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THE CITY RECORD

BILL DE BLASIO

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOARD MEETINGS

MEETING

City Planning Commission

Meets in Spector Hall, 22 Reade Street, New York, NY 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.

City Council

Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, NY 10007, at 1:30 P.M.



Contract Awards Public Hearing

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

Civilian Complaint Review Board

Generally meets at 10:00 A.M. on the second Wednesday of each month at 40 Rector Street, 2nd Floor, New York, NY 10006. Visit <http://www.nyc.gov/html/ccrb/html/meeting.html> for additional information and scheduling changes.

Design Commission

Meets at City Hall, Third Floor, New York, NY 10007. For meeting schedule, please visit nyc.gov/designcommission or call (212) 788-3071.

Department of Education

Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

Board of Elections

32 Broadway, 7th Floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner.

Environmental Control Board

Meets at 100 Church Street, 12th Floor, Training Room #143, New York, NY 10007 at 9:15 A.M. once a month at the call of the Chairman.

Board of Health

Meets at Gotham Center, 42-09 28th Street, Long Island City, NY 11101, at 10:00 A.M., quarterly or at the call of the Chairman.

Health Insurance Board

Meets in Room 530, Municipal Building, Manhattan, NY 10007, at the call of the Chairman.

Board of Higher Education

Meets at 535 East 80th Street, Manhattan, NY 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

Citywide Administrative Services

Division of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, NY 10004.

Commission on Human Rights

Meets on 10th Floor in the Commission's Central Office, 40 Rector Street, New York, NY 10006, on the fourth Wednesday of each month, at 8:00 A.M.

In Rem Foreclosure Release Board

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Franchise and Concession Review Committee

Meets in Spector Hall, 22 Reade Street, Main Floor, and other days, times and location as warranted.

Real Property Acquisition and Disposition

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Landmarks Preservation Commission

Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise noticed by the Commission. For current meeting dates, times and agendas, please visit our website at www.nyc.gov/landmarks.

Employees' Retirement System

Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, NY 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

Housing Authority

Board Meetings of the New York City Housing Authority are scheduled for the last Wednesday of each month (except August) at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, NY 10007 (unless otherwise noted). Any changes to the schedule will be posted here and on NYCHA's website at http://www.nyc.gov/html/nycha/html/about/boardmeeting_schedule.shtml to the extent practicable at a reasonable time before the meeting. For additional information, please visit NYCHA's website or contact (212) 306-6088.

Parole Commission

Meets at its office, 100 Centre Street, Manhattan, NY 10013, on Thursday, at 10:30 A.M.

Board of Revision of Awards

Meets in Room 603, Municipal Building, Manhattan, NY 10007, at the call of the Chairman.

Board of Standards and Appeals

Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

Tax Commission

Meets in Room 936, Municipal Building, Manhattan, NY 10007, each month at the call of the President. Manhattan, monthly on Wednesdays, commencing 2:30 P.M.

BOROUGH PRESIDENT - QUEENS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Borough President of Queens, Melinda Katz, on **Thursday, December 1, 2016**, at 10:30 A.M., in the Borough President's Conference Room, located at 120-55 Queens Boulevard, Kew Gardens, NY 11424, on the following items:

CD Q05 - ULURP #C170079 PCQ

IN THE MATTER OF an application submitted by the New York City Department of Health and Mental Hygiene and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property for use as storage and related program spaces, located at **72-42 60th Lane**, Block 3590 Lot 42, Zoning Map 13d, Glendale, Borough of Queens.

NOTE: Individuals requesting Sign Language Interpreters should contact the Borough President's Office, (718) 286-2860, TDD users should call (718) 286-2656, no later than **FIVE BUSINESS DAYS PRIOR TO THE PUBLIC HEARING**.

Accessibility questions: Jeong-ah Choi, (718) 286-2860 jchoi@queensbp.org, by: Tuesday, November 29, 2016, 2:30 P.M.



n25-d1

BUILD NYC RESOURCE CORPORATION

■ PUBLIC HEARINGS

The Build NYC Resource Corporation (the "Corporation") is a not-for-profit local development corporation organized under Sections 402 and 1411 of the Not-for-Profit Corporation Law of the State of New York. In

accordance with the aforesaid law, and pursuant to its certificate of incorporation, the Corporation has the power to issue non-recourse revenue bonds and to make the proceeds of those bonds available for projects that promote community and economic development in The City of New York (the "City"), and to thereby create jobs in the non-profit and for-profit sectors of the City's economy. The Corporation has been requested to issue such bonds for the financings listed below in the approximate dollar amounts respectively indicated. As used herein, "bonds" are the bonds of the Corporation, the interest on which may be exempt from Local and/or State and/or Federal income taxes; and, with reference to the bond amounts provided herein below, "approximately" shall be deemed to mean up to such stated bond amount or a greater principal amount not to exceed 10% of such stated bond amount. All square footage amounts and wage information shown below are approximate numbers.

Borrower Name: The New World Foundation (the "Organization"), a New York not-for-profit corporation exempt from Federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, as borrower. **Financing Amount:** Approximately \$9,350,000 in tax-exempt revenue bonds. **Project Description:** Proceeds from the bonds will be used to (i) refinance an outstanding line of credit, the proceeds of which were used to acquire an approximately 6,280 square foot, 5 floor building, located at 627 West End Avenue, New York, NY 10024 ("the Facility"), which is situated on a 1,476 square foot lot; (ii) pay for a portion of renovation costs associated with the Facility, and (iii) pay for certain costs related to the issuance of the bonds. The Facility is owned and will serve as the new headquarters of the Organization to be used for the purpose of supporting local community activism, leadership development, equal rights and educational programs through grants and technical assistance. **Type of Benefits:** Tax-exempt bond financing and exemption from City and State mortgage recording taxes. **Total Project Cost:** \$9,350,000 **Projected Jobs:** 15 full time equivalent jobs retained and 4 full time equivalent jobs created by 2020. **Hourly Wage Average and Range:** \$27.47/hour, estimated range of \$21.98/hour to \$32.97/hour.

Borrower Name: Services and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders, Inc. (the "Institution"), a New York not-for-profit corporation exempt from Federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, as borrower. **Financing Amount:** Approximately \$8,200,000 in tax-exempt revenue bonds. **Project Description:** Proceeds from the bonds will be used to finance (i) the acquisition, renovation and equipping of condominium unit 6A (the "Facility"), comprising 8,100 square feet of rentable space and 7,083 square feet of usable space, located on the 6th floor of the building, located at 301-305 Seventh Avenue, New York, NY 10001, which building is situated on an approximately 8,083 square foot lot and (ii) pay for certain costs and fees related to the issuance of the bonds. The Facility will be owned and operated by the Institution for the purpose of providing social services to elderly lesbian, gay, bisexual and transgender individuals. **Type of Benefits:** Tax-exempt bond financing and exemption from City and State mortgage recording taxes. **Total Project Cost:** \$8,200,000. **Projected Jobs:** 50 full time equivalent jobs currently. **Hourly Wage Average and Range:** \$21.51/hour, estimated range of \$15.00/hour to \$95.27/hour.

Borrower Name: Talmud Torah Ohel Yochanan (the "School") a New York not-for-profit corporation exempt from Federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or a wholly-owned limited liability company or related Section 501(c)(3) affiliate of the School, as borrower(s). **Financing Amount:** Approximately \$16,700,000 in tax-exempt revenue bonds. **Project Description:** Proceeds from the bonds, together with other funds of the School, will be used by the School to: (i) refund the Corporation's Revenue Bonds (Talmud Torah Ohel Yochanan Project), Series 2016, originally issued in the aggregate principal amount of \$10,491,000 the proceeds of which, together with other funds of the School, were used to finance or refinance the costs of acquiring, renovating and equipping an approximately 18,000 square foot building, located on an approximately 24,000 square foot parcel of land, located at 1327 38th Street, Brooklyn, NY 11218 (the "Existing Facility"), and constructing, renovating and equipping an additional 30,539 square foot expansion to the Existing Facility to provide additional classrooms and educational space (the "Expansion", and together with the Existing Facility, the "Facility"), and pay capitalized interest and costs of issuance related thereto; (ii) refinance taxable loans in the approximate amount of \$4,000,000, the proceeds of which were used to finance costs of the Expansion; (iii) finance or refinance additional costs related to acquisition, construction, renovation and equipping of the Facility; and (iv) pay a redemption premium and certain costs of issuance of the bonds. The Facility will be owned by the School or a wholly-owned limited liability company or related Section 501(c)(3) affiliate of the School. The Facility will be operated by the School and used to provide educational services to boys in pre-kindergarten through grade 8. **Address:** 1327 38th Street, Brooklyn, NY 11218. **Type of Benefits:** Tax-exempt bond financing and exemption from City and State mortgage recording taxes. **Total Project Cost:** \$16,700,000. **Projected Jobs:** 59 full-time equivalent jobs currently and 15 full-time equivalent jobs projected **Hourly Wage Average and Range:** \$14.51/hour, estimated range of \$11.00/hour to \$30.00/hour.

For any updates to project information after the date of this notice, please visit the website of New York City Economic Development Corporation ("NYCEDC") at www.nycedc.com/buildnyc-project-info.

The Corporation is committed to ensuring meaningful access to its programs. If you require any accommodation for language access, including sign language, please contact NYCEDC's Equal Access Officer at (212) 312-3602 or at EqualAccess@edc.nyc.

Pursuant to Internal Revenue Code Section 147(f), the Corporation will hold a public hearing on the proposed financings described hereinabove at the offices of the NYCEDC, located at 110 William Street, 4th Floor, New York, NY 10038, commencing at 10:00 A.M. on **Thursday, December 8th, 2016**. Interested members of the public are invited to attend. The Corporation will invite comments at such hearing on the proposed financings. In addition, at such hearing the Corporation will provide the public with an opportunity to review the financing application and the cost-benefit analysis for each of the proposed financings. For those members of the public desiring to review project applications and cost benefit analyses before the date of the hearing, copies of these materials will be made available, starting on or about fourteen (14) days prior to the hearing. Persons desiring to obtain copies of these materials may visit the website of New York City Economic Development Corporation at www.nycedc.com or may call (212) 312-3598. Persons desiring to make a brief statement regarding the proposed financings and transactions should give prior notice to the Corporation at the address or phone number shown below. Written comments may be submitted to the Corporation to the attention of Ms. Frances Tufano at the address shown below. Comments, whether oral or written, must be submitted no later than the close of the public hearing. Please be advised that certain of the aforementioned proposed financings and transactions may possibly be removed from the hearing agenda prior to the hearing date. Information regarding such removals will be available by contacting ftufano@nycedc.com on or about NOON on the Friday preceding the hearing.

Build NYC Resource Corporation
Attn: Ms. Frances Tufano
110 William Street, 5th Floor
New York, NY 10038
(212) 312-3598

Accessibility questions: NYCEDC's Equal Access Officer at (212) 312-3602 or at EqualAccess@edc.nyc, by: Thursday, December 8, 2016, 10:00 A.M.



n28

CITY COUNCIL

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, 16th Floor, New York City, NY 10007, commencing at 9:30 A.M., Thursday, December 1, 2016:

227TH STREET REZONING

QUEENS - CB 13 **C 170031 ZMQ**
Application submitted by Idlelots LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C2-2 District bounded by 227th Street, a line 100 feet northeasterly of 145th Road, a line 120 feet southeasterly of 227th Street and 145th Road.

14-18 CARROLL STREET

BROOKLYN - CB 6 **C 150360 ZMK**
Application submitted by 14-18 Carroll LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an M1-1 District to an R6B District property bounded by Carroll Street, a line 380 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line midway between Carroll Street and Hamilton Avenue, and a line 450 feet northwesterly of Columbia Street, subject to the conditions of CEQR Declaration E 382.

14-18 CARROLL STREET

BROOKLYN - CB 6 **N 160379 ZRK**
Application submitted by 14-18 Carroll LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F (Inclusionary Housing Designated Areas) for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory
Inclusionary Housing Areas**

* * *

BROOKLYN

* * *

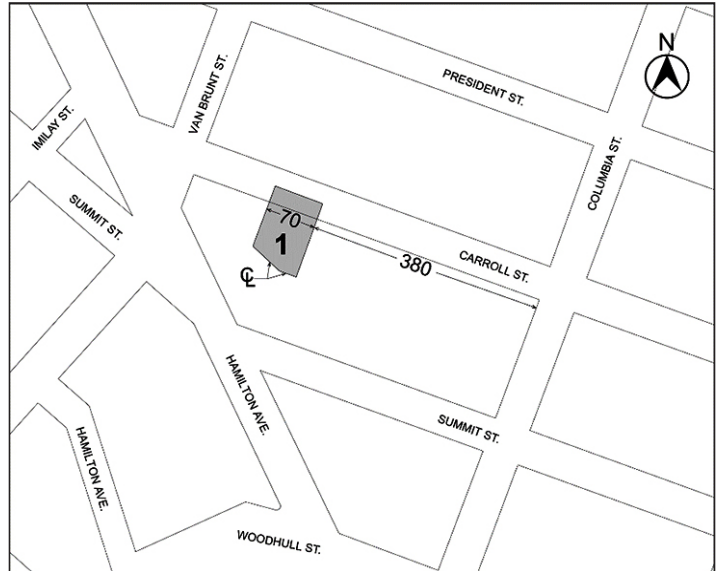
Brooklyn Community District 6

In the R6B and R7-2 Districts within the areas shown on the following Map 1 and Map 2:

* * *

Map 2 – (date of adoption)

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area 1 (date of adoption) – MIH Program Option 1 and Option 2
Portion of Community District 6, Brooklyn
* * *

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Council Committee Room, 16th Floor, 250 Broadway, New York City, NY 10007, commencing at 11:00 A.M., on Thursday, December 1, 2016:

646-SEAT INTERMEDIATE PUBLIC SCHOOL FACILITY **20165186 SCQ**
QUEENS CB - 3
Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 646-Seat Intermediate Public School Facility, to be located on the south side of Astoria Boulevard between 111th and 112th Streets (Block 1705, Lots 1, 5, 10 and 61), Borough of Queens, in Community School District No. 24.

180-SEAT PRE-KINDERGARTEN FACILITY **20165205 SKC**
BROOKLYN CB - 6
Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 180-Seat Pre-Kindergarten Facility, to be located on the block bounded by 3rd Avenue, 8th Street, 4th Avenue and 9th Street (Block 1003, Lot 11), Borough of Brooklyn, in Community School District No. 15.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Council Committee Room, 16th Floor, 250 Broadway, New York City, NY 10007, commencing at 1:00 P.M. on Thursday, December 1, 2016:

SMALL HOMES REHAB -NYCHA
HABITAT FOR HUMANITY-PHASE 2 **20175123 HAQ**
QUEENS - CB 12
Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation

requirement and Sections 197-c and 197-d of the New York City Charter, for property located at 91-09 1/2 138th Place (Block 9981, Lot 33), in Community Boards 9 & 12, Council District 28, Borough of Queens.

**SMALL HOMES REHAB -NYCHA
HABITAT FOR HUMANITY-PHASE 3**

QUEENS - CBs 12 & 13 20175124 HAQ

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter, for property located at 195-09 119th Avenue (Block 12616, Lot 31), 115-69 224th Street (Block 11306, Lot 28), 115-46 198th Street (Block 11038, Lot 68), 111-33 205th Street (Block 10964, Lot 134), 104-17 187th Street (Block 10373, Lot 7), 113-10 201st Street (Block 10995, Lot 9), and 109-11 208th Street (Block 10918, Lot 46), in Community Boards 12 & 13, Council District 27, Borough of Queens.

**SMALL HOMES REHAB -NYCHA
HABITAT FOR HUMANITY-PHASE 4**

QUEENS - CBs 9 & 12 20175125 HAQ

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter, for property located at 101-64 132nd Street (Block 9499, Lot 31), 123-25 152nd Street (Block 12219, Lot 48), 146-10 123rd Avenue (Block 12050, Lot 42), and 107-16 Remington Street (Block 10070, Lot 121), in Community Boards 9 & 12, Council District 28, Borough of Queens.

**SMALL HOMES REHAB -NYCHA
HABITAT FOR HUMANITY-PHASE 5**

QUEENS - CB 13 20175126 HAQ

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter, for property located at 131-68 225th Street (Block 12934, Lot 175), 218-38 140th Avenue (Block 13045, Lot 28), 221-02 131st Avenue (Block 12931, Lot 82), 228-39 Mentone Avenue (Block 13192, Lot 225), and 145-07 167th Street (Block 13285, Lot 57) in Community Board 13, Council District 31, Borough of Queens.

**SMALL HOMES REHAB -NYCHA
HABITAT FOR HUMANITY-PHASE 6**

BROOKLYN - CBs 9 & 17 20175128 HAK

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for approval of a real property tax exemption, an urban development action area project, and waiver of the area designation requirement and Sections 197-c and 197-d of the New York City Charter, for property located at 556 Schenectady Avenue (Block 4826, Lot 12), 978 Lenox Road (Block 4665, Lot 5), and 17 East 92nd Street (Block 4595, Lot 121), in Community Boards 9 & 17, Council District 41, Borough of Brooklyn.

Accessibility questions: Land Use Division, (212) 482-5154, by: Tuesday, November 29, 2016, 3:00 P.M.



n25-d1

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, November 30, 2016, at 10:00 A.M.

**BOROUGH OF MANHATTAN
No. 1
28 LIBERTY STREET OFFICE SPACE**

CD 1 N 170134 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property, located at 28 Liberty Street (Block 44, Lot 1) for use as offices, Borough of Manhattan, Community District 1. (Mayor's Office of Contract Services offices).

BOROUGH OF STATEN ISLAND

**No. 2
101 TYRELLIAN AVENUE OFFICE SPACE**

CD 3 N 170133 PXR

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property, located at 101 Tyrellian Avenue (Block 7469, Lot 170) for use as offices, Borough of Staten Island, Community District 3 (Department of Design and Construction offices).

**No. 3
ESTABLISHMENT OF THE NEW DORP BUSINESS
IMPROVEMENT DISTRICT**

CD 2 N 170130 BDR

IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the New Dorp Business Improvement District Steering Committee pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the establishment of the New Dorp Business Improvement District.



n15-30

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN that the following matters have been scheduled for public hearing by Community Board:

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 08 Thursday, December 1, 2016, 7:00 P.M., Center for Nursing and Rehabilitation, 727 Classon Avenue, Brooklyn, NY.

#C160072 PQQ

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property, located at 1435 Prospect Place, for continued use as a Child Care Center.

n25-d1

DESIGN AND CONSTRUCTION

■ PUBLIC HEARINGS

PLEASE TAKE NOTICE, that in accordance with Section 201-204 (inclusive) of the New York State Eminent Domain Procedure Law ("EDPL"), a public hearing will be held by the New York City Department of Design and Construction, on behalf of the City of New York in connection with the acquisition of certain properties for roadway improvement at the Victory Boulevard and Manor Road intersection (Capital Project HWR005-05) - Borough of Staten Island.

The time and place of the hearing is as follows:

DATE: December 19, 2016
TIME: 10:00 A.M.
LOCATION: DDC Field Office
1000 South Avenue, Suite 103
Staten Island, NY 10314

The purpose of this hearing is to inform the public of the proposed acquisition of certain street beds and adjacent properties and to review the public use to be served by the project and the impact on the environment and residents. The scope of this Capital Project includes the reconstruction of roadways, sidewalks, and curbs.

The properties proposed to be acquired are located in the Borough of Staten Island as follows:

Victory Boulevard from South Greenleaf Avenue to Winthrop Place; Manor Road from Josephine Street to Governor Road; Raymond Avenue from approximately 40 feet north of Victory Boulevard to Victory Boulevard as shown on Damage and Acquisition Map No. 4228, and Victory Boulevard from Winthrop Place to Sommers Lane as shown on Damage and Acquisition Map No. 4247.

The properties affected include the following areas as shown on the Tax Map of the City of New York for the Borough of Staten Island:

- Block 346, part of Lots 1 and 523
- Block 349, part of Lot 1

- Block 350, part of Lots 1, 3, 5, 7, 8, 10, 12, 22, 25, 27, 28, 30, 31, 33 and 35
- Block 371, part of Lots 44, 53, 57, 58, 61
- Block 372, part of Lot 26
- Block 373, part of Lot 30
- Block 707, part of Lots 1, 8, 10, 12, and 16
- Block 709, part of Lots 1, 7, 12, 18, 20, 23, 28 and 33
- Block 710, part of Lot 29 and
- Beds of Victory Boulevard, Raymond Avenue, and Manor Road.

There are no proposed alternate locations.

Any person in attendance at this meeting shall be given a reasonable opportunity to present oral or written statements and to submit other documents concerning the proposed acquisition. Each speaker shall be allotted a maximum of five (5) minutes. In addition, written statements may be submitted to the General Counsel at the address stated below, provided the comments are received by 5:00 P.M. on December 27, 2016, (Five (5) working days from public hearing date).

NYC Department of Design and Construction
Office of General Counsel, 4th Floor
30 - 30 Thomson Avenue
Long Island City, NY 11101

Please note: Those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts and objections raised at the public hearing.

← n28-d2

ENVIRONMENTAL PROTECTION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to Title 5, Chapter 3, Subchapter 3 of the Administrative Code of the City of New York, a public hearing will be held at 1 Centre Street, 20th Floor Conference Room D, Borough of Manhattan on Wednesday December 21, 2016, at 10:00 A.M. on the following:

REAL PROPERTY PUBLIC HEARING IN THE MATTER OF the acquisition by the City of New York of fee simple (Fee) interests, and by the Watershed Agricultural Council of Conservation Easement interests (WAC CE) using funds provided by the City of New York, on the following real estate in the Counties of Delaware, Greene, Sullivan and Ulster for the purposes of providing for the continued supply of water, and for preserving and preventing the contamination or pollution of the New York City water supply system:

NYC ID	County	Municipality	Type	Tax Lot ID	Acres (+/-)
7435	Delaware	Andes	Fee	p/o 258.-1-8.113	48.00
6219		Andes	WAC CE	304.-1-1.1	133.46
8346		Andes	Fee	304.-1-1.21	32.91
6222		Delhi	WAC CE	215.-1-42.2	212.10
9029		Roxbury	Fee	p/o 92.-1-8.11	120.61
4776	Greene	Hunter	Fee	180.00-2-32	79.20
8044		Hunter	Fee	197.00-5-5	153.12
8344		Jewett	Fee	147.00-1-16	0.77
4108		Lexington	Fee	p/o 109.00-2-90	23.18
7525		Lexington	Fee	p/o 159.00-1-4	45.00
6226		Windham	WAC CE	p/o 114.00-1-8.11	148.50
1028	Sullivan	Neversink	Fee	p/o 40.-1-22.1	56.60
1996	Ulster	Denning	Fee	42.-3-3.120 through 3.150	162.46
1996		Denning	Fee	42.-3-5.200	68.95

REAL PROPERTY PUBLIC HEARING IN THE MATTER OF the acquisition by the City of New York of easement interests on the following real estate in the County of Westchester in connection with the operation, repair and/or maintenance of the Catskill Aqueduct as part of the New York City water supply system:

County	Municipality	NYC Parcel ID	Tax Lot ID	Acres (+/-)
Westchester	Cortlandt	9053	p/o 12.19-2-1	1.20

A copy of the Mayor's Preliminary Certificates of Adoption and maps of the real estate to be acquired are available for public inspection upon request. Please call (845) 340-7810.



← n28

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303,25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, December 6, 2016, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

60-47 68th Road - Central Ridgewood Historic District
182552 - Block 3513 - Lot 39 - **Zoning: R5B**
CERTIFICATE OF APPROPRIATENESS
A Renaissance Revival style flats building designed by Louis Berger & Company and built c. 1909, with a later garage also on the site. Application is to alter the garage.

404 Grand Avenue - Clinton Hill Historic District
194327 - Block 1981 - Lot 46 - **Zoning: R6B**
CERTIFICATE OF APPROPRIATENESS
An Italianate style rowhouse built in the 19th Century. Application is to construct a rear yard addition and install rooftop mechanical equipment.

30 Middagh Street - Brooklyn Heights Historic District
192200 - Block 215 - Lot 7 - **Zoning: R6**
CERTIFICATE OF APPROPRIATENESS
A Federal style frame house built in 1824. Application is to alter roof and modify window openings.

150 Bergen Street - Boerum Hill Historic District
190054 - Block 386 - Lot 14 - **Zoning: R6B**
CERTIFICATE OF APPROPRIATENESS
A Greek Revival style rowhouse constructed c. 1849-50. Application is to construct rooftop and rear yard additions and replace windows.

135 Plymouth Street, aka 143 Plymouth Street, and 1-15 Adams Street - DUMBO Historic District
181081 - Block 18 - Lot 1 - **Zoning: M1-4/R8A**
CERTIFICATE OF APPROPRIATENESS
A factory complex built from 1879 to c. 1900, consisting of an Altered Vernacular style factory building, designed by J. Irving Howard, built in 1879, and expanded in 1886, and in 1904; a Romanesque Revival style factory building designed by William B. Tubby and built in 1891; and a Romanesque Revival style drafting room, and office building, designed by Rudolphe L. Daus and built in 1900-1904. Application is to replace windows.

484 Washington Avenue, aka 484-492 Washington Avenue - Clinton Hill Historic District
185791 - Block 1978 - Lot 17 - **Zoning: R6B**
CERTIFICATE OF APPROPRIATENESS
An early Romanesque Revival style church designed by Ebenezer L. Roberts and built in 1860. Application is to install a free-standing sign.

201 MacDonough Street - Stuyvesant Heights Historic District
181666 - Block 1853 - Lot 49 - **Zoning: R6B**
CERTIFICATE OF APPROPRIATENESS
An Italianate style rowhouse built in 1872-1873. Application is to legalize the installation of windows without LPC permit(s).

178 Halsey Street - Bedford Historic District
192211 - Block 1844 - Lot 50 - **Zoning: R6B**
CERTIFICATE OF APPROPRIATENESS
A Queen Anne style stores and flats building designed by John. S. Frost and built c. 1888. Application is to extend fire escape balconies.

860 St. Johns Place - Crown Heights North Historic District II
191978 - Block 1255 - Lot 11 - **Zoning: R6**
CERTIFICATE OF APPROPRIATENESS
A Romanesque Revival/Renaissance Revival style rowhouse designed by Frederick L. Hine and built in 1898-99. Application is to legalize facade and areaway alterations without Landmarks Preservation Commission permit(s).

615 Eastern Parkway - Crown Heights North Historic District II
191050 - Block 1262 - Lot 41 - **Zoning: R6**
CERTIFICATE OF APPROPRIATENESS
A Chateausque style rowhouse built c. 1899 by Frederick L. Hine. Application is to construct an addition, modify the entrance and install a canopy.

118 Rutland Road - Prospect Lefferts Gardens Historic District
186777 - Block 5038 - Lot 6 - **Zoning: R2**

CERTIFICATE OF APPROPRIATENESS

A neo-Renaissance style townhouse designed by Benjamin Driesler and built in 1911. Application is to install a bay window and replace windows.

51 White Street - Tribeca East Historic District

191576 - Block 175 - Lot 24 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

An Italianate style store and loft building built in 1857-58 and later altered. Application is to remove a fire escape, replace storefront infill, alter the ground floor, construct rooftop additions and modify the rear façade.

51 White Street - Tribeca East Historic District

192959 - Block 175 - Lot 24 - **Zoning:** C6-2A

MODIFICATION OF USE AND BULK

An Italianate style store and loft building built in 1857-58. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use and Bulk pursuant to Section 74-711 of the Zoning Resolution.

55 Gansevoort Street - Gansevoort Market Historic District

194595 - Block 644 - Lot 60 - **Zoning:** M1-5

CERTIFICATE OF APPROPRIATENESS

A store and loft building designed by Joseph M. Dunn and built in 1887. Application is to remove the fire escape, replace the canopy, raise the roof, construct a rooftop addition, and install wind screens and mechanical equipment.

n22-d6

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233-33 38th Drive - Douglaston Historic District

194152 - Block 8059 - Lot 28 - **Zoning:** R1-2

CERTIFICATE OF APPROPRIATENESS

A vacant lot created by a sub-division. Application is to construct a new house.

177-15 Murdock Avenue - Addisleigh Park Historic District

187722 - Block - Lot 58 **Zoning:** R2

CERTIFICATE OF APPROPRIATENESS

A free-standing Tudor Revival style house with Colonial Revival style alterations and built c. 1925. Application is to construct an addition, replace windows, and install shutters and fencing.

34-20 84th Street - Jackson Heights Historic District

190966 - Block 1444 - Lot 14 - **Zoning:** R5

CERTIFICATE OF APPROPRIATENESS

An Anglo-American Garden Home style house designed by Robert Tappan and built in 1927. Application is to legalize alterations to the areaway without Landmarks Preservation Commission permit(s).

112-40 175th Place - Addisleigh Park Historic District

192853 - Block - Lot 17 - **Zoning:** R2

CERTIFICATE OF APPROPRIATENESS

A Medieval Revival style house designed by H. Fogary and built in 1931. Application is to replace windows.

34-34 83rd Street - Jackson Heights Historic District

187827 - Block 1443 - Lot 22 - **Zoning:** 9D

CERTIFICATE OF APPROPRIATENESS

An Anglo-American Garden Home style house designed by Pierce L. Kiesewetter and built in 1928-1929. Application is to legalize alterations to the front stoop without Landmarks Preservation Commission permit(s).

30 Middagh Street - Brooklyn Heights Historic District

192200 - Block 215 - Lot 7 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

A frame house built in 1824. Application is to alter the roof and modify and add window openings.

484 Washington Avenue, aka 484-492 Washington Avenue - Clinton Hill Historic District

185791 - Block 1978 - Lot 17 - **Zoning:** R6B

CERTIFICATE OF APPROPRIATENESS

An early Romanesque Revival style church designed by Ebenezer L. Roberts and built in 1860. Application is to install a free-standing sign.

404 Grand Avenue - Clinton Hill Historic District

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CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse built in the 19th Century. Application is to construct a rear yard addition and install rooftop mechanical equipment.

135 Plymouth Street, aka 143 Plymouth Street, and 1-15 Adams Street - DUMBO Historic District

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A factory complex built from 1879 to c. 1900, consisting of an Altered Vernacular style factory building, designed by J. Irving Howard, built in 1879, and expanded in 1886, and in 1904; a Romanesque Revival style factory building designed by William B. Tubby and built in 1891; and a Romanesque Revival style drafting room, and office building, designed by Rudolphe L. Daus and built in 1900-1904. Application is to replace windows.

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CERTIFICATE OF APPROPRIATENESS

A Queen Anne style stores and flats building designed by John. S. Frost and built c. 1888. Application is to extend fire escape balconies.

860 St. Johns Place - Crown Heights North Historic District II

191978 - Block 1255 - Lot 11 - **Zoning:** R6

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A Romanesque Revival/Renaissance Revival style rowhouse designed by Frederick L. Hine and built in 1898-99. Application is to legalize façade and areaway alterations without Landmarks Preservation Commission permit(s).

615 Eastern Parkway - Crown Heights North Historic District II

191050 - Block 1262 - Lot 41 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

A Chateausque style rowhouse built c. 1899 by Frederick L. Hine. Application is to construct an addition, modify the entrance and install a canopy.

118 Rutland Road - Prospect Lefferts Gardens Historic District

186777 - Block 5038 - Lot 6 **Zoning:**

CERTIFICATE OF APPROPRIATENESS

A Neo-Renaissance style townhouse designed by Benjamin Driesler and built in 1911. Application is to construct a bay window, rear yard addition and mechanical equipment.

308 Canal Street - Tribeca East Historic District

191212 - Block 210 - Lot 17 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

An Italianate style store and loft building built in 1864-65. Application is to construct a rooftop addition and bulkheads, replace windows, install storefront infill and signage, and remove a fire escape.

310 Canal Street, aka 53 Lispenard Street - Tribeca East Historic District

191848 - Block 210 - Lot 16 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style store and loft building designed by John J. Devoe, Jr. and built in 1879, and an Italianate style store and loft building designed by William H. Hume and built in 1867-68. Application is to construct a rooftop addition and bulkheads, replace windows, install storefront infill, a ramp and signage, and new windows on the lot line façade.

53-55 Beach Street - Tribeca West Historic District

179457 - Block 214 - Lot 1 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

A Utilitarian style warehouse building designed by Oscar Teale and built in 1885. Application is to amend and reauthorize rooftop work approved pursuant to Certificate of Appropriateness 09-6360, and extend a fire escape.

50 King Street - Charlton-King-Vandam Historic District

191300 - Block 519 - Lot 14 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

An apartment house built in 1955. Application is to construct a barrier-free access ramp.

771 Washington Street - Greenwich Village Historic District

194621 - Block 641 - Lot 75 - **Zoning:** C4-4A R6

CERTIFICATE OF APPROPRIATENESS

A garage building built in 1924-25. Application is to construct a rooftop addition, demolish portions of the building, raise the parapet, and replace windows and ground-floor infill.

29 West 8th Street - Greenwich Village Historic District

190088 - Block 572 - Lot 58 - **Zoning:** C4-5

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style town house built in 1845-1846 and later altered. Application is to replace windows.

464-480 Hudson Street (aka 72-84 Barrow Street) - Greenwich Village Historic District

193315 - Block 585 - Lot 1 - **Zoning:** C1-6 R-6

CERTIFICATE OF APPROPRIATENESS

An apartment house designed by Renwick, Aspinwall, & Tucker and

built in 1925-26. Application is to legalize the installation of signage and alterations to the storefront without permit(s) and to install mechanical units in the side alley.

54 Bond Street - Individual Landmark
193645 - Block 530 - Lot 7507 - **Zoning:** C6-1
CERTIFICATE OF APPROPRIATENESS

A French Second Empire style building designed by Henry Engelbert and built in 1874. Application is to install signage.

34 Dominick Street - Individual Landmark
172251 - Block 578 - Lot 63 - **Zoning:** M1-6
CERTIFICATE OF APPROPRIATENESS

A Federal style row house built c. 1826 with Italianate and Colonial Revival style alterations. Application is to construct rooftop and rear yard additions.

594 Broadway - SoHo-Cast Iron Historic District
192196 - Block 511 - Lot 12 - **Zoning:** M1-5B
CERTIFICATE OF APPROPRIATENESS

A store building designed by Buchman & Deisler and built in 1898. Application is to replace windows.

107 Mercer Street - SoHo-Cast Iron Historic District
191149 - Block 499 - Lot 37 - **Zoning:** M1-5A
CERTIFICATE OF APPROPRIATENESS

A store and loft building designed by J. B. Snook and built in 1878. Application is to install a flagpole.

33 Howard Street - SoHo-Cast Iron Historic District Extension
191605 - Block 5209 - Lot 8 **Zoning:** M1-5B
CERTIFICATE OF APPROPRIATENESS

A Greek Revival style house built c. 1824-1825 and later altered. Application is to install a barrier-free access lift.

240 Sullivan Street - South Village Historic District
192430 - Block 540 - Lot 23 - **Zoning:** 12C
CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style tenement building with a commercial ground floor designed by Schneider & Herter and built in 1901-1902. Application is to alter the storefront and install a mural sign.

69 Gansevoort Street - Gansevoort Market Historic District
194527 - Block 644 - Lot 64 - **Zoning:** M1-5
CERTIFICATE OF APPROPRIATENESS

A Moderne style restaurant and apartment building designed by George H. Suess, and built in the 19th century, and altered from 1907 to 1949. Application is to install storefront infill and signage.

4 St. Mark's Place - Individual Landmark
186310 - Block 463 - Lot 11 - **Zoning:** C6-1
CERTIFICATE OF APPROPRIATENESS

A Federal style town house built in 1831. Application is to install storefront infill, and a balcony and construct rooftop and rear yard additions.

142 Fifth Avenue, aka 5 West 19th Street - Ladies' Mile Historic District
183800 - Block 821 - Lot 38 - **Zoning:** C6-4A, C6-4M
CERTIFICATE OF APPROPRIATENESS

A Neo-Renaissance style store and loft building designed by Robert Maynicke and built in 1898-99. Application is to legalize the construction of a rooftop pergola without Landmarks Preservation Commission permit(s).

563 Park Avenue - Upper East Side Historic District
184679 - Block 1397 - Lot 1 - **Zoning:** R10
CERTIFICATE OF APPROPRIATENESS

A Neo-Renaissance style apartment building built in 1909-10. Application is to modify a fence and gate, and install a barrier-free access lift.

811 Walton Avenue - Grand Concourse Historic District
194086 - Block 2474 - Lot 1 - **Zoning:** R8
CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style apartment building designed by Franklin, Bates & Heindsmann, and built in 1926-27. Application is to replace windows.

n15-29

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Various - Morningside Heights Historic District
LP2584 - Block - Lot - **Zoning:**
ITEM TO BE HEARD

An approximately 115-building district that reflects the residential development of Morningside Heights, primarily comprising residential buildings, with some institutional buildings, largely constructed between the 1890s and the 1920s.

Morningside Heights Historic District Boundary Description, Borough of Manhattan.

The proposed Morningside Heights Historic District consists of the property bounded by a line beginning on the eastern curbline of Riverside Drive at a point on a line extending westerly from the southern property line of 362 Riverside Drive (aka 362-366 Riverside Drive; 318 West 109th Street), extending northerly along the eastern curbline of Riverside Drive to the southern curbline of West 119th Street, easterly along the southern curbline of West 119th Street to the western curbline of Claremont Avenue, southerly along the western curbline of Claremont Avenue continuing southerly to the southern curbline of West 116th Street, easterly along the southern curbline of West 116th Street to the western curbline of Broadway, southerly along the western curbline of Broadway to a point on a line extending easterly from the southern property line of 600 West 116th Street (aka 2951-2959 Broadway), westerly along said line and the southern property lines of 600 West 116th Street (aka 2951-2959 Broadway), 606 West 116th Street (aka 602-606 West 116th Street), 610 West 116th Street (aka 608-610 West 116th Street), 612 West 116th Street and part of the southern property line of 616 West 116th Street (aka 614-618 West 116th Street), southerly along the eastern property line of 617 West 115th Street and a line extending southerly from the eastern property line of 617 West 115th Street to the southern curbline of West 115th Street, easterly along the southern curbline of West 115th Street to a point on a line extending northerly from the eastern property line of 608 West 115th Street (aka 608-610 West 115th Street) southerly along said line and the eastern property line of 608 West 115th Street (aka 608-610 West 115th Street) to a point on the northern property line of 609 West 114th Street (aka 605-609 West 114th Street), easterly along the northern property line of 609 West 114th Street (aka 605-609 West 114th Street) and part of the northern property line of 601 West 114th Street (aka 601-603 West 114th Street; 2921-2927 Broadway), northerly along the western property line of 600 West 115th Street (aka 2931-2939 Broadway) to the southern curbline of West 115th Street, easterly along the southern curbline of West 115th Street to the western curbline of Broadway, southerly along the western curbline of Broadway to the northern curbline of West 114th Street, westerly along the northern curbline of West 114th Street to a point on a line extending northerly from the eastern property line of 604 West 114th Street, southerly along said line and the eastern property line of 604 West 114th Street, westerly along the southern property lines of 604 to 618 West 114th Street, southerly along the eastern property line of 615 West 113th Street (aka 615-617 West 113th Street) and a line extending southerly from the eastern property line of 615 West 113th Street (aka 615-617 West 113th Street) to the southern curbline of West 113th Street, easterly along the southern curbline of West 113th Street and across Broadway to a point on a line extending northerly from the eastern property line of 562 West 113th Street (aka 562-568 West 113th Street; 2890-2898 Broadway), southerly along said line and the eastern property line of 562 West 113th Street (aka 562-568 West 113th Street; 2890-2898 Broadway), westerly along part of the southern property line of 562 West 113th Street (aka 562-568 West 113th Street; 2890-2898 Broadway), southerly along the eastern property line of 545 West 112th Street (aka 2880-2888 Broadway) and a line extending southerly from the eastern property line of 545 West 112th Street (aka 2880-2888 Broadway) to the southern curbline of West 112th Street, easterly along the southern curbline of West 112th Street to point on a line extending northerly from the eastern property line of 542 West 112th Street (aka 542-548 West 112th Street, 2868-2878A Broadway), southerly along said line and the eastern property line of 542 West 112th Street (aka 542-548 West 112th Street, 2868-2878A Broadway) to a point on the northern property line of 545 West 111th Street (aka 2858-2866 Broadway), easterly along part of the northern property line of 545 West 111th Street (aka 2858-2866 Broadway) and the northern property lines of 533-535 West 111th Street (aka 533-537 West 111th Street) to 503 West 111th Street (aka 503-505 West 111th Street), southeasterly along the eastern property line of 503 West 111th Street (aka 503-505 West 111th Street) and southerly along a line extending southerly from the eastern property line of 503 West 111th Street (aka 503-505 West 111th Street) to the southern curbline of West 111th Street, easterly along the southern curbline of West 111th Street to the western curbline of Amsterdam Avenue, southerly along the western curbline of Amsterdam Avenue continuing in a straight line across Cathedral Parkway to a point on a line extending easterly from the southern property line of 500 Cathedral Parkway (aka 1002A-1018 Amsterdam Avenue), westerly along said line and the southern property lines of 500 Cathedral Parkway (aka 1002A-1018 Amsterdam Avenue) to 550 Cathedral Parkway (aka 548-550 Cathedral Parkway), northerly along the western property line of 550 Cathedral Parkway (aka 548-550

Cathedral Parkway) to the southern curblineline of Cathedral Parkway, easterly along the southern curblineline of Cathedral Parkway to a point on a line extending southerly from the western property line of 535 Cathedral Parkway (aka 529-541 Cathedral Parkway), northerly along said line and the western property line of 535 Cathedral Parkway (aka 529-541 Cathedral Parkway), to a point on the southern property line of 536 West 111th Street (aka 536-538 West 111th Street), westerly along part of the southern property line of 536 West 111th Street (aka 536-538 West 111th Street), northerly along the western property line of 536 West 111th Street (aka 536-538 West 111th Street) and a line extending northerly from the western property line of 536 West 111th Street (aka 536-538 West 111th Street) to the northern curblineline of West 111th Street, westerly along the northern curblineline of West 111th Street to the eastern curblineline of Broadway, northerly along the eastern curblineline of Broadway to the northern curblineline of West 112th Street, westerly across Broadway and along the northern curblineline of West 112th Street to a point on a line extending northerly from the eastern property line of 395 Riverside Drive (aka 393-397 Riverside Drive; 620-628 West 112th Street), southerly along said line and the eastern property line of 395 Riverside Drive (aka 393-397 Riverside Drive; 620-628 West 112th Street), easterly along the northern property lines of 611 West 111th Street (aka 609-611 West 111th Street), 605 West 111th Street (aka 605-607 West 111th Street), and 603 West 111th Street, southerly along the eastern property line of 603 West 111th Street and a line extending southerly from the eastern property line of 603 West 111th Street to the southern curblineline of West 111th Street, easterly along the southern curblineline of West 111th Street to the western curblineline of Broadway, southerly along the western curblineline of Broadway to the northern curblineline of Cathedral Parkway, westerly along the northern curblineline of Cathedral Parkway to a point on a line extending northerly from the eastern property line of 610 Cathedral Parkway (aka 608-614 Cathedral Parkway) southerly along said line and the eastern property line of 610 Cathedral Parkway (aka 608-614 Cathedral Parkway), westerly along the southern property line of 610 Cathedral Parkway (aka 608-614 Cathedral Parkway) and part of the southern property line of 375 Riverside Drive (aka 371-375 Riverside Drive; 616-624 Cathedral Parkway), southerly along the eastern property line of 370 Riverside Drive (aka 317-327 West 109th Street) to the northern curblineline of West 109th Street, westerly along the northern curblineline of West 109th Street to a point on a line extending northerly from the eastern property line of 362 Riverside Drive (aka 362-366 Riverside Drive; 318 West 109th Street), southerly along said line and the eastern property line of 362 Riverside Drive (aka 362-366 Riverside Drive; 318 West 109th Street), westerly along the southern property line of 362 Riverside Drive (aka 362-366 Riverside Drive; 318 West 109th Street) to the point of beginning.

1047 Amsterdam Avenue-aka 1021-1061 Amsterdam Avenue and 419 West 110th Street [Cathedral Parkway] - Cathedral Church of St. John The Divine and the Cathedral Close LP2585 - Block 1865 - Lot 1, 10, 30, S8010 - Zoning: ITEM TO BE HEARD

A complex of 7 buildings in various styles including an unfinished cathedral church, designed by different architects in the 19th and 20th centuries.

n22-d6

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ITEMS FOR PUBLIC HEARING

Item No. 1

LP-2586

PEOPLE'S TRUST COMPANY BUILDING, 181 Montague Street (aka 181-183 Montague Street, 140-142 Pierrepont Street), Brooklyn
Landmark Site: Borough of Brooklyn Tax Map Block 244, Lot 15

Item No. 2

LP-2587

NATIONAL TITLE GUARANTY COMPANY BUILDING, 185 Montague Street, Brooklyn
Landmark Site: Borough of Brooklyn Tax Map Block 244, Lot 13.

Item No. 3

LP-2590

PROPOSED SULLIVAN-THOMPSON HISTORIC DISTRICT, Borough of Manhattan
Boundary Description

The proposed Sullivan-Thompson Historic District consists of the property bounded by a line beginning on the southern curblineline of West Houston Street at a point on a line extending northerly from a portion of the eastern property line of 152-154 Thompson Street, then extending southerly along a portion of the eastern property line of 152-154 Thompson Street, westerly along a portion of the southern property line of 152-154 Thompson Street, southerly along a portion of the eastern property line of 152-154 Thompson Street, westerly along a portion of the southern property line of 152-154 Thompson Street to the eastern curblineline of Thompson Street, southerly along the eastern curblineline of Thompson Street to a point formed by its intersection with a line extending westerly from the northern property line of 132-136 Thompson Street, easterly along the northern property line of 132-136 Thompson Street, southerly along the eastern property lines of 128-136 Thompson Street and 159 Prince Street to the northern curblineline of Prince Street, easterly along the northern curblineline of Prince Street to a point formed by its intersection with a line extending northerly from the eastern property line of 156-158 Prince Street, southerly across Prince Street and along the eastern property line of 156-158 Prince Street, westerly along the southern property line of 156-158 Prince Street and a portion of the southern property line of 114-116 Thompson Street, southerly along a portion of the eastern property line of 110-112 Thompson Street, westerly along a portion of the southern property line of 110-112 Thompson Street, southerly along a portion of the eastern property line of 110-112 Thompson Street and the eastern property line of 106-108 Thompson Street, westerly along the southern property line of 106 Thompson Street to the eastern curblineline of Thompson Street, southerly along the eastern curblineline of Thompson Street to a point formed by its intersection with a line extending westerly from the northern property line of 98-100 Thompson Street, easterly along the northern property line of 98-100 Thompson Street, southerly along the eastern property line of 98-100 Thompson Street, westerly along the southern property line of 98-100 Thompson Street to the eastern curblineline of Thompson Street, southerly along the eastern curblineline of Thompson Street to a point formed by its intersection with a line extending westerly from a part of the northern property line of 90-92 Thompson Street, easterly along the northern property line of 90-92 Thompson Street, southerly along the eastern property line of 90-92 Thompson Street and 171 Spring Street to the northern curblineline of Spring Street, easterly along the northern curblineline of Spring Street to a point formed by its intersection with a line extending northerly from the eastern property line of 170-176 Spring Street, southerly across Spring Street and along the eastern property line of 170-176 Spring Street, westerly along a portion of the southern property line of 170-176 Spring Street, southerly along the eastern property line of 72-80 Thompson Street and a portion of the eastern property line of 68-70 Thompson Street, easterly along a portion of the northern property line of 68-70 Thompson Street, southerly along a portion of the eastern property line of 68-70 Thompson Street, westerly along the southern portion of the property line of 68-70 Thompson Street to the western curblineline of Thompson Street, southerly along the western curblineline of Thompson Street to a point formed by its intersection with the northern curblineline of Broome Street, westerly along the northern curblineline of Broome Street to a point formed by its intersection with a line extending northerly from the eastern property line of 519 Broome Street, southerly across Broome Street and along the eastern property line of 519 Broome Street to the northern curblineline of Watts Street, westerly along the northern curblineline of Watts Street to a point formed by its intersection with the eastern curblineline of Sullivan Street, northerly along the eastern curblineline of Sullivan Street to a point formed by its intersection with a line extending easterly from the southern property line of 202 Spring Street (aka 84-90 Sullivan Street), westerly along the southern property lines of 202 Spring Street (aka 84-90 Sullivan Street), 204-210 Spring Street, and 158-160 Avenue of the Americas to the eastern curblineline of Avenue of the Americas, northerly along the eastern curblineline of Avenue of the Americas to a point formed by its intersection with the southern curblineline of Spring Street, easterly along the southern curblineline of Spring Street to a point formed by its intersection with a line extending southerly from the western property line of 201-205 Spring Street (aka 92-94 Sullivan Street), northerly across Spring Street and along the western property line of 201-205 Spring Street (aka 92-94 Sullivan Street), westerly along a portion of the southern property line of 96-102 Sullivan Street, northerly along a portion of the western property line of 96-102 Sullivan Street, northerly along a portion of the western property line of 104-108 Sullivan Street and a portion of the western property line of 112 Sullivan Street to a point formed by its intersection with the southern property line of 188-192 Avenue of the Americas, westerly along the southern property line of 188-192 Avenue of the Americas to a point formed by its intersection with a line running southerly from the curblineline of the northeastern corner of the intersection of MacDougal Street and Prince Street, northerly along said line and across Prince Street and along the eastern curblineline of MacDougal Street to a point formed by its intersection with a line extending easterly along the northern curblineline of Prince Street, westerly across MacDougal Street and along the northern curblineline of Prince Street to the eastern curblineline of Avenue of the Americas, northerly along the

eastern curblin of Avenue of the Americas to a point formed by its intersection with a line extending westerly from a portion of the northern property line of 206-210 Avenue of the Americas (aka 31-35 MacDougal Street), easterly along a portion of the northern property line of 206-210 Avenue of the Americas (aka 31-35 MacDougal Street), southerly along a portion of the eastern property line of 206-210 Avenue of the Americas (aka 31-35 MacDougal Street), easterly along a portion of the northern property line of 206-210 Avenue of the Americas (aka 31-35 MacDougal Street) to the centerline of MacDougal Street, northerly along the centerline of MacDougal Street to a point formed by its intersection with a line running westerly from the southern curblin of West Houston Street, easterly along the southern curblin of West Houston Street to the point of the beginning.

Accessibility questions: Lorraine Roach-Steele, (212) 669-7815, lroach-steele@lpc.nyc.gov, by: Monday, November 28, 2016, 2:00 P.M.



n14-28

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945, commencing at 2:00 P.M., on Wednesday, December 7, 2016. Interested parties can obtain copies of proposed agreements or request sign language interpreters (with at least seven days prior notice), at 55 Water Street, 9th Floor South West, New York, NY 10041, or by calling (212) 839-6550.

#1 IN THE MATTER OF a proposed revocable consent authorizing 171st Street LLC to construct, maintain and use a force main, together with an air release valve structure and a manhole, under, across and along 171st Street, between 89th Avenue and Hillside Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2352**

- From the Approval Date to June 30, 2017 - \$3,696/annum
- For the period July 1, 2017 to June 30, 2018 - \$3,779
- For the period July 1, 2018 to June 30, 2019 - \$3,862
- For the period July 1, 2019 to June 30, 2020 - \$3,945
- For the period July 1, 2020 to June 30, 2021 - \$4,028
- For the period July 1, 2021 to June 30, 2022 - \$4,111
- For the period July 1, 2022 to June 30, 2023 - \$4,194
- For the period July 1, 2023 to June 30, 2024 - \$4,277
- For the period July 1, 2024 to June 30, 2025 - \$4,360
- For the period July 1, 2025 to June 30, 2026 - \$4,443
- For the period July 1, 2016 to June 30, 2027 - \$4,526

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 IN THE MATTER OF a proposed revocable consent authorizing Keyu Zhu and Xiaoying Ni to construct, maintain and use a stoop and a fenced-in area, together with steps, on the south sidewalk of West 122nd Street, east of Morningside Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2353**

- From the Approval Date to June 30, 2017 - \$919/annum
- For the period July 1, 2017 to June 30, 2018 - \$ 940
- For the period July 1, 2018 to June 30, 2019 - \$ 961
- For the period July 1, 2019 to June 30, 2020 - \$ 982
- For the period July 1, 2020 to June 30, 2021 - \$1,003
- For the period July 1, 2021 to June 30, 2022 - \$1,024
- For the period July 1, 2022 to June 30, 2023 - \$1,045
- For the period July 1, 2023 to June 30, 2024 - \$1,066
- For the period July 1, 2024 to June 30, 2025 - \$1,087
- For the period July 1, 2025 to June 30, 2026 - \$1,108
- For the period July 1, 2026 to June 30, 2027 - \$1,129

the maintenance of a security deposit in the sum of \$5,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#3 IN THE MATTER OF a proposed revocable consent authorizing Park East 91st Street LLC to continue to maintain and use a fenced-in area on the south sidewalk of East 91st Street, west of Third Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P.# 1574**

From July 1, 2016 to June 30, 2026 - \$100/per annum

the maintenance of a security deposit in the sum of \$1,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 IN THE MATTER OF a proposed revocable consent authorizing The Trustees of Columbia University of New York to continue to maintain and use pipes and conduits under and across West 114th Street, west of Amsterdam Avenue; under and across Amsterdam Avenue, north of West 116th Street; under and across Broadway, north of West 119th Street; under and across West 116th Street, west of Morningside Drive; under, across and along West 115th Street, west of Broadway; under and across West 116th Street, east of Broadway; under and across Haven Avenue and Fort Washington Avenue; and under and across Broadway, north of West 116th Street, all in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #303**

- For the period July 1, 2016 to June 30, 2017 - \$ 99,309
- For the period July 1, 2017 to June 30, 2018 - \$101,534
- For the period July 1, 2018 to June 30, 2019 - \$103,759
- For the period July 1, 2019 to June 30, 2020 - \$105,984
- For the period July 1, 2020 to June 30, 2021 - \$108,209
- For the period July 1, 2021 to June 30, 2022 - \$110,344
- For the period July 1, 2022 to June 30, 2023 - \$112,659
- For the period July 1, 2023 to June 30, 2024 - \$114,884
- For the period July 1, 2024 to June 30, 2025 - \$117,109
- For the period July 1, 2025 to June 30, 2026 - \$119,334

the maintenance of a security deposit in the sum of \$99,300 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#5 IN THE MATTER OF a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use two (2) pipes under and along Amsterdam Avenue, between West 116th Street and West 118th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1547**

- For the period July 1, 2016 to June 30, 2017 - \$23,712
- For the period July 1, 2017 to June 30, 2018 - \$24,243
- For the period July 1, 2018 to June 30, 2019 - \$24,774
- For the period July 1, 2019 to June 30, 2020 - \$25,305
- For the period July 1, 2020 to June 30, 2021 - \$25,836
- For the period July 1, 2021 to June 30, 2022 - \$26,367
- For the period July 1, 2022 to June 30, 2023 - \$26,898
- For the period July 1, 2023 to June 30, 2024 - \$27,429
- For the period July 1, 2024 to June 30, 2025 - \$27,960
- For the period July 1, 2025 to June 30, 2026 - \$28,491

the maintenance of a security deposit in the sum of \$23,800 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 IN THE MATTER OF a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use pipes and a conduit under and across West 114th Street and West 116th Street, all between Broadway and Amsterdam Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1564**

- For the period July 1, 2016 to June 30, 2017 - \$18,730
- For the period July 1, 2017 to June 30, 2018 - \$19,150
- For the period July 1, 2018 to June 30, 2019 - \$19,570
- For the period July 1, 2019 to June 30, 2020 - \$19,990
- For the period July 1, 2020 to June 30, 2021 - \$20,410
- For the period July 1, 2021 to June 30, 2022 - \$20,830
- For the period July 1, 2022 to June 30, 2023 - \$21,250
- For the period July 1, 2023 to June 30, 2024 - \$21,670
- For the period July 1, 2024 to June 30, 2025 - \$22,090
- For the period July 1, 2025 to June 30, 2026 - \$22,510

the maintenance of a security deposit in the sum of \$18,800 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#7 IN THE MATTER OF a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to continue to maintain and use conduits under, across and along Riverside Drive, south of Saint Clair Place, under, across and along Claremont Avenue, south of La Salle Street, under and across West 122nd Street, east of Claremont Avenue, and under and across West 111th Street, west of Amsterdam Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms

and conditions for compensation payable to the City according to the following schedule: **R.P. #1976**

- For the period July 1, 2016 to June 30, 2017 - \$14,584
- For the period July 1, 2017 to June 30, 2018 - \$14,911
- For the period July 1, 2018 to June 30, 2019 - \$15,238
- For the period July 1, 2019 to June 30, 2020 - \$15,565
- For the period July 1, 2020 to June 30, 2021 - \$15,892
- For the period July 1, 2021 to June 30, 2022 - \$16,219
- For the period July 1, 2022 to June 30, 2023 - \$16,546
- For the period July 1, 2023 to June 30, 2024 - \$16,873
- For the period July 1, 2024 to June 30, 2025 - \$17,200
- For the period July 1, 2025 to June 30, 2026 - \$17,527

the maintenance of a security deposit in the sum of \$15,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#8 IN THE MATTER OF a proposed revocable consent authorizing West 112th Street LLC to continue to maintain and use a planted area on the northerly sidewalk of West 112th Street, between St. Nicholas Avenue and Adam Clayton Powell Jr. Boulevard, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1974**

For the period from July 1, 2016 to June 30, 2026 - \$25/per annul

the maintenance of a security deposit in the sum of \$2,500 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

n16-d7

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

CITY OF NEW YORK
DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES
PROPOSED SALE OF A CERTAIN NEW YORK CITY
REAL PROPERTY PARCEL BY PUBLIC AUCTION

PUBLIC NOTICE IS HEREBY GIVEN that the Department of Citywide Administrative Services proposes to offer the property listed herein for sale at Public Auction.

In accordance with Section 384 of the New York City Charter, a Public Hearing was held on August 17, 2016 for the property at 1 Centre Street, 20th Floor, Conference Room D (North Elevator), Borough of Manhattan.

The property will be sold in accordance with the Standard Terms and Conditions of Sale dated June 13, 2016 and subject to Special Terms and Conditions.

The property has been approved for sale by the Mayor of the City of New York, and will be offered at public auction on January 11, 2017.

The brochure for this sale is available on the DCAS website at nyc.gov/auctions. Additionally, brochures are available at 1 Centre Street, 20th Floor North, New York, NY 10007, or by calling (212) 386-0588.

1 Parcel

Borough of The Bronx

Block	Lot	Location	Upset Price
2586	26	131 Walnut Avenue	\$14,300,000



o28-j11

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week at: <https://www.propertyroom.com/s/nyc+fleet>

All auctions are open to the public and registration is free.

Vehicles can be viewed in person by appointment at:
Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214.
Phone: (718) 802-0022

o11-m29

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>.

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j4-d30

POLICE

■ NOTICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT

The following listed property is in the custody of the Property Clerk Division without claimants:
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

Items are recovered, lost, abandoned property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES (All Boroughs):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j4-d30

PROCUREMENT

"Compete To Win" More Contracts!

Thanks to a new City initiative - "Compete To Win" - the NYC Department of Small Business Services offers a new set of FREE

services to help create more opportunities for minority and women-owned businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

● **Win More Contracts at nyc.gov/competetowin**

“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”

HHS ACCELERATOR

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are required every three years.
- Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete.
- Prequalification applications will be reviewed to validate compliance with corporate filings, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children’s Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit www.nyc.gov/hhsaccelerator

CITY UNIVERSITY

LAGUARDIA COMMUNITY COLLEGE

■ SOLICITATION

Goods and Services

COOLING TOWER PURCHASE AND INSTALL - Public Bid - PIN# 06908122016 - Due 1-18-17 at 3:00 P.M.

One new, 1200 ton, evaporative, induced-draft, cross-flow cooling tower. A mandatory site visit will take place on 12/28/2016 at 11:00 A.M.

Any purchase that results from this advertisement shall be governed by the terms and conditions of this advertisement (including without

limitation, any attached specifications and any other terms and conditions attached hereto or incorporated herein by reference), the University’s standard Purchase Order Terms and Conditions and Appendix A, the Standard Clauses for New York State Contracts, which are incorporated herein by reference with the same effect as it is written.

Communication with respect to this procurement initiated by or on behalf of an interested vendor through others may constitute an “impermissible contact” under state law, and could result in disqualification of that vendor.

The Procurement Lobbying Act (PLA) applies to this solicitation. The restricted period began with the publication of this ad.

Compliance Procurement Lobbying Act

Required Forms: Vendor shall complete, sign and submit the following forms if they are selected.

1. “Offerer’s Affirmation of Understanding of and Agreement pursuant to State Finance Law § 139-j (3) and § 139-j (6) (b)”
2. “Offerer’s Disclosure of Prior Non-Responsibility Determinations and Certification of Compliance with State Finance Law §139-j and §139-k”

Contact with CUNY:

Under the requirements of the PLA, all communications regarding advertised projects are to be channeled through the Designated Contact. Communication with respect to this procurement initiated by or on behalf of an interested vendor through others than the Designated Contact may constitute an “impermissible contact” under NYS law and could result in disqualification of that vendor.

Rules and regulations and more information on this law, please visit: <http://www.ogs.ny.gov/aboutogs/regulations/advisoryCouncil/Faq.htm> (Advisory Council FAQs) <http://www.jcope.ny.gov/law/lob/lobbying2.html> (New York State Lobbying Act)

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

City University, 31-10 Thomson Avenue, Room E-405, E-Building, Long Island City, NY 11101. Karen Pinckney (718) 482-5288; Fax: (718) 609-2166; karwilson@lagcc.cuny.edu; pricequote@lagcc.cuny.edu

Accessibility questions: Karen Pinckney, (718) 482-5582, by: Wednesday, November 30, 2016, 3:00 P.M.



← n28

CITYWIDE ADMINISTRATIVE SERVICES

■ AWARD

Goods

UMBRELLA IT CONTRACT-NYPD - Other - PIN# 8571700094 - AMT: \$3,595,500.00 - TO: Dyn Tek Services Inc., 1350 Broadway, Suite 2104, New York, NY 10018.

NYS OGS PT #PM 20840

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: (518) 474-6717.

← n28

■ SOLICITATION

Goods

STEEL CURB FACING (D.O.T) - Competitive Sealed Bids - PIN# 8571700037 - Due 12-28-16 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online at www.nyc.gov/cityrecord. Enrollment is free. Vendor may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 386-0044.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Tia Clarke (212) 386-0227; tclarke@dcas.nyc.gov

← n28

OFFICE OF CITYWIDE PROCUREMENT

SOLICITATION

Goods

LIQUID CAUSTIC SODA (SODIUM HYDROXIDE) - DEP (BWSO) - Competitive Sealed Bids - PIN# 8571500482 - Due 12-29-16 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at www.nyc.gov/cityrecord. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 386-0044 or by fax at (212) 669-7603.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Anne-Sherley Almonor (212) 386-0419; aalmonor@dcas.nyc.gov

n28

PIPE: BIKE RACK - Competitive Sealed Bids - PIN# 8571700058 - Due 1-5-17 at 10:30 A.M.

A copy of the bid can be downloaded from City Record Online at www.nyc.gov/cityrecord. Enrollment is free. Vendor may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 386-0044.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Citywide Administrative Services, 1 Centre Street, 18th Floor North, New York, NY 10007. Rafael Soto (212) 386-0459; Fax: (212) 313-3495; rsoto@dcas.nyc.gov

n28

REBAR CUTTER - Competitive Sealed Bids - PIN# 8571700035 - Due 12-13-16 at 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Citywide Administrative Services, 1 Centre Street, 18th Floor South, New York, NY 10007. Michael Ransom (212) 386-0466; Fax: (646) 500-7298; mransom@dcas.nyc.gov

n28

TOILET RENTALS, PORTABLE - Competitive Sealed Bids - PIN# 8571600185 - Due 12-13-16 at 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Citywide Administrative Services, 1 Centre Street, 18th Floor South, New York, NY 10007. Michael Ransom (212) 386-0466; Fax: (646) 500-7298; mransom@dcas.nyc.gov

n28

TRUCK, RACK, VARIOUS BODY TYPES - DOT - Competitive Sealed Bids - PIN# 8571600431 - Due 12-28-16 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at www.nyc.gov/cityrecord. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 386-0044 or by fax at (212) 669-7603.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007-1602. Kirklyal Henry (212) 386-0438; Fax: (212) 313-3447; khenry@dcas.nyc.gov

n28

DESIGN AND CONSTRUCTION

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATION

Construction/Construction Services

CONSTRUCTION OF STORM AND SANITARY SEWERS AND APPURTENANCES IN 41ST AVENUE BETWEEN 233RD AND 235TH STREET, ETC.-BOROUGH OF QUEENS - Competitive Sealed Bids - PIN# 85017B0043 - Due 12-21-16 at 11:00 A.M.

PROJECT NO. SEQ200492/DDC PIN:8502017SE0007C

Bid document deposit-\$35.00 per set-company check or money order only-no cash accepted-late bids will not be accepted
Special Experience Requirements

Apprenticeship Participation Requirements apply to this contract
Bid documents are available at: <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp>

This procurement is subject to Minority-Owned and Women-Owned Business Enterprises (MWBE) participation goals as required by Local Law 1 of 2013. All respondents will be required to submit an M/WBE Participation Plan with their response. For the MWBE goals, please visit our website at <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp> see "Bid Opportunities". For a list of companies certified by the NYC Department of Small Business Services, please visit www.nyc.gov/buycertified. To find out how to become certified, visit www.nyc.gov/getcertified or call the DSBS certification helpline at (212) 513-6311.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Design and Construction, 30-30 Thomson Avenue, First Floor, Long Island City, NY 11101. Brenda Barreiro (718) 391-1041; Fax: (718) 391-2615; barreirob@ddc.nyc.gov

n28

CONTRACTS

INTENT TO AWARD

Construction/Construction Services

RQ T, REQUIREMENTS CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES, CITYWIDE - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 8502017VP0035P - Due 11-29-16 at 4:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, DDC intends to use the Negotiated Acquisition process to extend the subject contract term to ensure continuity of construction-related services, for Requirements Contract for Construction Management Services, Citywide. The term of the contract will be 365 consecutive calendar days from the date of registration. It is the intention of the agency to enter into negotiations with the firm, LiRo Program and Construction Management PC.

RQ T, REQUIREMENTS CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES, CITYWIDE - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 8502017VP0034P - Due 11-29-16 at 4:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, DDC intends to use the Negotiated Acquisition process to extend the subject contract term to ensure continuity of construction-related services, for Requirements Contract for Construction Management Services, Citywide. The term of the contract will be 365 consecutive calendar days from the date of registration. It is the intention of the agency to enter into negotiations with the firm, Jacobs Project Management Co.

Firms may express interest in future procurements by contacting Peter Cabrera, Contract Manager, at 30-30 Thomson Avenue, Long Island City, NY 11101, or by calling (718) 391-1632 between the hours of 9:00 A.M. and 5:00 P.M., on business days. The firms are advised to register with the New York City Payee Information Portal (www.nyc.gov/pip) to be placed on the Citywide bidders list for future contracting opportunities.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Design and Construction, 30-30 Thomson Avenue, Long Island City, NY 11101. Peter Cabrera (718) 391-1632; Fax: (718) 391-1886; cabrera@dcd.nyc.gov

n21-28

AWARD

Construction/Construction Services

CONSTRUCTION OF SIMPLE, COMPLEX AND LANDMARK PEDESTRIAN RAMPS - BOROUGH OF BROOKLYN - Competitive Sealed Bids - PIN# 85016B0098 - AMT: \$6,475,482.52 - TO: Triumph Construction Corp., 1354 Seneca Avenue, Bronx, NY 10474. Project HWP15KCL

● **CONSTRUCTION OF COMPLEX PEDESTRIAN RAMPS ADJACENT TO TRANSIT AND/OR HISTORIC FACILITIES - BOROUGH OF BROOKLYN** - Competitive Sealed Bids - PIN# 85016B0116 - AMT: \$4,724,425.00 - TO: Restani Construction Corp., 42-04 Berrian Boulevard, Astoria, NY 11105. Project HWP15KTA

n28

FINANCE

INTENT TO AWARD

Services (other than human services)

FIREARMS TRAINING AND RECERTIFICATION OF SHERIFFS AND INVESTIGATORS - Government to Government - PIN# 83617T0001 - Due 12-13-16 at 10:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Finance, 1 Centre Street, Room 1040, New York, NY 10007. Adenike Bamgboye (212) 602-7002; Fax: (212) 669-4294; bamgboye@finance.nyc.gov

n21-28

FIRE DEPARTMENT

FISCAL-CONTRACT DEVELOPMENT

SOLICITATION

Services (other than human services)

MOLD REMEDIATION SERVICES - Competitive Sealed Bids - PIN# 057170000734 - Due 12-22-16 at 4:00 P.M.

Abatement and remediation services of mold and other biological hazardous agents such as pigeon droppings and gray or black water, at FDNY facilities throughout the five (5) boroughs of New York City.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Fire Department, 9 MetroTech Center, Brooklyn, NY 11201. Cecily Halliburton (718) 999-2845; Fax: (718) 999-0177; hallibc@fdny.nyc.gov

n28

HOUSING AUTHORITY

SOLICITATION

Construction/Construction Services

UPGRADE GYM FLOORING AT COOPER PARK HOUSES COMMUNITY CENTER - Competitive Sealed Bids - PIN# GR1619054 - Due 12-19-16 at 11:00 A.M.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA. Documents can also be obtained by registering with I-supplier and downloading documents. Please note that original bid bonds are due at time of bid opening.

Please note that in the event only one bidder has submitted a bid in connection with the contract on or before the original bid submission deadline, the bid submission deadline shall automatically be extended for fourteen (14) calendar days. The foregoing extension does not in any way limit NYCHA's right to extend the bid submission deadline for any other reason.

This contract shall be subject to the New York City Housing Authority's

Project Labor Agreement if the Bidder's price exceeds \$250,000.00.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, New York, NY 10007. Latrena Johnson (212) 306-3223; latrena.johnson@nycha.nyc.gov



n28

HUMAN RESOURCES ADMINISTRATION

AWARD

Human Services/Client Services

PERMANENT SUPPORTIVE CONGREGATE HOUSING FOR PERSONS LIVING WITH HIV/AIDS AND THEIR FAMILIES

- Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# 09615I0020001 - AMT: \$3,189,040.00 - TO: Haitian Centers Council Inc., 3807 Church Avenue, Brooklyn, NY 11203-2906. Term: 7/1/2016 - 6/30/2021

● **PERMANENT SUPPORTIVE CONGREGATE FOR PLWAS AND THEIR FAMILIES** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# 09615I0020009 - AMT: \$1,621,600.00 - TO: Lower Eastside Service Center Inc., 80 Maiden Lane, 2nd Floor, New York, NY 10038. Term: 7/1/2016 - 6/30/2021

n28

INTENT TO AWARD

Human Services/Client Services

HOMELESSNESS HOUSING SERVICES 3677 WHITE PLAINS ROAD - Negotiated Acquisition - Other - PIN# 17NHEOT00901 - Due 12-13-16 at 2:00 P.M.

For Informational Purposes Only

Human Resource Administration (HRA) intends to enter into a Negotiated Acquisition with the following vendor:

Acacia Network Housing Inc. - \$10,105,620

EPIN: 09617N0002. Term: 7/27/2016 - 7/26/2017

Acacia will execute a Master Lease for the following property, located at 3677 White Plains Road, Bronx, NY, with the building landlord, which shall be used to permanently house formerly homeless households in seventy one (71) one-bedroom, and twenty-two (22) two-bedroom apartments.

● **HOMELESS VETERANS HOUSING AND SERVICES - CRESTON AVENUE, 184TH STREET, BOSTON RD. AND 135TH STREET** - Negotiated Acquisition - Other - PIN# 16NHEOC04101 - Due 12-13-16 at 2:00 P.M.

For Informational Purposes Only

Human Resources Administration (HRA) intends to enter into a Negotiated Acquisition with the following vendor:

Samaritan Daytop Village - \$6,842,423.00

EPIN: 09616N0009. Term: 7/1/2016 - 6/30/2021

Samaritan will execute a Master Lease for the following four properties: (1) 2538 Creston Avenue, Bronx, NY (2) 471 East 184th Street, Bronx, NY (3) 1293 Boston Road, Bronx, NY, and (4) 433-35 East 135th Street, Bronx, NY, and will market the units to United States veterans and/or their families who are currently residing in shelter and eligible for rental assistance programs including but not limited to, LINC and SEPS.

Vendors interested in responding to these or other future solicitations for these types of services should contact the New York City Vendor Enrollment Center at (212) 857-1680 or at www.nyc.gov/selltonyc

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Human Resources Administration, 150 Greenwich Street, 37th Floor, New York, NY 10007. Adrienne Williams (929) 221-6346; williamsadri@hra.nyc.gov

n22-29

CONTRACTS

AWARD

Human Services/Client Services

PROVISION OF SCATTER SITE HOUSING FOR PLWA'S AND FAMILIES - Competitive Sealed Proposals - Available only from a single source - PIN# 06907P0031CNVA003 - AMT: \$842,708.00 - TO: Unique People Services Inc., 4234 Vireo Avenue, Bronx, NY 10470.

n28

INVESTIGATION

AGENCY CHIEF CONTRACTING OFFICER

■ INTENT TO AWARD

Services (other than human services)

FINANCIAL SUPPORT FOR CITYLAW - Sole Source - Available only from a single source - PIN# 03217S0001 - Due 12-5-16 at 9:00 A.M.

DOI seeks to extend its financial commitment to NYLS/Center for CityLaw for an additional year. CityLaw is a public database of New York City administrative law decisions, opinions, and other records vital to DOI's law enforcement activities.

Vendors may express their interests in providing similar services in the future by contacting the Department of Investigation, 80 Maiden Lane, 25th Floor, New York, NY 10038, Attention: Vicki C. Davie, Agency Chief Contracting Officer, or via email at vdavie@doi.nyc.gov or call (212) 825-2875.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Investigation, 80 Maiden Lane, 25th Floor, New York, NY 10038. Vicki Davie (212) 825-2875; Fax: (212) 825-2829; vdavie@doi.nyc.gov

← n28-d2

MAYOR'S OFFICE OF CRIMINAL JUSTICE

CONTRACTS

■ AWARD

Human Services/Client Services

SUMMONS/COURT ASSISTANCE PROGRAM IN HIGH-NEED SCHOOLS - Demonstration Project - Available only from a single source - PIN# 00216D0002 - AMT: \$320,760.00 - TO: Youth Represent, 11 Park Place, Suite 1512, New York, NY 10007.

Youth Represent, seeks to reduce the number of summons and warrants held by New York City youth by offering a combination of legal representation and educational services to students related to the criminal summons process. The initial phase of the demonstration project will be for a period of 16 months.

n23-30

PARKS AND RECREATION

■ VENDOR LIST

Construction/Construction Services

PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION - NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS

DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

*Firms that are in the process of becoming a New York City-certified M/WBE may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained on-line at: <http://a856-internet.nyc.gov/nycvendoronline/home.asap.>; or <http://www.nycgovparks.org/opportunities/business>

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6781; dmwbe.capital@parks.nyc.gov

j4-d30

REVENUE

■ SOLICITATION

Services (other than human services)

DEVELOPMENT, OPERATION, AND MAINTENANCE OF A SNACK BAR AT MCCARREN PARK, BROOKLYN - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# B58-SB-2016 - Due 1-12-17 at 3:00 P.M.

The New York City Department of Parks and Recreation ("Parks") is issuing a significant Request for Proposals ("RFP") for the development, operation, and maintenance of a snack bar at McCarren Park, Brooklyn.

All proposals submitted in response to this RFP must be submitted no later than Thursday, January 12, 2017, at 3:00 P.M. There will be a recommended site visit on Thursday, December 15, 2016, at 11:00 A.M. We will be meeting at the proposed concession site (Block # 2670 and Lot # 1), which is located between Bedford Avenue and Driggs Avenue closer to the Lorimer Street side, in front of the McCarren Park House. If you are considering responding to this RFP, please make every effort to attend this recommended site visit.

Hard copies of the RFP can be obtained, at no cost, commencing on November 18, 2016 through January 12, 2017, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download, commencing on November 18, 2016 through January 12, 2017, on Parks' website. To download the RFP, visit www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFP's description.

For more information or to request to receive a copy of the RFP by mail, prospective proposers may contact Zoe Piccolo, Project Manager, at (212) 360-3495 or at zoe.piccolo@parks.nyc.gov.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)
(212) 504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Zoe Piccolo (212) 360-3495; Fax: (917) 849-6625; zoe.piccolo@parks.nyc.gov

Accessibility questions: (212) 504-4115, by: Monday, January 9, 2017, 5:00 P.M.



n18-d2

YOUTH AND COMMUNITY DEVELOPMENT

PROCUREMENT

■ SOLICITATION

Human Services/Client Services

RHY OPEN-ENDED RFP QUARTERLY NOTICE 1 - Request for Proposals - PIN# 26016I 0018 - Due 12-5-16 at 5:00 P.M.

In accordance with Section 3-16(l) of the Procurement Policy Board Rules, the Department of Youth and Community Development (DYCD) is publishing the quarterly notice for the open ended RFP released on August 23, 2016 through the HHS Accelerator system for Runaway and Homeless Youth services. The title of the RFP is Vulnerable Youth Residential Services for the provision of crisis shelters and transitional independent facilities. The RFP remains open and may be obtained anytime through HHS Accelerators. Proposals will be accepted on an ongoing basis from providers Pre-Qualified in the service areas selected for this RFP.

Questions regarding this solicitation may be sent to the proposal contact at RFPquestions@dycd.nyc.gov indicating Vulnerable Youth: TILS or Vulnerable Youth: Crisis Shelters in the subject line.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Youth and Community Development, 2 Lafayette Street, New York, NY 10007. Wendy Johnson (646) 343-6330; Fax: (646) 343-6032; wjohnson@dycd.nyc.gov

◀ n28

AGENCY RULES

BOARD OF CORRECTION

■ NOTICE

Notice of Adoption of Rules

NOTICE IS HEREBY GIVEN in accordance with Section 1043(f) of the New York City Charter that the Board of Correction is adopting rules relating to the detection, prevention and response to sexual abuse and sexual harassment of persons incarcerated in jails and other facilities operated by the Department of Correction.

These rules are promulgated pursuant to sections 1043 and 626 of the New York City Charter.

On July 26, 2016, the Board of Correction held a public hearing on these rules, at 125 Worth Street, New York, NY. On November 15, 2016, the Board of Correction approved these rules at a public meeting also held at 125 Worth Street.

Statement of Basis and Purpose of the Rules

Under § 626(e) of the New York City Charter, the Board of Correction ("Board") is authorized to establish minimum standards "for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of" the New York City Department of Correction ("Department"). Pursuant to this authority, the Board has created a new chapter of its rules containing Minimum Standards that are designed to detect, prevent and respond to sexual abuse and sexual harassment of persons incarcerated in jails and other facilities operated by the Department.

In April 2015, the New York City Public Advocate Letitia James petitioned the Board to adopt rules consistent with national standards that the Department of Justice ("DOJ") had promulgated pursuant to the Prison Rape Elimination Act of 2003 ("PREA"), 42 U.S.C. § 15601, *et seq.*, in response to the epidemic of sexual violence in the nation's prisons and jails.¹ The Board accepted the petition at its June 9, 2015

1 The standards are codified in 28 C.F.R. Part 115 and are available at: <http://www.prearesourcecenter.org/sites/default/files/content/prisonsandjailsfinalstandards.pdf>.

meeting, and after several months of fact-finding by the Board's *ad hoc* PREA Committee, developed proposed rules which incorporate in whole or in part many elements of the national standards ("PREA Standards").

The Board received written comments on the proposed rules from over 60 organizations, and over 60 individuals, and two New York City Council Members. In addition, 31 people spoke at the July 26, 2016 public hearing, including representatives of the Public Advocate and the Department. Thereafter the Board's *ad hoc* PREA Committee reviewed all of the comments and made some revisions to the rules.

In recognition of the unique characteristics of individual correctional agencies, facilities and inmate populations nationwide, the PREA Standards afford discretion and flexibility to agencies in combating sexual violence. Consistent with this approach, the rules require action that is specifically tailored to detecting, preventing and responding to sexual abuse and sexual harassment in the New York City jails, including specific provisions proposed by the Public Advocate and other stakeholders. The rules do not incorporate certain sections of the PREA Standards that the Board concluded were not applicable to the Department or, in several instances noted below, not appropriate to apply to the Department.

The rules also contain provisions that will enable the Board to assess the Department's compliance with them. These provisions require, for example, that the Department provide the Board with written directives or policies effectuating certain elements of the rules, periodic progress reports - particularly with respect to provisions that require an extended period of time to implement - and semiannual reporting of incident data that will allow the Board to track sexual abuse allegations and outcomes.

The rules are embodied in a new chapter of the Board's Minimum Standards, which is divided into subchapters that correspond to the subject matter categories into which the PREA Standards are grouped. Additionally, each rule that is modeled on a PREA Standard is denoted by the name of the PREA Standard section heading on which it is based.

Following is a descriptive summary of the rules, including revisions that were made following the public hearing on July 26, 2016.²

The Rules

Subchapter A: Definitions §§ 5-01 and 5-02

Rule § 5-01("General Definitions") sets forth definitions of terms used throughout Chapter 5 and is derived in part from PREA Standard § 115.5.

Rule § 5-02 ("Definitions related to sexual abuse") adopts the definitions of "sexual abuse" and "sexual harassment" in PREA Standard § 115.6.

Subchapter B: Prevention Planning §§ 5-03 – 5-09

Prevention planning is key to eliminating or reducing sexual violence in correctional settings. Subchapter B of the rules, which incorporates PREA Standards § 115.11 and §§ 115.13 - 115.18, mandates implementation of the prevention measures described below.

Zero Tolerance Policy; Appointment of PREA Coordinator (§ 5-03)

Rule § 5-03 requires the Department to have a written policy mandating "zero tolerance toward all forms of sexual abuse and sexual harassment," and requires the Department to designate a PREA coordinator and each facility to designate a PREA compliance manager with sufficient time and authority to coordinate compliance efforts. This rule incorporates PREA Standard § 115.11.

Staffing Plans (§ 5-04(a)-(f))

Rule § 5-04 requires, among other things, each Department facility to develop and document a staffing plan, taking into account a set of specified factors, that provides for adequate levels of staffing, and video monitoring where applicable, to protect inmates against sexual abuse. The rule also requires all facilities to annually assess, determine, and document whether adjustments are needed to the staffing levels or deployment of monitoring technologies. Rule § 5-04 further requires that the Department ensure that each of its facilities develops, documents and makes its best efforts to comply with a staffing plan by January 31, 2018 (§ 5-04(a)). During the period of time leading up to this implementation date, § 5-04(c) requires the Department to provide semiannual written reports to the Board of its progress toward ensuring system-wide implementation of this rule.³

2 Unless otherwise noted, all of the PREA Standards referenced in this Statement are incorporated in the rules essentially in full, except for non-substantive revisions (e.g., substitution of "Department" for "agency"), or excision of provisions that the Board considered inapplicable to the Department or inappropriate for these rules.

3 Whereas dates for implementation of various proposed rules were

Rule 5-04 incorporates PREA Standard § 115.13, but also adds reporting requirements so that the Board can track the Department's progress in the development and implementation of facility staffing plans, including any deviations or adjustments thereto (§ 5-04(c), (d) and (f)).

Video Surveillance (§ 5-04 (g), (h), (i) and (l))

Rule § 5-04 also addresses the vital importance of video camera surveillance in preventing and responding to sexual abuse. In response to comments on the proposed rule, a new subdivision (g) has been added to the rule, which provides that by July 31, 2017, the Department shall institute a one-year pilot program to install video surveillance cameras in Department vehicles used to transport inmates. By September 1, 2018, the Department shall provide a written report to the Board evaluating the results of the pilot, including any benefits or challenges associated with the installation of cameras in inmate transport vehicles (§ 5-04(g)).

Subdivisions (h) and (i) of the rule require the Department to address the potential need for additional camera installation after the *Nunez* Agreement ends.⁴ Section 5-04(h) provides that after termination of the Agreement, the Department must provide the Board with the Department's surveillance camera installation protocol, which must be designed to ensure that, to the extent necessary and feasible, additional surveillance cameras will be installed. For assessment purposes, the Department must also provide annually a written report to the Board of actions taken pursuant to this protocol.

After the *Nunez* Agreement terminates, Section 5-04(i) requires the Department to provide the Board with its surveillance camera maintenance protocol, which must be designed to ensure that all surveillance cameras are maintained to function properly and any required repairs are timely made. The Department must provide annually a written report to the Board of action taken pursuant to this protocol.

To ensure that video footage of sexual abuse incidents is preserved for investigative and prosecutorial purposes, § 5-04(j) provides that when the Department is notified of a sexual abuse incident within 90 days of the incident, video capturing the incident will be preserved until the longer of two specified time periods has elapsed.

Monitoring Rounds (§ 5-04 (k) and (l))

Rule § 5-04(k), which incorporates PREA Standard § 115.13(d), requires that supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Certain language was added to subdivision (k) of the proposed rule; namely, that monitoring rounds must be conducted at "unpredictable and varied times," and the Department must issue a written directive to staff regarding these rounds and provide this directive to the Board.

A subdivision (l) was added to the proposed rule, which states that the Department must have a written policy requiring it to consider whether it is feasible to place a surveillance camera in an area where sexual abuse is repeatedly alleged to have occurred or to consider alternative preventive measures, such as increased monitoring rounds or the assignment of additional Department staff in that area.

Youthful Inmates (§ 5-05)

Rule § 5-05, which incorporates PREA Standard § 115.14, prohibits placement of adolescent inmates (under the age of 18) with adult inmates (ages 18 or older) in housing units in which the adolescents would have "sight, sound or physical contact" with adult inmates through use of a shared common space, shower area or sleeping quarters (§ 5-05(a)).

Section 5-05 also requires "sight and sound separation" between adolescents and adults in areas outside of housing units unless there is "direct staff supervision"⁵ (§ 5-05(b)).⁶

listed in uncodified § 3 of the proposed rules, these dates are now set forth in the sections and subdivisions of the rules to which they apply (see, e.g., § 5-04 (c), (d) and (f)) and also in uncodified § 3 of this rule.

4 The *Nunez* Agreement refers to the Consent Judgment in *Nunez v. City of New York*, 11 Civ. 05845 (SDNY), a class action brought on behalf of current and future inmates confined in Department facilities. The lawsuit, in which DOJ intervened, alleged that the Department had engaged in a pattern and practice of using unnecessary and excessive force against the plaintiff class. The *Nunez* Agreement includes provisions for surveillance camera installation, maintenance and video preservation.

5 Section 5-01 defines direct staff supervision as when correction staff "is in the same room with, and within reasonable hearing distance of, the inmate."

6 Rule § 5-05 does not incorporate PREA Standard § 115.14(c), which states that agencies shall make best efforts to avoid placing

Limits to cross-gender viewing and searches (§ 5-06)

Rule § 5-06 incorporates PREA Standard § 115.15. In addition, text was added to § 5-06(f), as was a subdivision (h), before the proposed rules were published.

Subdivisions 5-06(a) and (b) generally prohibit cross-gender strip searches (and pat-down searches of female inmates by male officers), except in exigent circumstances. Subdivision (d) of the rule requires implementation of policies and procedures to protect inmates from being viewed by correctional staff of the opposite gender when showering, performing bodily functions or changing clothing.

Subdivision (e) prohibits the Department from searching or physically examining a transgender or intersex inmate solely to determine the inmate's genital status, while subdivision (f) requires the Department to train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs.

In recognition of the fact that transgender individuals are among those with the highest rates of sexual victimization while incarcerated,⁷ the Board added a provision to proposed § 5-06(f) requiring the Department, when conducting searches of transgender and intersex inmates, to "make its best efforts to treat transgender and intersex inmates in accordance with their gender identity" unless exigent circumstances require otherwise.

The Board also added a requirement to the proposed rule that the Department issue a directive to staff incorporating the provisions of § 5-06 and provide this directive to the Board (§ 5-06(g)).

Inmates with Disabilities and Inmates Who Are Limited English Proficient (§ 5-07)

Rule § 5-07, which incorporates PREA Standard § 115.16, requires the Department to take appropriate steps to ensure that inmates with disabilities or other limitations or who are limited English proficient have an equal opportunity to participate in or benefit from all of the Department's efforts to prevent, detect and respond to sexual abuse and sexual harassment.

Hiring and Promotion Decisions (§ 5-08)

Rule § 5-08 incorporates PREA Standard § 115.17 for the Department, and for CHA⁸ where legally permissible. This section:

- Prohibits the Department from hiring or promoting anyone who may have contact with inmates who has engaged in sexual abuse in an institutional setting, has been convicted of engaging in sexual activity in the community facilitated by force, the threat of force, or coercion, or who has been civilly or administratively adjudicated to have engaged in such activity (§ 5-08(a); PREA Standard § 115.17(a)(1)-(3)).
- Requires the Department to consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates (§ 5-08(b); PREA Standard § 115.17(b)).⁹
- Requires the Department to either conduct criminal background records checks at least every five years of current employees, contractors and volunteers who may have contact with inmates or have in place a system for otherwise capturing

adolescent inmates in isolation to comply with this provision, shall not deny them large-muscle exercise and any legally required special education services to comply with this provision, and shall provide them with access to other programs and work opportunities to the extent possible. This is not incorporated because the Department places all adolescent inmates together in separate housing units where they are not comingled with adults.

- 7 Research on sexual abuse in correctional facilities consistently documents the vulnerability of transgender individuals. *National Prison Rape Elimination Commission Report*, p. 12 (2009) ("NPREP Report"), <https://www.ncjrs.gov/pdffiles1/226680.pdf>.
- 8 Rule §5-01 defines "CHA" as "the Correctional Health Authority designated by New York City as the agency responsible for health and mental health services for inmates in the care and custody of the Department, including CHA contractor staff or volunteers."
- 9 DOJ interprets PREA Standard § 115.17 as not operating as a complete bar to hiring or contracting with an individual who would otherwise be prevented from such employment or contracting if the agency head or designee determines that the individual does not pose a safety threat based upon consideration of various factors, considers the individual to be important to the success of a specialized inmate rehabilitative program, and does not permit the individual to have contact with inmates without staff supervision. This interpretative guidance is available at: <https://www.prearesourcecenter.org/frequently-asked-questions#ec-faq>.

such information for current employees (§ 5-08(d) and (e); PREA Standard § 115.17(d) and (e)). Section 5-08(e) also makes CHA subject to this requirement.

- Requires that the Department and CHA, unless they are prohibited by law, provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work (§ 5-08(i); PREA Standard § 115.17(c)(2)).

Upgrades to Facilities and Technologies (§ 5-09)

Rule § 5-09, which incorporates PREA Standard § 115.18, requires the Department to take into account the effect of any changes on efforts to combat sexual abuse when designing or expanding facilities and when installing or updating video monitoring systems or other monitoring technology.

Subchapter C: Responsive Planning §§ 5-10 and 5-11

Subchapter C includes rules designed to ensure that any physical evidence of sexual abuse is immediately preserved and collected and that victims are afforded rape crisis counseling.

Evidence Protocol and Forensic Medical Examinations (§ 5-10)

Rule § 5-10(a)-(c), which incorporates PREA Standard § 115.21(a)-(c), requires the Department to, among other things:

- Follow a uniform evidence protocol that “maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions” (§ 5-10(a), (b)); and
- Offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners or Sexual Assault Nurse Examiners where possible (§ 5-10(c)).

In crafting the final version of PREA Standard § 115.21, DOJ recognized the unique role of rape crisis center advocates in supporting victims throughout the forensic medical examination and investigatory interviews, especially given that inmate victims may be reluctant to confide in correctional agency staff due to real or perceived bias and fear of retaliation.¹⁰ For this reason, § 115.21(d) requires correctional agencies to attempt to make available to victims a victim advocate from a rape crisis center.

The consensus among the Public Advocate and other stakeholders with whom the PREA Committee discussed this issue is that the delivery of rape crisis intervention and counseling services to inmates in the facilities in which they are housed (referred to below as the “Initiative”) is the most effective way of ensuring that victims of sexual abuse obtain the emotional support they need to proceed with forensic examinations and investigatory interviews that are key to successful criminal prosecutions and/or administrative proceedings. These services are also essential in helping inmates overcome the trauma of having been sexually abused.

In response to comments received on proposed § 5-10, the rule has been revised to state that these services shall be “offered and delivered to inmates in the facility in which they are housed, and “CHA shall be responsible for the delivery of such services by qualified victim advocates” (§ 5-10(d)). Thus, Department employees will not be involved in providing these services. In addition, in response to comments on the proposed rule, a new subdivision (g) has been added, which provides that such services shall be offered as soon as possible after an incident of alleged sexual abuse is reported, but in no event later than one week after the report is received by the Department or CHA.

Rule § 5-10’s other requirements include:

- Subject to the requirements of § 5-21(d), victim advocates shall assure inmates who request these services that all communications will be kept confidential (§ 5-10(f)).
- As requested by the victim, a victim advocate must accompany and support the victim through the forensic medical examination process and investigatory interviews, and to provide emotional support, crisis intervention, information and referrals (§ 5-10(e); PREA Standard § 115.21(e)).
- Prior to implementation of this Initiative, CHA must provide the Board with a written plan describing, among other things, the services to be provided; the credentials of the victim advocates, privacy and confidentiality of in-person, written and telephone communications between inmates and advocates; and communications to inmates about these services (§ 5-10(h)).

- Given that it will take a period of time to plan and implement this Initiative, CHA must provide the Board with a quarterly report of its progress toward implementation (§ 5-10(i)).
- After the Initiative is implemented, CHA shall provide annually to the Board a written report assessing the Initiative’s effectiveness, which shall include the number of inmates who received such services during the reporting year (§ 5-10(j)).¹¹

Policies to Ensure Referrals of Allegations for Investigations (§ 5-11)

Rule § 5-11, which incorporates subdivisions (a), (b) and (c) of PREA Standard § 115.22, requires, among other things, that the Department ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.¹²

Subchapter D: Training and Education §§ 5-12 – 5-16

The rules in Subchapter D require training on key topics related to preventing, detecting and responding to sexual abuse (§ 5-12 on employee training; § 5-13 on volunteer and contractor training), and special training of investigators (§ 5-15) and medical and mental health care practitioners (§ 5-16). These rules incorporate PREA Standards §§ 115.31, 115.32, 115.34 and 115.35.

Since system-wide employee training must be conducted on a schedule that ensures adequate Department and CHA staff coverage at all times, such training may need to be conducted over an extended period of time. In response to the Department’s concerns about the deadline for completion of all employee training in the proposed rules, and the simultaneous deadlines for completion of training required under the *Nunez* Agreement, a new subdivision (f) of section 5-12 now requires that specific percentages of employees be completed by specified dates. In order to review progress toward this goal, § 5-12(g) requires the Department and CHA to give a quarterly written report to the Board of the number of their respective employees who have been trained in accordance with this rule.

In response to comments received after the proposed rules were published, a new subdivision (h) was added to § 5-12. This subdivision requires that the training of Department and CHA staff on working with inmates who are transgender or intersex include the psychosocial and safety needs of such persons in custody and instructions on communicating with them in a manner that is respectful of their gender identity.

Also in response to comments on proposed § 5-12, a new subdivision (i) has been added, which requires the Department and CHA to provide the Board on an annual basis the training schedules, training curriculum and credentials of the persons providing such training.¹³

Rule § 5-14 (“Inmate education”), which incorporates PREA Standard § 115.33(a), requires the Department to explain its zero-tolerance policy to inmates during the intake process and to educate inmates on how to report incidents of sexual abuse and sexual harassment (§ 5-14(a)).¹⁴

Rule § 5-14(b), which incorporates PREA Standard § 115.33(b), requires that, within 30 days of intake, the Department provide “comprehensive education” to inmates either in person or through

- 11 Rule § 5-10 does not incorporate PREA Standard § 115.21(g), which states that to the extent an agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of the federal PREA Standard. This does not apply to DOC because DOC’s Investigation Division (“ID”) investigates all allegations of inmate-on-inmate sexual abuse. While DOC refers allegations of staff-on-inmate sexual abuse to the NYC Department of Investigation (“DOI”), DOI has the discretion to refer back such allegations to ID for investigation.
- 12 Rule § 5-11 does not incorporate PREA Standard § 115.22(d) and (e), which provide that any State entity or Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prison or jails must have in place a policy governing the conduct of such investigations. The rules do not include this provision because the Board does not have the legal authority to require a state or federal agency to adopt this policy or any other policies.
- 13 New subdivisions have also been added to §§ 5-13 (“Volunteer and Contractor Training”), 5-15 (“Specialized Training: Investigations”), and 5-16 (“Specialized Training: Medical and Mental Health Care”), which require that training materials in connection with these rules be annually provided to the Board (§§ 5-13(f), 5-15(e), and 5-16(e)).
- 14 Rule § 5-14 does not incorporate PREA Standard § 115.33(c) (which states that current inmates who have not received such education shall receive such education upon transfer to a different facility to the extent the policies and procedures of the inmate’s new facility differ from those of the previous facilities) because all Department facilities will provide this education.

10 U.S. Dep’t of Justice, *Final PREA Rule* (“Final PREA Rule”), p. 71 (2012); available at: http://ojp.gov/programs/pdfs/prea_final_rule.pdf.

video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding Department policies and procedures for responding to such incidents. Following publication of the proposed rules, a new subdivision (g) was added, which provides that the Department shall annually provide to the Board the inmate education schedules, education curriculum, and the credentials of the persons providing such education to inmates.

Subchapter E: Screening for Risk of Victimization and Abusiveness §§ 5-17, 5-18, and 5-19

Rules §§ 5-17 and 5-18, which incorporate PREA Standards §§ 115.41 and 115.42, require the Department to screen inmates for their risk of being sexually abused or sexually abusive (§ 5-17), and to use that screening information to inform housing, bed, work, education and program assignments (§ 5-18). The goal is to keep inmates at high risk of victimization away from inmates at high risk of committing abuse.¹⁵

In response to comments about the proposed rule, two provisions have been added to § 5-18.

A new subdivision (d) provides that the Department shall not assign a transgender or intersex inmate to a men's or women's facility based solely on the inmate's external genital anatomy.¹⁶

A new subdivision (h) was also added in response to comments on proposed § 5-18. This subdivision provides that the Department shall notify the Board, in writing, of each placement of a transgender or intersex inmate, all information considered in making, and the reasons for, its housing determination. The Department shall provide the Board with such information after the housing determination is made.

Rule § 5-19(a)-(e) (protective custody), which incorporates PREA Standard § 115.43, prohibits the placement of inmates at risk of sexual victimization in segregated housing for that reason against their will, unless certain conditions are met. These conditions include placement in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged; and that such assignment may not ordinarily exceed 30 days.

Subdivision (f) of § 5-19 requires the Department to issue a written directive to staff incorporating the provisions of this rule and provide this directive to the Board. To enable the Board to ascertain and assess the involuntary placement of at-risk inmates in segregated housing, subdivision (h) requires the Department to provide the Board with a quarterly report detailing the basis for such placements and why no alternative means of separation could be arranged, and the number of inmates who remain in involuntary segregated housing for more than 30 days.

Subchapter F: Reporting §§ 5-20, 5-21 and 5-22

Sexual abuse in the nation's prisons and jails is significantly underreported.¹⁷ The rules in Subchapter F, which incorporate PREA Standards §§ 115.51, 115.53 and 115.54 (with certain additions), seek to expand the reporting of incidents of sexual abuse and sexual harassment.

Inmate Reporting (§ 5-20)

Rule § 5-20 requires the Department to:

- Provide at least two internal methods for inmates to first report sexual abuse, sexual harassment and retaliation (§ 5-20(a); see PREA Standard § 115.51(a)).
- Provide at least one way for inmates to report abuse to an entity that is not part of the Department and that allows inmates to remain anonymous upon request (§ 5-20(b); see PREA Standard § 115.51(b)).
- Requires the Department staff to accept reports made verbally, in writing, anonymously, and from third parties and to promptly

15 Rule § 5-18 does not incorporate PREA Standard § 115.42(g), which places limits on the establishment of a dedicated transgender or similar housing unit, out of a concern that this provision might be read to limit the Department's ability to allow individuals to be housed voluntarily in a transgender or similar housing unit. This excision was recommended by advocates.

16 Subdivision (g) adopts interpretative guidance that the DOJ provided with respect to PREA Standard § 115.42(c) upon which Rule § 5-18 is based: <https://www.prearesourcecenter.org/node/3927>.

17 U.S. Dept. of Justice, *Prison Rape Elimination Act Regulatory Impact Assessment: United States Department of Justice Final Rule*, pp. 17-18 (May 17, 2012), http://ojp.gov/programs/pdfs/prea_ria.pdf (concluding, based upon a Bureau of Justice Statistics' survey *Sexual Victimization in Prisons and Jails Reported by Inmates* 2008-09, that between 69% and 82% of inmates who reported sexual abuse in response to the survey stated that they had never reported an incident to correction staff).

document any verbal report (§ 5-20(c); PREA Standard § 115.51(c)).

- Include all the ways inmates can report such information on posters in all housing units, intake and program areas, clinics and mess halls, in the Inmate Handbook and Visitors Handbook, and on the Department's website (§ 5-20(d)).
- Provide a method for staff to privately report sexual abuse and sexual harassment (§ 5-20(e); see PREA Standard § 115.51(d)) and issue a written directive to all staff explaining how staff can privately report such information and all the ways inmates can do so, and provide this directive to the Board (§ 5-20(f)).

Inmate Access to Outside Confidential Support Services (§ 5-21)

Rule § 5-21(a), which incorporates PREA Standard § 115.53, requires the Department to provide inmates with access to outside victim advocacy organizations for confidential emotional support services related to sexual abuse as confidentially as possible. Subdivision (b) requires the Department to inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. Subdivision (c) provides that the Department shall maintain or attempt to enter into agreements with community service providers to provide these services.

Third Party Reporting (§ 5-22)

Rule § 5-22, which incorporates PREA Standard § 115.54, requires that the Department establish a way to receive third-party reports of sexual abuse and that it distribute information on how to report sexual abuse on behalf of an inmate (§ 5-22(a); see PREA Standard § 115.54). Subdivision (b) of § 5-22 requires the Department to include in its Visitors Handbook and post on its website how third parties can report sexual abuse and sexual harassment on behalf of an inmate.

Subchapter G: Official Response Following an Inmate Report §§ 5-23 – 5-29

The rules in Subchapter G require the Department and CHA staff to respond quickly, effectively, and in a coordinated fashion to a report of sexual abuse to ensure that physical evidence is preserved and collected, the privacy of the victim is maintained, and the victim is protected from the alleged abuser and from retaliation. Sections 5-23 through 5-29 incorporate PREA Standards §§ 115.61-115.65, 115.67 and 115.68 (with the additions noted below).

Staff and Agency Reporting Duties (§ 5-23)

Rule § 5-23 (modeled on PREA Standard § 115.61) requires, among other things, that the Department report immediately any "knowledge, suspicion or information" regarding an incident of sexual abuse or sexual harassment, retaliation against inmates or staff who report such an incident, or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation (§ 5-23(a); compare to PREA Standard § 115.61(a)). The rule also requires that, unless otherwise precluded by federal, state or local law, medical and mental health practitioners must report sexual abuse and must inform inmates of the practitioner's duty to report and the limitations of confidentiality (§ 5-23(c) and (d)).

Agency Protection Duties (§ 5-24)

Rule § 5-24 incorporates PREA Standard § 115.62, requiring the Department to act immediately to protect an inmate whenever it learns that the inmate faces a substantial risk of imminent sexual abuse.

Reporting to Other Confinement Facilities (§ 5-25)

Rule § 5-25 incorporates PREA Standard § 115.63, and requires a facility that receives an allegation that one of its inmates was sexually abused while confined at another facility to so inform the other facility within 72 hours. The facility receiving such notification must investigate the incident.

Staff First Responder Duties (§ 5-26)

Rule § 5-26, which incorporates PREA Standard § 115.64, sets forth first responder responsibilities, in recognition of the fact "that staff must be able to adequately counsel victims while maintaining security and control over the crime scene so that any physical evidence is preserved until the investigator arrives."¹⁸

Specifically, § 5-26(a) requires that the first security staff member to respond to the report separate the abuser and victim, preserve any crime scene, and request that the victim and ensure that the abuser not take any actions that could destroy physical evidence.

Section § 5-26(b) requires that where the first staff responder is not a security staff member, the responder must request that the victim not take any actions that could destroy physical evidence, and then must

notify security staff.

Coordinated Response (§ 5-27)

In response to comments received on proposed rule § 5-27, which incorporates PREA Standard § 115.65, the rule was revised. Instead of requiring the Department to develop individual facility plans, the rule now requires development of a system-wide written plan to coordinate responses to an incident of sexual abuse among staff first responders, medical and mental health practitioners, DOI, or investigators in DOC's Investigation Division ("ID"), and facility leadership.

Protection against Retaliation and Post-Allegation Protective Custody (§§ 5-28 and 5-29)

Retaliation for reporting incidents of sexual abuse and cooperating with sexual abuse investigations is a serious concern in correctional facilities.¹⁹ Thus, rules §§ 5-28 and 5-29, which incorporate PREA Standards §§ 115.67 and 115.68, require the Department to take certain preventive and remedial actions, including:

- Establishing a policy to protect all inmates and staff who report sexual abuse or sexual harassment, or cooperate with investigations of such incidents, from retaliation by other inmates or staff and issuing a written directive to all staff embodying this policy (§ 5-28(a); see PREA Standard § 115.67(a)).
- Employing multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations (§ 5-28(b); see PREA Standard § 115.67(b)).
- For at least 90 days following a report of sexual abuse, monitoring the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and acting promptly to remedy any such retaliation (§ 5-28(c); see PREA Standard § 115.67(c)).

Finally, rule § 5-29, which incorporates PREA Standard § 115.68, requires that any use of segregated housing to protect a victim of sexual abuse be subject to § 5-19, discussed above.

Subchapter H: Investigations §§ 5-30, 5-31 and 5-32

The purpose of the rules in Subchapter H is to ensure that all investigations of allegations of sexual abuse and sexual harassment are conducted "promptly, thoroughly, and objectively"

(§ 5-30(a)). In the words of the National Prison Rape Elimination Commission: "Unless investigations produce compelling evidence, corrections administrators cannot impose discipline, prosecutors will not indict, and juries will not convict abusers."²⁰

The focus of the PREA Committee's key findings was the quality of the Department's investigations of staff-on-inmate sexual abuse and harassment. The Committee concluded that these investigations were deficient in terms of timeliness, thoroughness and objectivity. This is borne out by the fact that over a three-year period (2013-2015), only five (5) out of 294 allegations of staff-on-inmate sexual abuse were substantiated. Thus, the rules incorporate PREA Standards §§ 115.71, 115.72 and 115.73 which address this issue, and add certain provisions designed to address specific deficiencies identified by the Board in its evaluation of Department investigations of sexual abuse and sexual harassment.

Criminal and Administrative Agency Investigations (§ 5-30)

Rules that incorporate PREA Standards on investigations include:

- The Department must investigate all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, and must do so "promptly, thoroughly, and objectively" (§ 5-30(a); see PREA Standard § 115.71(a)).
- Where sexual abuse is alleged, the Department must use investigators who have received special training in sexual abuse investigations pursuant to rule § 5-15 (§ 5-30 (b); see PREA Standard § 115.71(b)).
- Investigators must gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; must interview alleged victims, suspected perpetrators, and witnesses; and must review prior complaints and reports of sexual abuse involving the suspected perpetrator (§ 5-30(c); see PREA Standard § 115.71(c)).

- The credibility of an alleged victim, suspect, or witness must be assessed on an individual basis and cannot be determined by the person's status as an inmate or as staff. (§ 5-30(e); see PREA Standard § 115.71(e)).
- All investigations must include an effort to determine whether staff actions or failures to act contributed to the abuse, and must be documented in written reports that include a description of the physical, testimonial and documentary evidence, the reasoning behind credibility assessments, and investigative facts and findings (§ 5-30(f); see PREA Standard § 115.71(f)(1) and (2)).
- Substantiated allegations of conduct that appears to be criminal must be referred for prosecution (§ 5-30(h); see PREA Standard § 115.71(h)).
- The departure of the alleged abuser or victim from the employment or control of the Department or CHA cannot provide a basis for terminating an investigation (§ 5-30(j); see PREA Standard § 115.71(j)).
- When outside agencies investigate sexual abuse, the Department must cooperate with outside investigators and endeavor to remain informed about the progress of the investigation (§ 5-30(k); see PREA Standard § 115.71(k)).

Rules that were added by the Board to the PREA Standards include:

- The Department must use its best efforts to conduct an initial evaluation as to whether any involved staff member should be suspended, placed on modified duty, re-assigned to a no-inmate-contact post or reassigned to a restricted-inmate-contact post pending investigation within three business days after it receives a report of an alleged incident of sexual abuse or sexual harassment ("Referral Date"). If sexual abuse is alleged, the Department must conduct such an evaluation after consulting with DOI unless doing so would pose a threat to the safety and well-being of the victim (§ 5-30(l)).
- The Department must complete all investigations of sexual abuse and sexual harassment allegations no later than 90 days from the Referral Date, absent extenuating circumstances outside the Department's control (which must be documented) (§ 5-30(m)).
- Inmates subject to alleged sexual abuse or sexual harassment must be interviewed within 72 hours of the Referral Date, absent unusual circumstances (which must be documented) (§ 5-30(o)).
- All interviews of staff allegedly involved in a sexual abuse or sexual harassment incident must be completed within 30 days of any immunity grants, absent unusual circumstances (which must be documented) (§ 5-30(p)).
- Requests for statements or interviews of inmates must be made off the living unit and cannot be made within sight or hearing of other inmates or of staff involved in the incident. Inmate interviews must be conducted in a private and confidential setting (§ 5-30(q)).
- At the conclusion of an investigation of alleged sexual abuse or sexual harassment, the Department must prepare a closing memorandum summarizing the findings of the investigation. The Department must also provide a copy of the closing memo to the Board (§ 5-30(r)).

The Department must issue a written directive to all ID staff that incorporates the provisions of

§ 5-30 and provide this directive to the Board (§ 5-30(t)). Additional related procedural protections that the Department has included in its PREA directive, but which are not specified in these rules, include:

- Efforts to obtain inmate statements must be documented in the investigation file, as must inmate refusals to provide a statement;
- Interviews of inmates must be recorded and a written summary of each interview must be prepared and included in the investigation file; and
- The Department must take reasonable steps to obtain relevant medical records in connection with allegations of sexual abuse in a timely manner.

Evidentiary Standard for Administrative Investigations (§ 5-31)

Rule § 5-31, which incorporates PREA Standard § 115.72, provides that the Department will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Reporting to Inmates (§ 5-32)

Rule § 5-32, which incorporates PREA Standard § 115.73(a)-(e), requires, among other things, that:

19 *Id.* at p. 126.

20 NPREC Report, p. 12.

- Upon completion of an investigation of alleged sexual abuse, the Department must inform the inmate whether the allegation was deemed substantiated, unsubstantiated or unfounded (§ 5-32(a); compare PREA Standard § 115.73(a)).
- If the Department did not conduct the investigation, it must request the relevant information from the investigating entity in order to inform the inmate (§ 5-32(b); compare PREA Standard § 115.73(b)).
- If an inmate alleges that a staff member committed sexual abuse against the inmate, the Department must inform the inmate (unless the Department has determined that the allegation is unfounded) whenever the staff member is (1) no longer posted in the inmate's unit or facility, or (2) no longer employed at the facility; and whenever the Department learns that the staff member has been indicted on a charge related to the reported conduct or has been convicted on a charge related to sexual abuse within the facility (§ 5-32(c)(1)-(4); PREA Standard § 115.73(c)(1)-(4)).
- If an inmate alleges that another inmate committed sexual abuse against the inmate, the Department must inform the inmate whenever the Department learns that the abuser was indicted or convicted of a charge related to sexual abuse in the facility (§ 5-32(d); PREA Standard § 115.73(d)).

Subchapter I: Discipline (§§ 5-33, 5-34 and 5-35)

One of the primary goals of the PREA Standards, and of these rules, is to ensure that abusers and perpetrators of sexual harassment are punished. This, in turn, will deter others from engaging in sexual abuse and sexual harassment, and encourage the reporting of such incidents. The rules in Subchapter I set guidelines for imposing disciplinary sanctions on staff, contractors, volunteers and inmates who engage in sexual abuse or sexual harassment, and incorporate PREA Standards §§ 115.76, 115.77, and 115.78.

Rule § 5-33(a) provides that Department and CHA staff must be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Moreover, § 5-33(b) states that termination must be the "presumptive disciplinary sanction" for Department and CHA staff who have engaged in sexual abuse.

Rule § 5-34(a) provides that any contractor or volunteer who engages in sexual abuse must be prohibited from contact with inmates and must be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. Subdivision (b) requires the Department to take appropriate remedial measures and consider whether to prohibit further contact with inmates in the case of any other violation of sexual abuse or sexual harassment policies by a contractor or volunteer.

Rule § 5-35 enumerates disciplinary sanctions for inmates who sexually abuse other inmates. The rule states, among other things, that (1) the Department's disciplinary process must consider whether an inmate's mental illness contributed to his or her behavior in determining what type of sanction, if any, should be imposed (§ 5-35(c)); (2) the Department may discipline an inmate for sexual misconduct with staff only upon a finding that the staff member did not consent to such contact (§ 5-35 (d)); and (3) for the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation (§ 5-35 (f)).²¹

Subchapter J: Medical and Mental Care §§ 5-36, 5-37 and 5-38

Rule § 5-36 ("Medical and mental health screenings; history of sexual abuse"), which incorporates PREA Standards §115.81(c), (d) and (e), provides, among other things, that if the intake screening pursuant to rule § 5-17 indicates that an inmate has experienced prior sexual victimization (in an institutional setting or in the community), Department staff must ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.²²

21 Rule § 5-35 does not incorporate PREA Standard § 115.78(d), which states that if an agency offers therapy, counseling or other interventions designed to address and correct underlying reasons for motivations or abuse, the Department shall consider whether to require the offending inmate to participate in such interventions as a condition of access to programming other benefits. The Department does not provide such services to inmates.

22 Rule § 5-36 does not incorporate PREA Standards §§ 115.81(a) and (b), which state that if the screening pursuant to PREA Standard § 115.41 ("Screening for risk of victimization and abusiveness") indicates that a "prison" inmate has experienced prior sexual victimization or has previously perpetrated sexual abuse, staff shall ensure that the inmate is offered a follow-up meeting with a medical/mental health practitioner within 14 days of the intake

Rule § 5-37 ("Access to emergency medical and mental health services"), which incorporates PREA Standard § 115.82, provides that inmate victims of sexual abuse (1) must be provided with timely and unimpeded access to free emergency medical treatment and crisis intervention services, and (2) must be offered timely information about and timely access to free emergency contraception and sexually transmitted infections prophylaxis where medically appropriate.

Rule § 5-38 ("Ongoing medical and mental health care for sexual abuse victims"), which incorporates PREA Standard § 115.83(a)-(g), provides that victims of sexual abuse must receive, without financial cost, medical and mental health evaluation and treatment, including follow-up services, treatment plans and referrals for continued care following their transfer to or placement in other facilities, or their release from custody.

Subchapter K: Data Collection and Review; Audits §§ 5-39, 5-40 and 5-41

One of the PREA Committee's key findings was that the Department lacks a comprehensive, coherent and transparent process for collecting data concerning allegations of sexual abuse. This significantly impedes efforts to adjust policies, practices and strategies designed to prevent, detect and respond to sexual violence based on meaningful data review and analysis. Moreover, in the absence of an effective data collection process, the Board is unable to track, assess and monitor the Department's compliance with its rules.

The rules in subchapter K are designed to obtain incident-specific and aggregate data about sexual abuse and sexual harassment allegations and the outcomes of resulting investigations that will (1) identify possible patterns of sexual abuse and sexual harassment, and help prevent future misconduct; and (2) enable the Board to assess improvement in the quality of the Department's investigation of sexual abuse and sexual harassment allegations.

Some of the rules incorporate certain provisions of PREA Standards §§ 115.86, 115.87, 115.88 and 115.89 regarding data collection and include additional provisions that are designed to make the data tracking and the Board's review of such data more robust and informative.

Sexual Abuse Incident Reviews (§ 5-39)

Rule § 5-39, which incorporates PREA Standard § 115.86, sets forth requirements for sexual abuse incident reviews at the conclusion of every sexual abuse investigation where the allegations have been deemed substantiated or unsubstantiated. Unlike a sexual abuse investigation, which is intended to determine whether the abuse occurred, a sexual abuse incident review is intended to evaluate whether the Department's policies and procedures need to be changed in light of the alleged incident. The rule requires that specific factors be considered as part of this evaluation, including whether (1) race, ethnicity, sexual orientation, gang affiliation, or group dynamics in the facility played a role, (2) physical barriers in the facility contributed to the incident, (3) staffing levels need to be changed, and (4) more video monitoring is required (§ 5-39(d)(1)-(5); PREA Standard § 115.86(d)(1)-(5)).

Section 5-39 further provides that such reviews must "ordinarily occur within 30 days of the conclusion of the investigation" (§ 5-39(b)); the review team must prepare a report of its findings and submit the report to the facility head and PREA compliance manager (§ 5-39 (d)(6)); and the facility must implement the recommendations for improvement, or must document its reasons for not doing so (§ 5-39 (e)).

Finally, § 5-39(f) requires the Department to provide the Board with all sexual abuse incident reviews on a quarterly basis.

Data Collection and Review (§ 5-40)

Rule § 5-40 requires the Department to, among other things, provide the Board on a semiannual basis with data concerning each incident of alleged sexual abuse. Section 5-40 differs from PREA Standard § 115.87 ("Data collection") in that the rule specifies each data point to be reviewed and collected (§ 5-40(d)). In addition, unlike the proposed rule, which called for reporting these data points on an aggregate basis, the rule now requires that these data points be collected and reported to the Board with respect to each incident of alleged sexual abuse (§ 5-40(d)). This change was made to simplify and streamline the data collection and reporting process.²³

screening. Subdivision (a) of PREA Standard § 115.81 was omitted because it references "prison" inmates whereas subdivision (c) was included because it is identical to subdivision (a) but references "jail" inmates. Subdivision (b) was omitted because it provides for the provision of follow-up mental health services to a "prison" inmate abuser and, in any event, the Department does not provide such services to inmate abusers.

23 A new subdivision (c) was added after public issuance of the proposed rules, which states that within two years of the Effective Date of these rules, the Board will reassess whether the data enumerated in § 5-40 are adequate to ensure effective monitoring

Subdivision (d) of rule § 5-40 specifies the incident-related data to be collected, including, for example:

- The date, time and location of the incident and the type of alleged sexual abuse (d)(1);
- Whether the alleged abuse was staff-on-inmate or inmate-on-inmate ((d)(2)).
- The type of alleged abuse ((d)(3));
- Certain demographic information such as the sex of the alleged perpetrator and the alleged victim and whether the alleged victim was known by the Department to be transgender or intersex (d)(4);
- Who reported the incident and the method of reporting ((d)(5) and (6)).
- Whether the incident occurred in an area subject to video camera surveillance ((d)(7)).
- Whether the victim was administered or declined a rape kit ((d)(10)).
- When the investigation was opened and closed ((d)(11) and (12)).
- Whether the alleged incident was deemed substantiated, unsubstantiated or unfounded ((d)(13)).
- If the alleged perpetrator was a staff person, whether previous allegations of sexual abuse or sexual harassment had been lodged against him/her ((d)(16)).
- Whether investigation of the allegation was assumed by DOI and, if so, the status of the investigation ((d)(18)).
- Whether the allegation was referred to a DA's Office and if so, the outcome ((d)(20)).
- Whether the allegation was referred for Department disciplinary action and, if so, the outcome ((d)(21)).

Subdivision (g) of the rule requires the Department to review this incident data in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training, including by (1) identifying the problem areas and trends, (2) taking corrective action, and (3) including in a semiannual assessment report to the Board its findings and corrective action for each facility, as well as the Department as a whole.

Section 5-40(i) requires the Department to make its semiannual assessment reports readily available to the public by posting them on the Department's website. Subdivision (j) permits the Department to redact specific material from these reports when publication would, for example, present a clear and present danger to the safety and security of the facility.²⁴

Audits (§ 5-41)

Rule § 5-41 requires the Department to provide the Board with a copy of all audit reports, responses to audit reports, audit correction action plans, appeals of audit findings and decisions on appeal, which relate to audits of Department facilities or the Department as a whole pursuant to PREA Standards § 115.93 and §§115.401 through 115.405.

Subchapter L: Variances § 5-42

After publication of the proposed rules, a new rule § 5-42 was added, which permits the Department and CHA to apply for a variance from a specific subdivision or section of these rules in accordance with § 1-15 of Chapter 1 of the Board's Minimum Standards.

Effective Date and Implementation Dates (Uncodified Rule §§ 2 and 3)

Section 2 of the rule states that the rules in Chapter 5 will become effective on January 2, 2017.

Certain of the rules, such as those requiring staff training, drafting of directives and policies, or preparation of reports, will not be implemented on the effective date. The implementation dates for these rules are specified therein and are also listed in a chart in uncodified § 3.

The Rules

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of the Board of Correction, unless otherwise specified or unless the context clearly indicates otherwise.

New material is underlined. [Deleted material is in brackets.]

Section 1. Title 40 of the Rules of the City of New York is amended by

of the Department's and CHA's compliance with the rules.

²⁴ Subdivision (j) contains additional bases for redaction, e.g., where the information would present a threat to privacy.

adding a new Chapter 5 to read as follows:

Chapter 5: Elimination of Sexual Abuse and Sexual Harassment in Correctional Facilities

Subchapter A: Definitions

§ 5-01 General Definitions.

As used in this chapter:

Board means the New York City Board of Correction.

CHA means the Correctional Health Authority designated by the City of New York as the agency responsible for health and mental health services for inmates in the care and custody of the Department, including CHA contractor staff or volunteers.

CHA employee or staff means an employee who works directly for CHA.

Contractor means a person who provides services on a recurring basis pursuant to a contractual agreement with the Department or CHA.

DA means a District Attorney's Office.

Department means the New York City Department of Correction.

Department employee or staff means an employee who works directly for the Department.

Direct staff supervision means that Department security staff are in the same room with, and within reasonable hearing distance of, the inmate.

DOI means the New York City Department of Investigation.

Exigent circumstances mean any set of temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security or institutional order of a facility.

Facility means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) used by the Department for the confinement of individuals.

Gender nonconforming means a person whose appearance or manner does not conform to traditional societal gender expectations.

ID staff means any employee or staff who works directly for the Department in the Department's Investigation Division.

Inmate means any person incarcerated or detained in a facility.

Intersex means a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

Medical practitioner means a health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified medical practitioner" means such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Mental health practitioner means a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" means such a professional who has also successfully completed specialized training for treating sexual abuse victims.

Nunez Agreement means the Consent Judgment in *Nunez v. City of New York*, 11 Civ. 05845 (SDNY).

Pat-down search means a running of the hands over the clothed body of an inmate by an employee to determine whether the individual possesses contraband.

Security staff means Department employees primarily responsible for the supervision and control of inmates, detainees, or residents in housing units, recreational areas, dining areas, and other program areas of the facility.

Strip search means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's breasts, buttocks, or genitalia.

Transgender means a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

Substantiated allegation means an allegation that was investigated and determined to have occurred.

Unfounded allegation means an allegation that was investigated and determined not to have occurred.

Unsubstantiated allegation means an allegation that was investigated and the investigation produced insufficient evidence to

make a final determination as to whether or not the event occurred.

Volunteer means an individual who donates time and effort on a recurring basis to enhance the activities or programs of the Department or CHA.

§ 5-02 Definitions Related to Sexual Abuse.

For purposes of this chapter, the term—

- (a) Sexual abuse includes:
- (1) Sexual abuse of an inmate by another inmate; and
 - (2) Sexual abuse of an inmate by a staff member, contractor, or volunteer.
- (b) Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - (2) Contact between the mouth and the penis, vulva, or anus;
 - (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- (c) Sexual abuse of an inmate by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate:
- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - (2) Contact between the mouth and the penis, vulva, or anus;
 - (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
 - (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, and
 - (8) Voyeurism by a staff member, contractor, or volunteer.
- (d) Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
- (e) Sexual harassment includes—
- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; and
 - (2) Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Subchapter B: Prevention Planning

§ 5-03 Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator.

- (a) The Department shall have a written policy mandating zero

tolerance toward all forms of sexual abuse and sexual harassment and outlining the Department's approach to preventing, detecting, and responding to such conduct.

- (b) The Department shall employ or designate an upper-level, agency-wide PREA coordinator with sufficient time and authority to develop, implement, and oversee Department efforts to comply with this Chapter in all facilities.
- (c) Each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

§ 5-04 Supervision and Monitoring.

- (a) The Department shall ensure that by January 31, 2018, each facility it operates develops, documents, and makes its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration:
- (1) Generally accepted detention and correctional practices;
 - (2) Any judicial findings of inadequacy;
 - (3) Any findings of inadequacy from Federal investigative agencies;
 - (4) Any findings of inadequacy from internal or external oversight bodies;
 - (5) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
 - (6) The composition of the inmate population;
 - (7) The number and placement of supervisory staff;
 - (8) Institution programs occurring on a particular shift;
 - (9) Any applicable State or local laws, regulations, or standards;
 - (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
 - (11) Any other relevant factors.
- (b) In circumstances where the staffing plan is not complied with, the facility shall document and justify all deviations from the plan.
- (c) By February 1, 2018, the Department shall provide the Board with each facility's staffing plan required to be developed pursuant to subdivision (a) of this section.
- (d) The Department shall provide a written report to the Board of the progress toward developing and implementing facility staffing plans by July 15, 2017.
- (e) Whenever necessary, but no less frequently than once each year, for each facility the Department operates, in consultation with the PREA coordinator required by § 5-03 of this Chapter, the Department shall assess, determine, and document whether adjustments are needed to:
- (1) The staffing plan established pursuant to subdivision (a) of this section;
 - (2) The facility's deployment of video monitoring systems and other monitoring technologies; and
 - (3) The resources the facility has available to commit to ensure adherence to the staffing plan.
- (f) The Department shall provide annually to the Board, in writing, all deviations or adjustments to such plans that the Department is required to document pursuant to subdivisions (b) and (e) of this section. The Department shall provide this information to the Board by the first business day of March starting in 2019 (regarding deviations or adjustments that occurred in 2018) and by each first business day of March thereafter.
- (g) By July 31, 2017, the Department shall institute a one-year pilot program to install video surveillance cameras in Department vehicles used to transport inmates. By September 1, 2018, the Department shall provide a written report to the Board evaluating the results of this pilot program, including any benefits or challenges associated with the installation of video surveillance cameras in inmate transport vehicles.
- (h) After termination of the Nunez Agreement, the Department shall provide to the Board a detailed description of the

criteria the Department shall consider in determining whether a surveillance camera should be installed in a particular area of a facility ("installation protocol"). The purpose of the installation protocol shall be to ensure that, to the extent necessary and feasible, additional surveillance cameras shall be installed. The Department shall provide annually a written report to the Board on action taken pursuant to this protocol.

- (i) After termination of the *Nunez* Agreement, the Department shall provide the Board with a detailed description of the process it will follow to determine whether all surveillance cameras are functioning properly and, if not, the procedures for replacing or repairing such cameras ("maintenance protocol"). The purpose of the maintenance protocol shall be to ensure that all surveillance cameras are maintained to function properly and, if repairs are required, they are timely made. The Department shall provide annually a written report to the Board on action taken pursuant to this protocol.
- (j) When the Department is notified of a sexual abuse incident within 90 days of the date of the incident, the Department will preserve any video capturing the incident until the later of: (i) four (4) years after the incident, or (ii) 90 days following the conclusion of an investigation into the sexual abuse incident, or of any disciplinary, civil, or criminal proceedings relating to the incident, provided the Department was on notice of any such investigation or proceeding prior to four years (4) after the incident.
- (k) The Department shall implement a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such rounds shall be conducted during night shifts as well as day shifts. Rounds shall be conducted at unpredictable and varied times. The Department shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility. The Department shall issue a written directive to staff regarding these monitoring rounds and provide this directive to the Board.
- (l) The Department shall have a written policy requiring consideration of the feasibility of placing a surveillance camera in an area where sexual abuse is repeatedly reported or alleged to have occurred or consideration of alternative preventive measures such as increased monitoring rounds or the assignment of additional Department staff in that area.

§ 5-05 Youthful Inmates.

- (a) Any inmate under the age of 18 shall not be placed in a housing unit in which the inmate under the age of 18 will have sight, sound, or physical contact with any inmate 18 years old or more through use of a shared dayroom or other common space, shower area, or sleeping quarters.
- (b) In areas outside of housing units, the Department shall either:
 - (1) Maintain sight and sound separation between any inmate under the age of 18 and any inmate 18 years old or more, or
 - (2) Provide direct staff supervision when any inmate under the age of 18 and any inmate 18 years old or more have sight, sound, or physical contact.

§ 5-06 Limits to Cross-Gender Viewing and Searches.

- (a) The Department shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- (b) The Department shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. The Department shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- (c) The Department shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.
- (d) The Department shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall

require staff of the opposite gender to announce their presence when entering an inmate housing unit.

- (e) The Department shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining the inmate's genital status. If the inmate's genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.
- (f) The Department shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex inmates, in a professional and respectful manner, and in the least intrusive manner possible consistent with security needs. For purposes of these searches, unless exigent circumstances require otherwise, the Department shall make its best efforts to treat intersex and transgender inmates in accordance with their gender identity. The Department shall conduct this training in accordance with the timelines set forth in § 5-12(f) of this Chapter.
- (g) The Department shall issue a written directive to all staff incorporating the provisions of this section and provide this directive to the Board by June 1, 2017.

§ 5-07 Inmates with Disabilities and Inmates Who Are Limited English Proficient.

- (a) The Department shall take appropriate steps to ensure that inmates with disabilities (including, for example, inmates who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the Department shall ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities, including inmates who have intellectual disabilities, limited reading skills, or who are blind or have low vision. The Department is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated pursuant to title II of the Americans With Disabilities Act, 28 C.F.R. § 35.164.
- (b) The Department shall take reasonable steps to ensure meaningful access to all aspects of the Department's efforts to prevent, detect, and respond to sexual abuse and sexual harassment for inmates who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.
- (c) The Department shall not rely on inmate interpreters, inmate readers, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under § 5-26 of this Chapter, or the investigation of the inmate's allegations.

§ 5-08 Hiring and Promotion Decisions.

- (a) The Department shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who—
 - (1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. § 1997);
 - (2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - (3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a) (2) of this section.
- (b) The Department shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
- (c) Before hiring new employees who may have contact with

inmates, the Department shall:

- (1) Perform a criminal background records check; and
- (2) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- (d) The Department shall also perform a criminal background records check before enlisting the services of any contractor or volunteer who may have contact with inmates.
- (e) The Department and CHA shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.
- (f) The Department shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in subdivision (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The Department shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- (g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.
- (h) Unless prohibited by law and upon the written consent of a Department employee pursuant to New York Civil Rights Law § 50-a, the Department shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.
- (i) Unless prohibited by law, CHA shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

§ 5-09 Upgrades to Facilities and Technologies.

- (a) When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, the Department shall consider the effect of the design, acquisition, expansion, or modification upon the Department's ability to protect inmates from sexual abuse.
- (b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Department shall consider how such technology may enhance the Department's ability to protect inmates from sexual abuse.

Subchapter C: Responsive Planning

§ 5-10 Evidence Protocol and Forensic Medical Examinations.

- (a) The Department shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- (b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.
- (c) The Department shall offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The Department shall document its efforts to provide SAFEs or SANEs.
- (d) Rape crisis intervention and counseling services shall be offered and delivered to inmates in the facility in which they are housed (the "Initiative"). CHA shall be responsible for the delivery of such services by qualified victim advocates. For the purposes of this section, a qualified victim advocate is an individual who has been screened for appropriateness to serve in this role and has received education concerning

sexual assault and forensic examination issues in general.

- (e) As requested by the victim, a qualified victim advocate shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- (f) Qualified victim advocates shall assure inmates who request these services that all communications between counselors and inmates shall be kept confidential. Consistent with § 5-21(b) of this Chapter, advocates shall also inform inmates, prior to providing services, of the extent to which their communications with inmates will be monitored and the extent to which reports of sexual abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- (g) Services pursuant to this Initiative shall be offered as soon as possible after an incident of alleged sexual abuse is reported, but in no event later than one week after the report is received by the Department or CHA.
- (h) CHA shall implement this Initiative by June 1, 2018. By June 1, 2017, CHA shall provide the Board with a written plan describing:
 - (1) The services to be provided;
 - (2) The credentials of the qualified victim advocates who will provide these services;
 - (3) Inmates' access to qualified victim advocates;
 - (4) Privacy and confidentiality of in-person, written, and telephone communications between inmates and qualified victim advocates; and
 - (5) Communication to inmates about these services.
- (i) CHA shall provide the Board with a quarterly report of the steps taken toward implementation of this Initiative. CHA shall provide the first quarterly report to the Board on July 5, 2017 with respect to the previous three (3) months (i.e., April 1, 2017 through June 30, 2017) and on the third business day of the month following the end of each quarter thereafter. CHA shall provide such reports to the Board until the Initiative is fully implemented.
- (j) After implementation of this Initiative, CHA shall provide annually a written report to the Board assessing the Initiative's effectiveness, which shall include the number of inmates who received such services during the year that is the subject of the report. CHA shall provide its first annual report to the Board on July 2, 2019 with respect to the preceding year (i.e., June 1, 2018 through June 1, 2019) and within 30 days of the end of each year thereafter.

§ 5-11 Policies to Ensure Referrals of Allegations for Investigations.

- (a) The Department shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- (b) The Department shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The Department shall publish such policy on its website. The Department shall document all such referrals.
- (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the Department and the investigating entity.

Subchapter D: Training and Education

§ 5-12 Employee Training.

- (a) The Department and CHA shall train all of their employees who may have contact with inmates on:
 - (1) The zero-tolerance policy for sexual abuse and sexual harassment;
 - (2) How to fulfill their responsibilities under Department and CHA sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - (3) Inmates' right to be free from sexual abuse and sexual harassment;
 - (4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment;

- (5) The dynamics of sexual abuse and sexual harassment in confinement;
 - (6) The common reactions of sexual abuse and sexual harassment victims;
 - (7) How to detect and respond to signs of threatened and actual sexual abuse;
 - (8) How to avoid inappropriate relationships with inmates;
 - (9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
 - (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.
- (b) Such training shall be tailored to the gender of the inmates at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa.
 - (c) All current employees who have not received such training shall be trained. The Department and CHA shall provide each of their employees with refresher training every two years to ensure that all employees know the Department's and CHA's current sexual abuse and sexual harassment policies and procedures. In years in which an employee does not receive refresher training, the Department and CHA shall provide refresher information on current sexual abuse and sexual harassment policies.
 - (d) The Department and CHA shall document, through employee signature or electronic verification, that their employees understand the training they have received.
 - (e) All CHA employees shall be trained by December 31, 2018.
 - (f) All Department employees shall be trained by December 31, 2021.
 - (1) At least 20% of all Department employees shall be trained by December 31, 2017.
 - (2) At least 40% of all Department employees shall be trained by December 31, 2018.
 - (3) At least 60% of all Department employees shall be trained by December 31, 2019.
 - (4) At least 80% of all Department employees shall be trained by December 31, 2020.
 - (g) The Department and CHA shall report to the Board, in writing and on a quarterly basis, the number of their respective employees who have been trained during that quarter in accordance with this section. The Department and CHA shall provide their first quarterly report to the Board on May 1, 2017 with respect to the previous three months (i.e., January 1, 2017 through March 31, 2017) and within 30 days of the end of each quarter thereafter, until such training has been completed.
 - (h) The training of Department and CHA staff on working with inmates who are transgender or intersex shall include the psychosocial and safety needs of such persons in custody and instruction on communicating in a manner that is respectful of their gender identity. The Department and CHA shall complete such training by January 2, 2018.
 - (i) The Department and CHA shall provide to the Board on an annual basis the training schedules, training curriculum and credentials of the trainers, in accordance with this section, starting on March 1, 2017 for the previous year and on the first business day of March following the end of each year thereafter.

§ 5-13 Volunteer and Contractor Training.

- (a) The Department and CHA shall ensure that each of their volunteers and contractors who have contact with inmates have been trained on their responsibilities under the Department's and CHA's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.
- (b) The level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates, but all volunteers and contractors who have contact with inmates shall be notified of the Department's and CHA's zero-tolerance policy regarding sexual abuse and sexual harassment and informed of how to report such incidents.

- (c) The Department and CHA shall maintain documentation confirming that their volunteers and contractors understand the training they have received.
- (d) The Department and CHA shall complete the training of volunteers by July 31, 2017.
- (e) The Department and CHA shall complete the training of contractors by July 31, 2019.
- (f) The Department and CHA shall provide to the Board on an annual basis the training schedules, training curriculum and credentials of the trainers, in accordance with this section, starting on March 1, 2017 for the previous year and on the first business day of March following the end of each year thereafter.

§ 5-14 Inmate Education.

- (a) During the intake process, inmates shall receive information explaining the Department's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.
- (b) Within 30 days of intake, the Department shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding Department policies and procedures for responding to such incidents.
- (c) The Department shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who have limited reading skills.
- (d) The Department shall maintain documentation of inmate participation in these education sessions.
- (e) In addition to providing such education, the Department shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats.
- (f) The Department shall commence providing inmate education described in subdivisions (a) through (e) of this section on April 3, 2017 provided the Department has sufficient resources and necessary staffing.
- (g) The Department shall provide to the Board on an annual basis the inmate education schedules, education curriculum and the credentials of the persons providing such education to inmates, in accordance with this section, starting on March 1, 2018 for the preceding year and on the first business day of March following the end of each year thereafter.

§ 5-15 Specialized Training: Investigations.

- (a) In addition to the general training provided to all employees pursuant to § 5-12 of this Chapter, the Department shall ensure that its investigators have received training in conducting sexual abuse investigations in confinement settings.
- (b) Specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- (c) The Department shall maintain documentation that Department investigators have completed the required specialized training in conducting sexual abuse investigations.
- (d) The Department shall complete specialized training of its investigators by April 3, 2017.
- (e) The Department shall provide to the Board on an annual basis the training schedules, training curriculum and credentials of the trainers, in accordance with this section, starting on March 1, 2017 for the previous year and on the first business day of March following the end of each year thereafter.

§ 5-16 Specialized Training: Medical and Mental Health Care.

- (a) CHA shall ensure that all full- and part-time medical and mental health care practitioners who work regularly in facilities have been trained in:
 - (1) How to detect and assess signs of sexual abuse and sexual harassment;
 - (2) How to preserve physical evidence of sexual abuse;
 - (3) How to respond effectively and professionally to victims

of sexual abuse and sexual harassment; and

- (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.
- (b) The CHA shall maintain documentation that medical and mental health practitioners have received the training referenced in this section either from the CHA or elsewhere.
- (c) Medical and mental health care practitioners shall also receive the training mandated for employees under § 5-12 or for contractors and volunteers under § 5-13 of this Chapter, depending upon the practitioner's status at CHA.
- (d) The specialized training of CHA's full- and part-time medical and mental health practitioner staff shall be completed by April 3, 2017.
- (e) CHA shall provide to the Board on an annual basis the training schedules, training curriculum and credentials of the trainers, in accordance with this section, starting on March 1, 2017 for the previous year and on the first business day of March following the end of each year thereafter.

Subchapter E: Screening for Risk of Sexual Victimization and Abusiveness

§ 5-17 Screening for Risk of Victimization and Abusiveness.

- (a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
- (b) Intake screening shall ordinarily take place within 72 hours of arrival at the facility.
- (c) Such assessments shall be conducted using an objective screening instrument. Such screening instrument shall be provided to the Board.
- (d) The intake screening shall consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization:
- (1) Whether the inmate has a mental, physical, or developmental disability;
 - (2) The age of the inmate;
 - (3) The physical build of the inmate;
 - (4) Whether the inmate has previously been incarcerated;
 - (5) Whether the inmate's criminal history is exclusively nonviolent;
 - (6) Whether the inmate has prior convictions for sex offenses against an adult or child;
 - (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - (8) Whether the inmate has previously experienced sexual victimization; and
 - (9) The inmate's own perception of vulnerability.
- (e) The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the Department, in assessing inmates for risk of being sexually abusive.
- (f) Within a set time period, not to exceed 30 days from the inmate's arrival at the facility, the Department will reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the Department since the intake screening.
- (g) An inmate's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness.
- (h) Inmates may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.
- (i) The Department shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this section in order to ensure that sensitive information is not exploited to the inmate's detriment by staff or other inmates.

§ 5-18 Use of Screening Information.

- (a) The Department shall use information from the risk screening required by § 5-17 of this Chapter to inform

housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

- (b) The Department shall make individualized determinations about how to ensure the safety of each inmate.
- (c) In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems.
- (d) The Department shall not assign a transgender or intersex inmate to a men's or women's facility based solely on the inmate's external genital anatomy.
- (e) A transgender or intersex inmate's own views with respect to his or her own safety shall be given serious consideration.
- (f) Placement and programming assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats to safety experienced by the inmate.
- (g) Transgender and intersex inmates shall be given the opportunity to shower separately from other inmates.
- (h) The Department shall notify the Board, in writing, of each placement of a transgender or intersex inmate, all information considered in making the determination and the reasons for the housing determination. The Department shall provide the Board with such information commencing on January 5, 2017 (with respect to the previous two-week period, i.e., December 19, 2016-December 31, 2016) and within two (2) business days following the end of each two-week period thereafter.
- (i) The Department shall implement this section by the effective date of this rule provided the Department has sufficient resources and necessary staffing.

§ 5-19 Protective Custody.

- (a) Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If the Department cannot conduct such an assessment immediately, the Department may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment.
- (b) Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the Department restricts access to programs, privileges, education, or work opportunities, the facility shall document:
- (1) The opportunities that have been limited;
 - (2) The duration of the limitation; and
 - (3) The reasons for such limitations.

Documentation in accordance with subdivision (b) of this section shall commence on July 1, 2017.

- (c) The Department shall assign such inmates to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.
- (d) If an involuntary segregated housing assignment is made pursuant to subdivision (a) of this standard, the Department shall clearly document:
- (1) The basis for the Department's concern for the inmate's safety; and
 - (2) The reason why no alternative means of separation can be arranged.

Documentation in accordance with subdivision (d) of this section shall commence on July 1, 2017.

- (e) Every 30 days, the Department shall afford each such inmate a review to determine whether there is a continuing need for separation from the general population.
- (f) The Department shall issue a written directive to staff incorporating subdivisions (a), (b), (c), (d), and (e) of this section and provide this directive to the Board by July 1, 2017.

- (g) The Department shall provide the Board with a quarterly report detailing:
- (1) The basis for its placement of any inmate at high risk of sexual victimization in involuntary segregated housing and the reasons why no alternative means of separation could be arranged; and
 - (2) The number of such inmates who remain in involuntary segregated housing for more than 30 days.
- (h) Commencing on November 1, 2017, the Department shall provide its first quarterly report to the Board with the respect to the previous three months (i.e., July 1, 2017 through September 30, 2017) and within 30 days of the end of each quarter thereafter.

Subchapter F: Reporting

§ 5-20 Inmate Reporting.

- (a) The Department shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.
- (b) The Department shall also provide at least one way for inmates to report abuse or harassment to a public or private entity or office that is not part of the Department and that is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to Department officials, allowing the inmate to remain anonymous upon request.
- (c) Department staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
- (d) The Department shall include all the ways inmates can report sexual abuse and sexual harassment on posters in all housing units, intake and program areas, clinics and mess halls, the Inmate Handbook and Visitors Handbook, and on the Department's public website.
- (e) The Department shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.
- (f) The Department shall issue a written directive to all staff stating the method for staff to privately report sexual abuse and sexual harassment of inmates and all the ways inmates can report incidents of sexual abuse and sexual harassment. The Department shall provide this directive to the Board.
- (g) The Department shall comply with this section by April 3, 2017, except that the Department's Inmate Handbook and Visitor's Handbook shall be updated by December 31, 2017.

§ 5-21 Inmate Access to Outside Confidential Support Services.

- (a) The Department shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations. The Department shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.
- (b) The Department shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.
- (c) The Department shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse. The Department shall maintain copies of agreements or documentation showing attempts to enter into such agreements.
- (d) The Department shall comply with this section by April 3, 2017.

§ 5-22 Third-Party Reporting.

- (a) The Department shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate.
- (b) The Department shall include in its Visitors Handbook, and post on its website, how third parties can report sexual abuse and sexual harassment on behalf of an inmate.

Subchapter G: Official Response Following an Inmate Report

§ 5-23 Staff and Agency Reporting Duties.

- (a) The Department shall require all staff to report immediately and according to Department policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- (b) Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in Department policy, to make treatment, investigation, and other security and management decisions.
- (c) Unless otherwise precluded by Federal, State, or local law, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), New York Mental Hygiene Law § 33.13(10) and New York Public Health Law § 18, medical and mental health practitioners shall be required to report sexual abuse pursuant to subdivision (a) of this section and to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services.
- (d) If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the Department and CHA shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws.
- (e) The Department shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the investigators designated to investigate these allegations.

§ 5-24 Agency Protection Duties.

When the Department learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate.

§ 5-25 Reporting to Other Confinement Facilities.

- (a) Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility where the alleged abuse occurred.
- (b) Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- (c) The facility initially receiving such allegation shall document that it has provided such notification.
- (d) The facility head that receives such notification shall ensure that the allegation is investigated in accordance with these rules.

§ 5-26 Staff First Responder Duties.

- (a) Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:
 - (1) Separate the alleged victim and abuser;
 - (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
 - (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
- (b) If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

§ 5-27 Coordinated Response.

By April 3, 2017, the Department shall develop a written plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, DOI or ID investigators, and facility leadership.

§ 5-28 Agency Protection against Retaliation.

- (a) The Department shall establish a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and shall designate which staff members or departments are charged with monitoring retaliation.
- (b) The Department shall employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
- (c) For at least 90 days following a report of sexual abuse, the Department shall monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the Department should monitor include any inmate disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The Department shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need. No later than December 31, 2017, the Department shall commence such monitoring of inmates and staff who report incidents of sexual abuse.
- (d) In the case of inmates, such monitoring shall also include periodic status checks.
- (e) If any other individual who cooperates with an investigation expresses a fear of retaliation, the Department shall take appropriate measures to protect that individual against retaliation.
- (f) The Department's obligation to monitor shall terminate if the Department determines that the allegation is unfounded.
- (g) By April 3, 2017, the Department shall issue a written directive to all staff incorporating the provisions of this section and provide this directive to the Board.

§ 5-29 Post-Allegation Protective Custody.

Any use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse shall be subject to the requirements of § 5-19 of this Chapter.

Subchapter H: Investigations**§ 5-30 Criminal and Administrative Agency Investigations.**

- (a) When the Department conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
- (b) Where sexual abuse is alleged, the Department shall use investigators who have received special training in sexual abuse investigations pursuant to § 5-15.
- (c) Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- (d) When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with DOI and/or prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as inmate or staff. The Department shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- (f) All investigations:
 - (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - (2) Shall be documented in written reports that include a description of the physical, testimonial, and documentary evidence, the reasoning behind credibility assessments, and investigative facts and findings.

- (g) Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
- (h) Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- (i) The Department shall retain all written reports referenced in this section for as long as the alleged abuser is incarcerated or employed by the Department or CHA, plus five years.
- (j) The departure of the alleged abuser or victim from the employment or control of the Department or the employment of CHA shall not provide a basis for terminating an investigation.
- (k) When outside agencies investigate sexual abuse, the Department shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- (l) The Department shall use its best efforts to conduct an initial evaluation as to whether any involved staff member should be suspended, placed on modified duty, re-assigned to a no-inmate-contact post or reassigned to a restricted-inmate-contact post pending investigation within three (3) business days after an alleged incident of sexual abuse or sexual harassment is reported to the Department (the "Referral Date"). In the event sexual abuse is alleged, the Department shall conduct such an evaluation after consulting with DOI unless doing so would pose a threat to the safety and well-being of the complainant.
- (m) The Department shall complete all investigations of sexual abuse and sexual harassment allegations no later than 90 days from the Referral Date, absent extenuating circumstances outside the Department's control that warrant an extension of this deadline (which shall be documented). The Department shall implement this subsection by the effective date of this rule provided that the Department has sufficient resources and necessary staffing.
- (n) If an incident of alleged sexual abuse is referred to DOI or the DA for investigation or a decision on immunity, the time for completion of the sexual abuse investigation shall be tolled while the other agency is investigating the matter or making a decision on immunity.
- (o) Inmates subject to alleged sexual abuse or sexual harassment shall be interviewed within 72 hours of the Referral Date, absent unusual circumstances (which shall be documented).
- (p) All interviews of staff involved in a sexual abuse or sexual harassment incident shall be completed within 30 days of any immunity grants, absent unusual circumstances (which shall be documented).
- (q) When requesting an inmate's statement or interview, the inmate shall be assured that the inmate will not be subject to any form of retaliation for providing information in connection with the investigation of alleged sexual abuse or sexual harassment. Requests for statements or interviews shall be made off the living unit and shall not be made within sight or hearing of other inmates or staff involved in the incident. Inmate interviews shall be conducted in a private and confidential setting.
- (r) At the conclusion of an investigation of alleged sexual abuse or sexual harassment, the Department shall prepare a closing memorandum summarizing the findings of the investigation. Within five (5) business days after completion of a closing memorandum, the Department shall provide a copy of it to the Board.
- (s) All closing memoranda shall be retained for as long as the alleged perpetrator of sexual abuse or sexual harassment is incarcerated or employed by the Department or CHA, plus five years.
- (t) The Department shall issue a written directive to all ID staff incorporating the provisions of this section and provide this directive to the Board.

§ 5-31 Evidentiary Standard for Administrative Investigations.

The Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

§ 5-32 Reporting to Inmates.

- (a) Following an investigation into an inmate's allegation that he or she suffered sexual abuse in a facility, the Department shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

- (b) If the Department did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
- (c) Following an inmate's allegation that a Department or CHA staff member has committed sexual abuse against the inmate, the Department shall subsequently inform the inmate (unless the Department has determined that the allegation is unfounded) whenever:
- (1) The staff member is no longer posted within the inmate's unit;
 - (2) The staff member is no longer employed at the facility;
 - (3) The Department learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - (4) The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- (d) Following an inmate's allegation that he or she has been sexually abused by another inmate, the Department shall subsequently inform the alleged victim whenever:
- (1) The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - (2) The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- (e) All such notifications or attempted notifications shall be documented.

Subchapter I: Discipline

§ 5-33 Disciplinary Sanctions for Staff.

- (a) Department and CHA staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.
- (b) Termination shall be the presumptive disciplinary sanction for Department and CHA staff who have engaged in sexual abuse.
- (c) Disciplinary sanctions for violations of Department and CHA policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- (d) All terminations for violations of Department and CHA sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.

§ 5-34 Corrective Action for Contractors and Volunteers.

- (a) Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.
- (b) The Department shall take appropriate remedial measures, and shall consider whether to prohibit further contact with inmates, in the case of any other violation of Department sexual abuse or sexual harassment policies by a contractor or volunteer.

§ 5-35 Disciplinary Sanctions for Inmates.

- (a) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.
- (b) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.
- (c) The disciplinary process shall consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

- (d) The Department may discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- (e) For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- (f) The Department may, in its discretion, prohibit all sexual activity between inmates and may discipline inmates for such activity. The Department may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

Subchapter J: Medical and Mental Care

§ 5-36 Medical and Mental Health Screenings; History of Sexual Abuse.

- (a) If the screening pursuant to § 5-17 of this Chapter indicates that an inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, the Department shall ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- (b) Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
- (c) Medical and mental health practitioners shall obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18.

§ 5-37 Access to Emergency Medical and Mental Health Services.

- (a) Inmate victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- (b) If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to § 5-24 of this Chapter and shall immediately notify the appropriate medical and mental health practitioners.
- (c) Inmate victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- (d) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

§ 5-38 Ongoing Medical and Mental Health Care for Sexual Abuse Victims.

- (a) CHA shall offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility.
- (b) The evaluation and treatment of such victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody.
- (c) CHA shall provide such victims with medical and mental health services consistent with the community level of care.
- (d) Inmate victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.
- (e) If pregnancy results from the conduct described in subdivision (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

- (f) Inmate victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.
- (g) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Subchapter K: Data Collection and Review; Audits

§ 5-39 Sexual Abuse Incident Reviews.

- (a) The Department shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- (c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- (d) The review team shall:
- (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - (4) Assess the adequacy of staffing levels in that area during different shifts;
 - (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff;
 - (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this standard, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.
- (e) The Department shall implement the recommendations for improvement, or shall document its reasons for not doing so.
- (f) The Department shall provide the Board with all sexual abuse incident review reports on a quarterly basis.

§ 5-40 Data Collection and Review.

- (a) The Department shall collect accurate, uniform data for each alleged incident of sexual abuse at facilities (and in transport vehicles used to transport inmates) using a standardized instrument and definitions. For this purpose, the Department shall use the definitions of and related to inmate-on-inmate and staff-on-inmate sexual abuse set forth in subdivisions (a), (b), (c) and (d) of § 5-02. The Department shall provide the Board with such standardized instrument for its review at least 30 days before first providing the Board with the incident data specified in subdivision (d) of this section.
- (b) The Department shall maintain, review and collect data pursuant to subdivisions (a), (d), (f) and (g) of this section from all incident-based documents and databases, including reports, investigation files, and sexual abuse incident reviews.
- (c) Within two (2) years of the Effective Date of these rules, the Board will reassess whether the data enumerated in this section is adequate to ensure effective monitoring of the Department's and CHA's compliance with the rules embodied in this Chapter.
- (d) The Department shall provide the Board with the following data regarding each alleged incident of sexual abuse:
- (1) Date, time and location of alleged incident;
 - (2) Nature of alleged sexual abuse (e.g., officer-on-inmate; CHA staff-on-inmate; contractor- or volunteer-on-inmate; inmate-on-inmate, etc.);

- (3) Type of alleged sexual abuse (as defined in subdivisions (a), (b), (c) and (d) of § 5-02);
 - (4) Demographics
 - (i) Gender of alleged victim (i.e., male or female);
 - (ii) Gender of alleged perpetrator (i.e., male or female);
 - (iii) Age of alleged victim (i.e., under age 18, 18-21, or over 21);
 - (iv) Age of alleged perpetrator (if an inmate) (i.e., under age 18, 18-21, or over 21);
 - (v) Race/ethnic origin of alleged victim (i.e., White-not of Hispanic origin; Black-not of Hispanic origin; Hispanic or Latino; other);
 - (vi) Whether the alleged victim is known to be transgender or intersex;
 - (vii) Whether the alleged victim is known to be lesbian, gay, or bi-sexual;
 - (viii) Whether the alleged victim is known to have any mental, physical or developmental disabilities;
 - (5) Who reported the incident, if known (e.g., alleged victim; victim's family member, inmate other than victim; Department or CHA staff, etc.);
 - (6) Method of reporting (e.g., via hotline, verbally or in writing, 311, etc.);
 - (7) Video camera surveillance available (yes/no);
 - (8) DNA evidence available (yes/no);
 - (9) Other physical evidence available (yes/no);
 - (10) Rape kit administered, declined or not applicable;
 - (11) Date investigation was opened;
 - (12) Date investigation was closed (e.g., by filing a closing memorandum or otherwise);
 - (13) Whether the incident was substantiated, unsubstantiated or unfounded;
 - (14) Whether the alleged perpetrator and alleged victim were separated during the investigation;
 - (15) If the alleged perpetrator is a staff person, whether during the investigation, or after it was closed, the staff person was suspended, placed on modified duty, assigned to a no-inmate contact post, assigned to a restricted-inmate contact post, or placed on administrative leave;
 - (16) If the alleged perpetrator is a staff person, whether previous allegations of sexual abuse or sexual harassment were lodged against that person;
 - (17) If the alleged perpetrator is a staff person, whether the person declined an offer of use immunity pursuant to Mayor's Executive Order No. 16 and, if so, whether that person was subject to discipline as a result;
 - (18) Whether DOI assumed the investigation, and if so, the status of the investigation (e.g., pending; referral made to a DA's Office, referred back to the Department, etc.);
 - (19) Whether the allegation of staff-on-inmate or inmate-on-inmate sexual abuse was referred to a DA's Office, including whether that DA's Office declined to prosecute, and if the staff perpetrator was prosecuted, the outcome;
 - (20) Whether the allegation was referred for disciplinary action, including (a) whether the Department's Trials & Litigation Division declined to file disciplinary charges, or if disciplinary charges were filed, the outcome; and (b) whether the alleged staff-member perpetrator resigned in lieu of charges or as part of a negotiated plea.
- (e) Unless otherwise precluded by law, CHA will assist the Department in collecting the data enumerated in subdivision (d) of this section.

- (f) The Department shall provide to Board the data enumerated in subdivision (d) of this section semiannually, commencing on August 1, 2017 (for the period January 1, 2017-June 30, 2017) and within 45 days of the end of each six-month period thereafter. The Department shall continue to update data in these reports regarding each alleged incident pending its final outcome.
- (g) The Department shall review this incident data in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training, including by:
 - (1) Identifying problem areas and trends;
 - (2) Taking corrective action on an ongoing basis; and
 - (3) Including in a semiannual assessment report to the Board its findings and corrective actions for each facility, as well as the Department as a whole.
- (h) Such semiannual assessment report shall also include a comparison of the current six (6) months' data and corrective actions with those from the prior six (6) months and shall provide an assessment of the Department's progress in addressing sexual abuse and sexual harassment.
- (i) Such semiannual assessment reports shall be approved by the Commissioner of the Department, submitted to the Board, and made readily available on the Department's website.
- (j) The Department may redact specific material from semiannual assessment reports when publication would present a clear and specific threat to the safety and security of a facility, or would present privacy or other legal considerations, but must indicate the nature of the material redacted.
- (k) The Department shall provide its first semiannual assessment report to the Board on August 1, 2017 (for the period January 1, 2017-June 30, 2017) and within 45 days of the end of each six-month period thereafter.
- (l) The Department shall ensure that all data collected pursuant to this section is securely retained.
- (m) Before making data collected pursuant to this section publicly available, the Department shall remove all personal identifiers.
- (n) The Department shall maintain all data collected pursuant to this section for at least 10 years after the date of the initial collection unless Federal, State, or local law requires otherwise.

§ 5-41 Audits

The Department shall provide the Board with a copy of all audit reports, responses to audit reports, audit correction action plans, appeals of audit findings, and decisions on appeal, submitted to PREA-certified auditors pursuant to PREA Standard § 115.93 and PREA Standards §§ 115.401 through 115.405. The Department shall provide such material to the Board within two (2) business days after its submission to the auditors.

Subchapter L: Variances

§ 5-42 Variances

The Department or CHA may apply for a variance from a specific subdivision or section of these Chapter 5 rules in accordance with the procedures and criteria set forth in § 1-15 of Chapter 1 of these Minimum Standards.

§ 2. Effective Date. This rule shall take effect January 2, 2017.

§ 3. Implementation Dates. The policies, procedures, criteria, programs, plans, reports and forms required by the various sections of these rules shall be developed, approved and implemented by the dates specified therein. These time periods are also specified below. Unless otherwise stated therein and below, all time periods are computed from the effective date of these rules.

Section	Implementation
5-04(a) (Supervision and Monitoring) (Department shall ensure that each of its facilities develops, documents, and make its best efforts to comply with a staffing plan)	By January 31, 2018

Section	Implementation
5-04(c) (Supervision and Monitoring) (Department shall provide the Board with facility staffing plans)	By February 1, 2018
5-04(d) (Supervision and Monitoring) (Department shall provide a written report to the Board of the progress toward developing and implementing facility staffing plans)	By July 15, 2017
5-04(f) (Supervision and Monitoring) (Department shall provide annually to the Board a written report of all deviations and adjustments to facility staffing plans)	Commencing on the first business day of March, 2019
5-04(g) (Supervision and Monitoring) (Department shall institute a one-year pilot program to install video surveillance cameras on Department vehicles used to transport inmates and provide the Board with a written report re same)	By July 31, 2017 (institute pilot program) By September 1, 2018 (written report)
5-06 (f) (Limits to Cross-Gender Viewing and Searches) (Department shall train security staff in how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates, and make its best efforts to treat intersex and transgender inmates in accordance with their gender identity)	All Department employees shall be trained by December 31, 2021. At least 20% of all Department employees shall be trained by December 31, 2017. At least 40% of all Department employees shall be trained by December 31, 2018. At least 60% of all Department employees shall be trained by December 31, 2019. At least 80% of all Department employees shall be trained by December 31, 2020.
5-06 (g) (Limits to Cross-Gender Viewing and Searching) (Department shall issue directive to all staff and provide this directive to the Board)	By June 1, 2017
5-10(h) (Evidence Protocol and Forensic Medical Examinations) (Rape crisis intervention and counseling services "Initiative" delivered to inmates in the facility in which they are housed)	By June 1, 2018
5-10(h)(1)-(5) (Evidence Protocol and Forensic Medical Examinations) (CHA shall provide a written plan to the Board describing the Initiative)	By June 1, 2017
5-10(i) (Evidence Protocol and Forensic Medical Examinations) (CHA shall provide a quarterly report to the Board of the steps taken toward implementing the Initiative)	By July 5, 2017 until the Initiative is fully implemented
5-10(j) (Evidence Protocol and Forensic Medical Examinations) (CHA shall provide annually a written report to the Board assessing the Initiative's effectiveness, etc.)	Commencing on July 2, 2019
5-12(e) (Employee Training) (CHA shall complete training of all of its employees)	By December 31, 2018

Section	Implementation
<u>5-12(f) (Employee Training) (Department employees shall be trained)</u>	<u>All Department employees shall be trained by December 31, 2021.</u> <u>At least 20% of all Department employees shall be trained by December 31, 2017.</u> <u>At least 40% of all Department employees shall be trained by December 31, 2018.</u> <u>At least 60% of all Department employees shall be trained by December 31, 2019.</u> <u>At least 80% of all Department employees shall be trained by December 31, 2020.</u>
<u>5-12(g) (Employee Training) (Department and CHA shall report to the Board the number of their respective employees who have been trained in accordance with this section)</u>	<u>Commencing on May 1, 2017</u>
<u>5-12(h) (Employee Training) (Training of Department and CHA staff on working with inmates who are transgender or intersex)</u>	<u>By January 2, 2018</u>
<u>5-12(i) (Employee Training) (Department and CHA shall provide to the Board annually the training schedules, training curriculum and credentials of the trainers)</u>	<u>Commencing on March 1, 2017</u>
<u>5-13(d) and (e) (Volunteer and Contractor Training)</u>	<u>By July 31, 2017 (training of volunteers)</u> <u>By July 31, 2019 (training of contractors)</u>
<u>5-13(f) (Volunteer and Contractor Training) (Department and/or CHA shall provide to the Board training information)</u>	<u>Commencing on March 1, 2017</u>
<u>5-14(f) (Inmate education)</u>	<u>Commence by April 3, 2017 provided the Department has sufficient resources and necessary staffing</u>
<u>5-14(g) (Inmate Education) (Department shall provide the Board on an annual basis with the inmate education schedules, education curriculum and credentials of the persons providing such training)</u>	<u>Commencing on March 1, 2018</u>
<u>5-15(d) (Specialized Training: Investigations)</u>	<u>By April 3, 2017</u>
<u>5-15(e) (Specialized Training: Investigations) (Department shall provide the Board with training materials)</u>	<u>Commencing on March 1, 2017</u>
<u>5-16(d) (Specialized Training: Medical and Mental Health Care)</u>	<u>By April 3, 2017</u>
<u>5-16(e) (Specialized Training: Medical and Mental Health Care) (CHA shall provide the Board training materials)</u>	<u>Commencing on March 1, 2017</u>
<u>5-18 (h) (Use of Screening Information) (Department shall provide the Board each placement of a transgender or intersex inmate, all information considered in making the housing determination and the reasons therefor)</u>	<u>Commencing on January 5, 2017</u>

Section	Implementation
<u>5-19(b) (Protective Custody) (Documentation in accordance with subdivision (b) of this section)</u>	<u>Commencing on July 1, 2017</u>
<u>5-19(d) (Protective Custody) (Documentation in accordance with subdivision (d) of this section)</u>	<u>Commencing on July 1, 2017</u>
<u>5-19(f) (Protective Custody) (Department shall issue a written directive to staff incorporating that section)</u>	<u>By July 1, 2017</u>
<u>5-19(h) (Protective Custody) (Department to provide a quarterly report to the Board)</u>	<u>Commencing on November 1, 2017</u>
<u>5-20(g) (Inmate Reporting)</u>	<u>By April 3, 2017, except that the Department's Inmate Handbook and Visitor's Handbook shall be updated by December 31, 2017.</u>
<u>5-21 (Inmate Access to Outside Confidential Support Services)</u>	<u>By April 3, 2017</u>
<u>5-27 (Coordinated Response)</u>	<u>By April 3, 2017</u>
<u>5-28(c) and (d) (Agency Protection against Retaliation) (For at least 90 days, following a report of sexual abuse, the Department will monitor the conduct and treatment of inmates or staff who reported the sexual abuse and of inmates reported to have suffered sexual abuse)</u>	<u>Commence December 31, 2017</u>
<u>5-28(g) (Agency Protection against Retaliation) (Department shall issue a written directive to all staff incorporating the provisions of this section and provide this directive to the Board)</u>	<u>By April 3, 2017</u>
<u>5-40(f) (Data Collection and Review) (Department shall provide the Board semiannually with data)</u>	<u>Starting on August 1, 2017</u>
<u>5-40 (k) (Data Collection and Review) (Department shall provide the Board with semiannual assessment reports in accordance with this section)</u>	<u>Commencing August 1, 2017</u>

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FIRE DEPARTMENT

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? The Fire Department is proposing to amend § 3405-01 of Title 3 of the Rules of the City of New York to clarify and revise the permit and supervision requirements for mobile trailers for heating and power generation and to allow storage and use of a larger amount of combustible fuel (fuel oil) on such trailers. Portions of the proposed changes to this rule were identified as part of a comprehensive rules review initiative undertaken by the NYC Mayor's Office of Operations working with the City's rulemaking agencies, the Law Department, and the Office of Management and Budget.

When and where is the hearing? The Fire Department will hold a public hearing on the proposed rule. The public hearing will take place at 11:00 A.M. on Tuesday, January 3, 2017. The hearing will be in the Fire Department Auditorium at 9 MetroTech Center, Brooklyn, NY 11201. The Auditorium is wheelchair accessible.

How do I comment on the proposed rule? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Fire Department through the NYC rules Web site at <http://rules.cityofnewyork.us>, or through the Fire Department's Web site at www.nyc.gov/fdny using the "FDNY Rule" link.

- **Mail.** You can mail written comments to Code Development Unit, Bureau of Fire Prevention, New York City Fire Department, 9 MetroTech Center, Room 3E2, Brooklyn, NY 11201.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak at the hearing. The time that you can speak may be limited.

Is there a deadline to submit written comments? Yes, you must submit written comments by Tuesday, January 3, 2017.

Do you need assistance to participate in the hearing? You must notify the Bureau of Fire Prevention if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or telephone us at (718) 999-2042. You must notify us by Tuesday, December 13, 2016.

Can I review the comments made on the proposed rule? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Fire Prevention.

What authorizes the Fire Department to make this rule?

Sections 489 and 1043 of the New York City Charter, and Sections FC102.6.3 and FC3405 of the New York City Fire Code (Title 29 of Administrative Code of the City of New York) authorize the Fire Department to propose this rule.

Where can I find the Fire Department rules? The Fire Department rules are codified in Title 3 of the Rules of the City of New York.

What rules govern the rulemaking process? The Fire Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the New York City Charter. This rule was not included in FDNY's rulemaking agenda because the need for it was not anticipated.

Statement of Basis and Purpose of Proposed Rule

The Fire Code regulates the manufacturing, storage, handling, use and transportation of hazardous materials in New York City, including fuel oil, a combustible liquid.

Currently, Section 3405-01 of the Fire Department's rules (Title 3 of the Rules of the City of New York) allows mobile heating and power generating trailers to operate with a citywide permit, and sets forth permit, supervision, and design and installation requirements. The rule was originally developed in response to the use of these trailers to serve buildings whose heating or electrical systems were undergoing major repairs or replacement and were taken out of service. The trailers are typically parked on the street and connected to building utilities by piping or electrical lines.

Permitting of Mobile Trailers for Outdoor Gatherings

When the current rule was promulgated, the Fire Department did not envision that these trailers would be used at public gatherings like street fairs and festivals near large numbers of people, cooking operations, and other activities where their presence may potentially pose a danger to others. In response to this unanticipated use of these trailers, the Fire Department is proposing to amend the rule to clarify when the citywide permit may be used and what it authorizes, and to specifically provide that a site-specific permit, different from the one used for building heating and electrical systems, is required for mobile heating and power generating trailers used at street fairs, bazaars, carnivals, concerts, festivals, and similar outdoor gatherings.

Additional Capacity Permitted

The Fire Department additionally proposes to amend the rule to increase from 550 gallons to 1200 gallons the fuel oil storage capacity permitted on mobile heating and power generating trailers. Trailers with 1200-gallon tanks have become the industry standard; use of such trailers has been allowed by the Fire Department by modification (variance) without incident. Although the rule would allow the on-site storage of a substantial additional amount of fuel, the risk of fire and fuel spills is greatest when the tanks are being filled. During peak usage, when the equipment is in constant operation, a 550 gallon tank may need to be refueled daily. The larger tank reduces the need for frequent refueling and therefore reduces the risk of fire or spills. Accordingly, the Fire Department has concluded that 1200-gallon capacity trailers should be allowed, eliminating the need for special applications and additional fees to obtain permission to use larger tanks.

Elimination of Certificate of Fitness Requirement For Most Uses

The Fire Department further proposes to amend the rule to provide that mobile heating and power-generating trailers only need to be supervised when connected to a high-pressure boiler. Personal supervision of most residential heating systems is no longer required by the New York City Department of Buildings (DOB) now that use of #6 fuel oil has been virtually eliminated for environmental reasons and

replaced by fuels that do not require pre-heating. Personal supervision by a DOB-licensed operating engineer continues to be required by DOB for high-pressure boilers. Accordingly, under this proposal, the requirement of a certificate of fitness would be eliminated where no high-pressure boiler is involved.

Rule Clarifications

The proposed rule includes two clarifications. First, the section would be amended to make clear that it applies only to mobile heating and power generating trailers with storage for more than 10 gallons of combustible liquid fuel on the trailer or in the equipment mounted thereon, which require a permit as set forth in FC105.6 .

Second, the scope of the rule would be amended to clarify that a mobile trailer with heating and power generating equipment that stores 10 gallons or less of combustible liquid fuel (or no fuel) in or upon the trailer, but is fueled by an off-vehicle temporary tank, is subject to the permit requirement applicable to combustible liquid fuel storage in the tank (also set forth in FC105.6), rather than the permit requirement applicable to mobile trailers.

To summarize, the proposed rule:

1. Clarifies the authorization granted to operate mobile trailers under a Citywide permit and makes clear that use at a street fair requires a site-specific permit to address the fire safety concerns associated with operation at such an event;
2. Allows larger (1200-gallon) tanks to be installed on such mobile trailers instead of the current 550 gallon tanks;
3. Eliminates the supervision requirement except for use of such mobile trailers in connection with high-pressure boilers;
4. Clarifies that the rule applies only to mobile heating and power generating trailers that require a permit – that is, trailers with storage for more than 10 gallons of combustible liquid fuel on the trailer or in the equipment mounted thereon; and
5. Clarifies that a mobile trailer with heating and power generating equipment that stores 10 gallons or less of combustible liquid fuel (or no fuel) in or upon the trailer, but is fueled by an off-vehicle temporary tank, is subject to the permit requirement applicable to combustible liquid fuel storage in the tank, not the permit requirement applicable to mobile trailers.

Working with the City's rulemaking agencies, the Law Department, and the Office of Management and Budget, the Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. Portions of this proposed rule amendment were identified through this initiative.

Text that has been deleted is indicated by [brackets]. Text that has been added is underlined.

"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.

Guidance with respect to the interpretation of the Fire Code and Fire Department rules may be obtained using the Public Inquiry Form on the Fire Department's website, <http://www1.nyc.gov/site/fdny/about/resources/code-and-rules/nyc-fire-code.page>.

Section 1. Section 3405-01 of Chapter 34 of Title 3 of the Rules of the City of New York is proposed to be amended, to read as follows:

§ 3405-01 Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation

- (a) Scope[.]
 - (1) This section sets forth standards, requirements and procedures for mobile trailers that store and use fuel oil for heating and generation of electrical power.
 - (2) A mobile trailer equipped with a boiler, generator, or other equipment used for heating and power generation, upon which ten gallons or less of fuel oil (or no fuel oil) is stored (including within the heating or power generating equipment) is not subject to the provisions of this section. When the heating or power generating equipment on such a mobile trailer is fueled from an off-vehicle temporary fuel tank, the applicable permit requirement is the one for storage of combustible liquids generally (the third listed permit requirement for flammable or combustible liquid fuel set forth in FC105.6), rather than the one applicable to mobile heating and generating trailers.
- (b) General Provisions
 - (1) Applicability. Mobile trailers that store and use more than 10 gallons of fuel oil for heating, including steam and hot water, and generation of electrical power, shall be

designed, installed and operated in compliance with the requirements of the *construction codes* and this section.

- (2) Permit. [Each] A permit must be obtained for each mobile heating or power generating trailer [shall obtain a] as follows:
 - (A) A Citywide permit must be obtained for the [citywide] transportation, storage, handling and use of combustible liquid on any mobile heating or power generating trailer that will be used at a location for 30 days or less, except as otherwise provided below. Issuance of a citywide permit for a mobile heating or power generating trailer allows the trailer to be parked at any lawful location (subject to any applicable Fire Code or rule restrictions) and to remain overnight at such location.
 - (B) A site-specific permit must be obtained for the storage, handling and use of combustible liquid on any [Mobile] mobile heating and power generating [trailers utilized] trailer that will be used at [one (1) site] a location for more than 30 days [shall] must obtain a site-specific permit for the storage and use of combustible liquid at that location[.]
 - (C) A site-specific permit must be obtained for the storage, handling and use of combustible liquid on any mobile heating and power generating trailer that will be used at a street fair, bazaar, carnival, concert, festival or similar public outdoor gathering.
- (3) Supervision. While in operation, mobile emergency heating and power generating trailers connected to a high pressure boiler [shall] must be under the personal supervision of [a certificate of fitness holder or] a person holding a high pressure boiler operating engineer's license issued by the Department of Buildings.
- (4) Delivery of fuel oil. Only *cargo tanks* for which a *permit* has been issued may be used to deliver fuel oil to mobile heating and power generating trailers.
- (c) Design and Installation Requirements. Mobile heating and power generating trailers using fuel oil shall be designed and installed in compliance with the following requirements:
 - (1) Fuel oil piping systems and boilers shall be designed and installed in compliance with the requirements of the *Mechanical Code*. The power generating equipment, and all electrical devices, equipment and systems on the trailer shall be designed and installed in compliance with the requirements of the *Building Code* and the *Electrical Code*. Documentation of compliance with such codes shall be submitted to the *Department* in an *approved* form.
 - (2) Fuel oil storage tanks shall be constructed in accordance with the requirements of the *Mechanical Code*. No more than [550] 1200 gallons of fuel oil shall be stored on the trailer.
 - (3) A clearly identified and readily accessible remote control shut-down switch for the oil burning equipment shall be provided inside the trailer, immediately accessible upon entry.
 - (4) The chassis shall be designed and constructed to support the total load supported by the trailer, including all heating or power generating equipment. The *Department* may require a letter from the chassis manufacturer confirming such design capacity.
 - (5) Fuel oil storage tanks shall be provided with secondary containment of *liquid-tight construction*. Such containment shall be constructed of metal, and [shall] have a capacity of not less than the maximum capacity of the fuel oil storage tanks.
 - (6) Signs shall be posted on both sides of the trailer that read: "Mobile Heating Trailer" or "Mobile Power Generator", as applicable, in six (6) inch letters, and bear the name and address of the owner in two (2) inch letters.
 - (7) The trailer and equipment shall be electrically grounded in an *approved* manner.
 - (8) Each fuel oil storage tank fill line shall be provided with both a shut-off valve and a check valve.
 - (9) *Department of Buildings* permits or other approvals shall be posted at a conspicuous location inside the trailer.

NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007

(212) 356-4028

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation

REFERENCE NUMBER: 2016 RG 075

RULEMAKING AGENCY: Fire Department

I certify that this office has reviewed the above-referenced proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: November 14, 2016

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
(212) 788-1400

CERTIFICATION/ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Storage and Use of Fuel Oil on Mobile Trailers for Heating and Power Generation

REFERENCE NUMBER: FDNY-11

RULEMAKING AGENCY: Fire Department of New York

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

November 14, 2016
Date



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HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Housing Preservation and Development (HPD) is proposing to repeal chapter 4 of title 28 of the Rules of the City of New York ("Redevelopment Companies Rules") governing redevelopment companies formed pursuant to Article V of the Private Housing Finance Law. This rule was identified as part of a comprehensive rules review initiative undertaken by the NYC Mayor's Office of Operations working with the City's rulemaking agencies, the Law Department, and the Office of Management and Budget.

When and where is the hearing? HPD will hold a public hearing on the proposed rule. The public hearing will take place from 2:30 P.M. to 3:30 P.M., on Wednesday, December 28, 2016. The hearing will be in HPD's offices at 100 Gold Street, 7th Floor, Room 7Z10, New York, NY 10038.

This location has the following accessibility option(s) available: The building and hearing room are wheelchair accessible.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to HPD through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@hpd.nyc.gov.
- **Mail.** You can mail comments to Julie Walpert, Assistant Commissioner for Housing Supervision, 100 Gold Street, Room 7L2, New York, NY 10038.
- **Fax.** You can fax comments to HPD, (212) 863-5048, ATTN: Julie Walpert.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 863-6500. You can also sign up in the hearing room before the hearing begins on December 28, 2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? All written comments must be submitted on or before December 28, 2016.

Do you need assistance to participate in the Hearing? If you need a sign language interpreter or other reasonable accommodation of a disability at the hearing, you must tell us no later than December 14, 2016 either by e-mail at walp@hpd.nyc.gov, by telephone at (212) 863-6500, or by mail at the address given above.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and an audiotape of oral comments concerning the proposed rules will be available to the public at the office of Ms. Walpert.

What authorizes HPD to make this rule? Sections 1043 and 1802 of the City Charter and Section 117 of the Private Housing Finance Law authorize HPD to make these proposed rules.

Where can I find the HPD rules? The HPD rules are in Title 28 of the Rules of the City of New York.

What rules govern the rulemaking process? HPD must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Article V of the Private Housing Finance Law (“Redevelopment Companies Law”) was a precursor to the Mitchell-Lama program. It authorizes the City to sell property and grant partial tax exemptions to “redevelopment companies” that develop housing projects with private financing. A sponsor’s plan and project for area redevelopment requires approval by the City Planning Commission and the City Council. The City Council also approves a tax exemption for such developments and a contract with each redevelopment company regulating rents.

HPD is proposing to repeal the Redevelopment Companies Rules. The Redevelopment Companies Law provides sufficient guidance and, therefore, the rules are unnecessary.

Working with the City’s rulemaking agencies, the Law Department, and the Office of Management and Budget, the Office of Operations conducted a retrospective rules review of the City’s existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. This proposed rule repeal was identified through this initiative.

HPD’s authority for these rules is found in sections 1043 and 1802 of the New York City Charter and section 117 of the Private Housing Finance Law.

New material is underlined.
[Deleted material is in brackets.]

Section 1. Chapter 4 of Title 28 of the Rules of the City of New York is hereby REPEALED.

Commissioner Vicki Been
November 28, 2016

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
(212) 356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Repeal of Redevelopment Company Rules
REFERENCE NUMBER: 2016 RG 085
RULEMAKING AGENCY: Department of Housing Preservation and Development

I certify that this office has reviewed the above-referenced

proposed rule as required by Section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: October 24, 2016

**NEW YORK CITY MAYOR’S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
(212) 788-1400**

**CERTIFICATION/ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Repeal of Redevelopment Company Rules
REFERENCE NUMBER: HPD-30
RULEMAKING AGENCY: Department of Housing Preservation and Development

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor’s Office of Operations

October 24, 2016
Date

Accessibility questions: Julie Walpert, (212) 863-6500, walp@hpd.nyc.gov, by: Wednesday, December 14, 2016, 9:00 A.M.



◀ n28



MAYOR’S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2017 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2017 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Taxi and Limousine Commission
Description of services sought: Temporary Legacy System (TAMIS) Programmer
Start date of the proposed contract: 2/1/2017
End date of the proposed contract: 1/31/2018
Method of solicitation the agency intends to utilize: Task Order
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

◀ n28

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2017 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2017 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Homeless Services (DHS)
Description of services sought: Construction Management Services, Citywide

Start Date of the proposed contract: January 1, 2017
End Date of the proposed contract: December 31, 2017
Method of solicitation the agency intends to utilize: Negotiated Acquisition Extension

Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

n28

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2017 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2017 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: DPR-C
Description of services sought: Negotiated Acquisition for Architectural Design Services for the completion of construction documents for Battery Playscape, Project #: M005-117M

Start Date of the proposed contract: 1/15/2017
End Date of the proposed contract: 6/15/2018
Method of Solicitation the Agency intends to utilize: Negotiated Acquisition

Personnel in substantially similar titles within Agency: Architects, Assistant Architects, Landmarks Preservationists, Project Managers, Associate Project Managers
Headcount of personnel in substantially similar titles within Agency: 94

n28

CHANGES IN PERSONNEL

Table with columns: NAME, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Title: HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 11/04/16.

Table with columns: NAME, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Title: HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 11/04/16.

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Table with columns: NAME, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Title: DEPT. OF HOMELESS SERVICES FOR PERIOD ENDING 11/04/16.