



# THE CITY RECORD

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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### BUILDINGS

#### MEETING

The next meeting of the New York City Loft Board will take place on Thursday, September 28, 2017, at 280 Broadway, 3<sup>rd</sup> Floor Conference Room, New York, NY 10007, at 2:00 P.M.



s18-28

The next meeting of the New York City Loft Board will take place on Thursday, September 21, 2017, at 280 Broadway, 3<sup>rd</sup> Floor Conference Room, New York, NY 10007, at 1:00 P.M.



s11-21

### 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, 16<sup>th</sup> Floor, 250 Broadway, New York City, NY 10007, commencing at 9:30 A.M. on Monday, September 25, 2017:**

#### SOHO TOWER

MANHATTAN CB - 2

C 170382 ZSM

Application submitted by Broome Property Owner JV, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory parking garage with a maximum capacity of 42 spaces on portions of the ground floor, third floor and the fourth floor of a proposed mixed use building on property, located at 100 Varick Street (Block 477, Lots 35, 42, 44, 46, 71-76 and 1001-1005), in an M1-6 District, within the Special Hudson Square District.

1675 WESTCHESTER AVENUE REZONING

BRONX CB - 9 C 170377 ZMX

Application submitted by 1675 JV Associates LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d:

- 1. changing from an R6 District to an R8A District property, bounded by a line 200 feet northerly of Westchester Avenue, a line midway between Fteley Avenue and Metcalf Avenue, a line 100 feet northerly of Westchester Avenue, Fteley Avenue, Westchester Avenue, and Metcalf Avenue; and
2. establishing within the proposed R8A District a C2-4 District, bounded by a line 100 feet northerly of Westchester Avenue, Fteley Avenue, Westchester Avenue, and Metcalf Avenue;

subject to the conditions of CEQR Declaration E-425.

1675 WESTCHESTER AVENUE REZONING

BRONX CB - 9 N 170378 ZRX

Application submitted by 1675 JV Associates, 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 for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 9.

Matter in underline is new, to be added;
Matter in strikethrough 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

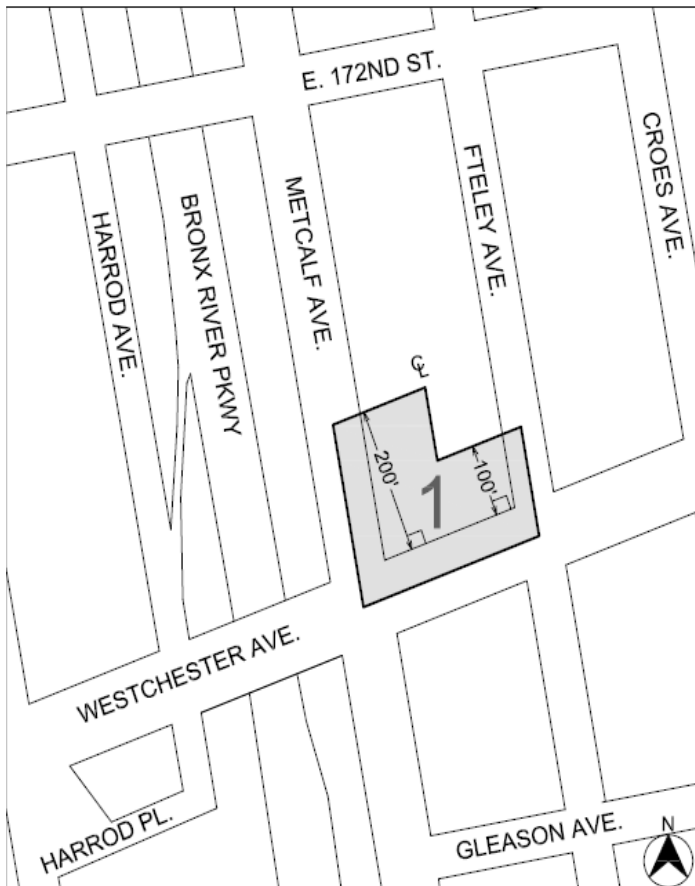
THE BRONX

The Bronx Community District 9

In the R8A District within the area shown on the following Map 1:

Map 1 - [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area 1 [date of adoption] - MIH Program Option 2

Portion of Community District 9, The Bronx

\* \* \*

135-01 35TH AVENUE REZONING

QUEENS CB - 7 C 170180(A) ZMQ

Application submitted by Stemmax Realty Inc., pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification, pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the amendment of the Zoning Map, Section No. 10a, changing from an M1-1 District to an R7A District property, bounded by a line 150 feet northerly of 35th Avenue, Linden Place, 35th Avenue, and Farrington Street, Borough of Queens, Community District 7, as shown on a diagram (for illustrative purposes only) dated July 12, 2017 and subject to the conditions of CEQR Declaration E-424.

135-01 35TH AVENUE REZONING

QUEENS CB - 7 N 170181 ZRQ

Application submitted by Stemmax Realty Inc., 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 for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 7.

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

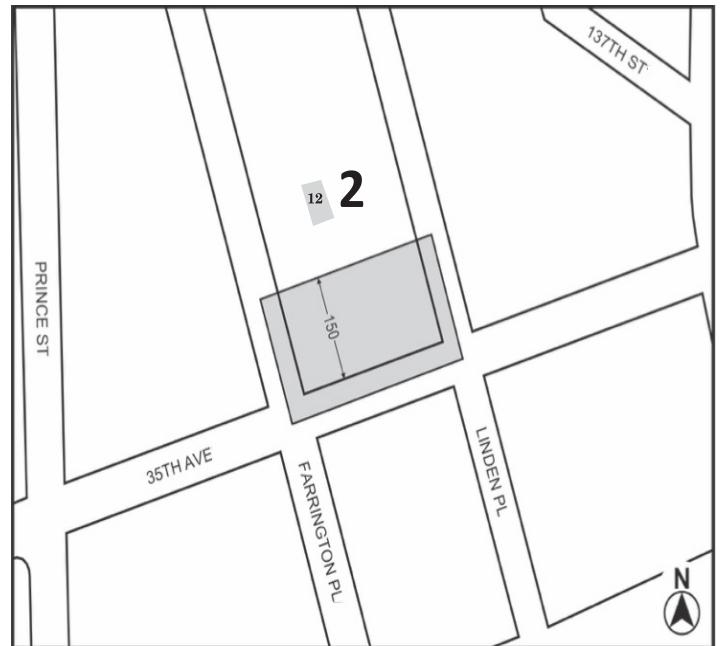
APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

Queens

Queens Community District 7

In the R7A and R7X Districts within the areas shown on the following Maps 1 and 2:

Map 2 - [date of adoption]



Mandatory Inclusionary Housing area see Section 23-154(d)(3)
Area 2 [date of adoption] - MIH Program Option 2

Portion of Community District 7, Queens

\* \* \*

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee

Room, 16<sup>th</sup> Floor, 250 Broadway, New York City, NY 10007, commencing at 11:00 A.M., on Monday, September 25, 2017.

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 Monday, September 25, 2017:

LOWER CONCOURSE NORTH REZONING

BRONX CB - 4 C 170311 ZMX

Application submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6a:

- 1. changing an M2-1 District to an R7-2 District property, bounded by the U.S. Pierhead and Bulkhead line, a line 600 feet northerly of East 149th Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150th Street, Major Deegan Expressway, and East 149th Street;
2. establishing within the proposed R7-2 District a C2-5 District, bounded by the U.S. Pierhead and Bulkhead line, a line 600 feet northerly of East 149th Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150th Street, Major Deegan Expressway, and East 149th Street; and
3. establishing a Special Harlem River Waterfront District, bounded by the U.S. Pierhead and Bulkhead line, a line 600 feet northerly of East 149th Street, a line 145 feet westerly of Major Deegan Expressway, the northerly street line of former East 150th Street, Major Deegan Expressway, and East 149th Street.

LOWER CONCOURSE NORTH REZONING

BRONX CB - 4 N 170312 ZRX

Application submitted by New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII, Chapter 7, for the purpose of establishing two subdistricts within the Special Harlem River Waterfront District and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 4. The full zoning text amendment can be viewed at the following website: http://www1.nyc.gov/site/planning/about/cpc-reports/cpc-reports.page.

LOWER CONCOURSE NORTH REZONING

BRONX CB - 4 C 170314 PPX

Application submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of five City-Owned properties, located on Block 2356, Lots 2 and 72; Block 2539, Lots 1 and a p/o lots 2 and 3 and the demapped portion of the former East 150th Street between Exterior Street and the pierhead and bulkhead line, pursuant to zoning.

LOWER CONCOURSE NORTH REZONING

BRONX CB - 4 C 170315 ZSX

Application submitted by the New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit, pursuant to Section 74-533 of the Zoning Resolution to allow a waiver of the required number of accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, on property, located on the westerly side of Gateway Center Boulevard, northerly of East 149th Street (Block 2356, Lots 2 & 72, Block 2539, Lot 1 & p/o Lot 2, and the bed of demapped East 150th Street), in an R7-2 District, with the Special Harlem River Waterfront District.

SMALL HOMES REHAB-NYCHA

SOUTHEASTERN QUEENS VACANT HOMES - CLUSTER II, TPT BROOKLYN CB - 3 20185048 HAK

Application submitted by the New York City Department of Housing Preservation and Development for approval of an amendment to a previously approved urban development action project changing the project from a four-family to a three-family building on property,

located at Block 1788, Lot 53, in Community District 3, Council District 36, Borough of Brooklyn.

SMALL HOMES REHAB-NYCHA

SOUTHEASTERN QUEENS VACANT HOMES - CLUSTER II QUEENS CBs - 12 and 13 20185042 HAQ

Application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 696 of Article 16 of the General Municipal Law for approval of an urban development action area project, a real property tax exemption, waiver of the area designation requirement and waiver of Sections 197-c and 197-d of the New York City Charter for property, located at 89-24 168th Place (Block 09801, Lot 2), 210-33 113th Avenue (Block 11131, Lot 6), 102-47 187th Street (Block 10366, Lot 143), and 110-60 Wood Street (Block 10411, Lot 6), in Community Districts 12 and 13, Council District 27, Borough of Queens.

SMALL HOMES REHAB-NYCHA

SOUTHEASTERN QUEENS VACANT HOMES - CLUSTER II QUEENS CBs - 10 and 12 20185043 HAQ

Application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 696 of Article 16 of the General Municipal Law for approval of an urban development action area project, a real property tax exemption, waiver of the area designation requirement and waiver of Sections 197-c and 197-d of the New York City Charter for properties, located at 116-02 139th Street (Block 11996, Lot 131), 117-31 135th Street (Block 11699, Lot 51), 129-23 135th Place (Block 11775, Lot 206), 129-41 135th Street (Block 11774, Lot 550), 129-59 135th Street (Block 11774, Lot 559), 130-15 135th Place (Block 11781, Lot 267), 130-16 149th Street (Block 12111, Lot 49), 131-15 Sutter Avenue (Block 11755, Lot 5), 133-16 Van Wyck Expressway (Block 11796, Lot 7), 133-18 134th Street (Block 11793, Lot 74), 147-06 Sutter Place (Block 12106, Lot 24), 107-34 Princeton Street (Block 10081, Lot 19), 111-14 169th Street (Block 10206, Lot 37), 115-41 147th Street (Block 11992, Lot 97), 150-22 118th Avenue (Block 12205, Lot 12), 167-08 110th Avenue, aka Brinkerhoff Avenue (Block 10195, Lot 4), 114-47 Inwood Street (Block 11976, Lot 45), and 145-36 111th Avenue (Block 11962, Lot 43), in Community Districts 10 and 12, Council District 28, Borough of Queens.

SMALL HOMES REHAB-NYCHA

SOUTHEASTERN QUEENS VACANT HOMES - CLUSTER II QUEENS CB - 10 20185044 HAQ

Application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 696 of Article 16 of the General Municipal Law for approval of an urban development action area project, a real property tax exemption, waiver of the area designation requirement and waiver of Sections 197-c and 197-d of the New York City Charter for property, located at 103-16 Plattwood Avenue aka 103-16 109th Avenue (Block 11479, Lot 29), in Community District 10, Council District 32, Borough of Queens.

Accessibility questions: Land Use Division - (212) 482-5154, by: Wednesday, September 20, 2017, 3:00 P.M.



s19-25

NOTICE IS HEREBY GIVEN that the Council has scheduled the following public hearing on the matter indicated below:

The Subcommittee on Planning, Dispositions and Concessions, will hold a public hearing on the following matter in the Council Committee Room, 16th Floor, 250 Broadway, New York City, NY 10007, commencing at 1:00 P.M., on Monday, September 25, 2017:

HOPE HOMES CLUSTER

MANHATTAN CBs - 8 and 9 20185065 HAM

Application submitted by the New York City Department of Housing Preservation and Development, pursuant to Article 16 of the General Municipal Law for approval of an amendment to a previously approved real property tax exemption extending the period from 10 years to 20 years for property, located at Block 1749, Lot 61, Block 1750, Lots 57 and 58, Block 1751, Lot 50, Block 1644, Lot 65, Block 1785, Lot 8, Block 1783, Lots 10 and 109, Block 1796, Lots 21 and 41, Block 1806, Lots 37 and 111, Block 1807, Lot 113, and Block 1796, Lot 4 (the "Exemption Area"), in Community Districts 8 and 9, Council District 11, Borough of Manhattan.



s19-25

CITY PLANNING

NOTICE

PUBLIC NOTICE OF A SCOPING MEETING DRAFT ENVIRONMENTAL IMPACT STATEMENT (CEQR No. 18DCP034K)

NOTICE IS HEREBY GIVEN that, pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review) that the New York City Department of City Planning (DCP), acting on behalf of the City Planning Commission (CPC) as CEQR lead agency, has determined that a Draft Environmental Impact Statement (DEIS) is to be prepared for the Proposed Actions related to the development of the "Industry City" (CEQR No. 18DCP034K). The SEQRA classification for the Proposed Actions is Type I.

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for October 24, 2017, and will be held at Spector Hall, 22 Reade Street, New York, NY 10007. The meeting will begin at 10:00 A.M. Written comments will be accepted by the lead agency until the close of business on Friday, November 3, 2017.

Public comments are requested with respect to issues to be addressed in the Draft Environmental Impact Statement.

The Applicant, 1-10 Bush Terminal Owner LP, is seeking several discretionary actions to facilitate a proposal by the Applicant to redevelop and re-tenant the Industry City complex (the "Project Area") with a mixed-use project containing manufacturing, commercial, community facility, and hotel uses that would, in combination, establish what the Applicant terms an "Innovation Economy Hub," described below (the "Proposed Project").

The existing Industry City complex consists of approximately 5.3 million gsf of manufacturing, commercial and community facility uses. The area affected by the Industry City proposal (the "Affected Area") is located in the Sunset Park neighborhood of Brooklyn, in Community Board 7 (Block 679, Lot 1; Block 683, Lot 1; Block 687, Lot 1; Block 691, Lot 1 and 44; Block 695, Lots 1, 20, and 43; Block 706, Lots 1, 24, and 101; and Block 710, Lot 1) and certain adjacent properties (Block 695, Lots 37-42; and Block 706, Lot 20; and a portion of Block 662, Lot 1); and Block 691, (Lots 45 and 46).

The proposed discretionary actions include a Zoning Text amendment to establish the new "Special Sunset Park Innovation District;" a Zoning Map amendment to map the Special Sunset Park Innovation District on the Affected Area and to rezone a portion of the area affected by the newly established Special Sunset Park Innovation District from an M3-1 to an M2-4 district; a Special Permit to modify, bulk, use, parking, and public access area requirements pursuant to findings and a site plan; a Special Permit for a new hotel use; and a change to the City Map to de-map 40th Street between 1st Avenue and 2nd Avenue (the "Proposed Actions"). A portion of the Affected Area will remain zoned M1-2.

The Proposed Actions would allow for an overall maximum FAR of 5.0 within the portion of the Affected Area to be rezoned to M2-4 and a maximum FAR of 2.0 for the portion of the Affected Area to remain zoned M1-2, for a total blended maximum FAR of 4.96. The proposed Special Permit would: establish a maximum cap of 900,000 sf for retail and service establishment uses; establish a maximum cap of 625,000 sf for permitted community facility uses (colleges and universities, libraries, museums, and non-commercial art galleries); and, prevent academic uses and hotel use from co-locating with noxious or potentially harmful commercial and industrial uses.

The Proposed Actions would facilitate the Applicant's proposal to develop three new buildings within a portion of the Industry City Affected Area, totaling approximately 1.27 million sf of new development. In addition, with the Proposed Actions, the total available Industry City controlled parking spaces would range from 1,811 to 2,111 spaces. In total, the Industry City complex would contain approximately 6.57 million gsf of development, including approximately 3.57 million gsf of uses that would comprise a range of manufacturing, artist and design studio, and commercial office uses ("Innovation Economy" uses); approximately 386,546 gsf of community facility uses, (which may contain instructional space, laboratories, and academic offices among other uses traditionally found at a college or university); approximately 271,619 gsf of hotel use in two buildings (totaling approximately 420 rooms); approximately 900,000 gsf of retail and service establishment uses; approximately 43,003 gsf of event space; approximately 415,000 gsf of storage and warehouse uses and the existing approximately 74,824 gsf sports

training facility. As part of the Proposed Actions, up to 10,500 sf of public access areas may also be provided.

Absent the Proposed Actions, no new construction would take place. The analysis year for the Proposed Actions is 2027.

Digital copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, New York, NY 10271, 31st Floor, Robert Dobruskin, AICP, Director (212) 720-3423; or from the Mayor's Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, NY 10007, Hilary Semel, Director (212) 676-3290. The Draft Scope of Work and Scoping Protocol will also be made available for download at www.nyc.gov/planning.

Accessibility questions: Dana Cohen, (212) 720-3650, by: Tuesday, October 10, 2017, 5:00 P.M.



s20

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matter, to be held at Spector Hall, 22 Reade Street, New York, NY, on Wednesday, October 4, 2017, at 10:00 A.M.

BOROUGH OF THE BRONX No. 1

SHELTERING ARMS DAY CARE CENTER

CD 1 C 170145 PCX

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 site selection and acquisition of property, located at 565 Morris Avenue (Block 2338, part of Lots 3 and 100) for use as a child care center.

YVETTE V. GRUEL, Calendar Officer City Planning Commission 120 Broadway, 31st Floor, New York, NY 10271 Telephone (212) 720-3370



s20-o4

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 8 - Monday, September 25, 2017, 7:30 P.M., Melrose Credit Union, 139-30 Queens Boulevard, Briarwood, NY 11435, (3rd Floor Terrace Room).

IN THE MATTER OF Community District 8, BSA Calendar No. 2017-230-BZ

This application is filed, pursuant to Section 73-211 of the New York City Zoning Resolution, to authorize the use of an automotive service station, and accessory convenience store, drive-thru car wash, car detailing center on an irregularly shaped, 33,888 square foot lot, located within a C4-3A zoning district.

s19-25

BOARD OF EDUCATION RETIREMENT SYSTEM

MEETING

The Executive Committee of the Board of Trustees of the Board of Education Retirement System of the City of New York, will participate in a Common Investment Meeting of the New York City Pension Systems. The meeting will be held at 9:00 A.M., on Wednesday, September 20, 2017, at 1 Centre Street, 10th Floor (North Side), New York, NY 10007.

Accessibility questions: Leslie Kearns, (929) 305-3742 lkearns2@bers.nyc.gov, by: Tuesday, September 19, 2017, 3:00 P.M.



s13-20

The Board of Education Retirement System of the City of New York Board of Trustees meeting will take place at 5:00 P.M., on September 27, 2017, at High School for Fashion Industries, 225 West 24th Street, New York, NY 10011.

Accessibility questions: Leslie Kearns, (929) 305-3742 lkearns2@bers.nyc.gov, by: Wednesday, September 27, 2017, 1:00 P.M.



s18-27

**HOUSING AUTHORITY**

**MEETING**

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, September 27, 2017, at 10:00 A.M., in the Board Room on the 12th Floor of 250 Broadway, New York, NY (unless otherwise noted). Copies of the Calendar are available on NYCHA's website or can be picked up at the Office of the Corporate Secretary at 250 Broadway, 12th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes are also available on NYCHA's website or can be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M., on the Thursday, after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's website at <http://www1.nyc.gov/site/nycha/about/board-calendar.page> to the extent practicable at a reasonable time before the meeting.

The meeting is open to the public. Pre-Registration at least 45 minutes before the scheduled Board Meeting is required by all speakers. Comments are limited to the items on the Calendar. Speaking time will be limited to three minutes. The public comment period will conclude upon all speakers being heard or at the expiration of 30 minutes allotted by law for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary by phone at (212) 306-6088 or by email at [corporate.secretary@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov) no later than five business days before the Board Meeting.

For additional information, please visit NYCHA's website or contact (212) 306-6088.

Accessibility questions: Office of the Corporate Secretary, by phone at (212) 306-6088 or by email at [corporate.secretary@nycha.nyc.gov](mailto:corporate.secretary@nycha.nyc.gov), by: Wednesday, September 20, 2017, 5:00 P.M.



s13-27

**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, September 20, 2017. 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 Commodore's Court Condominium, to continue to maintain and use a sidewalk hatch door on and under the east sidewalk of Hudson Avenue, north of Navy Street, in the Borough of Brooklyn. 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. #1958**

- For the period July 1, 2016 to June 30, 2017 - \$429
- For the period July 1, 2017 to June 30, 2018 - \$439
- For the period July 1, 2018 to June 30, 2019 - \$449
- For the period July 1, 2019 to June 30, 2020 - \$459
- For the period July 1, 2020 to June 30, 2021 - \$469
- For the period July 1, 2021 to June 30, 2022 - \$479
- For the period July 1, 2022 to June 30, 2023 - \$489
- For the period July 1, 2023 to June 30, 2024 - \$499
- For the period July 1, 2024 to June 30, 2025 - \$509
- For the period July 1, 2025 to June 30, 2026 - \$519

the maintenance of a security deposit in the sum of \$3,000, 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 Purves Street Owners LLC, to construct, maintain and use an electrical snowmelt system in the west sidewalk of Purves Street, between Thomson Avenue and Jackson 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. #2403**

- From the approval date to June 30, 2018 \$2,685/per annum
- For the period July 1, 2018 to June 30, 2019 - \$ 2,732
- For the period July 1, 2019 to June 30, 2020 - \$ 2,779
- For the period July 1, 2020 to June 30, 2021 - \$ 2,827
- For the period July 1, 2021 to June 30, 2022 - \$ 2,874
- For the period July 1, 2022 to June 30, 2023 - \$ 2,921
- For the period July 1, 2023 to June 30, 2024 - \$ 2,968
- For the period July 1, 2024 to June 30, 2025 - \$ 3,016
- For the period July 1, 2025 to June 30, 2026 - \$ 3,063
- For the period July 1, 2026 to June 30, 2027 - \$ 3,110
- For the period July 1, 2027 to June 30, 2028 - \$ 3,157

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 Richard Snyder, to continue to maintain and use a fenced-in area on the south sidewalk of East 78th Street, west of Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027, and provides among other terms and conditions for compensation payable to the City, according to the following schedule: **R.P. # 1991**

For the period July 1, 2017 to June 30, 2027 - \$25/per annum

the maintenance of a security deposit in the sum of \$3,000, 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.

**#4 IN THE MATTER OF** a proposed revocable consent authorizing Steven & Elizabeth Betesh, to continue to maintain and use steps and planted areas on the east sidewalk of East 2nd Street, north of Avenue T, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027, and provides among other terms and conditions for compensation payable to the City, according to the following schedule: **R.P. #1990**

- For the period July 1, 2017 to June 30, 2018 - \$751
- For the period July 1, 2018 to June 30, 2019 - \$764
- For the period July 1, 2019 to June 30, 2020 - \$777
- For the period July 1, 2020 to June 30, 2021 - \$790
- For the period July 1, 2021 to June 30, 2022 - \$803
- For the period July 1, 2022 to June 30, 2023 - \$816
- For the period July 1, 2023 to June 30, 2024 - \$829
- For the period July 1, 2024 to June 30, 2025 - \$842
- For the period July 1, 2025 to June 30, 2026 - \$855
- For the period July 1, 2026 to June 30, 2027 - \$868

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.

**#5 IN THE MATTER OF** a proposed revocable consent authorizing The New York Historical Society, to continue to maintain and use a stoop, an accessibility ramp and sidewalk light fixtures, together with electrical conduits, on the south sidewalk of West 77th Street, west of Central Park West; stairs two information kiosks, and sidewalk light fixtures, together with electrical conduits, on the west sidewalk of Central Park West, between West 76th and West 77th Streets, and a sidewalk light fixtures, together with electrical conduits, on the north sidewalk of West 77th Street, west of Central Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027 and provides among other terms and conditions for compensation payable to the City, according to the following schedule: **R.P. #1591**

For the period July 1, 2017 to June 30, 2027 - \$25/annum

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.

**#6 IN THE MATTER OF** a proposed revocable consent authorizing Tower Gardens Inc., to continue to maintain and use a pipe tunnel under and across Manor Avenue, north of Bruckner Boulevard, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027, and provides among other terms and conditions for compensation payable to the City, according to the following schedule: **R.P. #712**

- For the period July 1, 2017 to June 30, 2018 - \$ 4,970
- For the period July 1, 2018 to June 30, 2019 - \$ 5,057
- For the period July 1, 2019 to June 30, 2020 - \$ 5,144
- For the period July 1, 2020 to June 30, 2021 - \$ 5,231

- For the period July 1, 2021 to June 30, 2022 - \$ 5,318
- For the period July 1, 2022 to June 30, 2023 - \$ 5,405
- For the period July 1, 2023 to June 30, 2024 - \$ 5,492
- For the period July 1, 2024 to June 30, 2025 - \$ 5,579
- For the period July 1, 2025 to June 30, 2026 - \$ 5,666
- For the period July 1, 2026 to June 30, 2027 - \$ 5,753

the maintenance of a security deposit in the sum of \$5,800, 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.

**#7 IN THE MATTER OF** a proposed revocable consent authorizing Central Synagogue, to continue to maintain and use four (4) lampposts together with electrical conduit, on and under the southwest sidewalk corner of Lexington Avenue and East 55<sup>th</sup> Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027 and provides among other terms and conditions for compensation payable to the City, according to the following schedule: **R.P. #1404**

For the period July 1, 2017 to June 30, 2027 - \$600/per annum

the maintenance of a security deposit in the sum of \$1,500, 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.

**#8 IN THE MATTER OF** a proposed revocable consent authorizing Central Synagogue, to continue to maintain and use a conduit under and across East 55<sup>th</sup> Street, west of Lexington Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2018 to June 30, 2028 and provides among other terms and conditions for compensation payable to the City, according to the following schedule: **R.P. #1659**

- For the period July 1, 2018 to June 30, 2019 - \$3,027
- For the period July 1, 2019 to June 30, 2020 - \$3,080
- For the period July 1, 2020 to June 30, 2021 - \$3,133
- For the period July 1, 2021 to June 30, 2022 - \$3,186
- For the period July 1, 2022 to June 30, 2023 - \$3,239
- For the period July 1, 2023 to June 30, 2024 - \$3,292
- For the period July 1, 2024 to June 30, 2025 - \$3,345
- For the period July 1, 2025 to June 30, 2026 - \$3,398
- For the period July 1, 2026 to June 30, 2027 - \$3,451
- For the period July 1, 2027 to June 30, 2028 - \$3,504

the maintenance of a security deposit in the sum of \$3,600, 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.

a30-s20

## PROPERTY DISPOSITION

### CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

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

j3-d29

## 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

j3-d29

## 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](http://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](http://www.nyc.gov/hhsaccelerator)

**BROOKLYN BRIDGE PARK**

■ SOLICITATION

*Construction/Construction Services*

**334 FURMAN ST UPPER FLOORS REDEVELOPMENT** - Request for Proposals - PIN# BBP 108 - Due 10-26-17 at 4:00 P.M.

Brooklyn Bridge Park, is seeking proposals from qualified developers and operators, for the licensing, renovation and operation of the second and third floors of 334 Furman Street, with cultural uses. 334 Furman Street is an existing three-story building, at the corner of Joralemon Street and Furman Street.

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.

Brooklyn Bridge Park, 334 Furman Street, Brooklyn, NY 11201. David Lowin (718) 724-6437; [dlowin@bbpnyc.org](mailto:dlowin@bbpnyc.org)

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**CHIEF MEDICAL EXAMINER**

PROCUREMENT

■ AWARD

*Services (other than human services)*

**EMERGENCY GENERATORS AND ASSOCIATED PUMPS MAINTENANCE AND REPAIR SERVICES** - Competitive Sealed Bids - PIN#81617ME034 - AMT: \$148,441.02 - TO: Weld Power Generator, 1605 East 233rd Street, Bronx, NY 10466.

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**CITYWIDE ADMINISTRATIVE SERVICES**

■ SOLICITATION

*Goods*

**O.E.M A. W. CHESTERTON MECHANICAL SEALS AND ENVIROSEALS SUPPORT SYSTEMS** - Competitive Sealed Bids - PIN# 8571800035 - Due 10-16-17 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord). Enrollment is free. Vendors may also request the bid by contacting vendor relations via email at [dcasdmssbids@dcas.nyc.gov](mailto:dcasdmssbids@dcas.nyc.gov), by telephone at (212) 386-0044 or by fax at (212) 669-7585.

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. Vincent Edwards (212) 386-0431; [vedwards@dcas.nyc.gov](mailto:vedwards@dcas.nyc.gov)

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**OFFICE OF CITYWIDE PROCUREMENT**

■ AWARD

*Goods*

**AB SCIEX 6500 AND 6600 SYSTEMS** - Sole Source - Other - PIN# 8571600123 - AMT: \$1,086,132.35 - TO: Ab Sciex LLC, 1201 Radio Road, Redwood City, CA 94065.

The Using Agency has determined the vendor to be the sole manufacturer of the required product.

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■ SOLICITATION

*Goods*

**TRUCK, 25 C.Y. REAR LOADING COLLECTION - DSNY** - Competitive Sealed Bids - PIN# 8571700140 - Due 11-1-17 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at [www.nyc.gov/cityrecord](http://www.nyc.gov/cityrecord). Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at [dcasdmssbids@dcas.nyc.gov](mailto: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. Joseph Vacirca (212) 386-6330; Fax: (212) 313-3295; [jvacirca@dcas.nyc.gov](mailto:jvacirca@dcas.nyc.gov)

Accessibility questions: DCAS Diversity and EEO Office, (212) 386-0297, by: Tuesday, October 24, 2017, 5:00 P.M.



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■ INTENT TO AWARD

*Services (other than human services)*

**AGREEMENT WITH THE SCHOOL CONSTRUCTION AUTHORITY** - Government to Government - PIN#85618T0002 - Due 10-5-17 at 5:00 P.M.

Pursuant to Section 3-13 of the Procurement Policy Board Rules of the City of New York, the New York City Department of Citywide

Administrative Services ("DCAS"), intends to enter into an agreement with the School Construction Authority ("SCA"), for various services related to energy efficiency and renewable energy projects. Specifically, SCA shall provide construction, feasibility and technical assistance services related to the assessment and installation of solar panels and other renewable energy technologies, and the development and implementation of energy efficiency projects that reduce the energy use intensity at City-Owned and managed schools.

This government-to-government procurement, is in the best interest of City due to the fact that the SCA is the City's sole construction authority for public schools and has particular expertise in the assessment, design and building of low-energy public schools. The intended scope of work supports compliance with Local Law 31 and the Mayor's Climate Action Executive Order, which was enacted to meet the principles and goals of the Paris Climate Agreement of limiting global warming to only 1.5 degrees Celsius.

Qualified vendors may express their interest in providing such services in the future by contacting Jeff Choi, at (212) 386-0407 or jchoi@dcas.nyc.gov. The due date for expressions of interest is October 5, 2017, at 5:00 P.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, New York, NY 10008. Jeff Choi (212) 386-0407; Fax: (212) 313-3265; jchoi@dcas.nyc.gov

s19-25

### CORRECTION

#### INTENT TO AWARD

Goods and Services

**PROVIDE LICENSES, UPGRADES, MAINTENANCE AND TECHNICAL SUPPORT FOR ADMINS SOFTWARE** - Sole Source - Available only from a single source - PIN#072201705MIS - Due 9-26-17 at 3:00 P.M.

The Department of Correction intends to enter into negotiations with ADMINS, Inc., to continue support, to provide use for provision of Licenses, Upgrades, Maintenance and Technical support for Admins software installed on the computers comprising the Inmate Information System (IIS). This system is used to record and report on inmate related data. Any firms which believes it can provide the required services in the future, is invited to express interest via email to: lilliana.cano@doc.nyc.gov, by September 26, 2017, at 3:00 P.M. The Department is utilizing the Sole Source method to provide the services in order to continue uninterrupted services.

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.

Correction, 75-20 Astoria Boulevard, Suite 160, East Elmhurst, NY 11370. Lilliana Alvarez-Cano (718) 546-0686; Fax: (718) 278-6205; lilliana.cano@doc.nyc.gov

s14-20

### ENVIRONMENTAL PROTECTION

#### AGENCY CHIEF CONTRACTING OFFICE

#### SOLICITATION

Services (other than human services)

**BCS-CIS: CUSTOMER INFORMATION SYSTEM (CIS) SOFTWARE REPLACEMENT AND RELATED SYSTEMS** - Request for Proposals - PIN#82618P0009 - Due 11-15-17 at 4:00 P.M.

NYC DEP is seeking proposals for a proven state-of-the-art CIS to replace its legacy utility billing system. Pre-Proposal Conference: Date: October 3, 2017, 2:00 P.M., EDT Location: DEP, 59-17 Junction Boulevard, 6th Floor Training Room, Flushing, NY 11373. Attendance is not mandatory, but highly recommended.

LL1 Goal 5 percent.

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.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373. Jeanne Schreiber (718) 595-3456; Fax: (718) 595-3278; rfp@dep.nyc.gov



s19-25

### ENVIRONMENTAL PLANNING AND ANALYSIS

#### SOLICITATION

Construction Related Services

**ALLEY CREEK CONSTRUCTED WETLAND IN THE BOROUGH OF QUEENS** - Competitive Sealed Bids - PIN#82618B0006 - Due 10-17-17 at 11:30 A.M.

Project Number: ALLEYCREEK-17, Document Fee: \$80.00, Project Manager: John McLaughlin, Email: JohnM@dep.nyc.gov, Engineers Estimate: \$1,275,000.00 - \$1,725,000.00.

There will be a Pre-Bid on 9/26/2017, located at 59-17 Junction Boulevard, 11th Floor Conference Room, at 9:30 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.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor Bid Room, Flushing, NY 11373. Fabian Heras (718) 595-3265; fheras@dep.nyc.gov



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### WASTEWATER TREATMENT

#### AWARD

Construction Related Services

**FEMA RECONSTRUCTION AND ELECTRICAL EQUIPMENT REPLACEMENT PROJECT AT THE PENNSYLVANIA AVENUE AND FOUNTAIN AVENUE LANDFILLS** - Competitive Sealed Bids - PIN#82617B0029001 - AMT: \$1,366,825.00 - TO: Grace Industries, LLC, 11 Commercial Street, Plainview, NY 11803. 1400-FLP.

20 percent M/WBE Subcontracting Goals.

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### WATER SUPPLY QUALITY

#### AWARD

Services (other than human services)

**TRANSPORTATION AND DISPOSAL OF HAZARDOUS AND NON HAZARDOUS WASTE** - Competitive Sealed Bids - PIN#82616B0001001 - AMT: \$624,661.30 - TO: Allstate Power Vac, Inc, 928 East Hazelwood Avenue, Rahway, NJ 07065. DEL-408A(R).

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### HEALTH AND MENTAL HYGIENE

#### AGENCY CHIEF CONTRACTING OFFICER

#### INTENT TO AWARD

Goods

**PURCHASE OF DIASORIN INC. TESTING PRODUCTS** - Sole Source - Available only from a single source - PIN#18LB025501R0X00 - Due 9-28-17 at 11:00 A.M.

DOHMH intends to enter into a Sole Source contract with Diasorin Inc., for their FDA approved LIAISON XL Analyzer and reagents for Zika, Measles, Mumps and Rubella (MMR) testing. These LIAISON XL kits, reagents, instruments and other supplies will be utilized by the scientists in the NYC Public Health Laboratory (PHL) for clinical and environmental laboratory testing. These testing kits provide the most rapid and specific results for the detection of viruses associated with Zika and MMR in accordance with the FDA approval process. DOHMH determined that Diasorin Inc. is a sole supplier as they are the sole manufacturer of the required testing kits; there are no current agents or dealers authorized to represent these products. The duration of this contract will be for one year, with four 1-year options to renew.

Any vendor who believes they can provide these testing products are welcome to submit an expression of interest via email. All questions and concerns regarding this sole source should also be submitted via email.

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.

*Health and Mental Hygiene, 42-09 28th Street, 17th Floor, Long Island City, NY 11101. Chassid Miner (347) 396-6754; Fax: (347) 396-6758; cminer@health.nyc.gov*

s15-21

## HOUSING AUTHORITY

### SOLICITATION

*Services (other than human services)*

**IT - RENT REASONABLENESS DETERMINATION INFORMATION TECHNOLOGY SYSTEM AND RELATED SERVICES** - Request for Proposals - PIN#65960 - Due 10-19-17 at 3:00 P.M.

In an effort to realize its goal of achieving and maintaining a SEMAP annual performance rating of "high performer" from HUD for its administration of the HCV program, NYCHA seeks an efficient, cost effective, and accurate method of integrating the RR process into the everyday NYCHA leased housing business processes. Accordingly, NYCHA, by issuing this RFP, seeks proposals ("Proposals") from qualified information technology firms (the "Proposers") to provide NYCHA with (a) an information technology system, which may be provided on a cloud-basis, for the RR process (the "System") with the capability to (i) generate fast and accurate RR certifications that are compliant with HUD SEMAP guidelines, (ii) allow NYCHA personnel end users to view the rent comparison certifications and receive the data via interface with NYCHA's systems, (iii) store NYCHA RR data separately and in other NYCHA systems, (iv) perform tracking, and (v) provide HCV participants with access to an online searchable property database and (b) related licenses, support, maintenance and services, as detailed more fully within Section II of this RFP (collectively, the "Services").

NYCHA intends to enter into one agreement (the "Agreement") with the selected Proposer (the "Selected Proposer" or the "Consultant") to provide the Services. The term ("Term") of the awarded Agreement shall be one year (the "Initial Term"), with up to four additional one-year optional renewal periods (each a "Renewal Period"), exercisable at NYCHA's sole discretion by written notice to the Consultant. The cost for the Services to be performed during the Initial Term and the Renewal Period(s), if any, shall be the price(s) set forth in the Consultant's Cost Proposal (as defined herein), subject to any modifications thereto prior to the execution of the Agreement by and between NYCHA and the Consultant.

In the event that a Proposer has any questions concerning this Solicitation: they should be submitted to the Solicitation Coordinator, Jieqi Wu via email [Jieqi.Wu@nycha.nyc.gov](mailto:Jieqi.Wu@nycha.nyc.gov) (c: [Robert.Algozini@nycha.nyc.gov](mailto:Robert.Algozini@nycha.nyc.gov)) no later than 2:00 P.M. EST, on September 26, 2017. The subject name of the email must clearly denote the title of the Solicitation for which questions are being asked. All questions and answers will be shared with all the Proposers receiving this Solicitation by October 10, 2017. In order to be considered, each proposer must demonstrate experience in performing the same or similar scope of Services as those outlined in the referenced Scope of Work, Section II and the selected proposer must satisfy the minimum required qualifications as outlined in Sections V. The proposal should contain sufficient details to enable NYCHA to evaluate it in accordance with the criteria set forth in Section V; Evaluation Criteria of this Solicitation. Proposers electing to request hard copies of the bid documents (paper document), rather than downloading online from NYCHA iSupplier portal, will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of Solicitation documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street/6th Floor; obtain receipt and present it to 6th Floor/Supply Management Procurement Group. A Solicitation package will be generated at the time of request. Proposers should refer to section IV; Proposal Submission Procedure and Proposal Content Requirements of this Solicitation for details on the submission procedures and requirements. **ELECTRONIC SUBMISSION OF PROPOSAL IS NOT ALLOWED FOR THIS JOB.** Each proposer is required to submit one (1) signed original; five (5) additional copies and also another copy in PDF format in a Flash Drive or in a CD, which all includes all items required by Section IV to NYCHA, Supply Management Procurement Department, 90 Church Street, 6th Floor, by 3:00 P.M. on October 19, 2017.

*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, 6th Floor, New York, NY 10007. Jieqi Wu (212) 306-8278; Fax: (212) 306-5109; jieqi.wu@nycha.nyc.gov*



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## HUMAN RESOURCES ADMINISTRATION

### INTENT TO AWARD

*Human Services/Client Services*

**MASTER LEASE - 1035 ANDERSON AVENUE** - Negotiated Acquisition - Other - PIN# 09618N0001 - Due 9-23-17 at 2:00 P.M.

\*For Informational Purposes Only\*

HRA intends to enter into a Negotiated Acquisition with the following vendor:

Acacia Network Housing Inc. - \$4,703,310.00

EPIN: 09618N0001

Term: 7/1/2016 - 6/30/2021

Under this Negotiated Acquisition, Acacia Network Housing Inc., will assist former shelter families receive permanent housing at 1035 Anderson Avenue, Bronx, NY. The vendor will market the property to families eligible for the LINC rental assistance program, who have a sublease to reside in the building.

Vendors interested in responding to this 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](http://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, 4 WTC, 150 Greenwich Street, 37th Floor, New York, NY 10007. Adrienne Williams (929) 221-6346; [accoprocurements@hra.nyc.gov](mailto:accoprocurements@hra.nyc.gov)*

s18-22

### AWARD

*Services (other than human services)*

**JANITORIAL SERVICES AT 400 8TH AVE AND 260 11TH AVE, MANHATTAN** - Required Method (including Preferred Source) - PIN# 17QSEGS00601 - AMT: \$3,118,444.92 - TO: New York State Industries for the Disabled Inc, 11 Columbia Circle Drive, Albany, NY 12203. EPIN: 09616M0003001.

s20

## CONTRACTS

### SOLICITATION

*Services (other than human services)*

**ON CALL GENERAL CONSTRUCTION SERVICES ON AN "AS NEEDED" BASIS** - Competitive Sealed Bids - PIN# 17BCCDM00801 - Due 10-25-17 at 11:00 A.M.

A non-mandatory Pre-Bid Conference will be held on Wednesday, September 27, 2017, at 11:00 A.M., at 150 Greenwich Street, 37th Floor Bid Room, New York, NY 10007. EPIN: 07117B0012.

Bidders are hereby notified that this contract is subject to Local Law 1, Minority-Owned and Women-Owned Business Enterprises (MWBE) Requirements, Prevailing Wage Rates.

*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. Polina Fuki (929) 221-6425; Fax: (929) 221-0756; [fukip@hra.nyc.gov](mailto:fukip@hra.nyc.gov)*

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## 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 online 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) 760-6885; dmwbe.capital@parks.nyc.gov*

**j3-d29**

**CONTRACTS**

**■ SOLICITATION**

*Construction/Construction Services*

**RECONSTRUCTION OF THE COMFORT STATION IN NEWPORT PLAYGROUND** - Competitive Sealed Bids - PIN#84617B0182 - Due 10-18-17 at 10:30 A.M.

Located on Riverdale Avenue between Osborn Street and Thatford Avenue, Borough of Brooklyn. Contract B339-117M.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 1 of 2013. Contract Under Project Labor Agreement.

Bidders are hereby advised that this contract is subject to the Project Labor Agreement (PLA) Covering Specified Renovation and Rehabilitation of City-Owned Buildings and Structures entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated local unions. Please refer to the bid documents for further information.

Pre-Bid Meeting on Wednesday, October 4, 2017, at 11:30 A.M.

Location: Newport Playground.

Bid Security: Bid Deposit in the amount of 5 percent of Bid Amount or Bid Bond in the amount of 10 percent of Bid Amount. The cost estimate range is \$500,000.00 to \$1,000,000.00.

To request the Plan Holder's List, please call the Blue Print Room at (718) 760-6576.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of New York, Parks and Recreation. A separate check/money order is required for

each project. The company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

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, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Susana Hersh (718) 760-6855; susana.hersh@parks.nyc.gov*

**☛ s20**

**POLICE**

**■ AWARD**

*Construction Related Services*

**INSTALL, MAINTAIN AND REMOVE SCAFFOLDING** - Competitive Sealed Bids - PIN#05616B0014RB - AMT: \$863,543.00 - TO: Hardrock Construction Corporation, 2251 Schenectady Avenue, Brooklyn, NY 11234.

● **REPAIR AND REPLACE CONCRETE SIDEWALKS** - Competitive Sealed Bids - PIN#05617B0004 - AMT: \$1,447,260.00 - TO: East Coast USA Construction, 87-11 118th Street, Jamaica, NY 11418.

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**CONTRACT ADMINISTRATION**

**■ AWARD**

*Services (other than human services)*

**PRODUCTION AND ADVERTISEMENT SERVICES** - Request for Proposals - PIN#056090000614 - AMT: \$1,179,038.50 - TO: Symphony Talent, LLC, 45 Rockefeller Plaza, New York, NY 10111.

**☛ s20**

**NEW YORK CITY POLICE PENSION FUND**

**■ INTENT TO AWARD**

*Services (other than human services)*

**BENCHMARKING SERVICES** - Sole Source - Available only from a single source - PIN#256BMCT1802 - Due 9-29-17 at 11:00 A.M.

In accordance with Section 3-05 of the New York City Procurement Policy Board, the New York City Police Pension Fund is seeking to hire CEM Benchmarking Inc., to conduct Pension Fund analysis and research necessary to determine best practices related to administrative cost, health care and defined contributions. After surveying the market, the Fund has determined that it is necessary to do a Sole Source procurement as CEM Benchmarking Inc is the only vendor capable of providing Comprehensive Benchmarking Services that utilize actual data collected from large U.S. Pension Funds. Prospective firms should express their interest in writing no later than September 29, 2017, at 11:00 A.M., by submitting an email to lharris@nycppf.org.

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.

*New York City Police Pension Fund, 233 Broadway, 25th Floor, New York, NY 10279. Latonia Harris (212) 693-5068; Fax: (212) 693-6868; lharris@nycppf.org*

**s14-20**

**TRANSPORTATION**

**ADMINISTRATION**

**■ INTENT TO AWARD**

*Services (other than human services)*

**OUTFRONT MEDIA GROUP, LLC - ADVERTISEMENT SERVICES RELATED TO PUBLIC EDUCATION CAMPAIGNS, INCLUDING MEDIA PURCHASES WITHIN NEW YORK CITY TRANSIT AT VARIOUS SITE THROUGHOUT THE CITY** - Sole

Source - Available only from a single source - PIN# 84118MBAD190 - Due 10-2-17 at 2:00 P.M.

The New York City Department of Transportation (NYCDOT) intends to enter into a sole source agreement with Outfront Media Group, LLC., 405 Lexington Avenue, 14th Floor, New York, NY 10174, to provide advertisement on NYC subways and buses at various sites approved by the Metropolitan Transportation Authority (MTA).

The Agency Chief Contracting Officer's office determined, in accordance with Section 3-05(b) of the Procurement Policy Board Rules, that it is not practicable and/or advantageous to award a contract by competitive sealed bidding or competitive sealed proposals. Outfront Media, LLC is the advertising licensee for the MTA subways, commuter rail and bus systems.

Any firm that would like to express their interest in providing services for similar projects in the future may do so by phone and joining the city bidders list by filling out the NYC-FMS Vendor Enrollment form at <https://a127-pip.nyc.gov/webapp/PRDPCW/SelfService/> to enroll your organization with the City of New York.

Vendors may express interest in providing this service by contacting Nicola Rahman, New York City Department of Transportation, Agency Chief Contracting Officer's Office, 55 Water Street, 8th Floor, New York, NY 10041, [nrahman@dot.nyc.gov](mailto:nrahman@dot.nyc.gov) or (212) 839-8167, no later than September 29, 2017, at 2:00 P.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.

Transportation, Agency Chief Contracting Officer's Office, 55 Water Street, 8th Floor, New York, NY 10041. Bid Window (212) 839-8167.

s18-22

## AGENCY RULES

### BUILDINGS

#### ■ NOTICE

#### NOTICE OF ADOPTION OF RULE

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Section 5000-01 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the implementation of the New York City Energy Conservation Code to conform to changes in the New York State Energy Code that were necessitated by updates to the New York State Energy Code.

This rule was first published on June 15, 2017 and a public hearing thereon was held on July 20, 2017.

Dated: 9/13/17 /s/  
New York, NY Rick D. Chandler, P.E.  
Commissioner

#### Statement of Basis and Purpose of Rule

New York City Council's Local Laws 91 and 125 of 2016 were enacted on August 3, 2016 and October 18, 2016 respectively, and went into effect on October 3, 2016 (with Local Law 125 taking effect retroactive to October 3, 2016 upon its enactment). They update the New York City Energy Conservation Code ("City Energy Code") to comply with the requirements of the State Energy Law and the 2016 updates to the New York State Energy Code ("State Energy Code"). This amends the rule implementing the City Energy Code, 1 RCNY 5000-01, to conform to the changes to the City Energy Code in Local Laws 91 and 125. The rule also reflects changes in the State Energy Code regarding specific tests, inspections and code references.

Specifically, this amendment to Section 5000-01:

- adds and removes progress inspections to correspond to City Energy Code requirements that come into effect with Local Laws 91 and 125 of 2016, including two new required

progress inspections related to solar-ready requirements and air sealing and insulation testing.

- clarifies the versions of REScheck and COMcheck which may be used to demonstrate compliance with the City Energy Code.
- clarifies the requirements for submitting supporting documentation.

References in this rule to the Administrative Code or the New York City Energy Conservation Code mean the Administrative Code of the City of New York or the New York City Energy Conservation Code, respectively, as amended by Local Laws 91 and 125.

The Department of Buildings' authority for this rule is found in Sections 643 and 1043 of the New York City Charter. Section 5 of Local Law 91 authorizes DOB to promulgate rules implementing the changes to the City Energy Code. Section 3 of Local Law 91 repeals and replaces Section 28-1001.2 of the Administrative Code, and includes authority for DOB to issue this rule. Local Law 125 makes additional amendments to Chapter 10 of Title 28 of the Administrative Code for consistency with the August 2016 amendments to the New York State Energy Code.

New material is underlined.

[Deleted material is in brackets.]

"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.

Section 1, Subdivision (c) of Section 5000-01 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (c) *Definitions.* For the purposes of this chapter, the following terms shall have the following meanings:

**ADDITION.** An addition as defined in the Energy Code.

**APPROVED PROGRESS INSPECTION AGENCY.**

An approved progress inspection agency as described in subparagraph (iii) of paragraph (3) of subdivision (c) of Section 101-07 of the rules of the Department.

**ASHRAE 90.1.** American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., Standard 90.1-[2010]2013 as defined in the New York State Energy Conservation Construction Code and amended by Appendix [A] CA of the Energy Code.

**COMMERCIAL BUILDING.** A commercial building as defined in the Energy Code.

**DESIGN APPLICANT.** An applicant of record who develops, signs and seals the construction drawings. The design applicant may be someone other than the registered design professional who prepares, signs and seals the energy analysis.

**ENERGY CODE.** The New York City Energy Conservation Code ("ECC"), as defined in Chapter 10 of Title 28 of the Administrative Code.

**HISTORIC BUILDING.** A historic building as described in the [ECC] Energy Code.

**PROJECT.** A project as defined in the Energy Code.

**REGISTERED DESIGN PROFESSIONAL.** A registered design professional as defined in the Energy Code.

**RESIDENTIAL BUILDING.** A residential building as defined in the Energy Code.

§2. Subdivision (d) of Section 5000-01 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (d) *Applicability.*

- (1) *Applicable version and edition of Energy Code.* Applications must comply with the Energy Code version and edition in effect when the application is filed, continuing through construction and sign-off of the application by the Department.
- (2) *Commercial building projects.* All applications related to a single commercial building project must follow either ECC Chapters C2 through [C5]C6 or ASHRAE 90.1 in its entirety and as modified by ECC Appendix [A]CA.
  - (i) *ECC Compliance Path.* Vertical fenestration is allowed up to 30% of the gross wall area, prescriptively. Commercial buildings with vertical fenestration exceeding 30% of the above-grade wall must provide daylighting controls in accordance with ECC provisions to a maximum fenestration area of 40% of the gross above-grade wall area.
  - (ii) *ASHRAE 90.1 Compliance Path.* Vertical fenestration is allowed up to 40% of the gross wall area, prescriptively. If the vertical fenestration exceeds 40% of the gross wall area, the design team must use energy modeling in accordance with Section 11 of ASHRAE 90.1 ("Energy Cost Budget Method") or Appendix G of ASHRAE 90.1

(“Performance Rating Method”) and as provided in subparagraph (iv) of paragraph (1) of subdivision (f) of this section or Section 5.6 of ASHRAE 90.1 (“Building Envelope Trade-off Option”).

- (3) *Identification of related applications.* Applicants must indicate in the application form all applications related to the project or, if an application has not yet been filed, the name of the applicant or the applicant’s firm and discipline for any anticipated related applications.

§3. Subparagraph (ii) of paragraph 2 of subdivision (e) of Section 5000-01 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (ii) *Envelope of low-energy building.* All the proposed work is related to the envelope system of a low-energy or unconditioned building, as described in ECC Chapter [1] C4 or ECC Chapter R4.

§4. The undesignated opening paragraph, paragraph (1), subparagraph (i) of paragraph (1), clause (D) of subparagraph (ii) of paragraph (1), clause (D) of subparagraph (iii) of paragraph (1), and paragraph (2) of subdivision (f) of Section 5000-01 of Title 1 of the Rules of the City of New York, are amended to read as follows:

- (f) *Energy analysis.* An energy analysis is required for every project that is not entirely exempt. The energy analysis shall identify the compliance path followed, demonstrate how the project design complies with the Energy Code and, for commercial projects, indicate whether the project is designed in accordance with ECC Chapters C2 through [C5]C6 or with ASHRAE 90.1.

- (1) *Accepted formats for energy analysis.* One of the following formats may be used to present the energy analysis:

- (i) *Tabular analysis.* For new buildings, additions and/or alterations to existing residential or commercial buildings for which either ECC [Chapter 4]Chapters R2 through R6, ECC Chapters C2 through [C5]C6 or ASHRAE 90.1 has been used, the applicant may create a table entitled “Energy Analysis” as described in figure 1.

Such table shall compare the proposed values of each Energy Code regulated item in the scope of work with the respective prescriptive values required by the Energy Code. The items shall be organized by discipline, including Envelope Systems, Mechanical and Service Water Heating Systems, [and] Lighting and Electrical Systems, Additional Efficiency Options, and Commissioning as applicable.

For commercial building additions and/or alterations involving lighting, the applicant may choose to utilize the Lighting Application Worksheet from COMcheck for the lighting part of the analysis in lieu of including lighting in the tabular analysis; however, the supporting documentation index must provide a breakdown of each lighting fixture to clarify the location per room type or floor. See subparagraph (iii) of this paragraph and Figure 2 in subdivision (g) of this section.

\* \* \*

(D) *REScheck version.*

- 1. Only the [New York State] New York City version of the REScheck form is permitted.
- 2. For applications filed on or after [December 28, 2010,] October 3, 2016, the report must specify the [2010 Energy Conservation Construction Code of New York State] 2016 New York City Energy Conservation Code.
- 3. For applications filed before [December 28, 2010,] October 3, 2016, the report must specify the edition of REScheck that matches the edition of the Energy Conservation Construction Code of New York State in effect when the application was filed.

\* \* \*

(D) *COMcheck versions.*

- 1. Only the [New York State] New York City version[s] of the COMcheck [forms are] form is permitted when following the New York City Energy Conservation Code. Only the 90.1 (2013) Standard version of the COMcheck form is permitted when following ASHRAE 90.1, provided that a New York City version of COMcheck for ASHRAE is unavailable.

- 2. For applications filed on or after [January 1, 2015] October 3, 2016, the report must specify the [New York State Energy Code] New York City Energy Conservation Code or New York [State] City amended ASHRAE 90.1. In the event that a [New York State-specific] New York City-specific version is no longer supported, the report must specify the applicable IECC or ASHRAE 90.1 version of the software.

- [3. All three parts of the COMcheck report—the envelope, the mechanical/service water heating and the lighting/power parts—shall be presented, except where the project type is an addition or alteration as described above and some parts of the report are not relevant to the scope of work.]

- (2) *Mixed-occupancy buildings three stories or fewer.* In accordance with Section ECC [101.4.6]101.4.1, buildings three stories or fewer above grade with mixed residential and non-residential occupancies must comply with the respective requirements of Chapters [2 through 4]R2 through R6 and Chapters C2 through [C5]C6 or ASHRAE 90.1, and must have separate energy analyses, except that a tabular analysis format or energy modeling may be used to show both the residential and non-residential requirements.

§5. The undesignated opening paragraph and paragraph (1) of subdivision (g) of Section 5000-01 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (g) *Supporting documentation.* The construction drawings submitted for approval shall provide all energy design elements and shall match or exceed the energy efficiency of each value in each part of the energy analysis – envelope, mechanical/service water heating and lighting/power. The supporting documentation shall be listed in a table that serves as an indexing guide to the construction document set. Such table shall list the proposed values of each Energy Code-regulated item in the scope of work with the respective location in the drawing set. Such table is not required if the location of the supporting documentation is included in a column added to the Tabular Analysis described in figure 1.

In addition, other mandatory Energy Code requirements shall be provided as described in paragraphs 1 through 5 of this subdivision.

Further, supporting documentation shall provide all information necessary for a progress inspector to verify during construction that the building has been built in accordance with the approved construction documents to meet the requirements of the Energy Code. For additions and alterations, the applicant must clearly show those physical portions of the systems that are being brought up to code and those that are not being upgraded.

- (1) *Envelope.* Building wall sections and details shall be provided for each unique type of roof/ceiling, wall, and either the foundation, slab-on-grade, basement or cellar assembly. Such building wall sections shall show each layer of the assembly, including, but not limited to, insulation, moisture control and air barriers. If continuous insulation is indicated, it must be fully continuous, uninterrupted by framing, slab edges, shelf angles, or any other continuous breaks in the insulation. The insulation in each case shall be labeled and shall be equal to or greater than the R values, and an assembly in each case shall be equal to or less than the assembly U factors, in the energy analysis.

Door, window and skylight schedules shall include columns for U-factors, VT and SHGC values for each fenestration assembly type, and such values shall be equal to or less than those in the energy analysis. Mandatory requirements to prevent air leakage shall be detailed. [Siding attachment over foam sheathing shall comply with the Energy Code as required.]

§6. Paragraphs 3, 4 and 5 of subdivision (g) of Section 5000-01 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (3) *Electrical.* The applicant must provide supporting documents for lighting, power and controls on either electrical drawings or drawings of other disciplines as appropriate. Such documents must:
  - support the energy analysis;
  - satisfy mandatory requirements of the Energy Code, such as controls, transformers, metering, voltage drop and electric motor requirements; and
  - support progress inspections required by this section.

The drawings must be numbered with an “E,” “EN” or other discipline designator and must be signed and sealed by a registered design professional. If the registered design professional is an electrical engineer, the engineer must file a PW1 form as an initial or subsequent filing and indicate either “Electrical” or “Energy” in Section 6D, OT – Other.

- (i) *Interior and exterior lighting.* Supporting documentation for lighting must be as follows:
- (A) *Commercial buildings, except dwelling units.* The applicant shall provide reflected ceiling plans, floor plans and/or electrical drawings with lighting layouts for each floor or space in the project, and for exterior lighting as applicable.
- The lighting fixtures shall be described and keyed to the lighting plans, including type designation, brief description, locations, lamp type, ballast/transformer type, watts per lamp, quantity of lamps per fixture, and system input watts per fixture, such that the drawings support the energy analysis.
- In addition, mandatory lighting and power controls shall be shown and described, and a narrative provided describing their function and operation.
- Control devices and zones shall be indicated on drawings.
- (B) *Dwelling units in residential and commercial buildings.* In homes and dwelling units, the applicant must indicate on floor plans what fixtures are to be installed with high-efficacy lamps, and where the separate meter for each dwelling unit is located.
- (ii) *Exterior lighting zones.* Exterior lighting zones as set forth in ECC [Table C405.6.2(1)] Table C405.5.2(1) correspond with the following zoning districts in the New York City Zoning Resolution:
- |                  |                                                                                   |
|------------------|-----------------------------------------------------------------------------------|
| Lighting zone 1: | Park land.                                                                        |
| Lighting zone 2: | All R districts, R districts with C overlays and MX districts.                    |
| Lighting zone 3: | M districts, except MX; C districts, except C5, C6 and C overlays on R districts. |
| Lighting zone 4: | C5 and C6 districts.                                                              |
- (iii) *[Fan] Electrical motors and controls.* [Fan]Electrical motor horsepower and controls must be shown on the drawings and described.
- (iv) *[Feeders.* For applications using ASHRAE 90.1 for prescriptive compliance, calculated feeder voltage drops must be provided in accordance with ASHRAE 90.1.] Electrical submetering. Projects requiring electrical submetering and/or monitoring must clearly indicate on the drawings that submetering and/or monitoring will be provided in accordance with the Energy Code.
- (v) *Automatic receptacle controls.* For applications using ASHRAE 90.1[for prescriptive compliance], 50 percent of the receptacles must be automatically controlled and clearly shown on the drawings in accordance with ASHRAE 90.1.
- (4) *Mandatory requirements.* The construction documents shall comply with all mandatory requirements of the Energy Code.
- (i) For residential buildings, references for such requirements are listed [in Section ECC 401.2] throughout Chapters R2 through R5.
- (ii) For commercial buildings complying with the provisions of ECC Chapters C2 through C5, references for such requirements are listed throughout Chapters C2

through C5; for commercial buildings complying with ASHRAE 90.1, such requirements are set forth throughout the referenced standard.

- (iii) *Commissioning statement.* Every application filed by a registered design professional for approval of construction documents for a new building or alteration under the commercial provisions of ECC shall include a statement of either compliance with or exemption from the commissioning requirements of the Energy Code as described in ECC C408.
- (iv) *Air barrier testing statement.* Every application filed by a registered design professional for approval of construction documents for a new building under the residential provisions of the ECC must include a statement of compliance with the testing requirements of the Energy Code as described in ECC R402.4.1.2 or R402.4.1.3. Every application filed by a registered design professional for approval of construction documents for a new building under the commercial provisions of the ECC must include a statement of either compliance with or exemption from the air barrier testing requirements of the Energy Code as described in ECC C402.5.1.3. Applications indicating compliance with the air barrier testing requirements under the commercial provisions must be tested in accordance with ASTM E 779 at a pressure differential of 0.3 inch water gauge (75 Pa) or an equivalent method approved by the code official and deemed to comply with the air leakage requirements when the tested air leakage rate of the building thermal envelope is not greater than 0.4 cfm/ft<sup>2</sup>. Air barrier testing, when required, must be performed by a third-party independent of the contractor and acceptable to the department.
- (5) *Permanent certificate in residential buildings.* For residential buildings, the construction documents shall indicate the following in accordance with Section ECC R401.3:
- (i) *New buildings.* For new buildings regulated under ECC Chapter R4, a permanent certificate shall be required to be installed indoors and in accordance with [Section] Sections ECC R401.3 and RB103.8, except that it may be posted near the electrical distribution panel at eye level and in plain sight.
- (ii) *Additions and alterations.* For additions and alterations affecting information on an existing permanent certificate, such permanent certificate shall be updated, initialed where changed and reposted such that the values on the posted permanent certificate remain current.
- §7. The undesignated opening paragraph, paragraph (1) and Table I of subdivision (h) of Section 5000-01 of Title 1 of the Rules of the City of New York are amended to read as follows:
- (h) *List of progress inspections required.* The following progress inspections and/or testing set forth in Tables I and II shall be required when applicable to the scope of work and shall be identified/described in the supporting documentation and included on the drawings submitted to the Department. Energy Code sections cited in Tables I and II of this section shall be understood to include the section, all subsections, all tables and, when ASHRAE 90.1 is used, appendices related to the cited Energy Code section.
- (1) *Residential buildings.* The progress inspections and tests described in Table I shall be performed for buildings regulated by ECC Chapter R4. For heating, cooling and/or service hot water systems in multiple dwellings, including where such systems serve a single dwelling unit, the applicant shall list inspections, tests and citations from Table II, in accordance with Section ECC [403.7]R403.8.

TABLE I - PROGRESS INSPECTIONS FOR ENERGY CODE COMPLIANCE - RESIDENTIAL BUILDINGS

Inspection/Test		Frequency (minimum)	Reference Standard (See ECC Chapter R6) or Other Criteria	ECC or Other Citation
<b>IA</b>	<b>Envelope Inspections</b>			
IA1	<b>Protection of exposed foundation insulation:</b> Insulation shall be visually inspected to verify proper protection where applied to the exterior of basement or cellar walls, crawl-space walls and/or the perimeter of slab-on-grade floors.	Prior to backfill	Approved construction documents	R303.2.1
IA2	<b>Insulation placement and R-values:</b> Installed insulation for each component of the conditioned space envelope and at junctions between components shall be visually inspected to ensure that the R-values are marked, that such R-values conform to the R-values identified in the construction documents and that the insulation is properly installed. Certifications for unmarked insulation shall be similarly visually inspected.	As required to verify continuous enclosure while walls, ceilings and floors are open	Approved construction documents	R303.1, R303.1.1, R303.1.2, R402.1, R402.2, [402.4.2.2], Table [402.4.2] R402.4.1.1, R402.4.4, R402.6
IA3	<b>Fenestration U-factor and product ratings:</b> U-factors, SHGC and VT values of installed fenestration shall be verified by visual inspection for conformance with the U-factors, SHGC and VT values identified in the construction drawings, either by verifying the manufacturer's NFRC labels or, where not labeled, using the ratings in ECC Tables R303.1.3(1) and (2).	As required during installation	Approved construction drawings; NFRC 100	R303.1, R303.1.3, R402.1, R402.3, [402.6]R402.5
IA4	<b>Fenestration air leakage:</b> Windows, skylights and sliding glass doors, except site-built windows, skylights and doors, shall be visually inspected to verify that installed assemblies are listed and labeled to the referenced standard.	As required during installation	NFRC 400, AAMA/WDMA/CSA 101/I.S.2/A440	[402.4.4] R402.4.3
IA5	<b>Fenestration areas:</b> Dimensions of windows, doors and skylights shall be verified by visual inspection.	Prior to final construction inspection	Approved construction documents	R402.3
IA6	<b>Air sealing and insulation - visual inspection:</b> Openings and penetrations in the building envelope, including site-built fenestration and doors, shall be visually inspected to verify that they are properly sealed, in accordance with Table [402.4.2] R402.4.1.1.	As required during envelope construction	Approved construction documents; ASTM E283; [ASTM E84; RCNYS]	R402.4.1, [402.4.2.2, 402.4.3] R402.4.4, R402.4.5, R402.4.6
IA7	<b>Air sealing and insulation - testing:</b> Testing shall be performed in accordance with Section ECC [402.4.2.1]R402.4.1.2 and shall be accepted if the building meets the requirements detailed in such section. Test results shall be retained in accordance with the provisions of Title 28. <u>Testing must be performed by a third-party independent of the contractor and acceptable to the department.</u>	Prior to final construction inspection	[ASHRAE/ASTM E779; ASTM 1827; ANSI Z65; Approved construction documents	[402.4.2.1] R402.4.1.2
<b>IB</b>	<b>Mechanical and Plumbing Inspections</b>			
IB1	<b>Fireplaces:</b> Provision of combustion air and tight-fitting fireplace doors shall be verified by visual inspection.	Prior to final construction inspection	Approved construction documents; UL 127, UL 907, ANSI Z21.60 (see also MC 904), ANSI Z21.50	[303.1.5] R402.4.2; BC 2111; MC Chapters 7, 8, 9; FGC Chapter 6
IB2	<b>Shutoff dampers:</b> Not less than 20% of installed automatic or gravity dampers, and a minimum of one of each type, shall be visually inspected and physically tested for proper operation.	Prior to final construction inspection	Approved construction documents	[403.5]R403.6, [403.7] R403.8, C403, C404
IB3	<b>HVAC and service water heating equipment:</b> Heating and cooling equipment shall be verified by visual inspection for proper sizing. Pool heaters and covers shall be verified by visual inspection.	Prior to final plumbing and construction inspection	ACCA Manuals J and S; Approved construction documents, including energy analysis	[403.6, 403.7, 403.9] R403, C403, C404
IB4	<b>HVAC and service water heating system controls:</b> System controls shall be inspected to verify that each dwelling is provided with at least one individual programmable thermostat with capabilities as described in ECC R403.1.1, and that such controls are set and operate as specified in ECC R403.1.1. Controls for supplementary electric-resistance heat pumps shall be inspected to verify that such controls prevent supplemental heat operation when the heat pump compressor can meet the heating load. Controls for snow- and ice-melting systems and pools shall be inspected for proper operation. Not less than 20% or one of each control type, whichever is more, shall be inspected. Controls for turning off circulating hot water pumps when not in use shall be inspected for an automatic or manual switch.	Prior to final electrical and construction inspection	Approved construction documents, including control system narratives	[403.1,403.4, 403.7, 404.8, 403.9] R403, C403, C404

IB5	<b>HVAC insulation and sealing:</b> Installed duct and piping insulation shall be visually inspected to verify correct insulation placement and values. Ducts, air handlers, filter boxes and building cavities used as ducts shall be visually inspected for proper sealing.	Prior to closing ceilings and walls and prior to final construction inspection	Approved construction documents; [RCNYS M1601.3.1 ]NYC Mechanical Code	[403.2.1, 403.2.2, 403.3,]R403.3 R403.4, [403.7]R403.5, R403.8, C403, C404; MC 603.9
IB6	<b>Duct leakage testing:</b> Where the air handler and/or some ductwork is in unconditioned space, duct-leakage testing shall be performed either after rough-in or post-construction to ensure compliance with ECC [403.2.2] R403.3.3 and R403.3.4. Not less than 20% of such ductwork shall be tested.	Prior to closing ceilings and walls and prior to final construction inspection	Approved construction documents; [ANSI/ASHRAE 152, ASTM E1554 Test Method A]	[403.2.2, 403.7] R403.3.3, R403.3.4, R403.8, C403
<b>IC</b>	<b>Electrical Power and Lighting Systems</b>			
IC1	<b>Electrical energy consumption:</b> The presence and operation of individual meters [or other means of monitoring individual dwelling units] shall be verified by visual inspection for all dwelling units.	Prior to final electrical and construction inspection	Approved construction documents	R404.2
IC2	<b>Interior lighting power:</b> Lamps in permanently installed lighting fixtures shall be visually inspected to verify compliance with high-efficacy requirements.	Prior to final electrical and construction inspection	Approved construction documents	R404.1
<b>ID</b>	<b>Other</b>			
ID1	<b>Maintenance information:</b> Maintenance manuals for equipment and systems requiring preventive maintenance shall be reviewed for applicability to installed equipment and systems before such manuals are provided to the owner. Labels required for such equipment or systems shall be inspected for accuracy and completeness.	Prior to sign-off or issuance of Certificate of Occupancy	Approved construction documents	R303.3
ID2	<b>Permanent certificate:</b> The installed permanent certificate shall be visually inspected for location, completeness and accuracy.	Prior to final plumbing, electrical and/or construction inspection as applicable	Approved construction documents	R401.3, RB103.8; IRCNY 5000-01(g)(5)
ID3	<b>Solar-ready requirements:</b> Solar-ready zone area and electrical service reserved space must be visually inspected to verify compliance. Location shall be noted on the permanent certificate.	Prior to final construction inspection	Approved construction documents	RB103.3, RB103.7, RB103.8

§8. Paragraph 2 and Table II of subdivision (h) of Section 5000-01 of Title 1 of the rules of the City of New York are amended to read as follows:

- (2) Commercial buildings. The progress inspections and tests described in Table II shall be performed for buildings regulated by either ECC Chapters C2 through [C5]C6 or ASHRAE 90.1 as applicable.

**TABLE II – PROGRESS INSPECTIONS FOR ENERGY CODE COMPLIANCE – COMMERCIAL BUILDINGS**

	<b>Inspection/Test</b>	<b>Periodic (minimum)</b>	<b>Reference Standard (See ECC Chapter [C5]C6) or Other Criteria</b>	<b>ECC or Other Citation</b>
<b>IIA</b>	<b>Envelope Inspections</b>			
IIA1	<b>Protection of exposed foundation insulation:</b> Insulation shall be visually inspected to verify proper protection where applied to the exterior of basement or cellar walls, crawl-space walls and/or the perimeter of slab-on-grade floors.	As required during foundation work and prior to backfill	Approved construction documents	C303.2.1; ASHRAE 90.1 – 5.8.1.7
IIA2	<b>Insulation placement and R-values:</b> Installed insulation for each component of the conditioned space envelope and at junctions between components shall be visually inspected to ensure that the R-values are marked, that such R-values conform to the R-values identified in the construction documents and that the insulation is properly installed. Certifications for unmarked insulation shall be similarly visually inspected.	As required to verify continuous enclosure while walls, ceilings and floors are open	Approved construction documents	C303.1, C303.1.1, C303.1.2, C402.1, C402.2, C402.5.3; ASHRAE 90.1 – 5.5, 5.6, [or 11;] 5.8.1, 11 or Appendix G

IIA3	<b>Fenestration U-factor and product ratings:</b> U-factors, SHGC and VT values of installed fenestration shall be visually inspected for conformance with the U-factors, SHGC and VT values identified in the construction drawings by verifying the manufacturer's NFRC labels or, where not labeled, using the ratings in ECC Tables C303.1.3(1), (2) and (3).	As required during installation	Approved construction documents; NFRC 100, NFRC 200	C303.1, C303.1.3, [C402.3] C402.4; ASHRAE 90.1 -5.5, 5.6, [or 11;] 5.8.2, 11 or Appendix G
IIA4	<b>Fenestration air leakage:</b> Windows and [sliding or swinging] door assemblies, except site-built windows and/or doors, shall be visually inspected to verify that installed assemblies are listed and labeled by the manufacturer to the referenced standard. For curtain wall, storefront glazing, commercial entrance doors and revolving doors, the testing reports shall be reviewed to verify that the installed assembly complies with the standard cited in the approved plans.	As required during installation; prior to final construction inspection	NFRC 400, AAMA/WDMA/CSA 101/I.S.2/A440 ASTM E283; ANSI/DASMA 105	[C402.4.3] C402.5.2; ASHRAE 90.1 -5.4.3.2, 5.8.2.2
IIA5	<b>Fenestration areas:</b> Dimensions of windows, doors and skylights shall be verified by visual inspection.	Prior to final construction inspection	Approved construction documents	[C402.3] C402.4; ASHRAE 90.1 -5.5.4.2, 5.6 [or], 11 or Appendix G
IIA6	<b>Air sealing and insulation – visual inspection:</b> Openings and penetrations in the building envelope, including site-built fenestration and doors, shall be visually inspected to verify that a continuous air barrier around the envelope forms an air-tight enclosure. The progress inspector shall visually inspect to verify that materials and/or assemblies have been tested and meet the requirements of the respective standards, or [that the building is tested and meets] must <u>observe the testing of the building and/or assemblies and verify that the building and/or assemblies meet the requirements of the standard, in accordance with the standard(s) cited in the approved plans.</u>	As required during construction	Approved construction documents; ASTM E2178, ASTM E2357, ASTM E1677, ASTM E779, ASTM E283.	[C402.4] C402.5; ASHRAE 90.1 - 5.4.3.1, 5.4.3.5
[IIA7]	[Projection factors: Where the energy analysis utilized a projection factor > 0, the projection dimensions of overhangs, eaves or permanently attached shading devices shall be verified for conformance with approved plans by visual inspection.]	[Prior to final construction inspection]	[Approved construction documents, including energy analysis]	[C402.3; ASHRAE 90.1 - 5.5.4, 5.6 or 11]
IIA7	<b>Air sealing and insulation testing:</b> Testing must be performed in accordance with Section ECC C402.5.1.3 or ASHRAE 90.1 Section 5.4.3.5, and shall be accepted if the building and/or its air-barrier assemblies meet the requirements detailed in such section. Testing must be performed by a third-party independent of the contractor and acceptable to the department.	As required during construction, or prior to final construction inspection	Approved construction documents; ASTM E 779	C402.5.1.3; ASHRAE 90.1 - 5.4.3.5
IIA8	<b>Loading dock weatherseals:</b> Weatherseals at loading docks shall be visually verified.	Prior to final construction inspection	Approved construction documents	[C402.4.6] C402.5.6; ASHRAE 90.1 - 5.4.3.3
IIA9	<b>Vestibules:</b> Required entrance vestibules shall be visually inspected for proper operation.	Prior to final construction inspection	Approved construction documents	[C402.4.7] C402.5.7; ASHRAE 90.1 - 5.4.3.4
<b>IIB</b>	<b>Mechanical and Service Water Heating Inspections</b>			
IIB1	<b>Fireplaces:</b> Provision of combustion air and tight-fitting fireplace doors shall be verified by visual inspection.	Prior to final construction inspection	Approved construction documents; ANSI Z21.60 (see also MC 904), ANSI Z21.50	[C402.2.9] C402.2.7; BC 2111; MC Chapters 7, 8, 9; FGC Chapter 6
IIB2	<b>Shutoff dampers:</b> Dampers for stair and elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be visually inspected to verify that such dampers, except where permitted to be gravity dampers, comply with approved construction drawings. Manufacturer's literature shall be reviewed to verify that the product has been tested and found to meet the standard.	As required during installation	Approved construction documents; AMCA 500D	[C403.2.4.4] C403.2.4.3; ASHRAE 90.1 - 6.4.3.4
IIB3	<b>HVAC-R and service water heating equipment:</b> Equipment sizing, efficiencies, pipe sizing and other performance factors of all major equipment units, as determined by the applicant of record, and no less than 15% of minor equipment units, shall be verified by visual inspection and, where necessary, review of manufacturer's data. Pool heaters and covers shall be verified by visual inspection.	Prior to final plumbing and construction inspection	Approved construction documents, ASHRAE 183, ASHRAE HVAC Systems and Equipment Handbook	C403.2, C404.2, [C404.7] C404.5, C404.9, C406.2; ASHRAE 90.1 - 6.3, 6.4.1, 6.4.2, 6.4.5, 6.4.6, 6.5.11, 6.8.1;] 7.4, 7.8



<p>IIB4</p>	<p><b>HVAC-R and service water heating system controls:</b> No less than 20% of each type of required controls [and economizers] shall be verified by visual inspection and tested for functionality and proper operation. Such controls shall include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Thermostatic</li> <li>• [Set point overlap restriction]</li> <li>• Off-hour</li> <li>• [Shutoff damper]</li> <li>• <u>Zones</u></li> <li>• [Snow-melt system]</li> <li>• <u>Freeze protection/Snow- and ice-melt system</u></li> <li>• <u>Ventilation System and Fan Controls</u></li> <li>• [Demand control systems</li> <li>• Outdoor heating systems</li> <li>• Zones</li> <li>• Economizers</li> <li>• Air systems</li> <li>• Variable air volume fan</li> <li>• Single Zone Cooling Systems]</li> <li>• <u>Energy recovery systems</u></li> <li>• <u>Kitchen/lab exhaust systems</u></li> <li>• <u>Fan systems serving single and multiple zones</u></li> <li>• <u>Outdoor heating systems</u></li> <li>• <u>HVAC control in hotel/motel guest rooms</u></li> <li>• <u>Air/Water Economizers &amp; controls</u></li> <li>• Hydronic systems</li> <li>• Heat rejection [equipment fan speed] <u>systems</u></li> <li>• [Complex mechanical systems serving multiple zones</li> <li>• Ventilation</li> <li>• Energy recovery systems]</li> <li>• Hot gas bypass limitation</li> <li>• [Temperature</li> <li>• Service water heating</li> <li>• Hot water system</li> <li>• Pool heater and time switches</li> <li>• Exhaust hood</li> <li>• Radiant heating systems</li> <li>• HVAC Control in Group R-1 Sleeping Rooms]</li> <li>• <u>Refrigeration systems</u></li> <li>• <u>Door switches</u></li> <li>• <u>Computer room systems</u></li> <li>• <u>Service water heating systems</u></li> <li>• <u>Pool heater and time switches</u></li> </ul> <p>Controls with seasonally dependent functionality: Controls whose complete operation cannot be demonstrated due to prevailing weather conditions typical of the season during which progress inspections will be performed shall be permitted to be signed off for the purpose of a Temporary Certificate of Occupancy with only a visual inspection, provided, however, that the progress inspector shall perform a supplemental inspection where the controls are visually inspected and tested for functionality and proper operation during the next immediate season thereafter. The owner shall provide full access to the progress inspector within two weeks of the progress inspector's request for such access to perform the progress inspection. For such supplemental inspections, the Department shall be notified by the approved progress inspection agency of any unresolved deficiencies in the installed work within 180 days of such supplemental inspection.</p>	<p>After installation and prior to final electrical and construction inspection, except that for controls with seasonally dependent functionality, such testing shall be performed before sign-off for issuance of a Final Certificate of Occupancy</p>	<p>Approved construction documents, including control system narratives; ASHRAE Guideline 1: The HVAC Commissioning Process where applicable</p>	<p>[C403.2.4] C403.2, [C403.2.5.1,C403.2.11,] C403.3, C403.4, <u>C403.5</u>, [C404.3] C404.6, C404.7, <u>C404.9</u>; ASHRAE 90.1 – 6.3, 6.4, 6.5, <u>6.6</u> 7.4.4, 7.4.5 applicable</p>
<p>IIB5</p>	<p><b>HVAC-R insulation and sealing:</b> Installed duct and piping insulation shall be visually inspected to verify proper insulation placement and values. Joints, longitudinal and transverse seams and connections in ductwork shall be visually inspected for proper sealing.</p>	<p>After installation and prior to closing shafts, ceilings and walls</p>	<p>Approved construction documents; SMACNA Duct Construction Standards, Metal and Flexible</p>	<p>[C403.2.7, C403.2.8, C404.5] <u>C403.2.9</u>, <u>C403.2.10</u>, <u>C404.4</u>; MC 603.9; ASHRAE 90.1 – 6.3, 6.4.4, 6.8.2, 6.8.3; 7.4.3</p>
<p>IIB6</p>	<p><b>Duct leakage testing:</b> For duct systems designed to operate at static pressures in excess of 3 inches w.g. ([746][747 Pa), representative sections, as determined by the progress inspector, totaling at least 25% of the duct area, per ECC [C403.2.7.1.3] <u>C403.2.9.1.3</u> or ASHRAE 90.1 <u>6.4.4.2.2</u>, shall be tested to verify that actual air leakage is below allowable amounts.</p>	<p>After installation and sealing and prior to closing shafts, ceilings and walls</p>	<p>Approved construction documents; SMACNA HVAC Air Duct Leakage Test Manual</p>	<p>[C403.2.7.1.3] C403.2.9.1.3; ASHRAE 90.1 – 6.4.4.2.2</p>
<p><b>IIC Electrical Power and Lighting Systems</b></p>				
<p>IIC1</p>	<p><b>Electrical energy consumption:</b> The presence and operation of [individual] <u>all required meters for</u> [or other means of monitoring individual apartments] <u>monitoring total electrical energy usage, system energy usage, tenant energy usage, or electrical energy usage in the building, in individual dwelling units, or in tenant spaces</u> shall be verified by visual inspection [for all apartments and where required in a covered tenant space].</p>	<p>Prior to final electrical and construction inspection</p>	<p>Approved construction documents</p>	<p>[C405.7] <u>C405.6</u>; ASHRAE 90.1 – 8.4.3, 8.4.5, 10.4.5</p>

IIC2	<b>Lighting in dwelling units:</b> Lamps in permanently installed lighting fixtures shall be visually inspected to verify compliance with high-efficacy requirements.	Prior to final electrical and construction inspection	Approved construction documents	C405.1; ASHRAE 90.1 – 9.1.1
IIC3	<b>Interior lighting power:</b> Installed lighting shall be verified for compliance with the lighting power allowance by visual inspection of fixtures, lamps, ballasts and transformers.	Prior to final electrical and construction inspection	Approved construction documents	[C405.5] C405.4.2, C405.9.1, C406.3; ASHRAE 90.1 – 9.1, 9.2, 9.5, 9.6; 1RCNY §101-07(c)(3)(v)(C)4
IIC4	<b>Exterior lighting power:</b> Installed lighting shall be verified for compliance with source efficacy and/or the lighting power allowance by visual inspection of fixtures, lamps, ballasts and relevant transformers.	Prior to final electrical and construction inspection	Approved construction documents	C405.6; ASHRAE 90.1 – [9.4.3]9.4.2; 1RCNY §101-07(c)(3)(v)(C)4
IIC5	<b>Lighting controls:</b> Each type of required lighting controls, including: <ul style="list-style-type: none"> <li>• occupant sensors</li> <li>• manual interior lighting controls</li> <li>• light-reduction controls</li> <li>• automatic lighting shut-off</li> <li>• daylight zone controls</li> <li>• sleeping unit controls</li> <li>• exterior lighting controls</li> </ul> shall be verified by visual inspection and tested for functionality and proper operation.	Prior to final electrical and construction inspection	Approved construction documents, including control system narratives	C402.4.2.1, C405.2; ASHRAE 90.1 – 9.4.1, 9.4.3 [(as modified by Section ECC A102)]
[IIC6]	[Exit signs: Installed exit signs shall be visually inspected to verify that the label indicates that they do not exceed maximum permitted wattage.]	[Prior to final electrical and construction inspection]	[Approved construction documents]	[C405.4; ASHRAE 90.1 – 9.4.2]
IIC6 [IIC7]	<b>Electric motors (including but not limited to fan motors):</b> Where required by the construction documents for energy code compliance, motor listing or labels shall be visually inspected to verify that they comply with the respective energy requirements in the construction documents.	Prior to final electrical and construction inspection	Approved construction documents	[C403.2.10] C403.2.12, C405.8; ASHRAE 90.1 – 10.4
<b>IID</b>	<b>Other</b>			
IID1	<b>Maintenance information:</b> Maintenance manuals for mechanical, service hot water and electrical equipment and systems requiring preventive maintenance shall be reviewed for applicability to installed equipment and systems before such manuals are provided to the owner. Labels required for such equipment or systems shall be inspected for accuracy and completeness.	Prior to sign-off or issuance of Final Certificate of Occupancy	Approved construction documents, including electrical drawings where applicable; ASHRAE Guideline 4: Preparation of Operating and Maintenance Documentation for Building Systems	C303.3, C408.2.5.2; ASHRAE 90.1 – 4.2.2.3, 6.7.2.2, 8.7.2, 9.7.2.2

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## HEALTH AND MENTAL HYGIENE

### ■ NOTICE

#### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Health and Mental Hygiene (the Department) is proposing the repeal of Chapter 11 to Title 24 of the Rules of the City of New York (Conservation of Water). This rule orders businesses regulated by the Department to serve water when requested only and to immediately repair leaks. The rules are being repealed because they are not necessary and they discourage the consumption of water, a healthy beverage. This Chapter was identified as one that should be repealed as part of a comprehensive rules review initiative undertaken by the NYC Mayor's Office of Operations.

**When and where is the hearing?** The Department has determined that there is no public purpose to holding a hearing.

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

- **Website.** You can submit comments to the Department through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov).

- **Mail.** You can mail comments to:

New York City Department of Health and Mental Hygiene  
Gotham Center  
42-09 28<sup>th</sup> Street, CN 31  
Long Island City, NY 11101-4132

- **Fax.** You can fax comments to the Department at (347) 396-6087.

**Is there a deadline to submit comments?** Written comments must be received on or before 5:00 P.M. on October 20, 2017.

**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 and all written comments concerning the proposed rule will be available to the public at the Department's Office of General Counsel in Long Island City.

**What authorizes the Department to make this rule?** Sections 556 and 1043 of the City Charter authorize the Department to make this proposed rule. This proposed rule was not included in the Department's regulatory agenda for this Fiscal Year because it was not contemplated when it published the agenda.

**Where can I find the Department's rules?** The Department's rules are in Title 24 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The Department 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**

Chapter 11 of Title 24 of the New York City Rules applies to food service establishments and other businesses that operate, pursuant to licenses and permits issued by the Department. To conserve water, it prohibits these businesses from serving water, unless requested by a customer, and commands that they immediately repair leaks, drips, seepages and other losses of water. The chapter establishes a penalty of \$500 for a violation of its rules and provides that repeated wastes of water can result in the business being closed.

Chapter 11 is not actively enforced by the Department. It does not issue violations to businesses for having leaky sinks, or seek to determine whether water it observes flowing “is in actual and immediate use in the conduct of the permittee’s business...” Nor is Chapter 11 needed. Pursuant to federal and state law, fixtures now used must meet certain flow requirements.<sup>1</sup> Businesses pay for water and, thus, have a financial interest in fixing dripping and linking faucets and toilets. Larger leaks can be addressed by the City’s Department of Environmental Protection, pursuant to Administrative Code Section 24-316. In times of drought, the City has other rules that limit consumption and the Commissioner or Board of Health could through their nuisance authorities direct in such times that leaks and other seepages be immediately repaired and that restaurants stop freely serving water.

Absent such conditions, water should be readily served. The Department encourages New Yorkers to consume tap water as a healthier drinking option.<sup>2</sup> To the extent that Chapter 11 prohibits businesses from offering water unless specifically requested, it is inconsistent with this encouragement. Studies suggest that making healthier beverages, like water, more convenient increases their selection.<sup>3 4 5</sup> Freely providing water may thus lead to it being chosen over less healthy choices.

Working with the City’s rulemaking agencies, the Law Department, and OMB, 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. Chapter 11 was identified as a chapter of rules that should be repealed through this initiative.

The Department’s authority for this repeal is found in Section 1043 of the New York City Charter. Because the Department is not required to provide waivers under the CIAA, there is no reason to have public testimony on whether this rule should be repealed.

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

“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.

Chapter 11 in Title 24 of the Rules of the City of New York, relating to the conservation of water, is hereby repealed.

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

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

**RULE TITLE:** Repeal of Water Use Requirements (Title 24, Chapter 11)

**REFERENCE NUMBER:** DOHMH-80

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

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

1 ECL Section 15-0314 and 10 CRF Part 430.  
2 www1.nyc.gov/site/doh/health/health-topics/sugary-drinks.page.  
3 Thorndike AN, Riis J, Sonnenberg LM, Levy ED. Traffic-light labels and choice architecture: promoting healthy food choices. AJPM 2014; 46(2): 143-9.  
4 Thorndike AN, Sonnenberg L, Riis J, Barraclough S, Levy DE. A 2-phase labeling and choice architecture intervention to improve healthy food and beverage choices. AJPH 2012; 102(3): 527-33.  
5 Eibel B, Mijanovich T, Abrams C, Dunn L, Nonas C, Cappola K, Onufrak S, Park S. A water availability intervention in the New York City public schools: influence on youths’ water and milk behaviors. AJPH 2015; 105(2): 365-72.

- (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 September 7, 2017  
Mayor’s Office of Operations Date

**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 Water Use Requirements (Title 24, Chapter 11)

**REFERENCE NUMBER:** 2017 RG 052

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

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 Date: September 6, 2017  
Acting Corporation Counsel

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**NEW YORK CITY**  
**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**  
**BOARD OF HEALTH**

**Notice of Opportunity to Comment on the**  
**Amendment of Provisions of Article 207**  
**of the New York City Health Code**

**What are we proposing?** The New York City Department of Health and Mental Hygiene (“Department” or “DOHMH”) is proposing that the Board of Health (“Board”) amend Article 207 of the Health Code to establish a schedule for making birth and death records public and transferring them to the Department of Records and Information Services (“DORIS”).

**When and where is the hearing?** The Department will hold a public hearing on the proposed Health Code amendments from 10:00 A.M. to 12: P.M., on October 24, 2017. The hearing will be held at:  
New York City Department of Health and Mental Hygiene  
Gotham Center  
42-09 28th Street, 3rd Floor, Room 3-32  
Long Island City, NY 11101-4132

**How do I comment on the proposed amendments to the Health Code?** Anyone may comment on the proposed amendments by:

- **Website:** You may submit comments to the Department through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email:** You may email comments to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov)
- **Mail:** You may mail comments to:  
New York City Department of Health and Mental Hygiene  
Gotham Center, 42-09 28<sup>th</sup> Street, CN 31  
Long Island City, NY 11101-4132
- **Fax:** You may fax comments to the Department at (347) 396-6087.

**Is there a deadline to submit written comments?** Written comments must be received on or before October 24, 2017, at 5:00 P.M.

**What if I need assistance to participate in the hearing?** You must tell the Office of General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (347) 396-6078 or (347) 396-6116. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 10, 2017. This location is wheelchair-accessible.

**Can I review the comments made on the proposed amendments?** You may review the comments made online at <http://rules.cityofnewyork.us/> on the proposed amendments by going to the website, at <http://rules.cityofnewyork.us/>. All written comments and a summary of the oral comments received by the Department will be made available to the public within a reasonable period of time by the Department's Office of the General Counsel.

**What authorizes the Department to make this amendment?**

Section 558(b), (c), and (g) of the Charter empowers the Board to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 558(c) of the Charter authorizes the Board to include in the Health Code provisions related to maintaining a registry of births and deaths. Section 556(c)(1) of the Charter authorizes the Department to supervise and control the registration of births and deaths. Section 17-170 of the New York City Administrative Code authorizes the Board to determine when birth and death records are transferred to DORIS. Section 1043(a) of the Charter grants rulemaking powers to the Department.

**Where can I find the Department rules and the Health Code?**

The Department's rules and the Health Code are located in Title 24 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The Department must satisfy the requirements of Section 1043 of the Charter when adding or amending rules. This notice is made according to the requirements of Section 1043(b) of the Charter.

The proposed amendment of these provisions were not included in the Department's regulatory agenda for this fiscal year because it was not contemplated when the Department published the agenda.

**Statement of Basis and Purpose**

**Introduction**

Birth and death records are protected from access by the general public because they contain individually identifiable information, which is considered private. A birth certificate contains the first and last name of the person whose birth is being registered, date of birth, sex, home address, and mother's maiden name. In addition to information about the decedent, a death certificate contains the first and last name of parents, surviving spouse, and individual reporting the death. All of this information is individually identifiable information within the meaning of Health Code Section 3.25, which as the notes accompanying that section's adoption state, "will be treated with the utmost confidentiality." Yet, birth and death records are also important historical documents that at some point should be available to historians and families researching their ancestries. For this reason, Administrative Code Section 17-170(b) charges the Board with deciding when the original records of births and deaths filed with the Department, and the indexes to such records, should become public records and transferred to the Department of Records and Information Services ("DORIS").

The proposed rule amendment would, if approved by the Board of Health, amend the Health Code to establish fixed schedules for making these records public and transferring them to DORIS. Specifically, the Department is proposing that:

- a birth record become a public record on January 31st of the year following 125 years after the date of birth, and
- a death record becomes a public record on January 31st of the year following 75 years after the date of death.

The Department believes that these proposed schedules balance the need to protect the personal information of people who may be alive, especially as it relates to the problem of identity theft as well as other privacy issues, with the public's right to access historically important records, including the specific interests of families, genealogists and other researchers. The proposed schedule would also avoid the transfer of records to DORIS that are, in the Department's experience, still subject to amendment by the individual to whom the record pertains, the Office of Chief Medical Examiner, the courts, or family members.

If the Board adopts this proposal to commence amending the Health Code, the Department is very interested in receiving comments about the appropriateness of these time periods, in particular both from privacy groups and genealogists, and about adopting a 50-year confidentiality period for death records rather than the 75-year period proposed here.

**Background and New Requirements**

**Birth and death records**

In New York City, as in most vital records jurisdictions nationwide, the certificate of birth collects a wealth of information, pertaining both to the person registered on the record and their family members. On the birth record, this includes: the registrant's date of birth, location of birth, and sex; the mother's and father's names prior to first marriage, places of birth, and dates of birth; as well as the number of children delivered at the time of birth, and a home address. Death certificates, in

addition to presenting date and cause of death, include date of birth, location of death, names of parents, as well as information on the surviving spouse and the living person known as the informant, including their name, relationship to decedent and mailing address. This type of personal identifying information ("PII") is protected in other contexts under multiple Federal,<sup>1</sup> State,<sup>2</sup> and Local<sup>3</sup> privacy laws.

**Necessary and appropriate use of birth and death certificates and information**

Information included in birth records and actual copies of birth certifications are required by multiple governmental agencies and private entities to receive a benefit or service, or to support the issuance of other documents often used for identity purposes such as obtaining a driver's license. Birth records are considered "foundational documents," meaning they are often the first document obtained that enables the holder to then obtain other important documents. For example, the information contained in a birth certificate can also be used as part of the process to get a U.S. passport or Social Security card and to access public benefits such as Medicaid.

Death records and the PII included in them are used to open or close decedents' bank accounts, notify federal agencies such as the Internal Revenue Service and the Social Security Administration of a death, and to start the probate process in court. They are also needed to access payments such as life insurance and various survivor's benefits in pensions and other programs.

**Fraudulent and inappropriate use of birth and death certificates and information**

The PII found on birth and death certificates has the potential to be used in various fraudulent ways, including identity theft. Identity theft involves appropriating PII and, in the name of that person, incurring debt, taking money from financial accounts, opening new accounts, accessing medical information or services, or receiving a tax refund, among other things.<sup>4</sup> Indeed, birth certificates are often referred to as "breeder documents" because they can be used to obtain other valid forms of identity.<sup>5</sup> Information from death certificates can be used in a similar manner, sometimes referred to as "ghosting."<sup>6</sup>

**Amendment and correction of birth and death records/issuance of new birth certificates**

Birth and death certificates are considered "living" documents in that their content can be changed in certain circumstances. Pursuant to Article 207 of the Health Code, their contents may be amended or corrected, or a new birth certificate issued, to correct errors made in the originals or to reflect changes in circumstances, such as adoption or change in gender. These are common requests from Vital Records customers. During the five-year period from 2012 to 2016, the Department processed 1,030 birth record corrections and amendments for individuals born in 1940 and earlier, including 24 delayed registrations of birth and amendments for individuals aged 90 and above. During the same five year period, the Department also processed 257 death record corrections and amendments for individuals who died in 1970 and earlier. These are legal changes to records requested by living New Yorkers or their survivors. Pursuant to Health Code § 207.01(a), only the Commissioner of Health or his or her designee may make these changes. Similarly, death certificates may be changed by the Office of Chief Medical Examiner when a cause or manner of death is amended, an important function as new facts come to light.

When such changes are made to birth certificates, Administrative Code Section 17-167(c) requires the substitution of the new birth record for the one on file. The Department must place the original birth

1 See, e.g., the Privacy Act of 1974 as amended (5 U.S.C. § 552a); the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191, 110 Stat. 1936 (1996)) Privacy Rule (45 C.F.R. Part 160 and Subparts A and E of Part 164); the Driver's Privacy Protect Act (18 U.S.C. § 2721 et seq.); and the Identity Theft and Assumption Deterrence Act of 1998 (18 U.S.C. § 1028).

2 See, e.g., the Personal Privacy Protection Law (NYS Public Officers Law Article 6A) and 10 NYCRR §§ 35.2 and 35.4 making birth and death records maintained by NYS agencies confidential except in limited circumstances. Also see NYS Public Officers Law §§ 87(2)(b) and 89(2)(b), which protect date of birth information from public release.

3 See, e.g., NYC Charter § 2604(b)(4) prohibiting City employees and officials from disclosing any confidential information obtained as a result of his/her official duties and NYC Administrative Code Title 10, Chapter 5 concerning disclosures of security breaches.

4 See, e.g., NYS Penal Law Article 190; Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, "Identity Theft," accessible online at <https://www.bjs.gov/index.cfm?ty=tp&tid=42>; U.S. Federal Trade Commission Consumer Sentinel Data Book for January – December 2016 ("FTC 2016 Data Book"), accessible online at [https://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-january-december-2016/csn\\_cy-2016\\_data\\_book.pdf](https://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-january-december-2016/csn_cy-2016_data_book.pdf).

5 *Birth Certificate Fraud*, U.S. Department of Health & Human Services, Office of Inspector General (OEI-07-99-00570 September 2000).

6 See, e.g., NYS Department of State, Division of Consumer Protection, "After Death" accessible online at <https://www.dos.ny.gov/consumerprotection/scams/afterdeath.html>.

certificate under seal, which may not be broken except by order of a court of competent jurisdiction, and must provide the new birth certificate when a certified copy of the record is issued. Amending a birth certificate after it has been released into the public domain undermines the Department's ability to fully substitute the amended certificate for the original and effectively seal the prior records, as the law describes. Over time, multiple versions of the same birth records could even be circulating in the public domain, diminishing the reliability of these records and creating confusion around authenticity. For these reasons, as well as similar risks to death certificates, it is important the Department not make these documents publically available while they are likely to still be amended.

Privacy concerns

In addition to the financial and security concerns discussed above, simple privacy concerns argue for maintaining the confidentiality of birth and death certificate PII during a person's lifetime and for an appropriate period after. For example, a teenage mother named on the death certificate of an infant may still be alive 75 years after her infant had died or the birth certificate of a transgender person may reveal information that person may prefer to keep private, especially if the certificate has not been amended.

New Yorkers are living longer

New Yorkers are living longer than ever before. The 2010 US Census shows that almost a half-million New Yorkers are over the age of 75.

Age	Total
75 – 79	178,019
80 – 84	142,272
85 – 89	90,375
90 – 94	37,270
95 – 99	11,665
100+	2,096
<b>Total</b>	<b>461,697</b>

Another half million were between the ages of 65 and 74.<sup>7</sup> Since 2010, the American Community Survey estimates that the total number of New York City residents age 75 and over had increased to more than 492,000, with more than 1.25 million over the age of 65.<sup>8</sup> In 2005, 585 New Yorkers died between the ages of 100 and 114. In 2014, that number rose to 806 deaths between the ages of 100 and 114, a 38% increase, and in 2015 the number rose to 901. Birth and death data should be protected to adequately reflect these trends to guard against identity theft and fraud.

Model State Vital Statistics Act and Regulations (2011 Revision)

The Model State Vital Statistics Act and Regulations ("Model Law")<sup>9</sup> were developed to serve as models for vital records jurisdictions in preparing their own laws and regulations. Now in its sixth revision, the Model Law is a cooperative effort among state governments and the federal National Center for Health Statistics of the Centers for Disease Control and Prevention. In 2011 the Model Law was revised to reflect the increase in life expectancy since the prior revision in 1992. In order to ensure that no person's PII becomes public prior to a person's death, the Model Law now recommends that birth records not be released until 125 years after the date of birth and death records not be released until 75 years after the date of death.

Proposed transfer of records

The Department proposes to adopt the Model Law as it applies to birth and death records: death records that are in the possession of the Department would be transferred to DORIS 75 years after death, and birth records in the possession of the Department would be transferred 125 years after birth. Previously, these documents had been made public and released to DORIS at inconsistent intervals. The earliest death records in the possession of the Department that have not been transferred to DORIS are from 1949 and would be made public beginning in 2024. The earliest birth records in the possession of the Department that have not been transferred to DORIS are from 1910 and would be made public beginning in 2035. The Department's proposal is not intended to effect birth and death records already at DORIS, even if these records would not have been transferred had this proposed Health Code provision been in effect at the time of their transfer.

7 <http://www1.nyc.gov/site/planning/data-maps/nyc-population/census-2010.page>  
 8 <http://www1.nyc.gov/site/planning/data-maps/nyc-population/american-community-survey.page>  
 9 Accessible online at <https://www.cdc.gov/nchs/data/misc/mvsact92b.pdf>.

**Statutory Authority**

Pursuant to Section 556(c) of the Charter and Section 17-166 of the NYC Administrative Code, the Department is responsible for supervising and controlling the registration of births and deaths that occur in the City of New York. Section 558(c) of the Charter requires the Board to include in the Health Code provisions related to maintaining a registry of births and deaths, as well as provisions related to changes or alterations of any birth or death certificate upon proof satisfactory to the Commissioner of Health and the manner in which these certificates may be issued and otherwise examined. Administrative Code Section 17-169 and Health Code Sections 3.25 and 207.11 make birth and death records confidential and restrict access to these records beyond certain classes of specified people. Section 17-170(b) of the Administrative Code authorizes the Board to determine when birth and death records are transferred to DORIS. And finally, Section 558(b) of the Charter specifically authorizes the Board to add to, alter, and amend the Health Code.

**RESOLVED**, that a new Section 207.21 of Article 207 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be adopted, to be printed together with explanatory notes, to read as follows:

**§ 207.21. Birth and death records to be public records; transfer to the department of records and information services**

Notwithstanding any other provision of this Code, a birth record in the Department's possession and control becomes a public record on January 31st of the year following 125 years after the date of birth and a death record in the Department's possession and control becomes a public record on January 31st of the year following 75 years after the date of death. The Department shall transfer to the City's department of records and information services all public birth records, death records, and index books.

*NOTE: This provision was adopted on \_\_\_\_\_, 2017, to establish fixed schedules for making birth and death records accessible to the public. Prior to this adoption, a Board of Health vote was required for every transfer of documents to the City's department of records and information services.*

**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:** Transfer of Vital Records to Municipal Archive (Health Code Article 207)

**REFERENCE NUMBER:** DOHMH-82

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

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

September 1, 2017  
 Date

**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:** Transfer of Vital Records to Municipal Archive (Health Code Article 207)

**REFERENCE NUMBER:** 2017 RG 071

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

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: August 31, 2017

Accessibility questions: Svetlana Burdeynik, (347) 396-6078, resolutioncomments@health.nyc.gov, by: Tuesday, October 10, 2017, 5:00 P.M.



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**Department of Health and Mental Hygiene  
Board of Health**

**Notice of Adoption of Amendment  
to Article 13 of the New York City Health Code**

In compliance with §1043(b) of the New York City Charter (the "Charter") and, pursuant to the authority granted to the Board of Health (the "Board") by § 558 of said Charter, a notice of intention to amend Article 13 of the New York City Health Code (the "Health Code") was published in the City Record on June 22, 2017 and a public hearing was held on July 27, 2017. Three witnesses testified at the hearing and seven written comments were received. No changes were made to the original proposal. At its meeting on September 12, 2017, the Board adopted the following resolution.

**Statement of Basis and Purpose**

Pursuant to New York Public Health Law Section 580(3), the City has the authority to regulate clinical laboratories. The Department's Division of Disease Control enforces Article 13 (Clinical Laboratories) of the Health Code, which regulates how laboratory tests must be performed and the reporting of test results.

To conduct more effective, timely, and complete surveillance and control of hepatitis C, the Board is amending Health Code Article 13 as follows:

***Hepatitis C Testing and Reporting***

The Board is amending Health Code §13.03(b)(3) to require laboratories to routinely perform a confirmatory RNA hepatitis C virus (HCV) test if an antibody test is positive for hepatitis C virus. The confirmatory test must be performed on the same specimen or a second specimen collected at the same time as the initial specimen. This requirement completes diagnostic testing and helps ensure that patients infected with HCV are aware of their status, referred to appropriate medical care and treatment, and cured, thus reducing the risk of further transmission.

Most patients are first screened for HCV via an antibody test, which shows whether the patient has ever been infected with HCV. When a patient tests positive, a confirmatory RNA test is required to establish whether the individual is currently infected with the virus. If the provider does not order the confirmatory test at the same time as the antibody test, the patient must return for an additional blood draw for the RNA test. This multi-step testing process results in treatment delays and in patients not receiving needed care.

In 2016, only 48% of patients newly diagnosed and testing antibody positive who were reported to the Department had a confirmatory RNA test performed on the same specimen; and a review of 2015 data shows that 22% of New York City patients newly reported as HCV antibody positive never received confirmatory RNA testing at all. A 2016 Department survey found that 33% of 21 acute care NYC hospitals do not automatically order confirmatory RNA testing for patients with a positive antibody test.

Routine performance of a confirmatory RNA test follows Centers for Disease Control and Prevention guidelines, and will ensure that patients are accurately diagnosed, promptly treated for HCV, and receive critical related care, such as regular liver cancer screening. (Centers for Disease Control and Prevention. Testing for HCV infection: an update of guidance for clinicians and laboratorians. *MMWR*. 2013; 62(18):362)

The rule is as follows:

Note: Matter in brackets [ ] is to be deleted. Matter underlined is new.

"Shall" and "must" denote mandatory requirements and may be used interchangeably unless otherwise specified or unless the context clearly indicates otherwise.

RESOLVED, that the heading and paragraph (3) of subdivision (b) of Section 13.03 of Article 13 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory note to read as follows:

**§13.03 Report of findings, supplemental testing, and submission of isolates.**

(3)(A) With regard to hepatitis A, B, or C, reports shall also include the results of alanine aminotransferase testing (ALT) if performed on the same specimen that tests positive for any of the reportable viral hepatitis.

[A] (B) With regard to hepatitis B, all hepatitis B surface antigen and hepatitis B surface antibody test results, including positive, negative, and indeterminate, for children ages 0 days to 1, 825 days (birth up to the fifth birthday) must be reported electronically in accordance with subdivision (c) of this Section when patient age is known.

[B] (C) With regard to hepatitis C, all:

(i) All hepatitis C nucleic acid amplification test results, including both positive and negative results, must be reported electronically in accordance with subdivision (c) of this section. Blood bank laboratories and other laboratories that perform hepatitis C nucleic acid amplification tests on donated blood, without a positive hepatitis C antibody test, are exempt from reporting negative hepatitis C nucleic acid amplification test results for such donated blood.

(ii) If an antibody test is positive for hepatitis C virus, the laboratory must perform, or refer the specimen to another laboratory for performance of, a confirmatory RNA test on the same specimen or a second specimen collected at the same time as the initial specimen. The confirmatory RNA test must be initiated, or the specimen forwarded to another laboratory for that purpose, within 72 hours of obtaining the positive antibody test result.

*Note: Section 13.03 was revised by the Board of Health on September 12, 2017, to provide for confirmatory testing following positive antibody testing for hepatitis C.*

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**NEW YORK CITY  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
BOARD OF HEALTH**

**Notice of Adoption of Amendments to Article 3  
of the New York City Health Code**

In compliance with §1043(b) of the New York City Charter and, pursuant to the authority granted to the Board of Health ("Board") by § 558 of said Charter, a notice of intention to amend Article 3 of the New York City Health Code ("Health Code") was published in the City Record on June 22, 2017 and a public hearing was held on July 26, 2017. No comments on the proposal were received. At its meeting on September 12, 2017, the Board adopted the following resolution.

**Statement of Basis and Purpose**

Health Code §3.11 currently limits the monetary penalty that can be imposed for a violation of the Health Code to \$2,000. In egregious cases, where dangerous conduct is repeated or a violation results in serious harm, a more severe penalty is warranted. New York State Public Health Law § 12, for instance, authorizes the New York State Department of Health to impose a penalty of \$5,000 against recidivists who violate rules in cases where the violation poses a serious threat to health or safety. The Public Health Law also authorizes a penalty of \$10,000 if the violation of a rule results in serious physical harm to a patient.

The Board is amending Health Code §3.11 to add two new subdivisions to enhance penalties in similar circumstances. New subdivision (d), similar to Public Health Law § 12, allows a maximum penalty of \$5,000 for a repeat violation of any section of the Health Code that poses a serious risk of harm to others. New subdivision (e) authorizes a penalty of up to \$10,000 in cases where a violation of the Health Code causes serious physical injury to any person, also similar to Public Health Law § 12.

The Board is also amending subdivision (c) of §3.11 to delete a reference to Article 7 of the Health Code, which has been repealed since 2012 and making other technical edits to the section.

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

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

The amended rule changes are as follows:

RESOLVED that Section 3.11 of article 3 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be amended to read as follows:

### §3.11 Civil Enforcement of the Code.

(a) Except as provided in subdivisions (b), [and] (c), (d) and (e) herein, any person who is determined to have violated this Code or any other applicable law or regulation that the Department is authorized to enforce, shall, unless otherwise specified in such other law or regulation, be subject to a fine, penalty and forfeiture of not less than [two-hundred] two hundred and not more than two thousand dollars for each violation of a provision of this Code or any other such applicable law or regulation. Each such violation may be treated as a separate and distinct offense, and in the case of a continuing violation, each day's continuance thereof may be treated as a separate and distinct offense.

(b) Any person who is determined to have conducted, carried on, or in any way engaged in an activity without a permit, license, registration, or other authorization required by this Code shall be subject to a fine, penalty and forfeiture of not less than one thousand and not more than two thousand dollars.

(c) Where a person fails to appear in a proceeding brought [pursuant to Article 7 of] to enforce this Code, the penalties imposed for each sustained violation shall be double the amount that would otherwise be assessed by the hearing examiner, but shall not exceed the maximum penalty specified in subdivision (a), [or] (b) or (d) of this section.

(d) The penalty provided for in subdivision (a) of this section may be increased to an amount not to exceed five thousand dollars for a subsequent violation if the person committed the same violation within twelve months of the initial violation for which a penalty was assessed, pursuant to subdivisions (a) or (c) of this section and the violation was a serious threat to the health of an individual or individuals.

(e) The penalty provided for in subdivision (a) of this section may be increased to an amount not to exceed ten thousand dollars if the violation directly results in serious physical harm to any person.

#### Notes:

*At its meeting on September 12, 2017, the Board of Health amended Health Code §3.11 to add a new subdivision (d) to enhance the penalties for subsequent violations of the Health Code that seriously threaten an individual's health; to add a new subdivision (e) to enhance the penalty for a violation that causes serious physical harm to another person; and to amend subdivision (c) to delete a reference to Article 7 of the Health Code, which was repealed in 2012.*

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## New York City Department of Health and Mental Hygiene Board of Health

### Notice of Adoption of Amendment to Article 47 of the New York City Health Code

In compliance with §1043(b) of the New York City Charter (the "Charter") and, pursuant to the authority granted to the Board of Health (the "Board") by §558 of said Charter, a notice of intention to amend Article 47 of the New York City Health Code (the "Health Code") was published in the City Record on June 22, 2017, and a public hearing was held on July 25, 2017. Five people testified and 11 written comments were received, including comments from the five people who testified. Several changes were made, largely but not entirely in response to the comments received, as discussed below. At its meeting on September 12, 2017, the Board of Health adopted the following resolution.

#### Statement of Basis and Purpose

The Department of Health and Mental Hygiene (the "Department") enforces Article 47 of the Health Code, which regulates certain child care services provided to children under six years of age.

The Board of Health is amending Article 47 of the Health Code as follows to also regulate the provision of child supervision services in family homeless shelters in order to enhance the health, safety, and supervision of children receiving services in such facilities.

#### Adopted Changes

Tier II homeless shelters for families are required by 18 NYCRR 900.10(c)(5) to provide access to child care services to enable the resident parent or caretaker relative of a child to seek employment and/or permanent housing or to attend school or training. For Tier II homeless shelters that choose to provide such child care services on site, the Department will regulate the programs to provide for the health, safety, and supervision of the children receiving the services. Unlike those child care programs currently regulated by the Department, these on-site programs are not designed to provide for the early education or full-time, long-term care of children; accordingly, the amendments limit the amount of time that any child may attend such a program. The amendments also establish health and safety standards for family

shelter-based drop-off child supervision programs similar to those for the child care programs currently regulated by the Department. In response to comments received, the Department has revised the amendments to extend the amount of time that a child may attend such programs, and has added additional responsibilities to the role of the child care liaisons working in such programs. The Department has also added training requirements for child care liaisons.

#### Statutory Authority

The authority for these amendments is found in Sections 556, 558, and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Section 1043 grants the Department rule-making authority. Sections 558(b) and (c) of the Charter empower the Board to amend the Health Code and to include all matters to which the Department's authority extends.

The proposal is as follows:

Note: Matter in brackets [ ] is to be deleted. Matter underlined is new.

"Shall" and "must" denote mandatory requirements and may be used interchangeably unless otherwise specified or unless the context clearly indicates otherwise.

RESOLVED, that Sections 47.01, 47.03, 47.05, 47.07, 47.09, 47.11, 47.19, 47.21, 47.23, 47.25, 47.27, 47.29, 47.31, 47.33, 47.35, 47.37, 47.39, 47.41, 47.45, 47.47, 47.49, 47.51, 47.53, 47.55, 47.57, 47.59, 47.61, 47.63, 47.65, 47.67, 47.69, 47.71, 47.73, 47.75, 47.77, and 47.79 of Article 47 of Title III of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, shall be amended, a new Section 47.18 shall be added, and an explanatory note shall be appended to such Article, so that Article 47 shall read as follows:

### Article 47: Child Care [Services] Programs and Family Shelter-Based Drop-Off Child Supervision Programs

#### § 47.01 Definitions.

(a) *Abuse* shall mean any act or failure to act, performed intentionally, knowingly or recklessly, which causes or is likely to cause harm to a child, including, but not limited to:

(1) inappropriate use of a physical restraint, isolation, medication or other means that harms or is likely to harm a child; and  
(2) an unlawful act, a threat or menacing conduct directed toward a child that results and/or might be expected to result in fear or emotional or mental distress to a child.

(b) *Assistant teacher* shall mean a person who is part of the teaching staff, works under the supervision of an educational director, group teacher or infant/toddler teacher, and whose assignment to a group of children may be considered in calculating compliance with required [staff to child] staff/child ratios.

(c) *Child care [service] program*.

(1) Child care [service] program means any program providing child care for five (5) or more hours per week, for more than 30 days in a 12-month period, to three (3) or more children under six (6) years of age.

(2) Child care [service] program shall not mean:

(A) Any State-regulated informal child care program, a group family or family day care home, or school age child care program, or a foster care program;

(B) A kindergarten or pre-kindergarten class operated as part of or located within any elementary school; except that school programs that provide care to children younger than three years of age shall be deemed child care [services] programs subject to this Code. "Operated as part of an elementary school" shall mean that there is identical ownership, operation, management and control of kindergarten or pre-kindergarten classes and elementary school classes.

(C) "Mommy and me" or equivalent programs where each child is accompanied by a parent or another adult escorting the child, who is not employed by the child care program; or

(D) Children's camps operating seasonally at any time between June and September that are required to have a permit, pursuant to Article 48 of this Code; or

(E) Adult physical fitness, spa or other recreational facilities, or retail establishments, or other businesses providing supervision for children of patrons or employees of the facility, establishment or business while parents are on the premises, unless children are registered or enrolled and individual children are spending more than eight hours/week in care.

(F) Churches or religious organizations where congregants' children are supervised by employees or members of the congregation while parents attend services.

(d) Child supervisor shall mean a person who, under the supervision of a shelter child care liaison, is responsible for the supervision of children at a family shelter-based drop-off child supervision program.

[(d)] (e) Corrective action plan shall mean a written safety assessment required to be prepared, pursuant to § 47.21 of this Article, that shall be submitted to and approved by the Department when a permittee hires, plans to hire, or plans to utilize the services of, certain persons, or in such circumstances as are specified in this Article, or as may otherwise be required by the Department to show

that a particular person at, or the continuing operation of, a child care [service] program shall not pose a danger to children.

[(e)] (f) *Educational director* shall mean a person whose responsibilities shall include, but not be limited to, coordination and development of an age appropriate curriculum and program, teaching and other staff training, and supervision of teachers.

[(f)] (g) *Facility* shall mean interiors and exteriors of buildings, structures and areas of premises under the control of a [child care] permittee where [child care] services are provided and that are subject to the permit.

[(h)] (h) *Family shelter-based drop-off child supervision program* shall mean any program provided by any family shelter operated by, or through contracts with, the Department of Homeless Services, the Human Resources Administration, or a successor agency, under Title 18 of the New York Code of Rules and Regulations, that provides child supervision services to children under six years old housed in the shelter.

[(g)] (i) *Fill and draw pool* shall mean a pool that is not equipped with a recirculation system, but is cleaned by complete removal and disposal of used water and replacement with water at periodic intervals, whose use at any facility regulated by this Article is prohibited.

[(h)] (j) *Group size* shall mean the maximum number of children that may be cared for as a unit. Group size shall be used to determine the minimum staff/child ratio based upon the age of the children in the group.

[(i)] (k) *Group teacher* shall mean a person who, under the supervision of an educational director, is responsible for planning and supervising age appropriate activities for a given group of children.

[(j)] (l) *Health care provider* shall mean a New York State licensed physician, physician's assistant, nurse practitioner or registered nurse, as defined in the State Education Law.

[(k)] (m) *Imminent or public health hazard* shall mean any violation, combination of violations, conditions or combination of conditions occurring in a [child care service] facility making it probable that illness, physical injury or death could occur or the continued operation of the [child care service] program could result in injury or be otherwise detrimental to the health and safety of a child. Any of the following shall be imminent or public health hazards which require the Commissioner or designee to order its immediate correction or to order the [child care service] permittee to cease operations immediately and institute such corrective action as may be required by the Department or provided by this Code. Imminent or public health hazards shall include, but not be limited to:

(1) Failure to maintain constant and competent supervision of children: for the purpose of this Article, supervision is constant and competent if it

(i) complies with the [staff:child] staff/child [supervisory] ratios required by this Article;

(ii) consists of line of sight observation of all children at all times; and

(iii) is provided by qualified and cleared staff;

(2) Use of corporal punishments or of frightening or humiliating methods of behavior management;

(3) Failure to report instances of alleged child abuse or maltreatment to the Department and the Statewide Central Register of Child Abuse and Maltreatment and to take appropriate corrective action to protect children when allegations of such abuse or maltreatment have been reported to or observed by the permittee;

(4) Refusal or failure to provide access to the [child care] facility to an authorized employee or agent of the Department;

(5) Uncontained sewage in any part of the [child care] facility;

(6) Transporting children in the bed of a truck or trailer or in any other part of any motor vehicle that is not designed for passenger occupancy; or transporting children without adequate supervision; or failing to use appropriate child restraints in vehicles;

(7) Failure to provide two approved means of egress or obstructing any means of egress or a required fire exit;

(8) Failure to properly store flammable liquids or other toxic substances;

(9) Failure to maintain firefighting or fire detection equipment in working order;

(10) Allowing pillows to be used for children younger than two years of age who are not disabled or when not recommended by a health care provider.

(11) Contamination of the potable water supply by cross connection or other faults in the water distribution or plumbing systems;

(12) Serving food to children from an unknown or unapproved source; serving food that is adulterated, contaminated or otherwise unfit for human consumption, or re-serving food that was previously served;

(13) Failing to exclude from work at the [child care service] program a person with a communicable disease who is required to be excluded, pursuant to Article 11 of this Code;

(14) Failure to implement the [child care service's] program's written safety plan resulting in a child not being protected from any unreasonable risk to his or her safety;

(15) Conducting construction, demolition, painting, scraping, or any repairs other than emergency repairs while children are present in the [child care service] facility; failing to remove children from areas and rooms while such activities are in progress;

(16) Failure to screen any person who has, or will have the potential for, unsupervised contact with children in accordance with § 47.19 of this Article; or

(17) Any other condition(s), violations, or combination of conditions or violations, deemed to be an imminent health hazard by the Commissioner or his or her designee.

[(l)] (n) *Infant* means a child younger than 12 months of age.

[(m)] (o) *Infant/toddler care [service] program* shall mean a program of child care that, during all or part of the day or night, provides care to children younger than 24 months of age.

[(n)] (p) *Infant-toddler teacher* shall mean a person who, under the supervision of an educational director or group teacher, is responsible for a group of children younger than 24 months.

[(o)] (q) *Night care [service] program* shall mean any child care [service] program, as defined in this section, that accepts children for care starting at 5 P.M., provides child care between the hours of 5 PM and 8 AM, and operates more than one (1) night per week, for more than 30 days in a 12 month period.

[(p)] (r) *Parent* shall mean a natural or adoptive parent, guardian or other person lawfully charged with a minor child's care or custody.

[(q)] (s) *Permittee* [or other person in control of a child care service] shall mean a person, organization or other entity that has been issued a permit to operate a [child care service] program, pursuant to this Article.

[(t) *Program* shall mean any child care program or family shelter-based drop-off child supervision program.

[(r)] (u) *Semester hour* shall mean a credit, point, or other unit granted for the satisfactory completion of a college or university course which requires at least 15 clock hours (of 50 minutes each) of instruction and at least 30 hours of supplementary assignments, as defined in 8 NYCRR § 50.1. This basic measure shall be adjusted proportionately to translate the value of other academic calendars and formats of study in relation to the credits granted for study during the two semesters that comprise an academic year.

[(s)] (v) *Serious injury* shall mean a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

[(w) *Services* shall mean any child care or child supervision provided by a child care program or family shelter-based drop-off child supervision program.

[(x) *Shelter child care liaison* shall mean a person who is employed in a family shelter-based drop-off child supervision program and whose responsibilities shall include but not be limited to: referring families to child care programs, the Early Intervention Program, and Committees on Preschool Special Education; helping families apply for child care services; arranging in-service training of all staff as required by this Article; and keeping a daily log, to be provided to the Department upon request, reflecting the number of families admitted to the shelter, the number of children under the age of six admitted to the shelter, the number of children referred to licensed child care programs, and the number of enrollments of referred children in licensed child care programs.

[(t)] (y) *Spa pool*, "hydrotherapy pool," "whirlpool," "hot spa," or "hot tub," shall mean a pool primarily designed for therapeutic use or relaxation that is generally not drained, cleaned or refilled for individual use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral bath, air induction, bubbles or any combination thereof. Spa pools shall have a maximum water depth of 4 feet at any point and may be equipped with aquatic seats within the perimeter of the pool. Spa pools shall not be used for swimming, wading or diving activities at any facility regulated by this Article.

[(u)] (z) *Staff/child ratio* shall mean the [maximum] minimum number [of children in a group authorized, pursuant to this Article to be supervised by individual group and assistant teachers and teacher aides] of individual group and assistant teachers and teacher aides required to be present to care for a given number of children in a child care program, or the minimum number of child supervisors required to supervise a given number of children in a family shelter-based drop-off child supervision program.

[(v)] (aa) *Supervision* shall mean the presence of qualified teaching or supervisory staff, within line of sight and hearing of children at all times so that such staff can act to protect the health and safety of such children. Supervision shall not mean mechanical audio or video devices.

[(w)] (bb) *Toddler* shall mean a child between 12 and 24 months of age.

[(x)] (cc) *Volunteer* shall mean a person who is an unpaid member of the staff or who otherwise donates any services to a facility regulated by this Article.

#### § 47.03 Permit required.

(a) *Permit required.* No person shall operate a [child care service] program as defined in this Article without a permit issued by



the Commissioner, provided, however, that a pre-kindergarten or kindergarten [program] that is part of or located in and operated by an elementary school may voluntarily apply for and hold a permit as a child care [service] program. Child care service permits issued before the effective date of this Article will be deemed to be child care program permits.

(b) *Term of permit.* The term of a permit shall be determined by the Department, but in no case shall exceed two (2) years.

(c) *Permits not transferable.* A permit shall be issued to a person, as defined in § 1.03 of this Code, to conduct a [child care service] program at a specific facility and location. Permits shall specify the number of children that may be cared for in each type of [child care service] program operated at the facility by the permittee. Permits shall not be transferable or assignable by a permittee to any other person or entity; and shall not be applicable to any other facility or location. Separate permits shall be required for [services] child care programs providing infant/toddler care, [services] those providing care for children aged two through five, and night care [services] programs. Any change in building address or location, capacity or permittee not authorized or approved by the Department shall void a permit, and may result in the closure of the [service] program.

#### § 47.05 Program capacity and limitation on hours per child.

(a) *Maximum number of children on premises.* Each permit shall specify the maximum number of children to be allowed in each specific type of [child care service] program at any time. The Department shall determine the maximum number of children allowed based upon the number of children for which adequate facilities and teachers or child supervisors are provided, in accordance with the supervision and space requirements of this Code. The total number of children [under six (6) years of age] receiving care, pursuant to each permit shall be counted for all purposes, including calculating qualified [staff to child] staff/child ratios, and shall include children or foster children of the individual permittee or other staff or volunteers.

(b) *Capacity not to be exceeded.* A [child care service] program shall not have children in attendance in excess of the number(s) prescribed in [each] its permit [issued for each type of child care service provided].

(c) *Limitation on hours per child.* Family shelter-based drop-off child supervision programs must provide no more than 20 hours of services in any week to any child who has resided in the shelter for more than 90 days.

#### § 47.07 Permit: required approvals and clearances.

No permit shall be issued unless the permit applicant has obtained and submitted to the Department:

(a) *Certificate of Occupancy.* A Certificate of Occupancy, or a statement of approval from the Department of Buildings that the premises comply with all applicable building laws and codes and may be used as a child care or child supervision facility. Where a Certificate of Occupancy is not required by law, the permit applicant shall submit a current inspection report from the Department of Buildings showing that there are no outstanding uncorrected violations of the City's Building Code.

(b) *Fire safety statement.* A statement or report from the Fire Department that the premises have been inspected and currently comply with all applicable laws and regulations pertaining to fire control and prevention. A permit shall not be issued or renewed, unless a statement or report is submitted demonstrating compliance with such laws, based upon the Fire Department's determination on an inspection made within 12 months of the date of submitting the permit renewal application.

(c) *Criminal justice and child abuse screening.* Documentation satisfactory to the Department that the permit applicant has submitted all necessary forms and requests for all persons requiring criminal justice and State Registry of Child Abuse and Maltreatment screening in accordance with § 47.19 of this Code.

#### § 47.09 Applications for permits.

A person or entity that has never held a permit issued by the Commissioner to operate a [child care service] program and that proposes to operate such a [child care service] program subject to such permit, shall attend a pre-permit orientation session held by the Department and shall thereafter submit an application for a permit to the Department.

(a) *New application.* An application for a new permit shall be submitted on forms approved or provided by the Department and shall include, but not be limited to the following:

(1) Facility pre-permit technical plan. Each plan, consisting of blueprints, architectural or engineering drawings, shall be drawn to scale, and labeled to show floor layout, all indoor rooms and outdoor areas to be occupied or used by the [child care service] program, dimensions of such rooms and areas, and intended use of each area; outdoor spaces location in relation to actual distance and location from indoor spaces; and all toilets, sinks and kitchen(s) to be used by children and staff.

(2) A copy of a current certificate of occupancy issued by the Department of Buildings, or if no certificate of occupancy is required by applicable law, a statement from the Department of Buildings that the premises and facility to be used for child care or child supervision comply with all applicable building laws and codes.

(3) A report of an inspection or a statement issued by the Fire Department finding that the premises comply with all laws and regulations pertaining to fire prevention and control in a [child care service] program.

(4) Written safety plan required by this Code.

(5) Proof that teachers' or child supervisors' credentials required by this Code have been submitted for review to and have been verified by an agent designated by the Department; and that the permit applicant has documentation of all required [teachers' and volunteers'] health examinations and immunizations.

(6) Permit fee set forth in Article 5 of this Code.

(7) Proof of workers' compensation and disability benefits insurance covering all employees.

(8) Proof of the [service's] program's ability to receive electronic communications. An email address shall be provided for the educational director or the shelter child care liaison and for one or more other persons designated by the permittee or other person in control of a [child care service] program as persons to receive electronic communications from the Department. The Department shall be notified of changes in email addresses for the educational director, the shelter child care liaison, or other designees when such changes become effective.

(9) Names, including aliases, and other identifying and contact information for all individual owners, managers, or other persons with a controlling interest in the [child care service] program, officers, directors and board members of a permittee corporation, members of an LLC, partners, educational directors, shelter child care liaisons, executive and administrative director, if any. Identifying information must include the New York State Identification or NYSID number assigned to these individuals when they were fingerprinted by the New York State Division of Criminal Justice Services, in accordance with [24 RCNY] §47.19 of this Code.

(b) *Notifications of deaths, serious injuries and civil and criminal actions.* Permittees and applicants for new permits shall submit, on forms provided by the Department, such information as may be required by the Department concerning all staff misdemeanor or felony arrests, deaths or serious injuries of children that have occurred, or are alleged to have occurred while such children were in the care of the applicant or permittee, or in the care of any owner, director, employee, or volunteer of the applicant or permittee, or while in the care of any agent of the permittee or applicant; and shall identify, in such detail as may be required by the Department, any related civil or criminal action already adjudicated or currently pending in any jurisdiction related to such serious injuries, deaths, or felony or misdemeanor arrests.

(c) *Renewal application.* An application for renewal of a permit shall be submitted on forms provided by the Department no later than 90 days before the expiration date of the current permit, and shall include the permit fee, and a full description of any changes in teaching staff, written safety plan, written health plan, email communication information, physical facilities, required staff training or program which occurred after submission of the previous permit application.

(d) *Pre-renewal inspection.* A renewal permit shall not be issued unless the Department has conducted an inspection of the [service] program while it is in operation and has found the [service] program to be in substantial compliance with this Code and other applicable law.

(e) *Renovations and modifications.* A permittee shall submit for approval to the Department a request for modification of an existing permit prior to undertaking renovations affecting the size, configuration, or location of rooms or areas used by children.

(f) *Applications to be complete.* No permit shall be issued until the Department has received and has approved all documentation, records, reports, or other information required by this Code. The Commissioner may reject any incomplete application for a new or renewal permit and order an existing [child care service] program closed and its permit suspended if the permit application contains misleading information, or information is omitted.

#### § 47.11 Written safety plan.

(a) *Safety plan required.* Every current permittee and every applicant for a new permit shall develop, review annually and update, in accordance with changed circumstances, conditions or activities, or as required by the Department, a written safety plan. The written safety plan shall be approved by the Department if it includes all the information required in this Article. Upon permit renewal, if no changed circumstances require changes to a previously approved written safety plan, the permittee shall state in writing that no changes were needed or made to the plan. The safety plan shall be implemented by the permittee, provided to parents on request, kept in an accessible location at the [child care service] facility. The [child care service] program must provide all staff and volunteers with copies of the safety plan and training in implementing the policies and procedures of the plan. This training shall include, but not be limited to, training and drills in medical and other critical and emergency response procedures, including evacuation of the premises. Documentation showing that staff have received copies of the plan and training and drills in implementing its provisions must be maintained by the permittee and made available for inspection by the Department while staff remain employed at the [child care service] program.

(b) *Scope and content.* The written safety plan shall establish policies and procedures for safe operation, including teaching and other staff duties, facility operation and maintenance, fire safety, general and activity-specific safety, emergency management, staff and child health and medical requirements, staff training and parent/child orientation. The written safety plan shall consist of, at a minimum, a table of contents and the following components:

(1) *Staff:* organization chart, job descriptions, responsibilities and supervisory responsibilities.

(2) *Program operation and maintenance:* including, but not limited to, schedules and designated staff for facility inspection, cleaning and maintenance, schedule for boiler/furnace and HVAC system maintenance, maintenance of adequate water pressure, protection of the potable water supply from submerged inlets and cross-connections in the plumbing system, schedule for the annual lead paint survey, inspection of window guards, indoor and outdoor equipment inspection and replacement schedule, evaluation of injury prevention procedures, equipment and structures, identification of procedures for transportation vehicle maintenance, food protection procedures during receipt, storage and preparation, identity of individuals certified in food protection, schedule for sanitization procedures of food prep areas and identification of approved food sources.

(3) *Fire safety:* evacuation of buildings and property, assembly, supervision, and accounting for children and staff; fire prevention; coordination with local fire officials; fire alarm and detection systems and their operation, maintenance, and routine testing; type, location and maintenance of fire extinguishers; inspection and maintenance of exits; required fire drills and log; electrical safety; and reporting to the Department within 24 hours fires which destroy or damage any facilities, or which result in notification of the fire department, or are life or health threatening.

(4) *Health care plan:* statement of policies and procedures to show how the health and medical requirements of this Code shall be implemented for maintaining children's medical histories; addressing individual children's restrictions on activities, policies for medication administration and special needs, if any; initial health screening for children and staff; daily health surveillance of children; procedures for providing basic first aid, handling and reporting medical emergencies and outbreaks; procedures for response to allegations of child abuse; identification of and provisions for medical, nursing and emergency medical services addressing special individual needs; names, qualifications and duties of staff certified in first aid and CPR; description of separation facilities, supervision and other procedures for ill children to be provided by the [child care service] program until a parent arrives; storage of medications; location and use of first aid and CPR supplies; maintenance of a medical log; description of universal precautions for blood borne pathogens; reporting of child and staff illness and injuries; and sanitary practices. When the permittee has a medication administration policy, the permittee shall immediately notify the Department of any changes in designated exempt or certified staff.

(5) *Corrective action plans:* actions to be taken to protect children on receipt of reports of alleged and confirmed teaching and other staff criminal justice or child abuse histories.

(6) *General and activity specific safety and security:* procedures for establishing and maintaining accountability for children and child supervision during all on and off-site activities; maintaining records of staff schedules and assignments, addressing at a minimum:

- (A) Observing and recording children's daily attendance and the times children enter and leave the [child care service] program, in accordance with § 47.65 of the Code;
- (B) Recreational and trip supervision and staffing for specific outdoor and off-site activities in accordance with § 47.57 of the Code;
- (C) Sleep and rest period supervision;
- (D) Bathroom use supervision;
- (E) Transportation supervision in accordance with § 47.65 of the Code;

(F) Procedures for and staff assigned to (i) securing the facility from unauthorized entry and preventing children from leaving the facility unless they are escorted by authorized adults; (ii) observing and monitoring all entrances and exits at all times children are on premises; and (iii) periodic observation and monitoring of stairs, hallways, bathrooms and unoccupied spaces during [child care service] program operation.

(7) *Infant sleep safety:* practices and policies that establish a safe sleeping environment, promote an infant's comfort and well-being and reduce the risk of suffocation or death occurring while infants are in cribs or asleep. Such practices and policies must be based on current recommendations of the American Academy of Pediatrics, American Public Health Association, and the National Resource Center for Health and Safety in Child Care and Early Education, *Caring for our children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs*, 3rd edition, 2011, or successor recommendations. The plan must include procedures for actively observing and evaluating infants for overheating, breathing status, and other signs of physical or medical distress that may require intervention, at intervals not to exceed 15 minutes. Documentation must be maintained, on forms provided or approved by the Department, of staff infant observations. The infant/toddler

education director or the family shelter must maintain the forms for two weeks. Forms with entries indicating problems observed in an individual infant shall be kept in the child's medical record while the child remains enrolled in the [child care service] program. Observation forms shall be made available for inspection by the Department. The use of infant movement monitors or infant apnea monitors does not relieve the [child care service] program [from conducting and noting] of the responsibility to conduct and note required observations.

(8) *Staff training:* new employee orientation; training curricula, including how staff will be trained in the provisions of the written safety plan and be made aware of its contents of and any changes to the safety plan; procedures for child supervision, infant sleep safety; behavior management; child abuse recognition and reporting; provision of first aid and emergency medical assistance; reporting of child injury and illness; managing and reporting incidents where children are lost to supervision; fire safety and fire drills; child and staff evacuation procedures; activity specific training for assigned activities; and process to document attendance at staff training.

(9) *Emergency evacuation:* age-specific plans for removal of children from the premises for each shift and program where care is provided. Primary emphasis shall be placed on the immediate evacuation of children in premises which are not fireproof. Emergency evacuation procedures, implementing Fire Department recommendations, shall be posted in conspicuous places throughout the facility. The emergency evacuation plan shall include the following:

- (A) How children and staff will be made aware of the emergency;
- (B) Primary and secondary routes of egress;
- (C) Methods of evacuation, including where children and staff will meet after evacuating the building, and how attendance will be taken;
- (D) Roles of the staff and chain of command;
- (E) Notification of authorities and the children's parents.

(10) *Parent/child orientation:* orientation curriculum outline; tour of premises; reporting and management of illnesses, injuries and other incidents; evacuation plan; lost child plan; lightning plan; fire safety and fire drills; evacuation procedures; activity specific training for assigned activities; trips (if provided).

#### **§ 47.13 Teaching staff qualifications in child care services for children ages two to six.**

(a) *Accreditation.* In determining teacher and educational director qualifications, the Department may accept documentation from schools, colleges and universities approved by the State Education Department or other teacher accreditation organizations acceptable to the Department certifying that such persons have met the specific Code requirements. All teacher documentation must be submitted for review to an agency designated by the Department.

(b) *Pending certifications.* A permittee may temporarily employ an educational director or individual group teachers pending certification by the State Education Department or other accreditation organization or while a teacher's study plan for obtaining certification is pending approval by the Department, provided that the permittee has complied with criminal justice and State Registry of Child Abuse and Maltreatment screening requirements for staff set forth in this Article.

(c) *Educational director.* Every child care service shall designate a qualified teacher as the educational director who shall be in charge of staff training, educational and child development programs and shall supervise all teaching staff at each permitted child care service.

(1) *Coverage for educational director.* When an educational director is not present to supervise a child care service, the permittee shall designate a certified group teacher to act as educational director. In addition, the permittee must notify the Department in writing within five business days of the termination or resignation of the educational director. When the educational director will be on anticipated leave for more than five business days, the permittee must notify teaching staff in writing that a certified teacher has been designated as educational director and make this written communication available to the Department for inspection upon request.

(2) *Teaching duties.* The educational director shall have no teaching duties when more than 40 children are enrolled in the child care service. If the child care service holding a permit is part of an elementary school offering classes from grades one through six, and has either child care programs for children under three years of age or has voluntarily applied for a permit, pursuant to this Article, and such school also has a principal with no teaching duties, the educational director shall not have any teaching duties when more than 60 children are enrolled in the child care service.

(3) *Qualifications.* The education director shall have:

(A) A baccalaureate degree in early childhood education or related field of study and State Education Department teacher certification in early childhood education or equivalent certification, pursuant to paragraph (2) of subdivision (d) of this section, and

(B) At least two years of experience as a group teacher in a program for children under six years of age.

(d) *Group teacher.* No person shall be placed in charge of a group of children in a child care service unless s/he is certified or qualified, pursuant to paragraph (1), (2), (3) or (4) of this subdivision.

(1) *Baccalaureate degree and State certification.* A baccalaureate degree in early childhood education or related field of study and current valid certification issued by the State Education Department, pursuant to 8 NYCRR § 80 or successor rule or equivalent certification from another jurisdiction, as a teacher in the field of early childhood education; or

(2) *Equivalent certification.* Certification from a public or private certifying or teacher accrediting organization or agency granted reciprocity by the New York State Department of Education; or

(3) *Baccalaureate degree.* A baccalaureate degree in early childhood education or related field and five years of supervised experience in a pre-school program if currently employed in a permitted child care service; or

(4) *Study plan eligibility.* The person has proposed a plan for meeting the requirements of paragraph (1), (2) or (3) of this subdivision within seven years, and has obtained approval of this plan by an accredited college. A person who is study plan eligible shall submit documentation to the Department indicating proof of enrollment in such college and specifying the time required for completion of training.

(A) The course of study may include the following study areas:

- (i) Sociological, Historical, Philosophical Foundations of Education or
- (ii) Sociology of Education or History of Education or Philosophy of Education
- (iii) Child Development or Child Psychology
- (iv) Educational Developmental Psychology or Psychological Foundations of Education
- (v) Instructional Materials and Methods Courses - three courses required, including one on the pre-kindergarten or kindergarten level including, but not limited to, such courses as:
  - (aa) Teaching of Reading, Teaching of Math, Teaching Science to Young Children
  - (bb) Teaching of Music, Teaching of Art, Methods of Teaching of Language Arts
  - (cc) Teaching of Computer Technology to Young Children
- (vi) Parent Education and Community Relations or Urban Education or Sociology of the Family or Parent, Child, School.

(B) To be study plan eligible, a person shall have:

- (i) Associate's (AA or AS) degree in early childhood education, practicum included; or
- (ii) Ninety or more undergraduate college credits and one year classroom experience teaching children in pre-kindergarten, kindergarten or grades 1-2; or
- (iii) Baccalaureate in any other academic subject and one year classroom experience teaching children up to third grade.

(e) *Group teacher for children with special needs.* A group teacher for children with special needs shall be certified in special education, or early childhood education, with additional appropriate training in working with special needs children, in accordance with applicable law.

(f) *Assistant teacher.* An assistant teacher shall be at least 18 years of age and have a high school diploma or equivalent (GED).

#### § 47.15 Teaching staff qualifications for infant-toddler child care services.

A child care service authorized to provide care for children under 24 months of age may employ staff with either the qualifications listed in 24 RCNY § 47.13 for each title or the following alternative qualifications; all documents and credentials must be submitted for review to an agency designated by the Department:

(a) *Educational director.* Every infant-toddler child care service shall have an educational director who shall be in charge of staff training, educational and child development programs and shall supervise all teaching staff at each permitted infant-toddler child care service. The permittee must notify the Department in writing within five business days of the termination or resignation of an educational director.

(1) Qualifications:

(A) Baccalaureate degree in early childhood education or related field of study, and

(B) At least one year of experience as a group teacher or child care provider in a child care service for children under 24 months of age, or six college credits in infant-toddler coursework, or a study plan leading to six college credits in infant-toddler coursework

(b) *Infant/Toddler teacher.* A teacher for an infant-toddler program shall be at least 21 years of age and have the following qualifications:

(1) Associate's (AA or AS) degree in early childhood education; or

(2) Child Development Associate (CDA) certification and a study plan leading to an associate's degree in early childhood education within 7 years; or

(3) High school diploma or equivalent (GED); nine college credits in early childhood education or child development; two years experience caring for children, and a study plan leading to an associate's degree in early childhood education within seven years; or

(4) High school diploma or equivalent (GED) and five years of supervised experience in an infant-toddler classroom if currently employed in a permitted child care service; or

(5) High school diploma or equivalent (GED); and a study plan that is acceptable to the Department leading to nine credits in early childhood education or childhood development within two years; and a

study plan leading to an associate's degree in early childhood education within seven years, if currently employed in a permitted child care service.

#### § 47.17 Teaching staff qualifications for night child care services.

(a) Permittees offering night care services shall comply with all requirements of this Article except when such requirements are inconsistent with the provisions of this section, in which case the provisions of this section shall control. All documents and certifications required by this section must be submitted for review to an agency designated by the Department.

(b) *Educational director.* The educational director shall be qualified in accordance with 24 RCNY § 47.13; or hold a baccalaureate degree, including 12 college credits in early childhood education, and have two years experience in a licensed program with children younger than six years of age. When the educational director is not present to supervise the teachers in a night care service, the permittee shall designate a group teacher qualified, pursuant to 24 RCNY § 47.13(d) to act as educational director. The permittee must notify the Department in writing within five business days of the termination or resignation of an educational director.

(c) *Assistant teacher.* An assistant teacher in a night care service shall be at least 18 years of age and have the following qualifications:

(1) High school diploma or equivalent (GED); nine college credits in early childhood education or child development; and two years experience caring for children; or

(2) High school diploma or equivalent (GED) and five years of supervised experience in a permitted child care service; or

(3) High school diploma or equivalent (GED); and a study plan that is acceptable to the Department leading to completion of nine credits in early childhood education or childhood development within two years.

#### § 47.18 Shelter child care liaison and child supervisor requirements and qualifications.

(a) Every family shelter-based drop-off child supervision program must designate at least one qualified individual as a shelter day care liaison for every 30 children enrolled in the program. If a site has more than one liaison, one must be designated head liaison.

- (1) Coverage for shelter child care liaison. When a shelter child care liaison is not present to supervise a drop-off child care program, the permittee shall designate an interim liaison to act as the liaison. In addition, the permittee must notify the Department in writing within five business days of the termination or resignation of a required shelter child care liaison. When a shelter child care liaison will be on anticipated leave for more than five business days, the permittee must notify families and program staff in writing of the name of the designated interim liaison. This written communication must be made available to the Department for inspection upon request.
- (2) Qualifications. Each shelter child care liaison must have a baccalaureate degree from an accredited college or university in the social sciences, applied health sciences, human service, or a related degree approved by the Department.
- (3) Accreditation. In determining shelter child care liaison qualifications, the Department may accept documentation from schools, colleges and universities approved by the State Education Department or other accreditation organization acceptable to the Department certifying that the liaison has met the specific Code requirements. All liaison documentation must be submitted to the Department for review.

(b) A child supervisor in a family shelter-based drop-off child supervision program must have at a minimum an associate's degree in the social sciences, applied health sciences, or human services, or a related degree that is approved by the Department, or a Child Development Associate (CDA) certification.

#### § 47.19 Criminal justice and child abuse screening of current and prospective personnel; reports to the Department.

(a) *Applicability.* These requirements for child abuse and criminal justice screening shall apply to any person who has, will have, or has the potential for unsupervised contact with children in a [child care service] program, and shall include, but not be limited to: individual owners, permittees, partners, members and shareholders of corporations, limited liability companies or other entities who are the owners or operators of the [service] program; educational, child supervision, administrative and maintenance employees; employees who are school bus drivers or who are assigned to accompany children during transportation to and from the [child care service] program; volunteers, including parent volunteers and student teachers, trainees or observers; and consultants and other persons employed by persons, corporations, partnerships, associations or other entities providing services to the [child care service] program. Employees of independent contractors providing maintenance, construction, transportation, food or [other services] any other goods or services to a [child care service] program shall be screened in accordance with this section, or shall be prohibited from working in any area, vehicle or facility owned, occupied or used by the [child care service] program unless such

person is working under the direct supervision and within the line of sight of a screened employee of the [child care service] program. These requirements shall not apply to persons authorized by parents to escort or transport children to and from [child care services] programs where the parents have privately arranged for such escort or transportation.

(b) *Pre-employment verification.* A permittee shall obtain and verify credentials, including certificates and educational transcripts, as applicable, and references prior to employment of all persons listed in subdivision (a) of this section.

(c) *Screening.* A permittee shall arrange for (1) fingerprinting, (2) review of records of criminal convictions and pending criminal actions, and (3) inquiry of the Statewide Central Register of Child Abuse and Maltreatment (hereinafter "SCR") for all prospective employees, and other persons listed in subdivision (a), and for current employees shall repeat the inquiry to the SCR every two years.

(d) *Individual consent.* A permittee shall obtain written consent from each such person for fingerprinting and criminal record review, and shall provide written notice to such persons that there will be an inquiry submitted to the SCR, pursuant to Social Services Law §424-a (1), or successor law, and that copies of the reports received by the permittee as a result of such review and screening shall be provided to the Department.

(e) *Refusal to consent.* A permittee shall not hire or retain as an employee, or otherwise allow on its premises any person who is required to have, but refuses to consent to, fingerprinting and criminal record review. The permittee shall not hire or retain any person who has a record of criminal convictions or arrests, subject to and consistent with Article 23-A of the New York State Correction Law, except as provided in subdivision (h) of this section.

(f) *Employee to notify permittee.* Employees required to have criminal justice and child abuse screening shall notify the permittee within 24 hours when such employees are arrested, or when such employees receive a notice that an allegation of child abuse or maltreatment has been filed concerning such employees.

(g) *Reports to the Department.* Permittees shall notify the Department within 24 hours when they have received an indicated report from the SCR; an employee report that an allegation has been filed against the employee; and a record or report of criminal conviction(s), pending criminal action, or arrest or criminal charge for any misdemeanor or felony for any person required to have a criminal record review or SCR screening. Permittees must also notify the Department within 24 hours whenever a child attending a [child care service] program has been seriously injured, has died, or a child in their care or supervision has been unaccounted for, left behind at any location outside the child's assigned classroom or where supervision has not been maintained in the manner required by this Code for any period of time while in the care of the permittee.

(h) *Actions required.* Consistent with Article 23-A of the New York State Correction Law, and except where the permittee has submitted and obtained Department approval of a corrective action plan in accordance with §47.21 of this Code:

(1) A permittee shall not hire, retain, utilize or contract for the services of a person who:

(A) Has been convicted of a felony at any time, or who has been convicted of a misdemeanor within the preceding ten years; or

(B) Has been arrested and charged with any felony or misdemeanor, and where there has been no disposition of the criminal matter; or

(C) Is the subject of an indicated child abuse and maltreatment report, in accordance with a determination made after a fair hearing, pursuant to §422(8) of the Social Services Law.

(2) A permittee shall not dismiss or permanently deny employment to current and prospective staff solely because they are defendants in pending criminal actions, but may suspend current employees or defer employment decisions on prospective employees until disposition of the pending criminal action.

(3) A permittee shall prohibit unsupervised contact with children by any person who has not received screening clearance for criminal convictions or by the SCR, or as specified in paragraph (1) of this subdivision.

(i) *References.* For all prospective staff, the permittee shall make a written inquiry to an applicant's three most recent employers and shall obtain three references prior to hiring. If prospective staff have not had three prior employers, references may be accepted from persons who are not family members and who state, in writing, that the applicant is well-known to them as a student, volunteer, or other stated capacity, and that the applicant is suited by character, fitness, and ability to work with children.

(j) *Services for certain children.* Permittees must allow access to children receiving assessments and services of professional consultants retained by Early Intervention program providers or New York City Department of Education committees on preschool special education, or successor programs, without requiring proof of consultants' fingerprinting, SCR clearances or references.

#### § 47.21 Corrective action plan.

(a) *Approved corrective action plan required.* A corrective action plan shall be submitted by the permittee to the Department within five business days for review and approval by the Department:

(1) Prior to the permittee hiring, retaining or utilizing the services of persons listed in [24 RCNY § 47.19(a)] subdivision (a) of §47.19 of this Code when such persons are reported as having:

(A) A criminal conviction as specified in [24 RCNY] §47.19(h); or

(B) Pending criminal charges as specified in [24 RCNY] §47.19(h); or

(C) SCR reported incidents of child abuse or maltreatment which have been indicated or which are under investigation.

(2) When a death or serious injury of a child or an incident involving a lost child has occurred while [in] under the care or supervision of an applicant for a permit or a permittee, or [in the care] of any owner, director, employee, or volunteer of the applicant or permittee or [while in the care] of any agent of the permittee, or if a related criminal or civil action has been already adjudicated or adjudication is pending in any jurisdiction with respect to such death or serious injury or incident involving a lost child.

(3) When required by the Department, after the permittee has been cited for violations or conditions deemed imminent health hazards, or when the Department determines that the permittee has been operating with serious uncorrected violations over a period of time, to demonstrate the permittee's willingness and ability to continue in operation in accordance with applicable law.

(b) *Contents of corrective action plan.* A corrective action plan shall assess the risk to children in the [child care service] program, and shall clearly and convincingly demonstrate that such person presents no danger to any child, or other persons. The plan shall include, but not be limited to, consideration of the following factors:

(1) Seriousness of the incident(s) or crimes cited in the report(s);

(2) Seriousness and extent of injuries, if any, sustained by the child(ren) named or referred to in the indicated report(s) or disclosed upon investigation of the criminal charge;

(3) Any detrimental or harmful effect on child(ren) as a result of the person's actions or inactions and relevant events and circumstances surrounding these actions and inactions as these relate to any report(s);

(4) The age of the person and child at the time of the incident(s);

(5) Time elapsed since the most recent incident(s);

(6) Number of indicated incident(s) or crimes; where more than one incident or crime, an evaluation of each separately, and an assessment of the total effect of all indicated incidents on risks to children currently under care or supervision;

(7) Duties of the person under consideration; degree of supervision, interaction, opportunity to be with children on regular, substantial basis and if position may involve being alone with children or will always involve presence of other adults;

(8) Information provided by person, re: rehabilitation, i.e., showing positive, successful efforts to correct the problems resulting in the indicated child abuse or criminal report so that children in care will not be in danger, demonstrated by no repeated incidents or showing that the person has undergone successful professional treatment;

(9) Employment or practice in a child care field without incident involving injuries to children;

(10) Extra weight and scrutiny shall be accorded child abuse and maltreatment reports involving fatality, sexual abuse, subdural hematoma, internal injuries, extensive lacerations, bruises, welts, burns, scalding, malnutrition or failure to thrive; and crimes involving homicides, sexual offenses (misconduct, rape, sodomy, abuse); kidnapping; felony possession or sale of a controlled substance; felony promotion of prostitution; obscenity offenses; disseminating indecent material involving, or to, minors; incest; abandonment of a child; endangering welfare of a child; promoting sexual performance by a child; felony weapon possession; assault; reckless endangerment; coercion; burglary; arson and robbery; driving while intoxicated or under the influence of alcohol if the person will have responsibilities for unsupervised contact or driving motor vehicles at the [child care service] program.

(c) *Contents of corrective action plan for imminent health hazards or serious repeat violations.* When the Department requires a corrective action plan to show that imminent health hazards or patterns of serious repeat violations are being corrected, the permittee must:

(1) Address each hazard, condition or violation;

(2) Identify their causes; and

(3) Provide a plan satisfactory to the Department showing that the causes have been addressed, and that the conditions or violations have been corrected and will not recur.

(d) *Implementing the plan.* If the Department determines that such plan adequately safeguards the health and safety of children, the permittee shall be responsible for implementation of the plan, subject to periodic monitoring by the Department.

(e) *Rejection of plan.* If the Department determines that such plan fails to provide adequate safeguards, a permittee that intends to hire or retain the employee shall resubmit the plan until it is acceptable to Department and shall not allow such employee to have unsupervised contact with any children until the plan is approved by the Department.

(f) *Remedies.* Any person aggrieved by the action of the Department in enforcing this section may request that the Department provide him or her with an opportunity to be heard in accordance with §7-02 (a)

(1) of the Rules of the Department (24 RCNY Chapter 7). The decision

of the Department after such opportunity to be heard shall be a final agency determination.

**§ 47.23 Supervision; [staff to child] staff/child ratios and group size.**

(a) *Constant supervision required.* Staff included in the staff/child ratios set forth below shall maintain direct line of sight, visual supervision of children at all times. Children shall be supervised by qualified staff at all times in each type of [child care service] program for which a permit is issued. In the event of breaks, lunch periods, and short term absence, no more than three (3) days, the required [staff to child] staff/child ratio in a child care program may be maintained with assistant teaching staff.

(1) When any [child care service] program is in operation, the number of qualified staff required by this Code shall be assigned and on duty to protect the health and safety of the children in care or supervision.

(2) No child or group of children shall be unsupervised at any time.

(b) *Group teacher.* Except in night care, a group teacher in a child care program shall be in charge of each group of children ages two to six years.

(c) *Infant/toddler [service] program supervision.* An educational director or a group teacher with equivalent qualifications shall be present at all times of a child care program's operation to supervise an infant/toddler [service] program.

(d) *Infant/Toddler teacher.* An infant/toddler teacher in a child care program, under the supervision of the educational director, may be in charge of individual groups of infants and toddlers, or children in night care.

(e) *CPR and first aid certifications.* At least one staff member certified in cardiopulmonary resuscitation and first aid shall be on the premises of a [child care service] program during all hours when children are present.

(f) *Minimum [staff to children] staff/child ratios.*

(1) The minimum ratios of staff to children in a child care program shall be as follows:

AGE OF CHILDREN	MINIMUM STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
under 12 months	1:4 or 1:3	8 per room/area
12 to 24 months	1:5	10
2 years to under 3	1:6	12
3 years to under 4	1:10	15
4 years to under 5	1:12	20
5 years to under 6	1:15	25

(2) The minimum ratios of staff to children in a family shelter-based drop-off child supervision program shall be as follows:

AGE OF CHILDREN	MINIMUM STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
<u>under 3 years</u>	<u>1:4 or 1:3</u>	<u>10 per room/area</u>
<u>3 years to under 6</u>	<u>1:8</u>	<u>16</u>

[(1)] (3) When children 12 months of age and older are in a group of mixed but contiguous ages, the minimum staff/child [ratios] ratio and group size shall be based on the predominant age of the children in the group.

[(2)] (4) Programs that maintain a staff/child ratio [of teachers to children] of 1:4 for children under 12 months of age shall demonstrate through their Written Safety Plan that they have sufficient staff in the program at all times to provide a [staff to child] staff/child ratio of 1:3 for the safe evacuation of children younger than 12 months of age during emergency situations.\

(g) *Mixed groups.* Infants shall not be placed in older age groups.

(h) *Night care [services] program supervision.*

(1) Staff included in the staff/child ratios set forth above shall be awake at all times, and shall maintain direct line of sight, visual supervision of children.

(2) An educational director or a staff teacher with equivalent qualifications, or a child supervisor, shall be present at all times to supervise the night care [service] program and may not have a specific classroom assignment if more than 40 children are receiving night care or nighttime supervision.

(3) If a family-shelter based child drop-off program requires more than one child supervisor to be present at any time to attain the required child/staff ratio, the permittee must designate one child supervisor to be the lead child supervisor,

responsible for directing the supervision of children during that time period.

**§ 47.25 Health; children's examinations and immunizations.**

(a) *Required examinations, screening and immunizations.*

(1) *Physical examinations and screening.* Prior to admission, all children shall receive a complete age appropriate medical examination, including but not limited to a history, physical examination, developmental assessment, nutritional evaluation, lead poisoning screening, and, if indicated, screening tests for dental health, tuberculosis, vision, and anemia.

(2) *Immunizations.*

(A) All children shall be immunized against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, varicella, hepatitis B, pneumococcal disease and haemophilus influenzae type b (Hib), in accordance with New York Public Health Law § 2164, or successor law. Exemption from specific immunizations may be permitted if the immunization may be detrimental to the child's health or on religious grounds, in accordance with Public Health Law § 2164.

(B) (i) Children aged from 6 months to 59 months shall be immunized each year before December 31 against influenza with a vaccine approved by the U.S Food and Drug Administration as likely to prevent infection for the influenza season that begins following July 1 that calendar year, unless the vaccine may be detrimental to the child's health, as certified by a physician licensed to practice medicine in this state, or the parent, parents, or guardian of a child hold genuine and sincere religious beliefs which are contrary to the practices herein required. The permittee may require additional information supporting either exemption.

(ii) The permittee may refuse to allow any child to attend a [child care service] program without acceptable evidence of the child meeting the requirements of clause (i) of this subparagraph. A parent, guardian, or other person in parental relationship to a child denied attendance by a permittee may appeal by petition to the commissioner. A child who first enrolls in a [child care service] program after June 30 of any year is not required to meet the requirements of clause (i) of this paragraph for the flu season that ends before July 1 of that calendar year.

(C) A permittee that fails to maintain documentation showing that each child in attendance has received each vaccination required by this subdivision or is exempt from such a requirement, pursuant to paragraph A or B of this subdivision will be subject to fines for each child not meeting such requirements as provided for under this Code.

(D) All children shall have such additional immunizations as the Department may require.

(b) *Form with results of examination.* Health care providers examining children, pursuant to this section shall furnish permittees with a signed statement, in a form provided or approved by the Department, containing a summary of the results of examination, past medical history, and, if a disease or condition which affects the child's ability to participate in program activities is found, a summary of the evaluation and findings associated with that condition. The examination form shall include the health care provider's recommendations for exclusion or treatment of the child, modifications of activities, and plans for any necessary health supervision.

(c) *Periodic examinations.* Each child shall have periodic medical examinations at 2, 4, 6, 9, 12, 15, 18 and 24 months and 3, 4, 5 and 6 years of age.

(d) *Medical records to be maintained.* A permittee shall maintain an individual paper or electronic medical record file for each child on the premises of the [child care service] program and make the file available for review by the Department upon request. This file shall include:

(1) A cumulative record consisting of a form provided or approved by the department, including: child's name, address, date of admission and date of birth; parents' names, home and business addresses and telephone numbers; names and telephone contact information of person(s) to contact in case of emergency, including name, address and telephone number of the child's primary health care provider; pertinent family medical history, and child's history of allergies, medical illnesses, special health problems and medications, immunization records; and parental consent for emergency treatment.

(2) Copies of all individual health records required by this Code, including new admission and periodic medical examination forms, parents' and health care provider notes regarding episodic illnesses, and a history of all illnesses, accidents, and other health data.

(e) *Records to be confidential.* All records required by this section shall be maintained as confidential records and shall not be made available for inspection or copying by any persons other than parents, other persons who present a written authorization from a parent, or authorized staff of the Department.

**§ 47.27 Health; daily requirements; reports of absences; communicable diseases.**

(a) *Daily attendance record.* A daily attendance record shall be kept in a form provided or approved by the Department. Daily entries must include at a minimum each child's name and arrival and departure time.

(b) *Daily health inspections.* A health inspection of each child shall be made daily by the educational director, [or] designated teachers, shelter child care liaisons, or child supervisors who are familiar with such child and trained to recognize signs or symptoms of illnesses in

accordance with guidelines or training provided or approved by the Department.

(c) *Management of ill children and reporting.*

(1) An area shall be provided for separating ill children under direct adult supervision until parents remove children from the [child care service] program.

(2) All health care provider diagnoses, pursuant to Article 11 of this Code shall be reported to the Department by the permittee.

(3) The Department shall be notified by the permittee within 24 hours of the occurrence of a death or serious injury to a child while in the care or supervision of the [child care service] program.

(4) When any child is unexpectedly absent from the [child care service] program, the permittee shall notify the child's parent of the absence by telephone, text or email message or other means of immediate communication within one hour of the child's scheduled time of arrival and shall maintain a record of having made such notification and the information obtained in the log required by § 47.29 (d) of this Code.

(d) *Parent reports of absences.* Permittees must notify parents when children are initially enrolled in the [child care service] program that parents must report children's absences to the [child care service] program as follows:

(1) Daily. Parents must notify the [child care service] program prior to their child's scheduled arrival time, but no later than one hour after the scheduled arrival time, that a child will not be attending the [child care service] program that day.

(2) Communicable diseases. Parents must report to the permittee within 24 hours of such absence of any absence for: chicken pox, conjunctivitis, diarrhea, diphtheria, food poisoning, hepatitis, haemophilus influenza type b infection, impetigo, measles, meningitis (all types), meningococcal disease, Methicillin resistant staphylococcus aureus (MRSA), mumps, pertussis (whooping cough), poliomyelitis, rubella (German measles), salmonella, scarlet fever, tuberculosis, or any other disease or condition which may be a danger to the health of other children. Such disease or condition shall not include acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) infection.

(e) *Reports of vaccine preventable illnesses.* The permittee shall report to the Department by telephone, within 24 hours, any child who has any vaccine preventable illness, or meningitis or tuberculosis, or if there is any outbreak or unusual occurrence of any disease or condition at the facility.

(f) *Exclusions, pursuant to Article 11 of this Code.* The permittee shall exclude a child who is a case, contact, or carrier of a communicable disease if the child is required to be isolated or excluded by Article 11 of this Code. Such child shall not be permitted to return to the [child care service] program without a written statement of recovery from a health care provider if the child was a case of measles, mumps, rubella, pertussis (whooping cough), scarlet fever, meningitis (all types), or poliomyelitis, or if the child was a case, carrier, or contact of any other communicable disease reportable, pursuant to Article 11 of this Code. The statement shall indicate that the child is free from such disease in communicable form and that the period of isolation or exclusion required by Article 11 of this Code has ended.

**§ 47.29 Health; emergencies.**

(a) *Emergency procedures and notices.* Written policies and procedures for managing health and other emergencies shall be included in the written health and safety plans and approved by the Department prior to the issuance of a permit. Permittees shall provide notice of the location and contact telephone numbers of the [child care service] program to local hospitals, police precincts, fire houses and emergency transport services and information about emergency policies and procedures shall be provided to parents. Emergency procedures and emergency telephone contact numbers (for Police, Fire Department, Poison Control Center, Child Abuse Hotline, and the Department of Health and Mental Hygiene) shall be conspicuously posted in each classroom or area used by children.

(b) *Necessary emergency medical care.* When a child is injured, or becomes ill under such circumstances that immediate care is needed, the permittee or designee shall obtain necessary medical care and immediately notify the child's parent.

(c) *First aid supplies.* A first aid kit, completely stocked for emergency treatment of cuts and burns, shall be provided by the permittee and shall be easily accessible for use. The first aid kit shall be kept out of reach of children and inspected periodically.

(d) *Log of children's illnesses and accidents.* The permittee shall maintain a log of illnesses, accidents, and injuries sustained by children in the [service] program, in a form provided or approved by the Department. The permittee shall provide a child's parent with information concerning such incidents pertaining to the child, and shall report serious injuries to the Department. Logged entries shall include the name and date of birth of the child, the place, date and time of the accident or injury, names and positions of staff and other adults present, a brief statement as to how the accident or injury occurred, emergency treatment obtained, if any, and parental notification made or attempted.

**§ 47.31 Health; medication administration.**

(a) *Medication policy required.* Each permittee shall establish a policy as to whether the permittee will or will not administer medication, and incorporate such policy in the [service's] program's

health care plan component of the written safety plan required by § 47.11 of this Article. Notwithstanding any [child care service's] program's general policy not to administer medication, such policy shall indicate that the [child care service] program may be required to administer medication to a child with a disability, pursuant to the Americans with Disabilities Act.

(b) *Exempt staff.* A [service] program that employs staff who are also currently State licensed physicians, physicians assistants, registered nurses, nurse practitioners, licensed practical nurses, or emergency medical technicians may administer medications without such staff obtaining additional qualifications or certification.

(c) *Health care consultant and duties.* All permittees that choose to administer medications to children shall designate a health care consultant of record, who shall be a health care provider as defined in this Article. The permittee shall confer with the health care consultant and shall obtain approval of the consultant for the portion of the health care plan regarding policies and procedures related to the administration of medications. The consultant shall review documentation of all staff authorized to administer medications and determine if staff have required professional licenses or certificates of completion of required training. A health care plan shall be valid for two years and shall be updated when designated staff has changed. The health care consultant shall visit the [child care service] program at least once every two years and shall review the permittee's health care policies, procedures, documentation, practice and compliance with its health care plan for administering medications. If the consultant determines that the approved health care plan is not being reasonably followed by the permittee, the consultant may revoke his or her approval of the plan. If the consultant revokes his or her approval of the health care plan, the health care consultant shall immediately notify the permittee and the Department.

(d) *Staff members certified to administer medications.* Only a trained, designated staff person may administer medications to children, except where the only administration of medications will be over-the-counter topical ointments, including sunscreen lotion and topically applied insect repellent. The staff person administering medications to children shall be at least 18 years of age, possess current certifications in first aid, cardio-pulmonary resuscitation (CPR), and medication administration training (MAT) in a course approved or administered by the Department or the State Office of Children and Family Services. MAT certificates shall be made available for inspection by the Department on request. MAT certifications shall be effective for a period of three years from the date of issuance. Recertification training shall extend certification for additional three-year periods. If a designated staff person ceases to work in a [child care service] program for a continuous period of one year, certification shall automatically lapse. Where certification lapses, the person may be recertified after repeating initial MAT or recertification training, as required by the Department. Where a permittee has failed to comply with requirements for the administration of medications set forth in this section, the Department may require retraining or may prohibit the permittee from administering medications.

(e) *Medication administration procedures.* Permittees and designated staff may administer prescription and nonprescription (over-the-counter) medications for eyes or ears, oral medications, topical ointments and medications, and inhaled medications in accordance with the provisions of this section.

(1) A copy of written policies regarding the administration of medications shall be reviewed and explained to parents at the time of enrollment, and provided to parents.

(2) The permittee shall obtain from a child's parent and health care provider a statement in writing that indicates medicine to be administered and schedule of administration.

(3) A parent, or other adult authorized in writing by the parent, may administer medications to a child while the child is attending a [child care service] program at any time.

(4) The permittee shall maintain a medication administration log to document name of child, date, time and name of staff, parent, or other adult authorized by a parent to administer medications.

(5) Permittees and designated staff may not administer medications by injection, vaginally or rectally, except as follows:

(A) Epinephrine auto-injector devices when necessary to prevent anaphylaxis for an individual child when the parent and the child's healthcare provider have indicated such treatment is appropriate; or

(B) For a child with special health care needs where the parent, [child care service] program and the child's health care provider have agreed on a plan, pursuant to which the permittee or designated staff may administer medications by injection, vaginally or rectally; or

(C) Where the permittee or designated staff hold a valid New York State license as a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse, or advanced emergency medical technician.

(6) Nothing in this section shall be deemed to require any permittee to administer any medication, treatment, or other remedy except to the extent that such medication, treatment or remedy is required under the provisions of the Americans with Disabilities Act.

(7) Permittees who agree to administer medications shall do so, unless they observe circumstances specified by a child's health care

provider, if any, under which medication shall not be administered. In such instances, the permittee shall contact the parent immediately.

(8) Medication may only be administered with written consent of the parent in accordance with written instructions from the child's health care provider including, but not limited to circumstances, if any, under which the medication or prescription shall not be administered. Medication shall be returned to the parent when no longer required by the child.

(9) When the permittee has written parental consent and written instructions from a health care provider authorizing administration of a specified medication if the permittee observes a specific condition or change of condition in the child while the child is in care, the permittee may administer the medication without obtaining additional authorization from the child's parent or health care provider.

(10) To the extent that such information is not included on the medication label, written instructions by the health care provider shall include:

- (A) child's name;
- (B) health care provider's name, telephone number, and signature;
- (C) date authorized;
- (D) name of medication and dosage;
- (E) frequency the medication is to be administered;
- (F) method of administration;
- (G) date the medication shall be discontinued or length of time, in days, the medication is to be given;
- (H) reason for medication (unless this information shall remain confidential, pursuant to law);
- (I) most common side effects or reactions; and
- (J) special instructions or considerations, including but not limited to possible interactions with other medications the child is receiving or concerns regarding the use of the medication as it relates to a child's age, allergies, or any pre-existing conditions.

(11) Medications shall be kept in the original labeled bottle or container. Over-the-counter medication shall be kept in the originally labeled container and shall be labeled with the child's first and last name. Prescription medications shall contain the original pharmacy label.

(12) If medication is to be given on an ongoing, long-term basis, the parent's consent and health care provider's written instructions shall be renewed in writing at least once every six months. Any changes in the original medication shall require a permittee to obtain new written instructions from the health care provider.

(13) A permittee may administer over-the-counter topical ointments, including sunscreen lotion and topically applied insect repellent, upon the written instructions of the parent. Such administration shall be consistent with any directions for use noted on the original container, including but not limited to precautions related to age and special health conditions, and no additional certifications to administer medications are required by the permittee or designated staff. If the only administration of medication offered by the [service] program will be the administration of over-the-counter topical ointment, including sunscreen lotion and topically applied insect repellent, a designated health care consultant is not required. The permittee or designated staff shall record in the medication log applications of such topically applied ointments, sunscreen lotions and topically applied insect repellents, with the name of the child, date and time administered, and staff signature.

(14) For all children for whom the permittee administers over-the-counter medications, pursuant to this paragraph, copies of parental written consent and instructions shall be maintained in the child's medical record file.

(15) Medications shall be kept in a clean area that is inaccessible to children. If refrigeration is required, medications shall be stored in either a separate refrigerator or a leak-proof container in a designated area of a food storage refrigerator, separated from food and inaccessible to children. Permittees shall comply with all applicable law for secure storage of all medications.

(16) Staff shall document dosages and times that medications are given, observable side effects, reasons for not giving medication and medication administration errors, and shall report to the parent and to the child's health care provider, in accordance with the provider's written instructions; medication errors shall be immediately reported to the Department.

(17) No children shall independently self-administer medications or assist in the administration of their own medications except under direct supervision of designated staff.

(18) Nothing in this section shall prevent a parent, guardian or other legally authorized individual in relation to a child from administering medication to a child while such child is in a [child care service] program. In these circumstances, the permittee shall document the dosages and time that the medications were administered to the child by such individual. If the only administration of medication in such service [program] is done by such individual, no certifications to administer medication are required by the permittee or staff.

(f) Repealed.

#### § 47.33 Health; staff.

(a) *Staff to be excluded.* The permittee shall exclude any staff person from work in accordance with Article 11 of this Code, if such staff person reports having an illness or symptoms of a communicable

disease reportable, pursuant to Article 11 of this Code. Such staff person shall not be permitted to return to the [child care service] program without a written statement of recovery from a health care provider if the staff person was a case of measles, mumps, rubella, pertussis (whooping cough), scarlet fever, meningitis (all types), or poliomyelitis, or if the staff person was a case of any other communicable disease reportable, pursuant to Article 11.

(b) *Physical examination certificates.* No educational director, shelter child care liaison, teacher, substitute, volunteer worker, office worker, kitchen worker, maintenance worker, child supervisor, or other staff member who regularly associates with children shall be permitted to work in a [service] program unless such person is healthy and capable of carrying out the responsibilities of the job. Prior to commencing work, all such staff and volunteers shall present a certificate from a licensed health care provider certifying that, on the basis of medical history and physical examination, such staff member or volunteer is physically and mentally able to perform assigned duties. Such certificate shall be submitted every two (2) years thereafter as a condition of employment. Certificates of required physical examinations and other medical or personal health information about staff shall be kept on file on paper or electronically, on the premises of the [child care service] program, and shall be kept confidential and separate from all other personnel or employment records and made available for review by the Department upon request.

(c) *Staff immunizations.* Each staff person and volunteer shall obtain a report from a health care provider who is a licensed physician, nurse practitioner, physician's assistant, or doctor of osteopathy certifying that such person has been immunized against measles; mumps; rubella; varicella (chicken pox); and tetanus, diphtheria and acellular pertussis (Tdap) in accordance with recommendations of the CDC Advisory Committee on Immunization Practices (ACIP). Persons born on or before December 31, 1956 are not required to have measles, mumps or rubella vaccines. A history of having health care provider documented varicella or herpes zoster disease shall be accepted in lieu of varicella vaccine. A history of having measles, mumps or rubella disease shall not be substituted for the measles, mumps, or rubella vaccine. A laboratory test demonstrating detectable varicella, measles, mumps, or rubella antibodies shall also be accepted in lieu of varicella, measles, mumps and rubella vaccine. An employee may be exempted from this immunization requirement for ACIP-recognized medical contraindications upon submission of appropriate documentation from a licensed physician. Each staff person and volunteer shall submit such report of immunization to the permittee. Reports of immunizations shall be confidential and shall be kept by the permittee in a paper or electronic file with other staff and volunteer health information, except that such reports shall be made available to the department upon request.

(d) *Test for tuberculosis infection.* The Department may require testing for tuberculosis at any time of any persons in a [child care service] program when such testing is deemed necessary for epidemiological investigation.

#### § 47.35 Personal hygiene practices; staff and child.

(a) *Hand washing.* Staff and children shall wash hands before and after toileting or diaper changes, after contact with a child in ill health, and prior to handling or preparing any food and after playing outdoors.

(b) *Signs.* Hand washing signs provided by or approved by the Department shall be prominently posted in each lavatory and by each sink.

(c) *Individual personal care.* Hair brushes or cloth towels shall not be provided for use. If toothbrushes, combs, or washcloths are provided, each child shall have items for his/her exclusive use and they shall be stored in an individually labeled container.

(d) *Changes of clothing.* At least one change of weather-appropriate clothing shall be available so that any child who soils clothing may receive a change. Soiled clothing and cloth diapers shall be handled in a manner that protects occupants from exposure to wastes and maintains an appropriately sanitary environment.

(e) *Bathing.* Children shall not be regularly bathed on premises; but shall be washed in case of accidents.

(f) *Self-care/hygiene routines for night care [services] programs.* Permittees shall establish procedures and policies that require children to brush teeth at bedtime and after meals; comb hair upon awakening, and follow a routine for toileting, dressing and undressing.

(g) *Safety precautions relating to blood.* Permittees shall implement the following safety precautions for all staff having any exposure to, or contact with blood:

(1) Disposable gloves shall be immediately available and worn whenever there is a possibility for contact with blood, including but not limited to:

- (A) Changing diapers where there is blood in the stool;
- (B) Touching blood or blood-contaminated body fluids;
- (C) Treating cuts that bleed; and
- (D) Wiping surfaces stained with blood.

(2) In an emergency, a child's safety and well-being shall take priority. A bleeding child shall not be denied care because gloves are not immediately available.

(3) Disposable gloves shall be discarded after each use.

(4) If blood is touched accidentally, exposed skin shall be thoroughly washed with soap and running water.

(5) Clothes contaminated with blood shall be placed in a securely tied plastic bag and returned to the parent at the end of the day.

(6) Surfaces that have been blood stained shall be cleaned and disinfected with a germicidal solution.

(h) *Smoking prohibited.* There shall be no smoking of tobacco or other substances in any indoor or outdoor area of any premises on which a [child care service] program is located.

#### § 47.37 Training.

(a) *Educational director/shelter child care liaison responsibility.* The educational director of a child care program and the shelter child care liaison of a family shelter-based drop-off child supervision program shall arrange for and verify continuing in-service training of all employees[, teaching staff and others] and any other staff or volunteers, as required by this Article. The educational director or the liaison may be certified to conduct such training or may designate other teaching staff to obtain such certification and conduct such training. The educational director or shelter child care liaison shall maintain copies of certificates verifying completion of required training; shall document written safety plan training, including dates and times that emergency response drills were conducted, evaluation of staff performance, and recommendations for improvements in training or amendments to the safety plan; and shall make such records available for inspection by the Department.

(b) *All employees.*

(1) *Child abuse and maltreatment.* All employees, and any other staff or volunteers or other persons who have, will have, or have the potential for, unsupervised contact with children in a [child care service] program, shall receive two hours of training in child abuse and maltreatment identification, reporting and prevention and requirements of applicable statutes and regulations. Such training shall be provided by a New York State Office of Children and Family Services certified trainer. New employees shall receive such training within six (6) months of hire. All employees shall receive such training every 24 months.

(2) *Infection control.* All teachers and child supervisors shall receive training in infection control and reporting infectious diseases.

(3) *Emergency procedures.* The permittee shall provide annual training to all staff, volunteers and other individuals providing services on a regular basis in the emergency procedures contained in the approved written safety plan, including

- (i) in-depth review of the provisions of the plan and
- (ii) announced and unannounced real-time drills demonstrating competency of all staff members in:

- (A) Emergency medical response;
- (B) CPR and first aid proficiency of certified staff;
- (C) Critical incident response; and
- (D) Evacuation procedures other than the monthly fire drills required by § 47.59(d) of this Article.

(c) *Infant/toddler and night care [service] program staff, and child supervisors.* In addition to the training requirements in paragraph (1) above, infant/toddler and night care [services] program staff and child supervisors shall complete sudden infant death syndrome (“IDS”) (“SIDS”) and “shaken baby” identification and prevention training.

(d) *Assistant teachers.* Assistant teachers shall complete 15 hours of training every 24 months, including the mandatory child abuse prevention and identification training in paragraph (1), and other subjects related to child health and safety, and early childhood development. The educational director shall develop a training curriculum based on assessment of the professional development needs of individual assistant teachers. The curriculum shall include, but not be limited to, the following topics:

- (1) Preventing, recognizing signs of, and reporting injuries, infectious diseases, other illnesses and medical conditions;
- (2) First aid and CPR;
- (3) Lead poisoning prevention;
- (4) Physical activities, scheduling and conducting guided and structured physical activity;
- (5) Asthma prevention and management;
- (6) Setting up and maintaining staff and child health records including immunizations;
- (7) Growth and child development; including:
  - (A) Early intervention;
  - (B) Early childhood education curriculum development and appropriate activity planning;
  - (C) Appropriate supervision of children;
  - (D) Meeting the needs of children with physical or emotional challenges;
  - (E) Behavior management;
  - (F) Meeting nutritional needs of young children;
  - (G) Parent, staff, and volunteer, communication and orientation: roles and responsibility;
  - (H) The selection of appropriate equipment and classroom arrangement; and
  - (I) Safety and security procedures for fire safety, emergency evacuation, playgrounds, trips and transportation.

(e) *Child care liaisons and supervisors.* In addition to the other training required by this section, child care liaisons and supervisors shall receive the following training at least every 24 months:

- (1) Mental health first aid training;

(2) Social-emotional learning training; and

(3) Family engagement training.

(f) The Department may provide [such] the training required by this section, or any part thereof, or accept training provided by others found satisfactory to the department. All trainers' qualifications must be submitted for review to an agency designated by the Department. Persons who enroll in workshops conducted by the Department may be charged a reasonable fee to defray all or part of the costs incurred by the Department for workshop registration materials, training, testing, and certificate issuance.

#### § 47.39 Space allowance; reservation for children's use.

(a) *Space for children's exclusive use.* Rooms, areas and other spaces utilized by children in a [child care service] program shall be reserved for their exclusive use and shall not be shared with other children or adults while the [service] program is in operation.

(b) *Minimum square footage/child.* The minimum allowance of space for each child in a classroom or a room used for a family shelter-based drop-off child supervision program shall be 30 square feet of wall to wall space.

#### § 47.41 Indoor physical facilities.

(a) *Egress.* All [child care services] programs receiving a first permit after January 1, 1989, shall have two means of egress. Fire escapes shall not be counted as a second means of egress.

(b) *No child care or child supervision provided above third floor.* No [child care services] programs receiving a first permit after January 1, 1989, shall allow children to utilize any rooms, areas or other spaces above the third floor of a building, except that the Department may allow [child care services] programs to occupy spaces above the third floor where the Department of Buildings and Fire Department have approved such use and the Department has approved the applicant or permittee's evacuation plan.

(c) *Infant/toddler [services] care or supervision limited to first floor.* No infant/toddler [service] care program, or family shelter-based drop-off child supervision program that supervises infants or toddlers, receiving a first permit on or after September 1, 2008, shall provide [child care] services in any room, area or other space above the first floor or below the ground level floor of a building, except that the Department may allow [infant/toddler child care services] such programs to occupy spaces above the first floor or one level below the ground level floor of a building, where the Department of Buildings and Fire Department have approved such use and the Department has approved the applicant or permittee's evacuation plan.

(d) *Basements.* A [child care service] program receiving a first permit on or after September 1, 2008, shall not allow children to utilize any rooms, areas or other spaces lower than one level below the ground level floor of a building.

(e) *Window guards.* Windows guards shall be installed in accordance with specifications provided or approved by the Department on all windows in all rooms, hallways, and stairwells, except windows giving access to fire escapes.

(f) *Passageways free of obstruction.* All corridors, doorways, stairs, and exits shall be kept unobstructed at all times.

(g) *Protective barriers in stairways.* Protective barriers shall be provided in all stairways used by children. Stairways shall be equipped with low banisters or handrails for use of children. Protective barriers providing visual access shall be installed in lofts used by children.

(h) *Shielding required.* Columns, radiators, pipes, poles, and any other free-standing or attached structures in classrooms and play areas shall have protective guards.

(i) *Door locks.* No door to a bathroom, closet or other enclosed space shall be equipped with a lock that allows the door to be locked from inside the space, except that devices may be used to secure privacy if they can be overridden from the outside in an emergency.

(j) *Finishes and maintenance.* Walls, ceilings and floors shall be finished with non-toxic finishes, constructed of materials enabling thorough cleaning, and maintained in good repair, with no holes, missing tiles, peeling plaster, or other defects.

(k) *Securing entrances and exits.*

(1) *Monitoring.* All interior entrances and exits of the [child care service] facility must be monitored and kept secure by individual staff, contractors, and/or electronic or other surveillance providing unobstructed views of entrances and exits at all times during operation of the [child care service] program. Panic bars must be installed on all exterior doors of the [child care service] facility [on or before May 1, 2016]. When used in this paragraph a “panic bar” means a door latching assembly incorporating a device that releases the latch upon the application of a force in the direction of egress travel.

(2) *Entry access.* All entrances providing access to the [child care service] facility must be secured with pass key identification or other means that effectively limit access to staff, parents and other authorized persons.

#### § 47.43 Plumbing; toilets, hand wash, and diaper changing facilities.

(a) *Plumbing installation.* Plumbing shall be installed only by a licensed plumber and shall be free of cross-connections and other hazards to health. Drinking water from faucets and fountains shall be tested for lead content by an existing permittee upon the effective date of this provision or by a new permittee within 60 days of receiving a



permit and by all permittees every five years thereafter using a method approved by the Department. Copies of test results must be sent to the Department upon receipt by mail, email or fax and the permittee shall investigate and take remedial action if lead levels at or above 15 parts per billion (ppb) are detected. Remedial action must be described in a corrective action plan to be submitted to the Department with reports of elevated test results. Until remedial action is completed, the permittee must provide and use bottled potable water from a source approved by the Department or the State Department of Health.

(b) *Adequate toilets and sinks to be provided.* One toilet and one hand wash sink shall be provided for every 15 children ages 24 months and older, or fraction thereof, based on permit capacity. When an extended hand wash facility is equipped with several faucets supplying tempered water, each faucet shall be considered the equivalent of one hand wash sink.

(c) *Located near children's rooms.* Toilets and hand wash sinks shall be located as close as practicable to children's playrooms and classrooms.

(d) *Staff toilets.* Separate adult toilets shall be provided for staff.

(e) *Sink water supply.* Hand wash sinks with an adequate supply of hot and cold running water shall be provided in or adjacent to toilets. Water temperature in hand wash sinks used by children shall not exceed 115 degrees Fahrenheit (46.11 degrees Celsius).

(f) *Accessibility to children.* Toilets and hand wash sinks shall be installed at a height that allows unassisted use by children. If adult-size toilets or hand wash sinks are in place, platforms with easily cleaned surfaces shall be provided for use by children. Such platforms shall be permanently installed and free of hazards.

(g) *Soaps and drying devices.* All sinks shall be equipped with liquid soap dispensers, individual paper towels or sanitary driers, located within easy reach of the children.

(h) *Diaper changing.*

(1) A firm, non-absorbent, easily cleanable, counter height surface directly adjacent to a sink with running hot and cold water shall be provided in or adjacent to the classroom for diaper changing when needed.

(2) A disposable covering shall be provided on diaper changing counters and shall be changed after each use. The counter surface shall be disinfected after each use.

(3) A readily accessible receptacle with secure lid and removable plastic liner shall be provided for the disposal of diapers; separate equipment shall be provided for cloth diapers, if used. A properly labeled spray bottle of approved disinfectant shall be provided.

(4) Staff changing diapers shall wear disposable rubber or other barrier gloves.

(5) Potties shall be used only in bathroom or toilet facilities, and shall be washed and disinfected after each use in a designated utility sink that is not used by staff or children as a hand wash sink.

#### § 47.45 Ventilation and lighting.

(a) *Ventilation.* Ventilation, by natural or artificial means, shall be provided in each room used by children. Internal temperature and humidity shall be regulated so the facility is free of nuisance conditions, including, but not limited to excessive heat, dust, fumes, vapors, gases, odors or condensate. The windows, inlets, outlets and artificial ventilation shall be located and the rate of air flow shall be controlled so as not to subject the children to drafts.

(b) *Lighting.* All parts of a building used for the care or supervision of children shall be adequately lighted by natural or artificial means. All lighting shall be evenly distributed and diffused, free from glare, flickering or shadows. The following lighting levels shall be provided and maintained at children's activity level:

(1) Fifty footcandles of light in all classrooms used for partially sighted children;

(2) Thirty footcandles of light in all other classrooms, study halls or libraries;

(3) Twenty footcandles of light in recreation rooms;

(4) Ten footcandles of light in auditoriums, cafeterias, locker rooms, washrooms, corridors containing lockers;

(5) Five footcandles of light in open corridors and store rooms; and

(6) Five footcandles of light shall be provided during sleeping hours in bathrooms, sleeping areas and exit paths.

#### § 47.47 Outdoor play areas and facilities.

(a) Adequate, easily accessible outdoor play areas shall be provided [.] at child care programs and may be provided at family shelter-based drop-off child supervision programs. They shall be kept clean and safe, and shall be suitable for children's use.

(b) Outdoor play areas located on the premises of [the child care program] a facility shall be enclosed by climb-proof fencing that is a minimum of five (5) feet in height. No razor or barbed wire shall be used at the top of a fence, unless the fence is more than six and one half (6½) feet in height.

(c) Rooftop play areas may be provided in fireproof buildings, when such use is approved by the Department, the Department of Buildings and the Fire Department. Rooftop play areas shall be enclosed by a climb-proof fence, at least 10 feet in height with an additional 45° inwardly angled panel.

(d) Outdoor equipment, including, but not limited to, swings, slides, and climbing apparatus, shall be age and developmentally appropriate,

shall be installed, maintained and used in accordance with manufacturers' specifications and instructions, approved by the US Consumer Product Safety Commission, and maintained in good repair.

(e) Outdoor play areas shall be maintained free of broken glass or other debris, poison ivy or other poisonous vegetation, pest harborages, or other hazards.

(f) Resilient surfaces, approved by the US Consumer Product Safety Commission, that do not contain asphalt or cement, shall be provided under and surrounding climbing and other elevated equipment.

(g) Play equipment shall be in good repair, and free from hazards such as sharp edges or pointed parts, or toxic or poisonous finishes or materials, including but not limited to, lead and arsenic.

#### § 47.49 General sanitation and maintenance.

(a) *Maintenance.* Indoor and outdoor rooms, play areas, and other spaces, including cellars, basements, and adjoining yards and courts, and all furnishings and equipment shall be kept clean of food and debris and maintained in good condition. Interior rooms used by children shall not be cleaned by dry sweeping.

(b) *Trash and garbage.* Trash and garbage shall be stored in rodent proof containers with tightly fitted lids. Trash, garbage, and combustible materials shall not be stored in the furnace or boiler rooms or in rooms or outdoor areas adjacent to the facility that are ordinarily occupied by or accessible to children.

(c) *Toxic and poisonous materials to be contained.* All matches, lighters, medicines, drugs, cleaning materials, detergents, aerosol cans and other poisonous or toxic materials shall be stored in their original containers. Such materials shall be used in such a way that they will not contaminate play surfaces, equipment, food or food preparation areas or constitute a hazard to children. Such materials shall be kept in places that are inaccessible to children, and that can be securely locked.

(d) *Environmentally sensitive cleaning products.* Whenever feasible, [child care services] programs shall utilize environmentally sensitive cleaning products, as defined in State Education Law § 409-i, or successor statute.

#### § 47.51 Rodents, insects and other pests prohibited; pesticide application notice.

(a) *Pest free premises.* Premises shall be kept free of rodents, insects and other pests and free of any condition conducive to rodent, insect and other pest life.

(b) *Pest control.* Pest control methods shall emphasize prevention of pest infestation by preventing the free movement of pests into, and within the premises and by eliminating the conditions conducive to pests such as clutter and the availability of food and water. Such methods shall include, but not be limited to: closing and filling holes, cracks, and gaps at baseboards, where plumbing, radiator and other pipes and conduits enter the premises, where food storage cabinets join walls, and where shelves meet food storage cabinet interiors, using plaster, spackle, caulk or other appropriate sealants; storing all food products in sealed insect and rodent proof containers; installing door sweeps to prevent pest movement between rooms and areas. When necessary to control pests, permittees shall utilize pest control services provided by exterminators certified to apply pesticides by the New York State Department of Environmental Conservation (NYSDEC). Extermination logs shall be maintained for inspection by the NYSDEC. Permittees shall request that exterminators utilize the least toxic methods and substances to control infestations, including but not limited to the use of: boric acid, diatomaceous earth, silica gel, insecticidal baits and gels for cockroaches; and shall utilize glue traps and rodenticidal bait only if inserted in tamper-resistant containers and placed in locations inaccessible to children. Routine extermination shall not include the use of insecticidal aerosol sprays or foggers. Exterminators' logs of pesticide applications equivalent in content to NYSDEC Form 44-15-26 (Applicator/Technician Pesticide Report) shall be maintained for inspection by the Department for three years.

(c) *Notice of pesticide applications.* Notice of pesticide applications shall be provided to parents not less than 48 hours before such application and shall include: (1) location and specific dates of applications; (2) pesticide product name and U.S. EPA registration number; (3) the name and telephone number of a [child care service] program staff person to contact for more information; and (4) the following statement: "This notice is to inform you of a pending pesticide application at this child care [service] program/family shelter-based drop-off child supervision program. You may wish to discuss with a representative of the child care [service] program/family shelter-based drop-off child supervision program what precautions are being taken to protect your child from exposure to these pesticides. Further information about the product or products being applied, including any warnings that appear on the label of the pesticide or pesticides that are pertinent to the protection of humans, animals, or the environment, can be obtained by calling the National Pesticide Telecommunication Network Information line at 1-800-858-7378 or the NYS Department of Health Center for Environmental Health Info Line at 1-800-458-1158."

#### § 47.53 Pet animals.

No reptiles, dogs, cats, and any other animals whose possession is prohibited by § 161.01 of this Code, or successor rule, shall be harbored in a [child care service] facility. Any animals that are harbored in a [child care service] facility shall be in good health, show no evidence of

carrying any disease, and shall pose no threat to children. Pets shall be kept in cages, and waste material within cages shall be cleaned daily or more often, if needed.

#### § 47.55 Equipment and furnishings.

(a) *Furnishings.* Tables, chairs, furniture and equipment shall be age and size appropriate, finished with non-toxic surface coverings, easily cleanable, and cleaned and sanitized as needed.

(b) *Naps.*

(1) A separate firm sanitary cot, crib, mat, playpen or other sleeping arrangement specifically approved by the Department shall be provided for each child who spends more than four hours a day in the [service] program.

(2) Stackable cribs shall be prohibited.

(3) Cots or other sleep equipment shall be placed at least two feet apart unless separated by a screen or partition.

(4) Pillows shall not be used for children under two years of age except when recommended by a child's health care provider.

(5) A clean sheet shall be provided for the exclusive use of each child.

(6) Blankets that are sufficient to maintain adequate warmth shall be made available for each child and shall be used when necessary.

(7) Sheets, pillows and blankets shall be stored separately for each child to avoid cross-contamination, and sheets, pillow cases and blankets shall be washed at least weekly.

(c) Space for clothing. Space shall be provided and arranged so that each child's outer garments may be hung separately, safely and within each child's reach.

#### § 47.57 Safety; general requirements.

(a) *Telephone service.* The permittee shall provide and maintain at least one dedicated land line listed telephone for emergency use, and shall conspicuously post adjacent to the telephone current telephone numbers and instructions for obtaining fire, police and emergency medical assistance, contacting the Department's poison control hotline and Bureau of Child Care, or successor program, and the SCR child abuse hotline.

(b) *Eliminate safety hazards.* Precautions shall be taken to eliminate all conditions in areas accessible to children that pose a safety or health hazard.

(c) *Choking hazards.* Handbags, backpacks, briefcases, or other personal items belonging to adults or children, plastic bags, toys and objects small enough for children to swallow shall be stored in manner that they are not accessible to children.

(d) *Cold weather.* When outdoor temperatures are below 55°F, and children are on premises, permittees shall maintain indoor air temperatures between 68°F and 72°F in all rooms, areas and other spaces used by children.

(e) *Heat advisories.* On designated heat advisory, excessive heat warnings or watches, or ozone or other air pollution advisory days, the permittee shall maintain physical comfort levels of children and staff by providing adequate facility ventilation and/or air conditioning. The permittee shall implement policies to increase children's fluid intake and facilitate adequate hydration. Activities shall be modified to protect children from heat associated disorders and conditions, including but not limited to heat stress and heat strain, and scheduled activities shall be otherwise restricted or cancelled in response to restrictions or recommendations of the New York City Office of Emergency Management or the National Weather Service. During severe weather or other advisories, the permittee shall take appropriate action to protect the safety and health of children, including but not limited to, early dismissal, closing of the [child care service] program, and employing appropriate precautions during transportation. Such precautions shall be described in the written safety plan.

(f) *Approved areas to be used.* Children shall not be kept for any period of time in any areas of a building or other premises not previously approved by the Department and the New York City Fire Department and Department of Buildings for such use. Such approval shall not be granted unless the premises and the area surrounding the premises are free from fire, traffic and other safety or health hazards.

(g) *Environmental hazards.* [Child care services] Programs obtaining a first permit after September 1, 2008, shall not be co-located in any building or other premises containing commercial or manufacturing establishments associated with environmental hazards including, but not limited to those associated with dry cleaners, gas stations and petrochemical storage and distributors, automotive dealerships/maintenance or repair facilities, commercial printing, industrial/manufacturing plants and machine/equipment servicing, nuclear laboratories or power plants, or on premises identified as a federal or state superfund or other cleanup site, or any property with known contaminated ground or water supplies. No [child care] permit shall be issued or renewed for any [child care service] program located in any building or other premises unless such building or premises are free of environmental hazards including but not limited to those identified above, or any other condition dangerous to life and health. When the permittee or the operators or other persons in control of any premises occupied by any [child care service] program learn of a current or prior commercial activity or condition that may result in potential exposure to environmental hazards, such persons shall

submit written notification on a form provided by or satisfactory to the Department of the existence of such activity or condition. When the Department determines that a condition may expose children or other persons to environmental hazards at the premises occupied by any [child care service] program, it may order the abatement or remediation of such condition. In such cases as it deems necessary the Department may conduct and/or order the owner or other persons in control of the premises occupied by the [child care service] program to conduct an environmental assessment consisting of but not limited to environmental sampling and to take such other action as it deems essential to protect the public health.

(h) *Adults restricted.* Adults allowed on the premises occupied by a [child care service] program shall be limited to staff, parents and/or guardians and other authorized relatives and volunteers, student teacher trainees or observers, credentialed Department and other public inspectors, and persons providing services to the [center] program.

(1) *Authorized escorts.* The permittee must obtain and maintain for every child a list of the name, relationship to child, address and contact information of every person the parent has authorized to escort a child from the [child care service] program. The permittee shall not release any child to any individual who has not been identified by the parent as a person who is authorized to escort a child out of the [service] facility.

(2) *Notification to parents.* The permittee must notify parents that the Health Code requires that no child is permitted to leave the [child care service] program at any time with any person whose name is not on file at the [child care service] program as an authorized escort. If any other person appears to escort a child out of the [child care service] program, the permittee must immediately verify with the parent that the parent has authorized the escort before allowing the child to leave the [child care service] program.

(i) *Instructional swimming and aquatic activities.* [Child care services] Programs shall obtain written approval of the Department prior to offering any swimming or other aquatic activities. Aquatic activities for group child care [services] programs or family shelter-based drop-off child supervision programs are limited to learn to swim or water safety programs that use a supervision protocol approved by the State Commissioner of Health to protect children from injury or drowning. When authorized by the Department, such activities shall be conducted in accordance with the [child care service's] program's written safety plan and the following requirements:

(1) *Facilities and equipment.*

(A) [Child care services] Programs may utilize only swimming pools operating, pursuant to a permit issued by the Department, or other State permit issuing official, in accordance with Article 165 of this Code and Subpart 6-1 of the New York State Sanitary Code, or successor regulations.

(B) Swimming at bathing beaches, spa pools and in "fill and draw" pools is prohibited.

(C) Swimming pools or other bodies of water within the grounds of a [child care center] facility shall be surrounded by a barrier sufficient to form an obstruction to children having access to such body of water in accordance with Article 165 of this Code.

(D) Barrier walls, fences and gates shall be at least six (6) feet high, except for wading pools, which shall be enclosed by barriers at [least] least four (4) feet high, and shall be firmly attached to the adjacent ground, and shall completely enclose the pool or body of water.

(E) Pathways, walkways, decks, or other connecting entrance to the pool or body of water shall be obstructed by barriers that prevent children from having access to the pool or body of water.

(2) *Supervision: aquatic staff responsibilities and qualifications.*

(A) At least one qualified lifeguard shall be provided by the pool or the [child care service] program for every 25 children or portion thereof and for every 3,400 square feet of pool surface area. Qualified lifeguards, as defined in Article 165 of this Code, shall actively supervise children participating in swimming and aquatic activities, as detailed in the written safety plan, and shall not be engaged in any other duties or activities that distract them from direct supervision of children in the pool.

(B) The permittee shall identify an employee to act as an aquatics director responsible for direct supervision of all swimming and aquatic activities. The aquatics director shall be present during all swimming and aquatic activities; shall establish and oversee all such activities on and off-site; and shall supervise all staff, volunteers, and children participating in these activities.

(C) During all swimming and aquatic activities, the aquatics director or designee shall have in his or her possession the approved written safety plan; and shall maintain for each swimming session an accountability system detailed in the written safety plan and approved by the Department for recording the name of each child, the swimming area to which the child is assigned, the adult to whom the child is assigned in the swimming area, and the dates and times of initiation and cessation of aquatic and swimming activities.

(D) The aquatics director shall:

(i) be at least 18 years of age;

(ii) possess either: a current cardiopulmonary resuscitation (CPR) certificate, not exceeding one year in duration, in CPR for the Professional Rescuer issued by the American Red Cross (ARC); or a

current CPR certificate, not exceeding one year in duration, issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of CPR training; and

(iii) be either:

(aa) a progressive swimming instructor who is a currently certified ARC water safety instructor or possesses a current certificate issued by certifying agency determined by the State Commissioner of Health to provide an adequate level of similar training; or

(bb) a qualified lifeguard, as specified in the New York State Sanitary Code [10 N.Y.C.R.R.] §7-2.5(g), or successor regulation, who meets lifeguarding, first aid and CPR certification requirements detailed in Part 6 of the State Sanitary Code including minimum lifeguard supervision level IIa.

(E) The permittee shall restrict swimming and aquatic activities to group sizes per 47.23(e) of this Code.

(F) At least one progressive swimming instructor (PSI) shall be provided by the pool or [child care service] permittee during all learn-to-swim programs, and shall provide instruction to no more than 10 children in the water at one time. A PSI shall be in the water at all times with the children and shall not be engaged in any other duties or activities that distract from direct instruction of children in the pool. The PSI shall be:

(i) at least eighteen (18) years of age; and

(ii) be a water safety instructor currently certified by the American Red Cross, or possess a current certificate issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of similar training; and

(iii) possess either: a current cardiopulmonary resuscitation (CPR) certificate, not exceeding one year in duration, in CPR for the Professional Rescuer issued by the American Red Cross (ARC); or a current CPR certificate, not exceeding one year in duration, issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of CPR training.

(G) There shall be at least one staff member, parent, or volunteer located in the water in close proximity to children in the water, so as to provide immediate assistance to children in distress, with direct visual surveillance of:

(i) every two children in water that is less than chest deep as measured on the children; or

(ii) every one child in water that is greater than chest deep as measured on the children; or

(iii) every three children in the water if children are wearing non-inflatable, properly fitted flotation devices that are secured to their bodies.

(iv) The PSI may be included in the above staff:child ratios.

(H) Staff members, parents, or volunteers in the water shall not be engaged in any other duties or activities that distract from direct supervision and support of children in the pool, and shall:

(i) be at least eighteen (18) years of age.

(ii) have their ability to swim established by the PSI prior to supervising children in the water. The PSI must assess their swimming capability, record the results, and incorporate them in the written safety plan which is maintained on file by the permittee.

(I) Learn-to-swim programs shall operate in water less than chest deep for all PSI, staff members, parents, and volunteers in the water.

(J) At least one staff member certified in infant, child or pediatric CPR shall be present during all swimming and aquatic activities.

(3) Child safety.

(A) Children under 3 years of age are prohibited from participating in all swimming and aquatic activities.

(B) The written safety plan shall incorporate the safety requirements and supervision procedures applicable to swimming activities.

(C) An accountability system detailed in the written safety plan approved by the Department shall be established for supervising and accounting for children, that shall include, but not be limited to:

(i) an accountability system which identifies each child by name, the swimming area to which the child is assigned, the adult to whom the child is assigned in the pool, and a record of the dates and times of initiation and cessation of aquatic and swimming activities.

(ii) accountability checks of the children are made at least every 15 minutes and results recorded in an accountability log or in accordance with the accountability system detailed in the program's written safety plan approved by the Department.

(D) The [child care service's] program's written safety plan shall specify duties of all staff in case of swimming and aquatic activity emergencies, including but not limited to emergency procedures for "lost swimmers."

(E) Prior to each swimming and aquatic activity, the aquatics director shall meet with all staff and volunteers assigned to the activity and review their roles and duties at the area, including the children to whom each adult is assigned, and emergency procedures for "lost swimmers."

(F) Prior to every trip to an off-site swimming facility not owned by the [child care service] program, the permittee shall obtain and maintain on file for each child a written consent from a parent or guardian. A consent form approved by the Department shall be incorporated in the written safety plan and shall include the child's

name and age, the destination and type of activities authorized during the field trip, and the date of the trip.

(j) *Taking children off-site.* When scheduling off-site trips or activities, the permittee must designate from among the staff accompanying the children on the trip or activity a staff member to serve as a trip coordinator. The trip coordinator is responsible for overall child supervision and must accompany each group of children when they go to off-site locations. [Staff-to-child] Staff/child ratios for each group on the trip or participating in the activity must be at least the same as the ratios required by § 47.23 of this Article.

(1) *Staffing.* The trip coordinator shall determine whether and how many additional staff and/or adult volunteers are required to maintain constant line of sight supervision of each child during the time children are offsite in addition to maintaining the [staff to child] staff/child ratios required by § 47.23 of this Article. The duties of the trip coordinator and instructions for determining the number of additional staff must be included in the [child care service's] program's written safety plan.

(2) *Child accountability.* A system for maintaining accountability for children must be detailed in the written safety plan and include, at a minimum, provisions for:

(A) *Name-to-face headcounts.* During each trip offsite, staff must conduct name-to-face headcounts before leaving the [child care service] facility, upon arrival at the offsite location, at periodic intervals while at the location, before departing from the location and upon arrival back at the [child care service] facility.

(B) *Identification of children.* The permittee must provide each child with a piece of clothing and/or other item that identifies and provides contact information for the [child care service] program, but shall not include any child's given or family name.

#### § 47.59 Fire safety.

(a) All exits shall have clear and legible illuminated exit signs.

(b) [Services] Programs shall have approved fire extinguishers in good working order and have them inspected as required by the Fire Department.

(c) In a [child care service] program holding a permit for more than 30 children, an approved interior fire alarm system shall be provided. All [child care services] programs applying for a new permit or that are located in premises undergoing material alterations must be equipped with Fire Department approved interior fire alarm systems. Infant-toddler [services] programs, and family shelter-based drop-off child supervision programs that supervise infants or toddlers, obtaining a new permit or that are located in premises undergoing material alterations must be equipped with a sprinkler system that complies with the New York City Building Code.

(d) Fire drills shall be conducted monthly and logged for Fire Department inspection.

(e) Heating apparatus shall be equipped with adequate protective guards. Space heaters shall not be used.

(f) Premises shall be free of electrical, chemical, mechanical and all other types of hazards.

(g) Smoke and carbon monoxide detectors with audible alarms shall be provided in accordance with applicable law or as required by the Department or the Fire Department.

#### § 47.61 Food and food safety.

(a) Food shall be stored, served to, and prepared for children in accordance with Article 81 of this Code, except that no additional permit to operate a food service establishment shall be required. The permittee shall designate as a supervisor of food service operations a person who has a certificate in food protection issued, pursuant to § 81.15 (a)(1) or (2) of this Code, or successor rule. Such person shall be on premises to supervise all food storage, preparation, cooking, holding, and cleaning activities, whenever such activities are in progress.

(b) Food supplied to children shall be wholesome, of good quality, properly prepared in accordance with nutritional guidelines provided or approved by the Department, age-appropriate in portion size and variety, and served at regular hours at appropriate intervals.

(1) Beverages with added sweeteners, whether artificial or natural, shall not be provided to children.

(2) Juice shall only be provided to children over two (2) years of age, and only 100% juice shall be permitted. Children shall receive no more than four (4) ounces of 100% juice per day.

(3) When milk is provided, children ages two and older shall only be served milk with 1% or less milk-fat unless milk with a higher fat content is medically required for an individual child, as documented by the child's medical provider.

(4) Water shall be made available and shall be easily accessible to children throughout the day, including at all meals. Potable drinking water supplies shall be located in or near classrooms and playrooms. Except when bubbler fountains are used, individual disposable drinking cups shall be provided within reach of children. If bubbler fountains are used, they shall be of the angle jet type with suitable guards and shall have water pressure sufficient to raise the water high enough above the spout to avoid contamination.

(5) Any special diet shall be provided only in accordance with a note from a physician.

(6) The provisions of this subdivision shall not apply to [child care services] programs operated by a religious organization in instances

where religious dietary requirements would be inconsistent with such provisions.

(c) When parents or other responsible persons provide meals, such foods shall be properly refrigerated and the operator shall provide such persons with age-appropriate nutritional guidelines approved or provided by the Department.

(d) Milk shall be stored at a temperature below 41 degrees Fahrenheit, may not be kept beyond its expiration date, and may not be dispensed or served by children except under adequate supervision.

(e) Dry food shall be stored in insect and rodent-proof containers.

(f) All utensils, dishes and other materials used in association with food shall be properly cleaned and sanitized as required by the Department or disposed of after each use.

(g) Feeding bottles shall be marked with the child's full name and date of preparation.

(h) Unused portions of formula milk and/or baby food shall be discarded after each feeding or meal.

(i) Bottles shall not be propped or kept by children while sleeping. No styrofoam cups shall be used by children two years or younger.

(j) The food service at a night care program shall be provided as follows:

(1) Evening meals shall be served at the same time daily.

(2) Breakfast shall be provided for all children who have been at the facility through the night and are present between 6 a.m. and 8 a.m.

#### § 47.63 Lead-based paint restricted.

(a) *Peeling lead-based paint prohibited.*

(1) There shall be no peeling lead-based paint or peeling paint of unknown lead content on any surface in a [child care service] facility.

(2) Peeling lead-based paint and peeling paint of unknown lead content shall be immediately abated or remediated upon discovery by the [child care service] permittee, or the owner of a building in which a [child care service] program is located, regardless of whether there has been an inspection or order issued by the Department, in accordance with § 173.14 of this Code.

(3) When there has been an order to abate or remediate lead-based paint hazards issued by the Department, the permittee, or the owner of the building in which the [service] program is located shall use only the methods specified in such order.

(4) When the Department finds a lead-based paint hazard as defined in EPA 40 C.F.R. 745.227 (h) (3) (i), on the interior of the [child care service] facility, or concentrations of lead in the paint of the exterior surfaces of the [child care] facility, that may be creating a danger to health, it may in such cases as it deems essential, order the abatement or remediation of any such condition in a manner and under such safety conditions as it may specify. The Department may also order the removal or covering of soil appurtenant to any [child care service] facility when it determines that there are concentrations of lead in such soil which exceed allowable limits of the U.S. Environmental Protection Agency published in 40 C.F.R. Part 745 or successor regulations and further determines that such concentrations may be dangerous to health.

(5) The work practices of § 173.14 of this Code shall not apply to repair and maintenance work in a [child care service] facility which disturbs surfaces of less than two (2) square feet of peeling lead-based paint per room or ten (10) percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

(6) Maintenance staff workers in [child care service] facilities that contain lead based paint or paint of unknown lead content, and who regularly do repair work that may disturb such paint, shall attend a HUD/EPA approved 8-hour course on lead safe work practices in accordance with § 173.14 (2)(b) of this Code.

(7) Children shall not be present and shall not have access to any room undergoing abatement, remediation or other work which disturbs lead-based paint or paint of unknown lead content until after completion of final clean-up and clearance dust testing.

(8) The permittee, or the owner of a building in which a [child care service] program is located, in which paint has not been tested by X-ray fluorescent (XRF) analysis by or on behalf of the Department for lead content, may object to an order issued to remediate peeling lead-based paint or peeling paint of unknown lead content, by submitting evidence satisfactory to the Department that the surface of any component cited in the order as requiring remediation does not contain lead-based paint, as follows:

(A) Such evidence shall consist of a sworn written statement by the person who performed the testing on behalf of the permittee, or building owner supported by: lead-based paint testing or sampling results, including a description of the testing methodology and manufacturer and model of instrument used to perform such testing or sampling; a copy of the certificate of training of the certified lead-based paint inspector or risk assessor; a copy of the inspection report of the inspector or risk assessor, including a description of the surfaces in each room where such testing or sampling was performed; and a copy of the results of XRF testing and/or such laboratory tests of paint chip samples performed by an independent laboratory certified by the state of New York where such testing has been performed.

(B) Such written statement and all supporting documentation shall be submitted to the department not later than thirty (30) days

before the date set for compliance with an order to remediate, and shall only be submitted where the Department has not performed an XRF test prior to issuing such order. Receipt by the Department of a complete application in accordance with this paragraph including such written statement and such supporting documentation shall toll the time period to comply with the order. Receipt of an incomplete application shall not toll the time period for compliance with the order.

(C) The Department shall notify the applicant of its determination in writing, and, if the Department rejects the application, such notice shall set a date for compliance.

(D) The performance of lead-based paint testing shall be in accordance with the definition of lead-based paint established in §173.14 of the Code. Laboratory analysis of paint chip samples shall be permitted only where XRF tests fall within the inconclusive zone for the particular XRF machine or where the configuration of the surface or component to be tested is such that an XRF machine cannot accurately measure the lead content of such surface or component. Laboratory tests of paint chip samples, where performed, shall be reported in mg/cm<sup>2</sup>, unless the surface area of a paint chip sample cannot be accurately measured, or if an accurately measured paint chip sample cannot be removed, in which circumstance the laboratory test may be reported in percent by weight. Where paint chip sampling has been performed, the sworn written statement by the person who performed the testing shall include a statement that such sampling was done in accordance with 40 CFR §745.227 or successor provision.

(E) Testing for lead-based paint may only be conducted by a person who has been certified as a lead-based paint inspector or risk assessor in accordance with subparts L and Q of 40 CFR part 745 or successor provisions and such testing shall be performed in accordance with 40 CFR §745.227(a) and (b) or successor provisions.

(b) *Child care [services] programs in operation prior to May 1, 1997.* No child care [service] program permit shall be issued or renewed, unless all interior window sills and window wells accessible to children, chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces, and such other surfaces in [such child care service] the facility as may be determined by the Department, containing or covered with lead-based paint or paint of unknown lead content shall have been abated or remediated in accordance with § 173.14 of this Code or as otherwise directed by the Department.

(c) *[Child care services] Programs commencing operation on or after May 1, 1997.* No [child care service] program which received its first permit or which, if no permit was previously required, commenced operation after May 1, 1997, shall be issued a permit where there is lead-based paint on any interior surface in [such child care service] its facility.

(d) *All paint or other similar surface coating material on furniture and equipment shall be lead-free.*

(e) *Annual survey.* Each year the permittee operating a [child care service] program in which any surfaces are covered with lead-based paint or paint of unknown origin shall conduct a survey of the condition of all such surfaces, note the results of the survey on a form provided by or satisfactory to the Department, and shall provide to the Department a copy of the results of such survey. Submission of such survey shall be on or before the permit issuance date, or the anniversary thereof. Copies of such survey results may be submitted by mail, fax or electronically.

(f) *Declaration, pursuant to Administrative Code § 17-145.* The existence of a lead-based paint hazard in a [child care service] facility, or failure to comply with this Section or § 173.14 of this Code in correcting such hazard, is hereby declared to constitute a public nuisance and a condition dangerous to life and health, pursuant to § 17-145 of the Administrative Code. Every person obligated to comply with the provisions of this section of this Code is hereby ordered to abate or remediate such nuisance by complying with any order or direction issued by the Department.

(g) *Failure to comply with Department orders.* In the event that the Department determines that a [child care service] permittee, or the owner of a building in which a [child care service] program is located has failed to substantially comply with an order issued, pursuant to this section within forty-five (45) days after service thereof, the Department shall, in accordance with § 17-911(d) of the Administrative Code, request an agency of the City to execute such order, pursuant to the provisions of § 17-147 of the Administrative Code.

(h) *Definitions.* Except as otherwise provided, all terms used in this section shall have the same meanings as the terms defined in § 173.14 of this Code.

#### § 47.65 Transportation.

(a) Motor vehicles used to transport children to or from a [child care service] program shall comply with all requirements of the New York State Department of Transportation specified in 17 NYCRR Part 720 or successor rule, and shall prominently display a current certificate of inspection issued by or on behalf of the State Department of Transportation, and shall be operated in accordance with all applicable law.

(b) A [service] program that provides transportation facilities shall supervise the transportation so as to preserve the health, safety and comfort of the children.

(c) All children shall be secured in safety seats or by safety belts as appropriate for the age of the child in accordance with the

requirements of the Vehicle and Traffic Law before any child may be transported in a motor vehicle where such transportation is provided for or arranged for by the operator.

(d) When transportation is provided by or on behalf of the [child care service] program, the driver of the vehicle may not be included in the staff/child ratios.

(e) A transportation schedule shall be arranged so that no child will regularly travel more than one hour between his or her home and the place where the [service] program is operated.

(f) *Parental consent.*

(1) The permittee shall obtain and maintain on file written consent from the parent or guardian for any transportation of children that is provided or arranged for by the permittee, including, but not limited to, trips to an offsite park, playground or library. The consent form shall include the child's name and age, the destination, mode of transportation, whether by motor vehicle, mass transit, walking, carriage, buggy, or on foot, and the maximum length of travel time and the types of activities children will engage in at the offsite location.

(g) *Documentation of transfers.* The permittee must supervise and document all transfers of children between the [child care service] program and drivers of school buses and other vehicles provided by the [child care service] program or by a transportation service under contract [to] with the [child care service] program and must incorporate its policies and procedures for transfers and transportation in the [child care service] program's written safety plan. A permittee must be able to immediately verify that no child has at any time been left on a school bus, other vehicle or other means of transportation without appropriate adult supervision. At a minimum, the written safety plan must describe how the permittee will maintain the following minimum accountability procedures:

(1) Transfer supervision, including name-to-face visual identification and confirmation for each child received from or delivered to a driver.

(2) Providing drivers with updated lists daily of the names and addresses of children who are scheduled to receive transportation services on each route, and completing and maintaining a daily log of children placed aboard vehicles for transport home.

(3) Drivers employed by the permittee or a transportation contractor must maintain a daily trip log with the names of the driver and other staff of the [child care] permittee or transportation service assigned to the vehicle to maintain supervision; the name, address, and contact information of the contractor transport service, if applicable; the name of each child and the times of entry and departure from the transport vehicle. A paper or electronic copy of the log must be given to the [child care service] permittee when children arrive at the [child care service] facility.

(4) Permittees must maintain all required records for at least six months and make such records available for inspection by the Department upon request.

#### § 47.67 Child development policies, [program] activities, rest periods and clothing.

(a) *[Program] Activities.* [The program] A program's activities shall be varied in order to promote the physical, intellectual, and emotional well-being of the children. Corporal punishment and humiliating or frightening methods of control shall be prohibited. Food, rest or isolation shall not be used as a means of punishment. Punitive methods of toilet training are prohibited.

(b) *Schedules.* A written daily schedule of program activities and routines which offer reasonable regularity, including snack and meal periods, nap and rest periods, indoor and outdoor activities, and activities which provide children with opportunities for learning and self-expression in small and large groups is required. When night care is provided, this schedule shall include routine personal hygiene, including changing into night clothes, brushing teeth, and washing before bed in the manner to be agreed between the parent and the operator.

(c) *Child behavior management.* A written statement on the philosophy of managing the behavior of children shall be distributed to every staff member, posted in a prominent location within the [child care service] facility and made available to parents upon request.

(d) *Parents.*

(1) *Unrestricted access.* Parents shall have unrestricted access to their children at all times.

(2) *Enrollment and orientation.* At the time children are enrolled in a [child care service] program, parents must be provided with information that acquaints parents with the policies and procedures of the [child care service] program for supervision, attendance, admission, discharge, emergency and illness management as specified in the written safety plan and the requirements of this Code, and a copy of the Department brochure, "How to Get Information about Child Care Programs in New York City," or successor publication.

(3) *Video surveillance.* The parents of all children receiving care or supervision in a [child care service] facility equipped with video surveillance cameras installed for the purpose of allowing parents to view their children in the [child care setting] facility by means of the internet shall be informed in writing that cameras will be used for this purpose. All staff of the [child care service] program also shall be informed in writing if video surveillance cameras will be used for this

purpose. The [child care service] program shall make available copies of such notices to the Department upon request.

(A) All parents of children enrolled in the [child care service] program and all staff of the [child care service] program shall be made aware of the locations of all video surveillance cameras used at the [child care service] facility.

(B) [Child care services] Programs opting to install and use video surveillance equipment shall comply with all law applicable to the use of such equipment.

(C) Video surveillance cameras may not be used as a substitute for competent direct supervision of children.

(D) [Child care services] Programs opting to allow parents to view their children in the child care setting by means of the internet shall use and maintain adequate internet security measures at all times. Such measures include but are not limited to: passwords that are frequently changed that enable [parent] parents to access the internet site for viewing children; filtering measures that prohibit public access to or viewing of child care or supervision activities via the internet; and immediate corrective action in response to any report of abuse of the system or inappropriate access. Such [services] programs shall also advise the parents having access to views of the [child care service] program through the internet of the importance of security in regard to such viewing and of the importance of the privacy rights of other children who may be viewed.

(E) Video surveillance cameras shall be used only to transmit images of children in common rooms, hallways and play areas. Bathrooms and changing areas shall remain private and free of all video surveillance equipment.

(F) [Child care services] Programs that use video surveillance equipment shall allow inspectors and other representatives of the Department to have access to such equipment and to have viewing privileges as required by the Department.

(e) *Children shall be comforted when distressed.*

(f) *Safe sleep environment for infants.*

(1) An infant/toddler [service] program or family shelter-based drop-off child supervision program providing services to infants or toddlers must provide a safe sleep environment for each infant, consisting of a single crib or bassinet per child that is approved by the U.S. Consumer Product Safety Commission, and that complies with standards of the American Society for Testing and Materials (ASTM) International for infant sleep equipment; and a firm crib mattress specifically designed for the equipment used, covered by a tight fitting sheet flush with the sides of the crib/bassinet. The crib or bassinet must be free of bumper pads, pillows or sleep positioning devices not medically prescribed, loose bedding, blankets, toys and other possible suffocation risks.

(2) *Positioning.* Infants must be placed in a supine position unless written medical instructions directing otherwise are provided by the infant's primary health care provider. The [child care service] program must maintain written medical instructions and make the instructions available for inspection by the Department. Infants capable of turning over by themselves in any direction may remain in the position the infant attains.

(3) *Prohibitions.* Infants must not be allowed to sleep or nap in a car safety seat except during transportation. Infants must not be allowed to sleep on bean bag chairs, futons, bouncy seats, infant swing or highchairs, playpens or other furniture/equipment not designed and approved for infant sleep purposes and meeting safe sleep environment criteria. Infants found sleeping in other than a safe sleep environment must be moved to a safe sleep environment upon discovery. Only one infant may occupy a single crib or bassinet at any given time.

(4) *Bedding.* Bedding must be changed prior to placing an infant in a crib or bassinet previously occupied by another infant.

(5) *Choking, tangling hazards.* Bibs, necklaces, and garments with ties or hoods must be removed prior to placing an infant in a crib or bassinet.

(g) Each child in full time child care shall have a quiet, relaxed period of approximately one hour a day. Shorter, comparable periods of quiet and relaxation shall be provided for each child who spends less time in [the service] a program.

#### § 47.69 Night care.

(a) *Information required.* A night care [service] program shall include in each child's record the arrangements provided for care when the child is not in night care as well as information regarding family bedtime routines and other information which would assist staff in providing a smooth transition for the child.

(b) *Time in night care limited.* No child shall spend more than 12 hours in a night care setting in any 24 hour period.

(c) *[Program] Services.* A night care [service] program shall have [a program] services that incorporate[s] the following elements:

(1) When possible, children shall be left for care before and picked up after their normal sleeping period so that there are minimal disturbances of the child during sleep.

(2) The program [of the night care service] shall facilitate a relaxed atmosphere characterized by informal quiet activities.

(3) Scheduling shall reflect the need for regularity in meeting basic needs such as relaxation, meals, self-care/hygiene and sleep.

**§ 47.71 Physical activity and limits on television viewing.**

(a) *Physical activity.* Each [child care service] program shall provide [a program of] age and developmentally appropriate physical activity.

(1) Children ages 12 months or older attending a full-day program shall be scheduled to participate in at least 60 minutes of physical activity per day. Children attending less than a full day program shall be scheduled to participate in a proportionate amount of such activities. For children ages three (3) and older, at least 30 of the 60 minutes shall be structured and guided physical activity. The remainder of the physical activity may be concurrent with other active play, learning and movement activities.

(2) Structured and guided physical activity shall be facilitated by teachers and/or caregivers and shall promote basic movement, creative movement, motor skills development, and general coordination.

(3) Permittees shall document structured and guided physical activities and make such documentation available to the Department upon request. This documentation shall be included in the program daily schedule and program lesson/activity plans.

(4) Children shall not be allowed to remain sedentary or to sit passively for more than 30 minutes continuously, except during scheduled rest or naptime.

(b) *Play equipment.* In the indoor and outdoor play areas, the permittee shall make available sufficient equipment, appropriate to the stage of development of the children, and designed to foster physical and motor development, and that shall enable all children to engage in structured and guided physical activities.

(c) *Outdoor play.*

(1) Adequate periods of outdoor play shall be provided daily for all children, except during inclement weather.

(2) During outdoor play, children shall be dressed appropriately for weather and temperature. In inclement weather, active play shall be encouraged and supported in safe indoor play areas.

(d) *Television viewing.*

(1) Television, video and other visual recordings shall not be used with children under two years of age.

(2) For children ages two (2) and older, viewing of television, videos, and other visual recordings shall be limited to no more than 30 minutes per week of educational [programs] programming or [programs] programming that actively [engage] engages child movement.

(3) Children attending less than a [full day] full-day program shall be limited to a proportionate amount of such viewing.

**§ 47.73 Required postings.**

(a) The permittee shall maintain an updated copy of this Code and make it available to all staff.

(b) The permittee shall post the following at the front door of its public entrance where staff, parents and others may review them:

(1) The current permit securely encased in a weather-resistant glass or plastic protective frame, and

(2) A sign provided or approved by the Department stating that the Department's most recent summary inspection report for the [child care service] program may be obtained from the Department's website, or by calling 311, and that complaints about the [child care service] program may be made to, and more information about requirements for operation of [child care services] programs may be obtained by calling 311.

**§ 47.75 Modification of provisions.**

(a) *Modification of provisions.* When the strict application of any provision of this article presents practical difficulties, or unusual or unreasonable hardships, the Commissioner in a specific instance may modify the application of such provision consistent with the general purpose and intent of this Code and upon such conditions as in his/her opinion are necessary to protect the health of the children.

(b) *Fee waiver.* Upon the submission of proof satisfactory to the Commissioner that an applicant for a permit is a [child care service] program which is fully funded by the [Agency] Administration for Children's Services (ACS), [or] the New York City Human Resources Administration, the New York City Department of Homeless Services, or a successor agency, as an ACS Group Child Care Center, Head Start or other child care [service] or supervision program, the permit fee required by Article 5 of this Code shall be waived. Such waiver shall continue in effect provided the applicant [child care service] program remains fully funded.

**§ 47.77 Closing and enforcement.**

(a) *Imminent health hazards.*

(1) When the Department determines that any [child care service] program is being operated in a manner that may give rise to an imminent health hazard, or is maintaining one or more conditions that constitute an imminent health hazard, or that its operation otherwise presents a risk of endangering the health or safety of children or other persons, the Commissioner may order such [child care service] program to close and to discontinue operations, suspending its permit, without further proceedings, by service of an order upon the permittee, or other person(s) managing or in control of such [child care service] program. An order issued, pursuant to this section shall provide the permittee, or other person(s) in control, an opportunity to be heard and to show cause why such [child care service] program should not remain closed

until there are changed circumstances, or the correction, removal or abatement of the dangerous or detrimental condition(s).

(2) The Commissioner may require any [child care service] permittee that consistently fails to correct imminent or repeat, serious violations to [enroll in a program] prepare a corrective action plan in which factors contributing to violations are analyzed and [the permittee establishes a corrective action] a plan is created to address and correct violations. When, in the opinion of the Commissioner, a permittee [enrolled in such a program] is unable or unwilling to write or implement a corrective action plan that adequately protects the health and safety of children, the Commissioner shall provide the permittee with an opportunity to show cause at a hearing why [the child care service's] its permit should not be suspended or revoked.

(b) *Operating without a permit.* Operating any [child care service] program without a currently valid permit shall be deemed to present an imminent health hazard to children in attendance, for which such [service] program shall be ordered closed without further proceedings.

(c) *Additional operating terms and conditions authorized.* If the Department determines that the reopening of a [child care service] program that has been ordered closed and its continuing operation will not present any risk to any person, the Department may authorize such reopening and may impose such additional conditions upon continuing operation that it deems necessary to avoid recurrence of imminent health hazards.

(d) *Service of orders.* Service of any order issued, pursuant to this Article may be made upon any person to whom the order is addressed, to a permittee, to a person required to hold a permit or upon any other person of suitable age and discretion who is asserting ownership, management or control of such [child care service] program. Service of any order may be made in any manner provided in § 3.07 of this Code, or successor provision, and may be delivered to the home or business address of the permittee listed in the permit issued by the Commissioner, or in the permit application or at the place where the [child care service] program is being operated.

(e) *Posting orders to close; notifying parents.* Upon issuing an order to close a [child care service] program for any reason, the Department shall post a copy of the order at the entrance to the premises subject to such order, and shall notify and provide a copy of the closing order to the parents or other persons who arrive at the [child care service] program to pick up children attending the [child care service] program.

(f) *Padlocking.* Upon finding that any order issued, pursuant to this section has not been complied with, the Department may, without further notice, seal or padlock the premises where [such child care service is conducted] services are provided and take any other measures deemed necessary to obtain compliance with the order.

(g) *Operation in violation of order prohibited.* No person shall remove a padlock, seal or an order posted, pursuant to this section, or open to the public or operate a [child care service] program in violation of an order issued, pursuant to this section.

(h) *Other actions.* In addition to any action authorized by this article or Article 5 of this Code, the Commissioner may refuse to renew, or may revoke or deny issuance of a permit if:

(1) the [child care service's] program's permit was ordered suspended more than once during the past 36 months, or

(2) the [child care service's] program's permit was previously ordered suspended for having lost a child, or another instance of inadequate supervision or inappropriate behavioral management of children [occurs]; or

(3) the permittee failed to implement a corrective action plan; or

(4) a permit applicant or permittee continued operating a [child care service] program when a permit was either ordered suspended or the [child care service] program was ordered closed for operating without a permit; or

(5) the Commissioner determines that a permittee is unable or unwilling to correct a pattern of serious, repeated violations including, but not limited to, those defined as imminent health hazards; or

(6) the Commissioner finds out after issuing a permit that a previous or current permit, license, registration or other authorization to operate a [child care] program, held by the permittee, or any officer, manager or director of the permitted entity, was or is being suspended or revoked in any jurisdiction.

(i) *Department authority not limited by this section.* Nothing herein shall be construed to limit the authority of the Department to issue notices of violation seeking monetary penalties for violations cited by the Department, or commence any other proceeding or action provided for by this Code or other applicable law, including actions to deny, suspend or revoke permits.

(j) *Effect of permit revocation.* When a permit has been ordered revoked by the Commissioner, and the Commissioner finds that the circumstances resulting in revocation show that the permittee or other persons exercising management and control are unable or unwilling to operate a [child care service] program in compliance with this Code, an application for a new permit will not be accepted for at least five years from the date revoked from either the permittee or from any individual person exercising management and control [in] of the [child care service] program [whose] that had its permit [was] revoked.

**§ 47.79 Construction and severability.**

This Article shall be liberally construed for the protection of the health of children attending [child care services] programs regulated by this

Article. If any provision of this Article is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this Article.

*Note: Sections 47.01, 47.03, 47.05, 47.07, 47.09, 47.11, 47.19, 47.21, 47.23, 47.25, 47.27, 47.29, 47.31, 47.33, 47.35, 47.37, 47.39, 47.41, 47.45, 47.47, 47.49, 47.51, 47.53, 47.55, 47.57, 47.59, 47.61, 47.63, 47.65, 47.67, 47.69, 47.71, 47.73, 47.75, 47.77, and 47.79 were amended, and a new Section 47.18 was added, to provide for and regulate a new license category, for family shelter-based drop-off child supervision programs.*

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## New York City Department of Health and Mental Hygiene Board of Health

### Notice of Adoption of Amendments to Article 161 of the New York City Health Code

In compliance with Section 1043(b) of the New York City Charter (the "Charter") and, pursuant to the authority granted to the Board of Health by Section 558 of said Charter, a notice of intention ("NOI") to amend Article 161 of the New York City Health Code (the "Health Code") was published in the City Record on June 22, 2017, and a public hearing was held on July 24, 2017. Two people testified and six written comments were received, including comments from two people who testified. Four of the comments related to the technical change being made to clarify the prohibition on commercial, in-home animal boarding and two related cessation of service dog tag issuance. No changes were made in response to the comments received. At its meeting on September 12, 2017 the Board of Health adopted the following resolution.

#### Statement of Basis and Purpose

##### Service Dog Tags

As part of a comprehensive review and update of the Health Code, on March 16, 2010, the Board of Health adopted several amendments to Article 161 of the Health Code. The amendments included adding a definition of the term "service dog" in Section 161.02 and a new subdivision (d) in Section 161.04 that authorized the Department to provide, at no additional cost, a second tag in addition to a regular license to the owner of a service dog. Such tags were available in other parts of the State. The amendments were intended to make them similarly available to people with disabilities residing in the City who might want to alert others that their dogs were service animals and thus should be allowed to accompany them.

While the provisions of the Health Code allowing the Department to issue service dog tag were well-intentioned, their existence may actually be frustrating the purposes of the ADA<sup>1</sup> and New York State and City Human Rights Laws.<sup>2 3</sup> The ADA prohibits places of business or other public accommodation, landlords, and employers from discriminating against people with disabilities. Such discrimination includes refusal to allow entrance of a service animal, which the ADA defines as any dog that is individually trained to do work or perform tasks for the benefit of an individual with disabilities, without regard to whether the animal has a specific tag identifying it as a service dog.<sup>4</sup> Because the Department offered the optional service dog tags, some entities are confused and mistakenly only accommodated individuals whose service dogs are wearing them. Similarly, the Department was informed that some individuals with disabilities mistakenly believed they must have service dog tags in order to exercise their rights under the law. Indeed, the ADA regulations specifically provide that a public accommodation or entity "shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal."<sup>5</sup> Thus, rather than facilitating compliance with disability laws, the tags may have impeded individuals from exercising their rights and might have inadvertently led a business to refuse service to a person with a disability whose dog did not have a tag.

In order to remove the inadvertent barriers created by the service dog tag provision of the Health Code, the Board of Health is repealing the provision and remove the definition of "service dog" from Article 161 of the Health Code. The Mayor's Office for People with Disabilities and the City Commission on Human Rights agree that the Department should stop issuing service dog tags because the tags are

1 Americans with Disabilities Act of 1990, Pub. L. No. 101-336 (1990).

2 NYS Executive Law § 290, et seq.; see §§ 296(2) and 296(14); NYS Civil Rights Law §§ 47 and 47-b.

3 NYC Administrative Code § 8-107(4).

4 28 C.F.R. § 36.104; see also at § 35.104. As noted recently by the New York City and State Bar Associations Joint Task Force on Service Animals in New York State (accessible online at [http://documents.nycbar.org/files/guide-to-the-use-of-service-animals-in-new-york-state.html#\\_edn1](http://documents.nycbar.org/files/guide-to-the-use-of-service-animals-in-new-york-state.html#_edn1)), the New York City Human Rights Law does not define "service animal."

5 28 C.F.R. § 36.302(c)(6); see also at § 35.136(f).

not necessary; both agencies are concerned that the tags could actually work to the disadvantage of people with disabilities and tend to confuse some business owners, leading them to unintentionally violate the ADA.

##### Simplifying language and other amendments

The Mayor's Office of Operations, working with the City's rulemaking agencies, the Law Department, and the Office of Management and Budget, conducted a retrospective review of the Health Code and City rules to identify provisions that should be, among other possible changes, simplified to help support public understanding and compliance. The amendments to Sections 161.15 and 161.17 were identified through this initiative.

As part of this text simplification process, the Board of Health is acting to alleviate confusion whether small animals may be sold, groomed, trained, or boarded in homes. This confusion has arisen due to the use of the word "room" in Health Code Section 161.15(a) rather than the word "dwelling." The definition of "home occupation" in Section 12-10 of the New York City Zoning Resolution<sup>6</sup> specifically provides that commercial animal kennels are not permitted as "home occupations." Health Code Section 161.02 defines a "boarding kennel business" as a facility other than an animal shelter where animals not owned by the proprietor are sheltered, harbored, maintained, groomed, exercised, fed, or watered in return for a fee. The Board is amending subdivision (a) of Section 161.15 to replace the word "room" with the word "dwelling" and adding the phrase "in return for a fee" to clarify where the sale, boarding, grooming, and/or training of small animals for a fee is allowed.

Similarly, the other changes being made, except the following two amendments, improve clarity. The two substantive changes are:

#### 1. Changes to Health Code subdivision 161.15(d)

Previously, subdivision (d) only prohibited the sale or holding for sale, boarding, grooming or training any dog or cat that has, or has been exposed to, a communicable disease. The Board is replacing the phrase "a dog or cat" with "any animal" so that communicable disease among all types of animals can be better controlled and avoided.

#### 2. Changes to Health Code Section 161.17

The Board is adding parasites communicable to other animals and humans to the conditions prohibited for dogs and cats in group socialization or play areas operated by permitted entities. The goal of this addition is to better protect the health of animals and humans from communicable conditions.

#### Statutory Authority

The authority for these amendments is found in Sections 556, 558, and 1043 of the Charter. Section 556 of the Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Section 558 of the Charter empowers the Board to amend the Health Code and to include in the Health Code all matters to which the authority of Department extends. Section 1043 grants the Department rulemaking authority.

The amendment is as follows:

Matter in [brackets] is repealed.

Matter underlined is new.

**RESOLVED**, that Section 161.02 of Article 161 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be amended with an explanatory note to read as follows:

#### § 161.02 Definitions.

\* \* \*

[**Service dog** shall mean a dog that has been individually trained to perform tasks for persons with a disability, as defined in Executive Law §292 or successor law, including, but not limited to, providing guidance for persons who are blind, alerting persons who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other tasks.]

\* \* \*

*Note: By resolution adopted September 12, 2017, the Board of Health repealed the definition of "service dog" from Section 161.02 and repealed the provision of Section 161.04 for the issuance of service dog tags.*

**RESOLVED**, that Section 161.04 of Article 161 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be amended with an explanatory note to read as follows:

\* \* \*

6 Accessible online at <https://www1.nyc.gov/assets/planning/download/pdf/zoning/zoning-text/art01c02.pdf>.

(d) *Service dogs.* Owners of licensed dogs may request an additional tag from the Department indicating that the dog is trained to perform a task to assist a person with a disability, without paying an additional fee for such tag. An application for such tag shall be accompanied by a written statement from a trainer whose education, experience and training are acceptable to the Department, stating that such dog has been specifically trained to perform a task or tasks for the person applying for the tag.

(e) *Sales of licenses authorized.* Licenses may be sold by the Department in any manner that is not prohibited by law. The Department may authorize other persons to sell such licenses, upon such terms and conditions as it deems necessary to promote the sales of licenses. The Department may accept license applications and sell licenses electronically, and may impose a surcharge to cover the actual additional costs of selling licenses electronically, if any, including costs imposed by credit card issuers.

(f) (e) *Enforcement.* Notices of violation for failure to comply with this section may be issued by any authorized employee, officer or agent of the Department, the Department of Sanitation, the Department of Parks and Recreation, or successor agencies, or by special patrolmen or patrolwomen who have been delegated such duties by their employers.

*Note: By resolution adopted on September 12, 2017, the Board of Health repealed the definition of "service dog" from Section 161.02 and repealed the provision of Section 161.04 for the issuance of service dog tags.*

**RESOLVED**, that Section 161.15 of Article 161 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be amended with an explanatory note to read as follows:

**§ 161.15 Keeping of small animals for sale, boarding, grooming, or training.**

(a) [No animals] *Dwellings and food service establishments.* Animals shall not be sold [or], held for sale, or boarded, groomed or trained in [a room] exchange for a fee in a dwelling in which a person lives. [No aquatic] Aquatic animals, as defined in Article 81 of this Code, [except live food fish species from a source authorized by applicable law to supply such fish or live fish in an ornamental aquarium,] shall not be sold [or], held for sale or kept in the same place where food or drink is sold for human consumption. This subdivision shall not prevent a food service establishment from keeping live fish species intended for human consumption and obtained from a legal food source or from displaying live fish in an ornamental aquarium.

(b) [The holder of a permit issued] *Providing and submitting dog license applications.*

(1) An entity permitted, pursuant to [§161.09 or the person in charge of the place for which the permit is issued, shall] Section 161.09 must provide a dog license application to any [individual] person seeking to purchase, adopt, [groom, train, or board] reclaim, or take custody of a dog [, showing no evidence of licensure, with a dog license application, furnished by the Department, which shall be completed by the individual. The holder of a permit to operate a pet shop or shelter or person in charge thereof, shall not transfer possession, title, ownership, control or custody of any dog to a prospective purchaser or adopter without first requiring the purchaser or adopter to submit a completed application for a dog license and to pay all required license fees unless such purchaser or adopter shall execute and submit to such permittee a written] unless the person demonstrates that the dog is already licensed or signs a sworn statement that the dog [to be purchased or adopted is to be harbored] will live outside the City. [The operator of a shelter issued a permit by the Department shall not release an unlicensed dog to any person unless the person shall complete an application for a license and tender the license fees required by law. Such holder of a permit or person in charge shall forward such completed application and license fees to the Department in such manner as may be specified by the Department, consistent with the New York City Dog License Law enacted by the State legislature (Chapter 115 of the Laws of 1894, as amended). The license shall be issued by the Department.] The person seeking to purchase, adopt, reclaim, or take custody of the dog must complete the application and return it, along with any fees due, to the permitted entity. Such entity must forward the completed application along with any fees to the Department within five (5) business days, and the Department will issue the license and send it to the dog's owner.

(2) Whenever a dog receives training, grooming, or boarding services from an entity permitted, pursuant to Section 161.09 to provide only those services, the entity must provide the dog owner with a dog license application, unless either the dog owner provides proof that the dog has a Department-issued license, or the dog lives outside of the City.

(c) [A holder of a permit to keep small animals for sale or for boarding, grooming or training, or to shelter homeless animals, shall] An entity permitted, pursuant to Section 161.09 must maintain and keep for one year a record of purchases [and], sales [and/or a record of], boarding, grooming, training, [providing shelter for] sheltering of homeless animals, [or] and adoption services rendered. When a dog or cat is purchased, sold, adopted or kept, the permittee [shall] must make an entry in the record [which shall contain] that includes (1) the name and address of the person from whom it was purchased

[and of the person], to whom it was sold or given for adoption, or [of the person] who ordered boarding, grooming, or training services for such animals[.]; and (2) a complete description of the animal, including its age, sex, and breed. [The permittee shall on] On at least a monthly basis, the permittee must report to the Department, on a form furnished by the Department, all licensed and unlicensed dogs which have been sold, adopted, groomed, trained, boarded, sheltered, or otherwise served. Such form [shall] must include the name and address of the dog owner and license number of all licensed dogs as well as any other descriptive information regarding [such] the dog as may be required by the Department.

(d) A holder of a permit to keep small animals for sale, boarding, grooming or training shall not sell or hold [for sale, boarding, grooming or training a dog or cat which] any animal that is affected with or [which] that has been exposed to a disease [which is] communicable among [such] small animals[, and shall not keep such animals] unless [it] such affected or exposed animal is under the care of a licensed veterinarian.

(e) *Proof of vaccinations required.*

(1) *Proof of rabies vaccination.* [Holders of permits to operate animal boarding kennels, grooming parlors, training establishments and pet shops] Prior to providing boarding, grooming [and/or], or training services, an entity issued a permit, pursuant to Section 161.09 must obtain proof from the owner of each dog, cat, or other animal [that is provided services] that the animal is currently vaccinated for rabies, [provided that] unless there is [a USDA approved] no USDA-approved rabies vaccine for such animal, or that the animal has a medical condition for which rabies vaccination is contraindicated. [A] Such proof must be either (i) a copy of a rabies vaccination certificate, or (ii) a signed letter from a veterinarian verifying the animal's vaccination status or exemption from vaccination [will constitute such proof]. Such proof must be maintained on the premises for at least one year and provided to the Department upon request.

(2) *Other vaccinations for dogs.*

(A) *Boarding kennels and training establishments.* [Holders of permits to operate animal boarding kennels, training establishments and pet shops] Prior to providing boarding, grooming [and/or] or training services, an entity issued a permit, pursuant to Section 161.09 of this Code must obtain proof from the owner of each dog provided services that [such] the dog is currently actively vaccinated against distemper, adenovirus, parainfluenza, parvovirus and Bordetella, or [a letter from a veterinarian] that the animal has a medical condition for which vaccination is contraindicated. Such proof may include, but is not limited to, (i) a receipt from a veterinary office for vaccines provided, (ii) a summary of a veterinary visit prepared by the veterinary office indicating such vaccines were administered, or (iii) a copy of a signed letter from a veterinarian stating that the dog has been so vaccinated or that the dog has a medical condition for which vaccination is contraindicated. The accepted proof must be maintained on the premises for [a period of not less than] at least one year and provided to the Department upon request.

(B) *[Grooming parlors] Entities providing grooming services only.* A holder of a permit to operate a grooming parlor where only grooming services are provided must obtain from the owner of each dog that is provided services either (i) a sworn statement of the owner that the dog is currently actively vaccinated against distemper, adenovirus, parainfluenza, parvovirus and Bordetella along with the name and contact information of the veterinarian who administered the vaccinations, or (ii) a receipt from a veterinary office for vaccines provided, or (iii) a summary of a veterinary visit prepared by the veterinary office indicating such vaccines were administered, or (iv) a copy of a signed letter from a veterinarian stating that the dog has been so vaccinated or that the dog has a medical condition for which vaccination is contraindicated. [An owner's sworn statement must include the name and contact information of the veterinarian who administered the vaccinations.] The accepted proof must be maintained on the premises for [a period of not less than] at least one year[,] and provided to the Department upon request.

(f) *Cage or box dryers prohibited.* Facilities that care for or provide services to small animals [shall] must not dry any such animal using a cage or box dryer or any other dryer that is equipped with a heating element that is not handheld.

*Note: By resolution adopted September 12, 2017, the Board of Health amended Section 161.15 to simplify its text. In addition, to better reflect the requirements of the NYC Zoning Resolution Section 12-10 and other provisions of this Code, subdivision (a) was amended to clarify that certain services are not permitted in dwellings. To better protect the City's public health, subdivision (d) was amended to prohibit the sale, boarding, grooming and/or training of all animals with communicable disease unless the animal is under the care of a veterinarian.*

**RESOLVED**, that Section 161.17 of Article 161 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be amended with an explanatory note to read as follows:

**§ 161.17 Small animals kept for sale, shelters, kennels and training establishments; physical facilities and maintenance.**



[A place issued a permit, pursuant to § 161.09 of this Article where small] A pet shop, boarding kennel, shelter, and any other place where animals are kept [for sale, a shelter for homeless animals or a kennel or other place where animals are boarded or trained shall] that is permitted, pursuant to Section 161.09 must meet the requirements of Articles 131 and 151 [of this Code for maintenance of the physical] for maintaining facilities and eliminating conditions conducive to pests. The floors, walls, implements, and cages in such place must be kept clean and in good repair, and cages must be disinfected when necessary. An individual cage [shall] must be provided for the use of each dog or cat three months of age or over except when isolation in a separate cage is medically contraindicated or[, as specified in individual cases,] animals are caged together for a humane reason. [A] In such cases, a veterinarian [shall] must provide a written statement and [such] any other documentation [as] required by the Department [may require] indicating the [reason why] reasons more than one animal should be caged together. Such documentation [shall] must be maintained on the premises and be available for inspection. [The floors, walls, implements and cages in such place shall be kept clean and in good repair. Cages shall be disinfected when necessary.] Nothing in this Code [shall prohibit] prohibits the establishment of [canine or feline congregate] dog or cat group socialization or play areas in boarding facilities regulated by this Code, provided that animals allowed in such areas are certified by a veterinarian as vaccinated against rabies and free of other diseases and parasites transmissible to humans or other animals.

*Note: By resolution adopted September 12, 2017, the Board of Health amended Section 161.17 to simplify its text and, to better protect the City's public health, added "and parasites" to the last sentence.*

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**NEW YORK CITY  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
BOARD OF HEALTH**

**Notice of Public Hearing and Opportunity to Comment on  
Proposed Amendments to Articles 11 and 13 of the  
New York City Health Code**

**What are we proposing?** The Department of Health and Mental Hygiene (the Department) is proposing that the Board of Health (the Board) amend Articles 11 (Reportable Diseases and Conditions) and 13 (Laboratories) of the New York City Health Code (Health Code) to enhance certain reporting and disease control requirements.

**When and where is the hearing?** The Department will hold a public hearing on the proposed Health Code amendments from 10:00 A.M. to 12:00 P.M. on October 25, 2017. The hearing will be held at:

New York City Department of Health and Mental Hygiene  
Gotham Center  
42-09 28th Street, 14th Floor, Room 14-43  
Long Island City, NY 11101-4132

**How do I comment on the proposed amendments to the Health Code?** Anyone can comment on the proposed amendments by:

- **Website.** You can submit comments to the Department through the NYC Rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov)
- **Mail.** You can mail written comments to: New York City Department of Health and Mental Hygiene Gotham Center, 42-09 28th Street, CN 31 Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to New York City Department of Health and Mental Hygiene at (347) 396-6087.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at (347) 396-6078. You can also sign up in the hearing room before or during the hearing on October 25, 2017. You can speak for up to five minutes.

**Is there a deadline to submit written comments?** Written comments must be received on or before 5:00 P.M. on October 25, 2017.

**What if I need assistance to participate in the hearing?** You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (347) 396-6078. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by October 11, 2017. This location is wheelchair-accessible.

**Can I review the comments made on the proposed amendments?** You may review the comments made online at <http://rules.cityofnewyork.us/> on the proposed amendments by going to the website at <http://rules.cityofnewyork.us/>. All written comments and a summary of the oral comments received by the Department will be

made available to the public within a reasonable period of time by the Department's Office of the General Counsel.

**What authorizes the Board to make these amendments?** Sections 556, 558, and 1043 of the City Charter authorize the Board to make the proposed amendments. The portion of the proposed rule pertaining to hepatitis B reporting was not included in the Department's regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

**Where can I find the Health Code and the Department's rules?** The Health Code and the rules of the Department of Health and Mental Hygiene are in Title 24 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The Board must meet the requirements of §1043 of the City Charter when creating or changing the Health Code. This notice is made according to the requirements of City Charter §1043.

**Statement of Basis and Purpose**

The Department's Division of Disease Control conducts disease surveillance and control activities for most of the diseases listed in Article 11 (Reportable Diseases and Conditions) of the Health Code. The Division of Disease Control also enforces Article 13 (Clinical Laboratories) of the Health Code, which regulates how laboratory tests must be performed and the reporting of test results. In addition, the Department must comply with various provisions of Part 2 of the New York State Sanitary Code, found in Title 10 of the New York Codes, Rules and Regulations, with respect to control of communicable diseases.

To conduct more effective, timely, and complete disease surveillance and control, the Department is proposing that the Board amend Health Code Article 13 as follows:

**Hepatitis B Reporting**

The Department is proposing that the Board amend Health Code §13.03(b)(3)(A) to require laboratories to report all hepatitis B virus (HBV) DNA test results, including negative results. The Health Department currently requires laboratories to report only positive HBV DNA results, in addition to other positive HBV test results.

HBV DNA testing is performed on individuals who have tested positive for HBV. HBV DNA tests measure viral load and whether the patient has chronic (active) HBV, requiring treatment. For patients already diagnosed with chronic HBV, DNA test results provide important information regarding infectiousness, treatment eligibility, and risk for development of liver cancer. For patients being treated for HBV, DNA test results provide information regarding treatment outcome (i.e., the extent to which the patient cleared the infection).

The number of HBV cases is rising nationally and in New York City. More than 100,000 New Yorkers are estimated to be living with chronic HBV, with 8,439 new cases diagnosed in 2016, an increase of 18.8% since 2013. The majority of individuals infected with HBV as adults will clear the virus on their own but many New Yorkers will develop chronic HBV. Chronic HBV can lead to serious health issues, including cirrhosis and liver cancer. All persons with chronic HBV infection require linkage to care and regular monitoring for liver damage and other complications; a subset require treatment with antiviral medications.

Without negative HBV DNA test results, the Health Department has limited knowledge regarding whether patients who have tested positive for HBV are receiving appropriate follow-up testing and treatment. Mandated reporting of negative HBV DNA test results will allow the Health Department to estimate the proportion of New Yorkers infected with HBV who are appropriately tested and linked to care; identify gaps in access to care; develop targeted interventions to increase linkage to care and improve provider knowledge of HBV testing and treatment guidelines; and increase monitoring to reduce HBV-related morbidity and mortality.

**Carbapenem-resistant Enterobacteriaceae Reporting**

The Department is proposing that the Board amend Health Code §11.03(a) to require laboratories to report carbapenem-resistant Enterobacteriaceae (CRE), an emerging bacterial threat. CRE are a family of bacteria that are difficult to treat because they have high levels of resistance to many antibiotics including carbapenem antibiotics. Carbapenem antibiotics are often used as the last line of treatment for infections caused by highly resistant bacteria, including those in the Enterobacteriaceae family.

As explained by the Centers for Disease Control and Prevention (CDC): "The emergence and dissemination of carbapenem resistance among Enterobacteriaceae in the United States represents a serious threat to public health. These organisms cause infections that are associated with high mortality rates and they have the potential to spread widely. Decreasing the impact of these organisms will require a coordinated effort involving all stakeholders including healthcare

facilities and providers, public health, and industry.<sup>1</sup> CDC has designated CRE an “urgent” threat, the highest threat level in its list of antibiotic resistance threats in the United States.<sup>2</sup>

CRE infections are common in hospitals, nursing homes, and other healthcare settings. Patients whose care requires devices like ventilators, urinary catheters, or intravenous catheters, and patients who are taking long courses of certain antibiotics are most at risk for CRE infections.<sup>3</sup> In 2015, hospitals in NYS reported 3,618 CRE cases via the CDC’s National Healthcare Safety Network (NHSN); 1,727 of these were reported by the 51 participating New York City facilities.<sup>4</sup> As only hospitals submit data to the NHSN, the number of CRE infections in New York is probably significantly larger.

Mandated reporting will provide vital epidemiological information regarding incidence and evolution of CRE and assist in the identification of new strains, clusters, and outbreaks. This will enable the Health Department to help ensure infection control precautions are being taken. Mandated reporting of CRE is also aligned with recently released Council of State and Territorial Epidemiologists guidelines.<sup>5</sup> Based on a 2016 survey, 27 jurisdictions require some form of CRE reporting.<sup>6</sup>

Minor changes to other parts of §11.03(a) are proposed for purposes of consistency.

### Statutory Authority

The Health Department’s authority to promulgate these proposed amendments is found in Sections, 556, 558, and 1043 of the New York City Charter (the “Charter”). Sections 558(b) and (c) of the Charter empower the Board to amend the Health Code and to include all matters to which the Department’s authority extends. Section 556 of the Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Section 1043 grants the Department rule-making authority.

The proposal is as follows:

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

“Shall” and “must” denote mandatory requirements and may be used interchangeably unless otherwise specified or unless the context clearly indicates otherwise.

RESOLVED, that subdivision (a) of Section 11.03 of Article 11 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended to read as follows:

(a) Cases and carriers affected with any of the following diseases and conditions of public health interest, and persons who at the time of their death were apparently so affected, must be reported to the Department as specified in this article:

Amebiasis  
 Anaplasmosis (Human granulocytic anaplasmosis)  
 Animal bite, or exposure to rabies  
 Anthrax  
 Arboviral infections, acute (including but not limited to the following viruses: chikungunya virus, Zika virus, dengue virus, Eastern equine encephalitis virus, Jamestown Canyon virus, Japanese encephalitis virus, La Crosse virus, Powassan virus, Rift Valley fever virus, St. Louis encephalitis virus, Western or Venezuelan equine encephalitis virus, West Nile virus and yellow fever)  
 Babesiosis  
 Botulism (including infant, foodborne and wound botulism)  
 Brucellosis (undulant fever)  
 Campylobacteriosis  
 Chancroid  
 Chlamydia trachomatis infections  
 Cholera  
 Creutzfeldt-Jakob Disease  
 Cryptosporidiosis  
 Cyclosporiasis  
 Diphtheria

1 Centers for Disease Control and Prevention, National Center for Emerging and Zoonotic Infectious Diseases. Facility Guidance for Control of Carbapenem-resistant Enterobacteriaceae (CRE). November 2015 Update – CRE Toolkit. <https://www.cdc.gov/hai/pdfs/cre/cre-guidance-508.pdf>.

2 Centers for Disease Control and Prevention. Antibiotic Resistant Threats in the United States, 2013. <https://www.cdc.gov/drugresistance/pdf/ar-threats-2013-508.pdf>.

3 Centers for Disease Control and Prevention. Carbapenem-resistant Enterobacteriaceae in Healthcare Settings. CDC website. <https://www.cdc.gov/hai/organisms/cre/index.html>.

4 NYS Healthcare Associated Infections in New York State, 2015. Part 2: Technical Report. March 2017.

5 Council of State and Territorial Epidemiologists. Infectious Disease Committee Position Statement 17-ID-04: Public Health Reporting and National notification of Carbapenem Producing Carbapenem-Resistant Enterobacteriaceae for *E. coli*, *Klebsiella* spp. and *Enterobacter* spp. July 2017.

6 Council of State and Territorial Epidemiologists. State Reportable Conditions Assessment (SRCA). <http://srca.querytool.cste.org/>.

Drownings, defined as the process of experiencing respiratory impairment from submersion/immersion in liquid whether resulting in death or not  
 Ehrlichiosis (Human monocytic ehrlichiosis)  
 Encephalitis  
Enterobacteriaceae, carbapenem-resistant (CRE), laboratory-confirmed (reporting requirement applicable to laboratories only)  
*Escherichia coli* O157:H7 infections  
 Falls from windows in multiple dwellings by children sixteen (16) years of age and under  
 Food poisoning occurring in a group of two or more individuals, including clusters of diarrhea or other gastrointestinal symptoms; or sore throat which appear to be due to exposure to the same consumption of spoiled, contaminated or poisonous food, or to having eaten at a common restaurant or other setting where such food was served. Also includes one or more suspected cases of neurologic symptoms consistent with foodborne toxin-mediated, including but not limited to botulism, combroid or ciguatera fish poisoning, or neurotoxic or paralytic shellfish poisoning.  
 Giardiasis  
 Glanders  
 Gonococcal infection (gonorrhoea)  
 Granuloma inguinale  
 Hantavirus disease  
 Hemolytic uremic syndrome  
*Hemophilus influenzae* (invasive disease)  
 Hepatitis A; B; and C  
 Herpes simplex virus, neonatal infections (in infants 60 days or younger)  
 Hospital associated infections as defined in Title 10 New York Codes, Rules and Regulations (NYCRR) Section 2.2 (New York State Sanitary Code) or its successor law, rule or regulation  
 Influenza, novel strain with pandemic potential  
 Influenza, laboratory-confirmed (only required through the Department’s electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only  
 Influenza-related deaths of a child less than 18 years of age  
 Legionellosis  
 Leprosy  
 Leptospirosis  
 Listeriosis  
 Lyme disease  
 Lymphocytic choriomeningitis virus  
 Lymphogranuloma venereum  
 Malaria  
 Measles (rubeola)  
 Melioidosis  
 Meningitis, bacterial causes (specify type)  
 Meningococcal, invasive disease  
 Monkeypox  
 Mumps  
 Norovirus, laboratory-confirmed (only required through the Department’s electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only  
 Pertussis (Whooping cough)  
 Plague  
 Poisoning by drugs or other toxic agents, including but not limited to lead poisoning consisting of a blood lead level of 10 micrograms per deciliter or higher (see also §11.09(a) of this Code); carbon monoxide poisoning and/or a carboxyhemoglobin level above 10%; and including confirmed or suspected pesticide poisoning as demonstrated by:  
 (1) Clinical symptoms and signs consistent with a diagnosis of pesticide poisoning; or  
 (2) Clinical laboratory findings of blood cholinesterase levels below the normal range; or  
 (3) Clinical laboratory findings or pesticide levels in human tissue above the normal range.  
 Poliomyelitis  
 Psittacosis  
 Q fever  
 Rabies  
 Respiratory syncytial virus, laboratory-confirmed (only required through the Department’s electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only  
 Ricin poisoning  
 Rickettsialpox  
 Rocky Mountain spotted fever  
 Rotavirus, laboratory-confirmed (only required through the Department’s electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only  
 Rubella (German measles)  
 Rubella syndrome, congenital  
 Salmonellosis  
 Severe or novel coronavirus  
 Shiga toxin-producing *Escherichia coli* (STEC) (which includes but is not limited to *E. coli* O157:H7)  
 Shigellosis  
 Smallpox (variola)

Staphylococcal enterotoxin B poisoning  
*Staphylococcus aureus*, methicillin-resistant, laboratory-confirmed  
 ([only required through the Department's electronic reporting mechanism set forth in § 13.03(c) of this Code] reporting requirement applicable to laboratories only)  
*Staphylococcus aureus*, vancomycin intermediate and resistant (VISA and VRSA)  
 Streptococcus, Group A (invasive infections)  
 Streptococcus, Group B (invasive infections)  
*Streptococcus pneumoniae* invasive disease  
 Syphilis, all stages, including congenital  
 Tetanus  
 Toxic shock syndrome  
 Trachoma  
 Transmissible spongiform encephalopathy  
 Trichinosis  
 Tuberculosis, as demonstrated by:  
 (1) Positive culture for *Mycobacterium tuberculosis* complex; or  
 (2) Positive DNA probe, polymerase chain reaction (PCR), or other technique for identifying *Mycobacterium tuberculosis* from a clinical or pathology specimen; or  
 (3) Positive smear for acid-fast bacillus, with final culture results pending or not available, on either a microbiology or a pathology specimen; or  
 (4) Clinically suspected pulmonary or extrapulmonary (meningeal, bone, kidney, etc.) tuberculosis, such that the physician or other health care professional attending the patient has initiated or intends to isolate the patient or initiate treatment for tuberculosis, or to continue or resume treatment for previously incompletely treated disease, or, if the patient is not available, that the physician or other health care professional would initiate isolation or treatment if the patient were available; or  
 (5) Biopsy, pathology, or autopsy findings in lung, lymph nodes or other tissue specimens, consistent with active tuberculosis disease including, but not limited to presence of acid-fast bacilli, caseating and non-caseating granulomas, caseous matter, tubercles and fibro-caseous lesions; or  
 (6) Positive reaction to the purified protein derivative (PPD) Mantoux test, blood-based tests positive for tuberculosis infection, or other recognized diagnostic test positive for tuberculosis infection in a child less than five years of age, regardless of whether such child has had a BCG vaccination.  
 Tularemia  
 Typhoid fever  
 Vaccinia disease, defined as  
 (1) Persons with vaccinia infection due to contact transmission; and  
 (2) Persons with the following complications from smallpox vaccination: eczema vaccinatum, erythema multiforme major or Stevens-Johnson syndrome, fetal vaccinia, generalized vaccinia, inadvertent inoculation, myocarditis or pericarditis, ocular vaccinia, post-vaccinal encephalitis or encephalomyelitis, progressive vaccinia, pyogenic infection of the vaccination site, and any other serious adverse events (i.e., those resulting in hospitalization, permanent disability, life-threatening illness or death)  
 Varicella, laboratory-confirmed ([only required through the Department's electronic reporting mechanism set forth in § 13.03(c) of this Code] reporting requirement applicable to laboratories only)  
*Vibrio* species, non-cholera (including *parahaemolyticus* and *vulnificus*)  
 Viral hemorrhagic fever  
 Yersiniosis

RESOLVED, that subparagraph (A) of paragraph (3) of subdivision (b) of Section 13.03 of Article 13 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended to read as follows:

**§13.03 Report of findings and submission of isolates.**

(A) With regard to hepatitis B, all DNA test results must be reported, including positive, negative, and indeterminate results. In addition, all hepatitis B surface antigen and hepatitis B surface antibody test results, including positive, negative, and indeterminate, for children ages 0 days to 1,825 days (birth up to the fifth birthday) must be reported electronically in accordance with subdivision (c) of this section when patient age is known.

**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:** Amendment of Certain Disease Reporting and Control Requirements (Health Code Articles 11 and 13)

**REFERENCE NUMBER:** DOHMH-83

**RULEMAKING AGENCY:** Department of Health and Mental Hygiene

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 the violations pose significant risks to public health and safety.

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

September 5, 2017  
 Date

**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:** Amendment of Certain Disease Reporting and Control Requirements (Health Code Articles 11 and 13)

**REFERENCE NUMBER:** 2017 RG 073

**RULEMAKING AGENCY:** Board of Health

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: September 1, 2017

Accessibility questions: Svetlana Burdeynik, (347) 396-6078, resolutioncomments@health.nyc.gov, by: Wednesday, October 11, 2017, 5:00 P.M.



**CITY PLANNING**

■ NOTICE

POSITIVE DECLARATION

**Project Identification**  
 Industry City Project  
 CEQR No. 18DCP034K  
 ULURP Nos. Pending  
 SEQRA Classification: Type I

**Lead Agency**  
 City Planning Commission  
 120 Broadway, 31st Floor  
 New York, NY 10271  
 Contact: Robert Dobruskin  
 (212) 720-3423

**Name, Description and Location of Proposal:**

**Industry City**  
 The Applicant, 1-10 Bush Terminal Owner LP, is seeking several discretionary actions ("the Proposed Actions") to facilitate a proposal by the Applicant to redevelop and re-tenant the Industry City complex (the "Project Area," as described below) with a mixed-use project containing manufacturing, commercial, and community facility uses

("the Proposed Project"). The Project Area is located in the Sunset Park neighborhood of Brooklyn, Community District 7 and comprises the Industry City complex (Block 679, Lot 1; Block 683, Lot 1; Block 687, Lot 1; Block 691, Lot 1 and 44; Block 695, Lots 1, 20, and 43; Block 706, Lots 1, 24, and 101; and Block 710, Lot 1) and certain adjacent properties not under the Applicant's control (Block 695, Lots 37-42 and Block 706, Lot 20). Block 691 (Lots 45 and 46) would also be affected by the Proposed Actions, and while not part of the Project Area, constitute part of the Affected Area for the Proposed Actions. The Applicant seeks to redevelop the Project Area by increasing the density of development on the site from approximately 5.3 million gross square feet (gsf) to approximately 6.57 million gsf. With this increased density, the Applicant intends to introduce a broader range of uses, such as large-scale retail, academic, and hotel uses that are not permitted, pursuant to the current M3-1 zoning district, which allows industrial, manufacturing, and office uses, but only limited retail uses and no community facility or hotel uses.

The Proposed Actions are as follows:

- (1) A zoning text amendment to create the Special Sunset Park Innovation District. The new special district would apply M1 manufacturing performance standards, which regulate the type of industrial activities permitted within the area. Performance standards limit nuisances including noise, vibration, emissions, odor, radiation, fire and explosive hazards, humidity, heat and glare. In areas where M1 performance standards apply, certain intensive industrial uses otherwise allowed, pursuant to zoning, such as heavy manufacturing, would not be permitted. The zoning text amendment would also create a special permit to modify bulk, use, parking and public access area regulations within the district;
- (2) A zoning map amendment to map the Special Sunset Park Innovation District on the Project Area and to rezone a portion of Project Area from an M3-1 zoning district to an M2-4 zoning district (Block 679, Lot 1; Block 683, Lot 1; Block 687, Lot 1; Block 691, Lot 1, 44, 45, and 46; Block 695, Lots 1 and 20; Block 706, Lots 1, 20, 24, and 101; and Block 710, Lot 1). The portion of the Project Area that is zoned M1-2 (Block 695, Lots 37-43) will remain an M1-2 district;
- (3) An application for the newly created special permit that would modify the use and bulk regulations of the underlying zoning districts, modify the parking and curb cut regulations of the underlying zoning districts, require the provision of public access areas and create a new special permit for hotel use;
- (4) An application for the newly created hotel special permit to allow the development of a hotel on a site within the Project Area;
- (5) A change to the City Map to demap 40th Street between 1st and 2nd Avenues, which is currently in private ownership and unimproved for street purposes.

The Project Area is currently occupied by the existing Industry City complex, which consists of two primary building clusters, the Finger Buildings and the 39<sup>th</sup> Street Buildings, as well as a number of other parcels (Block 695, Lots 37-42; and Block 706, Lot 20) not under the control of the Applicant. Block 695, Lot 37 is a single-story deli, while Block 695 (Lots 38, 39, 40, 41, and 42) contains mixed use residential and commercial buildings, including video stores, pawn shops, a salon and a former bar, with residential units above. Block 706, Lot 20 is the site of a three-story warehouse and the location of Paradise Plastics, a producer of molded plastic products. Block 695, Lot 43 contains a 4,000 sf parking facility controlled by the Applicant. Through an anticipated future zoning lot merger, Lot 43 would contribute approximately 4,000 sf to the 182,400 gsf proposed Gateway Building, a portion of which will occupy Lot 43.

The Applicant does not control several lots adjacent to the proposed acquisition sites on Block 695 and has no future plans to acquire them. Lot 45 is occupied by a sewing supply manufacturer and Lot 46 is the site of Turning Point, a four-story community facility use accepting at-risk women between the ages of 18 and 25. These lots are not included in the Project Area or the Rezoning Area, and therefore would not be rezoned as part of the proposed actions. Also within the Project Area is Block 691, Lot 44. This lot is located within the Project Area and Rezoning Area and is controlled by the Applicant; however, the lot size (2,100 sf) would be too small to support any future development for the Proposed Project; therefore, no future development is planned on this lot. Lot 44 is currently occupied with a single story commercial structure with an existing built FAR of 0.95 and is proposed to be included in the Project Area in order to contribute additional floor area to the overall development.

Cumulatively, the Industry City complex is comprised of approximately 5.3 million gsf of floor area. Approximately 25 percent of Industry City's floor area is vacant, and 26 percent is occupied by storage and warehousing uses. The remaining 49 percent of the Industry City complex is broken into component parts, which include: 19 percent manufacturing uses (UG 16A, 17B, 17C, and 18 Equivalent), 10

percent light manufacturing uses (UG 11A and 9A Equivalent), 10 percent office space (UG 6B Equivalent), 1.4 percent retail uses (UG 6 Equivalent), 1.4 percent athletic facility (UG 9), and 0.2 percent event space primarily located in Building 2 of the Finger Buildings and in the courtyard space along 2nd Avenue (UG 9), with the remaining 7 percent comprised of vertical circulation and mechanical space.

With the Proposed Actions, the Applicant intends to create an "Innovation Economy Hub," which the Applicant defines as an environment where a diverse range of uses and businesses can come together, particularly those typically involved in the "making" process. This concept includes research, development, design and engineering, as well as the actual manufacturing of products. The Applicant broadly defines "Innovation Economy" uses as those that consist of or combines elements of certain Use Groups (UG), including office and technology uses (UG 6B), light manufacturing and creative uses (select UG 9A, 10A, and 11A), and more traditional manufacturing uses (UG 16A, 16B, 17B, 17C, and 18), with local and destination retail uses (UG 6A, 6C, 9A and 10A), hotel uses (UG 5), and colleges and universities (UG 3A).

Overall, the Applicant intends the Proposed Actions to facilitate the re-tenanting of the existing 5.3 million gsf of floor space with approximately 3.57 million gsf of manufacturing and office uses, 386,546 gsf of community facility uses, 271,619 gsf of hotel uses, 900,000 gsf of retail uses, 74,824 gsf of athletic facility uses, 43,003 gsf of event space and 415,000 gsf of storage and warehouse uses. Additionally, the Applicant intends to develop 1.27 million gsf in new buildings or enlargements to existing structures, including the 12-story 182,400 gsf Gateway building, the 13-story, 495,162 gsf Building 11 and the 10-story, 774,552 gsf Building 21. The Gateway Building would contain ground floor retail and 11 stories of hotel space; Building 11 would contain two floors of retail uses, three floors of parking space and eight floors of academic uses; and Building 21 would contain two floors of retail uses, three floors of parking space, two floors of manufacturing space and five floors of hotel uses. In total, the Proposed Actions could result in an approximately 6.5 million gsf (4.96 FAR) mixed-use complex consisting of a combination of manufacturing, commercial, and community facility uses.

As part of the Proposed Actions, public access areas would also be required. If the Applicant develops Block 706, Lot 24, a total of approximately 5,600 sf of publicly accessible open space may be required. In the event that the Applicant acquires ownership of an adjacent City-Owned portion of Block 662, Lot 1, the Applicant may be required to provide an additional 10,500 sf of publicly accessible open space.

In order to assess the possible effects of the Proposed Actions, a Reasonable Worst Case Development Scenario (RWCDs) was prepared, which identified three possible development scenarios that will be analyzed in connection with the Proposed Actions: the "Proposed Scenario," "Density-Dependent Scenario," and the "Overbuild Scenario."

Under the Proposed Scenario, it is assumed that the Proposed Project would include a mix of uses that would support the Applicant's concept of an "Innovation Economy Hub." The Proposed Project would be comprised of approximately 6.57 million gsf of development, distributed as follows: 900,000 gsf of retail space, 43,003 gsf of event space, 415,000 gsf of storage/warehouse space, 1,786,891 gsf of manufacturing space, 893,445 of artisanal manufacturing space, 893,445 gsf of office space, 74,824 gsf of athletic facility space, 271,619 gsf of hotel space (420 hotel rooms), 386,546 gsf of academic space, 435,337 of vertical circulation and mechanical space and 471,094 gsf of accessory parking space (1,811 to 2,111 spaces).

The inclusion of warehouse space, with its very light intensive use, may not represent a worst-case scenario for certain density-dependent technical analysis areas. Therefore, a "Density-Dependent Scenario" will also be analyzed. In this analysis, warehouse use was eliminated from the With-Action Scenario and replaced with an additional 173,874 gsf of manufacturing, artisanal manufacturing and commercial office space, as well as an additional 241,128 gsf of academic space. In this scenario, the a total of 6.57 million gsf of development will be analyzed, as follows: 900,000 gsf of retail space, 43,003 gsf of event space, 1,873,828 gsf of manufacturing space, 936,914 of artisanal manufacturing space, 936,914 gsf of office space, 74,824 gsf of athletic facility space, 271,619 gsf of hotel space (420 hotel rooms), 627,674 gsf of academic space, 435,337 of vertical circulation and mechanical space and 471,094 gsf of accessory parking space (1,811 to 2,111 spaces).

The above referenced scenarios may not represent a worst-case scenario in terms of bulk, mass or urban design. Therefore, an "Overbuild Scenario" will also be analyzed. The "Overbuild Scenario" assumes that the properties on Block 695 not yet controlled by the Applicant (Lots 37-42) would not be acquired and the 182,400 gsf Gateway Building would not be built. This scenario also assumes a 68,888 gsf reduction of manufacturing space within the proposed Building 21. The bulk and mass from these reductions would be redistributed to overbuilt bulk above the Finger Buildings and the 39<sup>th</sup> Street Buildings. The redistribution of FAR would be counterbalanced by the removal of the Gateway Building and the reduction in the size of the proposed Building 21 structure by two stories. In this scenario, the a total of 6,549,035

million gsf of development will be analyzed, as follows: 900,000 gsf of retail space, 43,003 gsf of event space, 415,000 gsf of storage/warehouse space, 1,855,990 gsf of manufacturing space, 927,995 gsf of artisanal manufacturing space, 927,995 gsf of office space, 74,824 gsf of athletic facility space, 127,251 gsf of hotel space, 419,337 gsf of academic space, 419,337 of vertical circulation and mechanical space and 471,094 gsf of accessory parking space (1,811 to 2,111 spaces).

Absent the Proposed Actions, it is assumed that the Project Area would remain in its existing conditions.

The analysis year for the Proposed Actions is 2027.

#### Statement of Significant Effect:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning and public policy.
2. The actions, as proposed, may result in significant adverse impacts related to socioeconomic conditions.
3. The actions, as proposed, would not result in significant adverse impacts related to community facilities.
4. The actions, as proposed, may result in significant adverse impacts on open space resources.
5. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The actions, as proposed, may result in significant adverse impacts related to historic and cultural resources.
7. The actions, as proposed, may result in significant adverse impacts related to urban design and visual resources.
8. The actions, as proposed, would not result in significant adverse impacts related to natural resources.
9. The actions, as proposed, may result in significant adverse impacts related to hazardous materials.
10. The actions, as proposed, may result in significant adverse impacts related to water and sewer infrastructure.
11. The actions, as proposed, would not result in significant adverse impacts related to solid waste and sanitation services.
12. The actions, as proposed, may result in significant adverse impacts on energy.
13. The actions, as proposed, may result in significant adverse impacts related to transportation.
14. The actions, as proposed, may result in significant adverse impacts to air quality.
15. The actions, as proposed, may result in significant adverse impacts to greenhouse gas emissions and climate change.
16. The actions, as proposed, may result in significant adverse noise impacts.
17. The actions, as proposed, may result in significant adverse public health impacts.
18. The actions, as proposed, may result in significant adverse impacts related to neighborhood character.
19. The actions, as proposed, may result in significant adverse construction-related impacts.

#### Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the actions which finds that:

1. Land Use, Zoning and Public Policy – Development facilitated by the Proposed Actions could affect land use, zoning, and public policy.
2. Socioeconomic Conditions – The Proposed Actions could result in direct and indirect displacement of commercial uses. There may also be adverse effects on specific industries.
3. Community Facilities – The Proposed Actions would not displace any existing community facilities in the Project Area. Additionally, in accordance with the thresholds of the *CEQR Technical Manual*, detailed analyses of outpatient health care facilities or police and fire protection would not be warranted. As the Proposed Actions would not introduce a residential population, detailed analyses of publicly funded child care, schools or libraries also would not be warranted. Therefore, a further analysis of Community Facilities will not be included in the EIS.

4. Open Space – The Proposed Actions would not directly affect existing publicly accessible open space resources. However, the Proposed Actions may have an indirect effect due on these open spaces to increased demand for publicly accessible spaces by the sizable worker and visitor population that would be introduced to the area.
5. Shadows – The Proposed Actions would result in new buildings that may cast shadows on publicly accessible open spaces, sunlight-sensitive vegetation, places of active uses that are sunlight dependent, and sunlight-sensitive architectural resources in the vicinity of the Project Area.
6. Historic and Cultural Resources – The Proposed Actions would result in additional in-ground disturbance, and therefore have the potential to affect archaeological resources that may be present. There are also architectural resources in the surrounding area.
7. Urban Design and Visual Resources – The Proposed Actions and subsequent projected development could result in physical changes in the Project Area beyond the bulk and form currently permitted on an as-of-right basis. These changes could affect a pedestrian's experience of public space and may alter the urban design character and visual resources of the surrounding area.
8. Natural Resources – There are no natural resources present within or near the Project Area which would be affected by the Proposed Actions. Therefore, an analysis of Natural Resources is not warranted.
9. Hazardous Materials – The Proposed Actions could result in additional in-ground disturbance, which may have hazardous materials conditions.
10. Water and Sewer Infrastructure – The Proposed Actions could result in an impact to water supply and sewer infrastructure.
11. Solid Waste and Sanitation Service – The Proposed Project would not generate more than 50 tons per week of solid waste and is not expected to result in significant adverse impacts to solid waste and sanitation services. Therefore, an assessment of Solid Waste and Sanitation Service is not warranted.
12. Energy – The Proposed Actions would not affect the transmission or generation of energy. However the projected amount of energy consumption during long-term operation resulting from the Proposed Actions will be assessed in the EIS.
13. Transportation – The Proposed Actions could result in an increase in the number of vehicular trips and increase ridership on mass transit facilities. It could also affect pedestrian movements in the area due to the increased number of workers and visitors to the area.
14. Air Quality – The Proposed Actions may increase demand for heating, ventilation and air conditioning (HVAC) within the projected developments, increase vehicular traffic, and lead to the construction of new parking facilities, potentially affecting air quality.
15. Greenhouse Gas Emissions and Climate Change – The Proposed Actions would increase greenhouse gas emissions associated with the projected developments' construction and operational activities.
16. Noise – The Proposed Actions would increase the volume of traffic in the area, which could result in additional traffic noise and may have the potential to result in mobile source noise impacts.
17. Public Health – A public health assessment may be warranted if an unmitigated significant adverse impact is identified in CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise.
18. Neighborhood Character – The Proposed Actions have the potential to alter certain constituent elements of the surrounding area's established character, including land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation and noise.
19. Construction – Construction of the projected developments may result in construction related impacts.
20. The Draft Environmental Impact Statement (DEIS) to be prepared for the Proposed Actions will identify and describe any other potential effects on the environment.

#### Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for October 24, 2017, and will be held at Spector Hall, 22 Reade Street, New York, NY 10007. The meeting will begin at 10:00 A.M. Written comments will be accepted by the lead agency until the close of business on Friday, November 3, 2017.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Evren Ulker-Kacar, AICP, at (212) 720-3419.

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HEALTH AND MENTAL HYGIENE

NOTICE

The Department of Health and Mental Hygiene (DOHMH), intends to issue an RFP for the New York City Mural Arts Project (NYC MAP). NYC MAP is a collaboration between behavioral health organizations, artists, mental health consumers, and the community. Through this collaboration, the behavioral health organizations recruit the mental health consumers and provide the space for weekly workshops between artists and mental health consumers that are used to generating themes for the mural that will be created by the artist. In advance of the release of the RFP, the agency has developed a Concept Paper that outlines the agency's goals and approach.

The Concept Paper will be posted on the DOHMH website, www.nyc.gov/health, from September 19, 2017 through November 3, 2017. Comments in response to the Concept Paper should be submitted in writing to rfp@health.nyc.gov, by November 3, 2017.

s19-25

CHANGES IN PERSONNEL

DEPARTMENT OF FINANCE FOR PERIOD ENDING 08/11/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Finance.

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 08/11/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Transportation.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Transportation.

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 08/11/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Transportation.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 08/11/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 08/11/17

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists personnel changes for the Department of Parks & Recreation.

MANGAL	BHOOPCHA A	91644	\$60,840.00	APPOINTED	YES	07/24/17	846
MARKS	JULIUS	80633	\$12,140.00	RESIGNED	YES	07/28/17	846
MARTIN	KATHLEEN R	56057	\$26,010.00	RESIGNED	YES	07/29/17	846
MATSUZAKA	NAHO	56057	\$19,530.00	APPOINTED	YES	07/24/17	846
MAYBANK	YUSUF L	90641	\$15,480.00	APPOINTED	YES	07/19/17	846
MENDIS	ROHAN K	22427	\$90000.0000	INCREASE	NO	03/08/17	846
MIDDLETON	WHITNA N	91406	\$12,270.00	APPOINTED	YES	07/26/17	846
MILLS	LESLIE S	81106	\$20,250.00	INCREASE	YES	07/14/17	846
MOEHRLE	ROY	81106	\$20,250.00	INCREASE	YES	07/15/17	846
MUNSCH	ELLEEN S	56058	\$65000.0000	APPOINTED	YES	07/30/17	846
NARCHET	AVA E	90641	\$15,480.00	RESIGNED	YES	07/25/17	846
NAULA	ANGEL	81303	\$59742.0000	INCREASE	NO	07/30/17	846
NEGRON	KEVIN C	90641	\$15,480.00	APPOINTED	YES	07/29/17	846
ORIZ	COLLINS J	80633	\$12,140.00	RESIGNED	YES	06/21/17	846
PAGUANDAS	CHANTHELL S	06664	\$16,440.00	APPOINTED	YES	07/14/17	846
RAHIM	ANDREW D	90641	\$15,480.00	APPOINTED	YES	07/26/17	846
RANDO	MATTHEW	90641	\$37164.0000	RESIGNED	YES	07/18/17	846
REID	JEREMY R	91406	\$12,270.00	INCREASE	YES	07/20/17	846
REINSTEIN	SARA B	21306	\$50000.0000	APPOINTED	YES	07/30/17	846
RIVERA	ELIZABET	80633	\$12,140.00	RESIGNED	YES	04/15/17	846
ROBERTS	WALTER M	1002A	\$89475.0000	RETIRED	NO	07/28/17	846

DEPT OF PARKS & RECREATION  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
RODRIGUEZ	DESTINY A	06664	\$16,440.00	APPOINTED	YES	07/31/17	846
RODRIGUEZ	JOSE G	13621	\$85000.0000	INCREASE	YES	07/02/17	846
RODRIGUEZ SR	ALBIZU	91406	\$12,270.00	INCREASE	YES	07/18/17	846
SANCHEZ	JUAN A	90641	\$15,480.00	RESIGNED	YES	07/15/17	846
SEALY-MCCROREY	DARNELL R	91406	\$12,270.00	APPOINTED	YES	07/29/17	846
SEAY	AMBER	56057	\$26,980.00	APPOINTED	YES	07/26/17	846
SEKZER	HAL A	20247	\$77982.0000	RETIRED	NO	08/01/17	846
SIMON	KANDIS	60421	\$47135.0000	RESIGNED	YES	07/18/17	846
SLOWE	QUINCY	91406	\$12,270.00	APPOINTED	YES	08/01/17	846
SMITH	ROBERT G	80633	\$12,140.00	RESIGNED	YES	07/11/17	846
SPARKS	CORINNE R	90641	\$15,480.00	INCREASE	YES	07/31/17	846
SPELLER	SHAWN K	91406	\$12,270.00	APPOINTED	YES	07/29/17	846
STATON	LISA L	80633	\$12,140.00	RESIGNED	YES	07/01/17	846
STRICKLAND	JUSTIN	91406	\$13,320.00	RESIGNED	YES	07/09/17	846
STROBEL	STEFAN T	92210	\$44,670.00	RESIGNED	YES	07/08/17	846
SYBOODEEN	ASHLEY	90641	\$15,480.00	APPOINTED	YES	07/31/17	846
SYKES	SAPERIA J	80633	\$12,140.00	RESIGNED	YES	06/16/17	846
TOMAZ	JESSICA M	56058	\$58710.0000	RESIGNED	YES	08/01/17	846
TORRES	CESAREO	81106	\$48719.0000	RETIRED	NO	08/02/17	846
TORRES III	JOSE L	52406	\$14,960.00	APPOINTED	YES	07/23/17	846
TYSON-STRAIT	VERONICA	81310	\$19,350.00	INCREASE	YES	06/10/17	846
WALIA	JASPINDE P	06664	\$16,440.00	RESIGNED	YES	07/16/17	846
WARNS	DANICA D	56058	\$30,100.00	APPOINTED	YES	08/01/17	846
WATKINS	MICHAEL A	06664	\$16,440.00	APPOINTED	YES	07/20/17	846
WIGGINS	SULIMON S	60421	\$47135.0000	RESIGNED	YES	07/16/17	846
WILKINSON	CHRISPIN	90641	\$37477.0000	RETIRED	YES	08/03/17	846
WILLIAMS	LERA	90641	\$37164.0000	RETIRED	YES	08/02/17	846
WILLIAMS	MARCEL	90641	\$15,480.00	APPOINTED	YES	07/26/17	846
YANLUIS	RAMON	81106	\$48636.0000	INCREASE	YES	07/23/17	846
YOUNESI	AMIR	56058	\$64890.0000	RESIGNED	YES	07/24/17	846
YOUNG	DAQUAN K	06664	\$16,440.00	APPOINTED	YES	07/14/17	846
ZADROYAN	HRATCH	80633	\$12,140.00	RESIGNED	YES	06/27/17	846
ZHAO	YAN PING K	22425	\$55170.0000	APPOINTED	YES	06/25/17	846

DEPT. OF DESIGN & CONSTRUCTION  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
AHMED	OISHI M	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
AL JAHAN	ARMAN	20202	\$47860.0000	APPOINTED	YES	07/30/17	850
ALEMAN	BLAKE R	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
AWAD	MONICA A	12749	\$47824.0000	RESIGNED	NO	07/23/17	850
BALFOUR	SHAQUANN	12749	\$47824.0000	APPOINTED	NO	07/23/17	850
BENEDICT	STEPHAN	20215	\$88206.0000	RETIRED	NO	08/02/17	850
CANU	MARK A	83008	\$163378.0000	RETIRED	YES	04/02/17	850
CHAUDHURY	FAHAD	22427	\$79915.0000	APPOINTED	YES	07/23/17	850
CHEUNY	KENT T	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
CHIN	KENNETH	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
DICKERSON	GERALD L	10251	\$36637.0000	RETIRED	NO	07/27/17	850
FAUBEL	ANDREW S	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
GARCIA	MARITZA A	56058	\$65000.0000	INCREASE	YES	07/30/17	850
HAMBY	CHRISTOP G	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
HASSAN	JURATE	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
HERNANDEZ	CARLOS A	22124	\$78000.0000	APPOINTED	YES	07/23/17	850
HERNANDEZ	HECTOR L	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
HOO	GEORGE	12627	\$75591.0000	RETIRED	NO	07/02/17	850
IBRAHIM	NABILA	10209	\$14,150.00	RESIGNED	YES	06/30/17	850
JAMES	GLORIA A	82974	\$89000.0000	INCREASE	YES	06/18/17	850
JOHN	PATRICIA	12627	\$76259.0000	RETIRED	NO	07/30/17	850
JOSEPH	JOSE	20210	\$61104.0000	INCREASE	YES	07/16/17	850
KAYHAREE	NISHAL	1020B	\$14,910.00	APPOINTED	YES	07/23/17	850
LAWRENCE	CHERYL P	10251	\$43007.0000	DISMISSED	NO	07/14/17	850
LIN	FRANK	20215	\$74114.0000	RETIRED	NO	05/04/17	850
LUCAS	PATRICIA A	10252	\$41984.0000	RESIGNED	NO	10/01/13	850
MADIGAN	DENNIS	22426	\$61104.0000	APPOINTED	NO	07/30/17	850
MOODY	DESTREEE N	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
MOORE	WENDYANN A	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
NAM	SUBIN	20210	\$61104.0000	APPOINTED	YES	07/30/17	850
PLANCO	ALFRED L	22425	\$53134.0000	APPOINTED	YES	06/25/17	850
PODDER	ANGKITA	20202	\$47860.0000	RESIGNED	NO	07/26/17	850
QASEM	NAYEF M	20215	\$96588.0000	RETIRED	NO	07/27/17	850
RICHARDS	HORTENSI R	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
RICHARDS	RENEE K	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
RIGATTI	LISA M	12749	\$47824.0000	APPOINTED	NO	07/23/17	850
RODRIGUEZ	CARLOS J	31622	\$57341.0000	APPOINTED	YES	05/15/16	850
SANCHEZ	JORGE L	12749	\$45123.0000	APPOINTED	NO	07/23/17	850

SILVESTRE CALLE	JOSUE	20202	\$47860.0000	RESIGNED	YES	08/03/17	850
STA. INES	JENNIFER M	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
STEWART THORNE	STEVEN A	12749	\$54143.0000	DECREASE	NO	07/23/17	850
VASCONEZ	KATHIA M	22427	\$79915.0000	APPOINTED	YES	07/23/17	850
YOUSSEF	RAMON	20210	\$72000.0000	APPOINTED	YES	07/23/17	850
ZHAO	KAREN	12749	\$45123.0000	APPOINTED	NO	07/23/17	850
ZHOU	LIWEI	34201	\$47974.0000	RESIGNED	YES	07/09/17	850

DEPT OF INFO TECH & TELECOMM  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY	
ACCARDI	MICHAEL P	13652	\$87731.0000	INCREASE	NO	05/16/17	858
AGHILLI	FARIBORZ	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
ALIC	AMRA	06797	\$90000.0000	INCREASE	YES	07/30/17	858
ANTONAKIS	DIMITRIO	13652	\$87731.0000	INCREASE	NO	05/16/17	858
APPLETON	MICHAEL D	10033	\$115000.0000	INCREASE	YES	07/09/17	858
ASIM	SHAHNAN	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
BILANOW	OLGHERD	13652	\$87731.0000	INCREASE	NO	05/16/17	858
BIMONTE	MICHAEL	13652	\$138961.0000	INCREASE	NO	05/16/17	858
BRODIE	JANICE	06697	\$70000.0000	RESIGNED	YES	07/30/17	858
CASSESE	JAMES V	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
COAR	BRIAN T	06796	\$114500.0000	RESIGNED	YES	08/02/17	858
DAVIS	MITCHELL	10009	\$120000.0000	APPOINTED	YES	07/30/17	858
DELEON	MIGUEL B	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
DISPENZA	JOSEPH A	13652	\$87731.0000	INCREASE	NO	05/16/17	858
FORTE	MICHAEL	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
FRANKLIN	PEROLA B	10124	\$56435.0000	RETIRED	NO	07/27/17	858
GALARZA	MARLENE D	1002C	\$76261.0000	PROMOTED	NO	10/02/16	858
GORDON	ANN M	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
GRAF	MICHAEL	13652	\$87731.0000	INCREASE	NO	05/16/17	858
GRANATO	VITO	13652	\$87731.0000	INCREASE	NO	05/16/17	858
GREEN	DENNIS M	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
HINES	EVAN M	13652	\$138961.0000	INCREASE	NO	05/16/17	858
IVEY	JOSE J	10050	\$164481.0000	RESIGNED	YES	04/28/17	858
LEGGETT	ATSUMI	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
LI	HAILIN	10050	\$118426.0000	RESIGNED	YES	07/23/17	858
LIN	WENGYONG	90411	\$44634.0000	RESIGNED	YES	07/23/17	858
LUKACIK	HENRY	13652	\$87731.0000	INCREASE	NO	05/16/17	858
MARCH	PATRICK E	13652	\$87731.0000	INCREASE	NO	05/16/17	858
MCCAFFREY	COLLEEN M	06797	\$100000.0000	INCREASE	YES	07/30/17	858
MCCORMACK	HELEN M	13652	\$87731.0000	INCREASE	NO	05/16/17	858
MCNEILL	AYESHA L	10260	\$32658.0000	TERMINATED	NO	08/02/17	858
NICOSIA	JOHN PAU	13652	\$87731.0000	INCREASE	NO	05/16/17	858
NUNZ	DANIEL	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
NUZZOLO	RICHARD	13652	\$87731.0000	INCREASE	NO	05/16/17	858
PAYNE	BELQUIS A	10260	\$37557.0000	RESIGNED	NO	08/01/17	858
PERSAUD	MANIK	10050	\$160000.0000	RESIGNED	YES	04/23/17	858
PETROV	ANDREW	13652	\$87731.0000	INCREASE	NO	05/16/17	858
PIRO	SUSANNE C	13652	\$87731.0000	INCREASE	NO	05/16/17	858
RAPHAEL	STEPHANI K	10033	\$100000.0000	APPOINTED	YES	07/30/17	858
RENGARAJAN	SAMPATH S	13652	\$87731.0000	APPOINTED	NO	05/16/17	858
RODRIGUEZ	MARIA C	13652	\$87731.0000	INCREASE	NO	05/16/17	858
SATT	MOSHE	13652	\$87731.0000	INCREASE	NO	05/16/17	858
SIMS	MATTHEW D	13652	\$87731.0000	INCREASE	NO	05/16/17	858
STRIZHEVSKY	YAN	1002C	\$57210.0000	RETIRED	NO	08/01/17	858
TANG	ANH-DUNG	34170	\$36000.0000	APPOINTED	YES	07/23/17	858
TORCHON	DONALD	13652	\$87731.0000	INCREASE	NO	05/16/17	858

CAMPBELL	JOANN	10252	\$39450.0000	RETIRED	NO	08/02/17	868
CARDENAS	DAVID	1001A	\$125364.0000	INCREASE	NO	03/12/17	868

DEPT OF CITYWIDE ADMIN SVCS  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
CARTER-EDWARDS	LATOYA	P 56057	\$50000.0000	APPOINTED	YES	07/23/17	868
CHAVEZ	FABIAN	E 56057	\$50000.0000	APPOINTED	YES	07/23/17	868
CHEN	SHANG JU	22427	\$72535.0000	APPOINTED	YES	01/08/17	868
CURMEI	DANIELA	12626	\$57590.0000	APPOINTED	NO	07/18/17	868
DAVIS	STACEY S	8297A	\$76875.0000	RESIGNED	YES	06/01/17	868
DAVIS	STACEY S	1002A	\$76875.0000	RESIGNED	NO	06/01/17	868
EDDY	SANDRA D	12627	\$73389.0000	RETIRED	NO	07/25/17	868
EDWARDS	ANTHONY	56057	\$50000.0000	APPOINTED	YES	07/23/17	868
ELSHERBINI	AMIRA	A 34171	\$46913.0000	TERMINATED	NO	07/30/17	868
EWING	ERIKA	A 30087	\$89638.0000	APPOINTED	YES	07/23/17	868
FERNANDEZ	EDDIE	10047	\$98629.0000	INCREASE	YES	03/12/17	868
FORD SR	WALTER D	80609	\$48377.0000	RETIRED	NO	08/01/17	868
FOSKY	SHANELL N	90644	\$29881.0000	RESIGNED	YES	07/25/17	868
FRIDKIN	VADIM	12627	\$73389.0000	PROMOTED	NO	09/25/16	868
GONZALEZ	SERAFIN	1002C	\$98630.0000	INCREASE	YES	07/02/17	868
GUISSIE I	ROKHAYA	56057	\$50000.0000	APPOINTED	YES	07/23/17	868
HANNAH	NIGUA	J 80633	\$12.1400	APPOINTED	YES	07/23/17	868
IBACACHE	NICHOLAS S	12704	\$57905.0000	APPOINTED	YES	07/23/17	868
KISHLANSKY	GWYN A	12627	\$73389.0000	PROMOTED	NO	09/25/16	868
KNOLL	MONIQUE C	10026	\$135000.0000	INCREASE	YES	07/23/17	868
KOZLAKOV	DMITRIY	12749	\$39237.0000	APPOINTED	NO	07/23/17	868
KWONG	DAVID J	95633	\$155000.0000	INCREASE	YES	07/23/17	868
LEE	NORVIN	10026	\$144000.0000	INCREASE	NO	07/23/17	868
LOUIE	DANIEL M	1002C	\$93072.0000	PROMOTED	NO	08/21/16	868
MEGNA	JEANETTE	1002E	\$131592.0000	RETIRED	NO	08/01/17	868
MENDOZA	AMANDO B	20122	\$61104.0000	APPOINTED	NO	07/23/17	868
MURRAY	LASHAWN	80633	\$12.1400	RESIGNED	YES	07/23/17	868
NAPOLI	PAUL L	12627	\$73389.0000	PROMOTED	NO	09/25/16	868
PADOVANO	MARY A	10025	\$145008.0000	PROMOTED	NO	08/21/16	868
PAREDES	MIGDALIA M	12627	\$40.5600	PROMOTED	NO	09/25/16	868
PAUL	ALAN	10015	\$92047.0000	RETIRED	NO	01/01/17	868
PEREZ FERREIRA	TANIA	80633	\$12.1400	RESIGNED	YES	07/15/17	868
PHILLIP	SHARON E	10251	\$60000.0000	RESIGNED	NO	07/16/17	868
PINEDA	DANIEL I	56057	\$50000.0000	APPOINTED	YES	07/28/17	868
SALAMA	MANAL W	20122	\$79726.0000	APPOINTED	NO	07/23/17	868
SANCHEZ	ANGELA A	80609	\$48357.0000	RETIRED	NO	08/02/17	868
SEBRO	ABIGAIL E	10025	\$135000.0000	INCREASE	NO	07/23/17	868
SHARMA	SHALINI G	12627	\$73389.0000	PROMOTED	NO	09/25/16	868
SIVAGNANAM	SANILA	20122	\$61104.0000	APPOINTED	NO	07/23/17	868
SZYMANSKI	MICHAEL A	91650	\$280.0000	RETIRED	NO	08/02/17	868
THOMPSON	GREGORY D	56057	\$50000.0000	APPOINTED	YES	07/23/17	868
VAPNITSKY	MARTA L	10050	\$133192.0000	RETIRED	YES	02/01/17	868
VAPNITSKY	MARTA L	10124	\$75630.0000	RETIRED	NO	02/01/17	868
VEUVE	LEOPOLD	56057	\$50000.0000	APPOINTED	YES	07/23/17	868
VICENTE	JOHN J	91644	\$486.7200	RETIRED	YES	07/14/17	868
WARD	ORSON	12627	\$73389.0000	PROMOTED	NO	09/25/16	868
WARNER	TRACEY O	31105	\$61000.0000	APPOINTED	YES	07/23/17	868
WHITAKER	CRYSTAL B	80633	\$12.1400	APPOINTED	YES	07/23/17	868
YENKO	IRENE N	12704	\$57905.0000	APPOINTED	YES	07/23/17	868

DISTRICT ATTORNEY-MANHATTAN  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
ADAMSON	HALI P	56057	\$43510.0000	APPOINTED	YES	07/23/17	901
ALSTON	CRISTINA E	56057	\$40000.0000	APPOINTED	YES	07/30/17	901
BEST	JANIK A	S 56057	\$38667.0000	RESIGNED	YES	08/05/17	901
BORIS	LAINA R	10209	\$1.0000	RESIGNED	YES	07/28/17	901
CABRANES	BENJAMIN J	56057	\$46303.0000	RESIGNED	YES	07/20/17	901
CHESNOV	ALNIE J	56057	\$49690.0000	RESIGNED	YES	08/05/17	901
CONNOR	BRYAN M	30114	\$71500.0000	RESIGNED	YES	07/23/17	901
CROCKETT	KASEY G	56057	\$38667.0000	RESIGNED	YES	07/30/17	901
CRONAN	QUINN F	56057	\$46303.0000	RESIGNED	YES	07/22/17	901
CUTOLO	LUCY	30114	\$50.7200	RESIGNED	YES	08/04/17	901
DOELGER	SARAH L	56057	\$46303.0000	RESIGNED	YES	07/21/17	901
DWYER	PATRICK R	56057	\$55723.0000	RESIGNED	YES	07/26/17	901
DYALL	VIDUSHI	56057	\$44598.0000	APPOINTED	YES	07/23/17	901
EDSON	IAN H	56057	\$44598.0000	RESIGNED	YES	08/04/17	901
FREEMAN	THOMAS F	56057	\$38667.0000	APPOINTED	YES	07/23/17	901
FROHMAN	EVAN D	56057	\$38667.0000	RESIGNED	YES	07/26/17	901
GOULD	KATHLEEN O	56057	\$41036.0000	RESIGNED	YES	07/21/17	901
GUGLIELMO	MELISSA A	56057	\$41036.0000	RESIGNED	YES	07/21/17	901
HAXTON	JAMES	56057	\$38667.0000	RESIGNED	YES	07/25/17	901
HOBLLIT	SOPHIE T	56057	\$38667.0000	APPOINTED	YES	07/30/17	901
IANNUZZI	NICHOLAS G	56057	\$58094.0000	RESIGNED	YES	07/25/17	901
IRLANDER	IAN H	56057	\$40831.0000	RESIGNED	YES	08/02/17	901
JOHNSEN	CHRISTIN M	56057	\$38667.0000	RESIGNED	YES	08/04/17	901
KENNY	MICHAEL C	56057	\$38667.0000	APPOINTED	YES	07/23/17	901
KHAN	SOPHIA N	30114	\$88000.0000	RESIGNED	YES	07/23/17	901
LEE	JULIAN D	30856	\$90000.0000	APPOINTED	YES	07/30/17	901
LOPEZ	ELIZABET M	56057	\$39574.0000	APPOINTED	YES	07/23/17	901
MACIO	AMANDA M	30853	\$67500.0000	APPOINTED	YES	07/23/17	901
MANGUM	CAYCE L	56057	\$40167.0000	RESIGNED	YES	07/31/17	901
MIN	SARAH K	56057	\$38667.0000	APPOINTED	YES	07/23/17	901
MURPHY	MONICA M	56057	\$38667.0000	RESIGNED	YES	07/28/17	901
NAGEL	HADLEY M	10209	\$1.0000	RESIGNED	YES	07/28/17	901
NAVARRO	NATALIA	56057	\$40000.0000	APPOINTED	YES	07/30/17	901
OVEDO	ALEXANDR R	56057	\$41036.0000	RESIGNED	YES	08/04/17	901
REMBAR	LILLIANNA R	56057	\$46303.0000	RESIGNED	YES	07/28/17	901
RIVERA	BETTY	56057	\$54392.0000	APPOINTED	YES	07/23/17	901
RIVERA	SIMONE	56057	\$38667.0000	APPOINTED	YES	07/23/17	901
RIVERA-CABRERA	BRENDA I	56057	\$43510.0000	APPOINTED	YES	07/23/17	901
SASAKI	ANNA VIC	56057	\$38667.0000	APPOINTED	YES	07/23/17	901
SITBON	OLIVIA N	56057	\$44598.0000	APPOINTED	YES	07/30/17	901
SPERRY	ADAM D	56058	\$60000.0000	APPOINTED	YES	07/23/17	901
TIAN	TIAN	56057	\$44395.0000	RESIGNED	YES	07/29/17	901
WALEN	WILLIAMS W	56057	\$44808.0000	RESIGNED	YES	07/27/17	901
WALTON	ELI D	56057	\$38667.0000	RESIGNED	YES	08/04/17	901
WETZLER	ELIZABET M	56057	\$38667.0000	APPOINTED	YES	07/30/17	901

BRONX DISTRICT ATTORNEY  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
BRYAN JR	MARVIN C	30114	\$63300.0000	RESIGNED	YES	07/23/17	902
CAMPBELL	HAYLEY J	30114	\$72050.0000	RESIGNED	YES	08/03/17	902
CORBIN	ASEAN B	52406	\$27331.0000	APPOINTED	YES	07/30/17	902
COSME	EMILY D	56056	\$34814.0000	RESIGNED	YES	07/30/17	902
DASHIELDS	JORDAN A	52406	\$27331.0000	APPOINTED	YES	07/30/17	902
EAGAN	SHAMARE D	52406	\$27331.0000	APPOINTED	YES	07/30/17	902
ERICKSON	ABIGAYLE M	56057	\$51600.0000	RESIGNED	YES	08/01/17	902
FELDBERG	HOWARD L	30114	\$92000.0000	APPOINTED	YES	07/30/17	902
FORSTER	COREY R	30114	\$67900.0000	RESIGNED	YES	07/30/17	902
LOVELL	COURTNEY Q	30114	\$41036.0000	DECREASE	YES	07/30/17	902
PEMBERTON	DORIS	56056	\$34859.0000	APPOINTED	YES	07/21/17	902
SIMMONS	JENNIFER A	56056	\$34814.0000	RESIGNED	YES	07/28/17	902
YOPST	VICTORIA L	56058	\$60000.0000	APPOINTED	YES	07/30/17	902

DISTRICT ATTORNEY KINGS COUNTY  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
CANNON	KEITH B	56056	\$34814.0000	APPOINTED	YES	07/30/17	903
CARBERRY	SEAN S	30114	\$61800.0000	RESIGNED	YES	07/30/17	903
CARDINALE	ALEX J	56057	\$41036.0000	APPOINTED	YES	07/30/17	903
GERALD	GARVIN	56058	\$57916.0000	APPOINTED	YES	07/23/17	903
HENDERSON-PARKE	AMY-LOUI	56058	\$60000.0000	INCREASE	YES	06/04/17	903
LEE	JAEBEON G	56057	\$41036.0000	APPOINTED	YES	07/30/17	903
MCCARTHY	SCOTT M	56056	\$34814.0000	APPOINTED	YES	07/30/17	903
MOLINA	MICHAEL J	30114	\$63654.0000	RESIGNED	YES	07/27/17	903
MULRY	ROBERT B	56057	\$41036.0000	RESIGNED	YES	07/21/17	903
PRYCE	SABRINA	56056	\$34814.0000	APPOINTED	YES	07/20/17	903
TIBANA	BRIGITTE	56057	\$47500.0000	APPOINTED	YES	07/30/17	903

DISTRICT ATTORNEY QNS COUNTY  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
IAVARONE	SALLY A	30080	\$56296.0000	APPOINTED	NO	06/27/17	904

DISTRICT ATTORNEY RICHMOND COU  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
OLIVERA	NORMA I	56057	\$52000.0000	APPOINTED	YES	07/30/17	905
ONABANJO	TAIWO	12632	\$95000.0000	RESIGNED	YES	07/30/17	905

DISTRICT ATTORNEY-SPECIAL NARC  
FOR PERIOD ENDING 08/11/17

TITLE							
NAME		NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
ALFRED	ROLAND	56057	\$61234.0000	RESIGNED	YES	07/23/17	906
AMORES	CAROLYN A	56057	\$38869.0000	APPOINTED	YES	07/30/17	906
WALDMAN	ZOE V	56057	\$41036.0000	RESIGNED	YES	07/23/17	906



COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 16 - Tuesday, September 26, 2017, 7:00 P.M., 444 Thomas S. Byland Street, Brooklyn, NY 11212.

IN THE MATTER OF Community District 16.

No. 1

CD 16 - C 160084 POK - Shirley Chisholm Childhood Education Center **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 69-71 Saratoga Avenue (Block 1498, Lot 6), for continued use as a child care center.

No. 2

CD 16 - C 160021 POK - Shirley Chisholm Day Care Center #1 **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 2023 Pacific Street (Block 1431, Lot 54), for continued use as a child care center.