the left is a portrait of Senator Kevin Thomas. To the right of the portrait, the text "Consumer Protection Resource Page" is written in large, bold, yellow letters. Below this, the URL "nysenate.gov/consumerprotection" is written in smaller yellow text. At the bottom left, below the portrait, it says "New York State Senator Kevin Thomas District 6" in yellow. At the bottom right is the New York State Senate seal.

**Consumer Protection Resource Page**

[nysenate.gov/consumerprotection](https://nysenate.gov/consumerprotection)

New York State Senator  
**Kevin Thomas**  
District 6

NEW YORK STATE  
SENATE

In honor of National Consumer Protection Week, I want to share some tips and resources to help you and your family stay prepared and informed, especially with the number of COVID-19-related scams on the rise.

Listed below are the top consumer complaints reported by the **Office of the New York State Attorney General** this past year, complete with information and resources to help you

identify potential scams and protect yourself.

If you need assistance with a consumer protection issue, or have questions about anything on this page, please don't hesitate to call my office at 516-739-1700.

Sincerely,

Senator Kevin Thomas

As Chairman of the Consumer Protection Committee, I have fought hard to ensure better protections for consumers online. That is why I introduced the **SHIELD Act** in 2019, which significantly strengthens New York's data security laws by expanding the types of private information that companies must provide consumer notice in the event of a breach, and requiring that companies develop, implement, and maintain reasonable safeguards to protect the security, confidentiality and integrity of the private information.

Despite the many protections in place in New York, there are still predatory scammers online who attempt to take advantage of vulnerable consumers. Below, you can find a list of resources to help keep yourself and your family safe online.

#### **Online Safety Tips:**

- **Identity Theft Information: What is identity theft?**
- **Identity Theft: How to Protect Yourself** - Tips on how to protect yourself from identity theft
- **Wireless Internet Tips:** The dangers of wireless "hot spots" and how to protect your computer in an unsecured environment

- **Data Security Breach Information** - An overview of New York State's security breach law and what it means for you, the consumer
- **Facebook Privacy and Safety Tips** - How to protect your privacy and safety on Facebook

### **Report an Internet-Related Scam or Data Breach**

- **File a complaint with the Bureau of Internet and Technology (BIT)**
- **Report a Data Security Breach**

### **COVID-19 Price Gouging**

Any New Yorker who sees excessively priced consumer goods and services that are used primarily for personal, family or household purposes to prevent or respond to the Covid-19 virus should file a complaint with the **New York State Division of Consumer Protection**.

New Yorkers can now report sudden and unexpected increases in consumer goods such as hand sanitizer, cleaning supplies, or other health and sanitation related products by calling the consumer hotline toll free at **800-697-1220**. This line is available seven days a week from 8:30 am to 8:30 pm for consumers.

Consumers can also visit the DCP website at **[www.dos.ny.gov/consumerprotection](http://www.dos.ny.gov/consumerprotection)**. Complaints can be filed against vendors, retailers and suppliers doing business in New York State.

Consumer Complaint forms are available for filing 24/7 **[here](#)**.

When reporting, be prepared to provide details of the alleged price gouging to include the location of the merchant and any available proof of the excessive price(s), such as receipts or pictures. The Division's Consumer Assistance Unit will review the complaint and, if appropriate, engage in voluntary mediation on behalf of the consumer or refer the complaint to the Office of the Attorney General to initiate an enforcement action. In either instance, the Division will keep the consumer informed of all actions taken on their behalf.

- The Office of the Attorney General (OAG) continues to actively monitor landlords throughout the state to ensure that no tenant is being harassed or discriminated against and will take appropriate action to protect tenants and all New Yorkers. **All COVID-19 guidance can be found on the OAG website.**
- **Emergency Eviction and Foreclosure Prevention Resource Page** (Provides more information on the COVID-19 Emergency Eviction and Foreclosure Prevention Act (EEFPA) that was signed into law in 2020)

Most health and fitness clubs impose months' long contracts with their members, with fees paid monthly or in lump sums. But as these facilities across the country responded to the need (or government directive) to close during the COVID-19 pandemic, members naturally wanted to know whether their obligations to pay monthly fees would be suspended, whether they are entitled to a refund on fees already paid, or whether they could cancel their contracts.

The office of the attorney general in each state is responsible for protecting consumers from unfair and deceptive practices. If your health club or gym closes due to the coronavirus crisis and refuses to suspend your payments, give you a refund, or otherwise treats you unfairly,

you can file a complaint with the New York State OAG's **Consumer Frauds and Protection Bureau**.

Shopping for a car, new or used, can be a daunting experience. The more information you have, the less likely you are to be pressured into making a decision you'll regret. Here are some tips to help you put together the information you need before you make this important purchase. Being a well informed consumer will keep you in the driver's seat, before and after you make the deal.

- **Lemon Law** - The New Car, Used Car and Wheelchair Lemon Laws provide a legal remedy for buyers or lessees of new and used cars that turn out to be lemons. If your car does not conform to the terms of the written warranty and the manufacturer or its authorized dealer is unable to repair the car after a reasonable number of attempts, you may be entitled to a full refund. Learn more **here**.
- **Auto Leasing Rights**
- **Auto Repair Tips**
- **Before You Hire an Auto Mechanic**
- **Car Rental Tip Sheet**
- **Deceptive Auto Advertising: Recognizing the Hype**
- **Insurance Fraud**
- The Bureau of Consumer Frauds and Protection, part of the Economic Justice Division, prosecutes businesses and individuals engaged in fraudulent, misleading, deceptive or illegal trade practices. **Consumer Helpline: 1-800-771-7755**

Since the start of the pandemic, the New York State Department of Labor (DOL) has identified over 425,000 fraudulent UI claims. A vast majority of the fraudulent claims were

caught before a single cent was paid, and the Department of Labor continues to aggressively combat unemployment insurance fraud. The DOL has referred hundreds of thousands of fraud cases to federal prosecutors, and continues to work with law enforcement partners on the federal, state, and local level to hold fraudsters accountable.

Please note that stolen identities used to file such fraudulent claims are not the result of a NYSDOL breach. Rather, scammers are using information stolen during previous major data breaches involving institutions like banks, insurance companies, and major employers to file fraudulent claims and illegally collect benefits in the name of individuals who are not unemployed. As your Senator, **I passed major legislation** to crack down on these types of data breaches and require companies to inform consumers when their information has been compromised so that they can take action to protect themselves when companies fail to safeguard their information.

In response to the uptick in fraud cases, NYSDOL has created an online reporting system where New Yorkers can report suspected fraud. Anyone who receives a monetary determination letter from the Department of Labor, but did not apply for unemployment benefits, should immediately report it to the DOL at **[on.ny.gov/uifraud](https://on.ny.gov/uifraud)**.

In addition, New Yorkers who suspect that their information is being used by scammers should take steps to proactively protect themselves, including those listed at **[identitytheft.gov](https://identitytheft.gov)**:

- Report the identity theft to the FTC;
- Filing a report with their local police department, if they wish; and
- Reporting a misused Social Security number.

The Federal Trade Commission has an online Identity Theft Reporting Page where individuals can create an identity theft report and receive a personal recovery plan based on their situation. That page is accessible at this link: <https://www.ftc.gov/faq/consumer-protection/report-identity-theft>

Additionally, the Federal Trade Commission also recommends running a free credit report to check for suspicious addresses or accounts. For more information, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call 1-877-322-8228.

The three nationwide credit reporting agencies (Equifax, Experian, and TransUnion) have committed to assist transgender and nonbinary consumers in protecting their creditworthiness.

Informing each of the three nationwide credit bureaus of a first or middle name change can be done using their online customer support systems or by calling the credit bureaus directly. Either way, documentation of the new legal name may be required. Necessary documentation can include a court order, an updated Social Security card, or the updated Driver's License or state issued ID card with the new identifying information.

Consumers can find information on the name change process on each agency's website:

- [Equifax](#)
- [Experian](#)
- [TransUnion](#)