



THE CITY RECORD

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THE CITY RECORD

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Administrative Services

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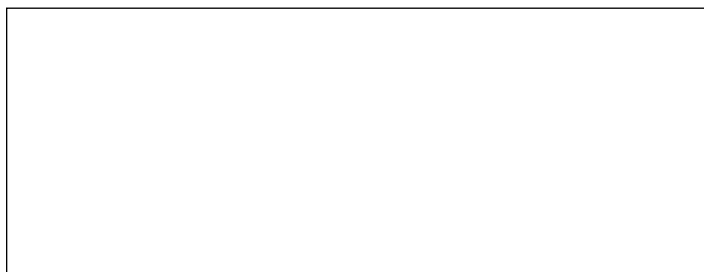
PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOROUGH PRESIDENT - BROOKLYN

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to Section 201 of the New York City Charter, the Brooklyn borough president, will hold a public hearing on the following matters, in the Courtroom and Community Room of Brooklyn Borough Hall, 209 Joralemon Street,



Brooklyn, NY 11201, commencing, at 6:00 P.M., on Wednesday, January 8, 2020.

Calendar Item 1 — Industry City (160146 MMK, 190296 ZMK, 190298 ZRK, 190297 ZSK)

An application submitted by 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P., pursuant to Sections 197-c and 201 of the New York City Charter for the following land use actions:

1. A change to the City Map to demap 40th Street between First and Second avenues
2. A zoning map amendment to replace an M3-1 district and establish an M2-4 district:
 - a. Between Second and Third avenues, generally between 32nd and 37th streets
 - b. Generally between 500 feet west of First and Second avenues, between 39th and 41st streets
 - c. A Special Industry City District (IC) within the boundaries of each area
3. A zoning text amendment to establish the IC within the New York City Zoning Resolution (ZR) as Section 129-21 establishing a special permit to enable modification of specific sections stipulating uses permitted as-of-right, specifying performance standards, and regulations governing floor area, height and setback, and yards
4. The grant of a special permit, pursuant to ZR Section 129-21 for a proposed commercial development planned as a unit and comprising an area of, at least 1.5 acres, on the properties to be rezoned

The total affected area would include 12 lots comprising part of Industry City, together with seven lots intended to be acquired by the applicant, and three lots that are expected to remain in separate ownership. Such actions would facilitate the envisioned redevelopment of over 5,000,000 square feet (sq. ft.) of Industry City as a mixed-use project with commercial, community facility, and manufacturing uses and tenants. The project is envisioned to further facilitate ongoing expansion, renovation, and re-tenanting of existing properties, as well

as the construction of new buildings. These applications might result in the realization of 3.75 million gross sq. ft. (gsf) of innovation economy uses, including approximately 1,874,000 gsf of manufacturing use, 937,000 gsf of artisanal and art/design studios, and approximately 937,000 gsf of office space. In addition, the applications provide for approximately 628,000 gsf of academic uses, 287,000 gsf of hotel floor area, 900,000 gsf of retail and restaurant uses, including a supermarket, a 75,000 gsf training facility for the Brooklyn Nets, as well as 43,000 gsf of event space. Finally, the proposal stipulates approximately 478,000 gsf of structured and surface accessory parking, as well as 420,000 gsf of vertical circulation, mechanical space, and shared lobbies, with a total project floor area of approximately 6,556,000 gsf.

Note: To request a sign language interpreter, or to request Telecommunication Device for the Deaf (TDD) services, and/or foreign language interpretation in accordance with Local Law 30, contact Land Use Coordinator, Inna Guzenfeld, at (718) 802-3754 or iguzenfeld@brooklynbp.nyc.gov, prior to the hearing.

Accessibility questions: Inna Guzenfeld (718) 802-3754, iguzenfeld@brooklynbp.nyc.gov, by: Monday, January 6, 2020, 1:00 P.M.



d18-j8

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 matters, to be held, at NYC City Planning Commission, Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, January 8, 2020, at 10:00 A.M.

**BOROUGH OF THE BRONX
Nos. 1 & 2
EAST 175th AND EAST 180th STREET BRIDGE
REHABILITATION
No. 1**

CD 6 C 190087 MMX
IN THE MATTER OF an application, submitted by the Department of Transportation, Division of Bridges, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the modification of legal grades on East 175th Street, between Park Avenue East and Park Avenue West;

in accordance with Map No. 13142, dated May 29, 2019, and signed by the Borough President.

No. 2

CD 6 C 190043 MMX
IN THE MATTER OF an application, submitted by the Department of Transportation, Division of Bridges, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the modification of legal grades on East 180th Street, between Park Avenue East and Park Avenue West;

in accordance with Map No. 13143, dated May 29, 2019, and signed by the Borough President.

No. 3

C7 BAYCHESTER AVENUE REZONING

CD 10 C 200088 ZMX
IN THE MATTER OF an application submitted by NYC Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map, Section No. 4a, by changing from a C7 District to a C8-2 District, property bounded by a line 175 feet northwesterly of Bartow Avenue, Asch Loop, Bartow Avenue and Baychester Avenue, as shown on a diagram (for illustrative purposes only), dated September 23, 2019.

BOROUGH OF BROOKLYN

Nos. 4 & 5

GRAND AVENUE AND PACIFIC STREET REZONING

No. 4

CD 8 C 190256 ZMK
IN THE MATTER OF an application submitted by EMP Capital Group, pursuant to Sections 197-c and 201 of the New York City Charter, for the amendment of the Zoning Map, Section No. 16c by:

- changing from an M1-1 District to a R7D District, property bounded by Grand Avenue, a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Grand Avenue, and a line midway between Pacific Street and Dean Street; and
- establishing within the proposed R7D District a C2-4 District, bounded by Grand Avenue, a line midway between Atlantic Avenue and Pacific Street, a line 100 feet southeasterly of Grand Avenue, and a line midway between Pacific Street and Dean Street;

as shown on a diagram (for illustrative purposes only), dated September 23, 2019, and subject to the conditions of CEQR Declaration of E-550.

No. 5

CD 8 N 190257 ZRK
IN THE MATTER OF an application submitted by EMP Capital Group, 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.

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

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

* * *

BROOKLYN

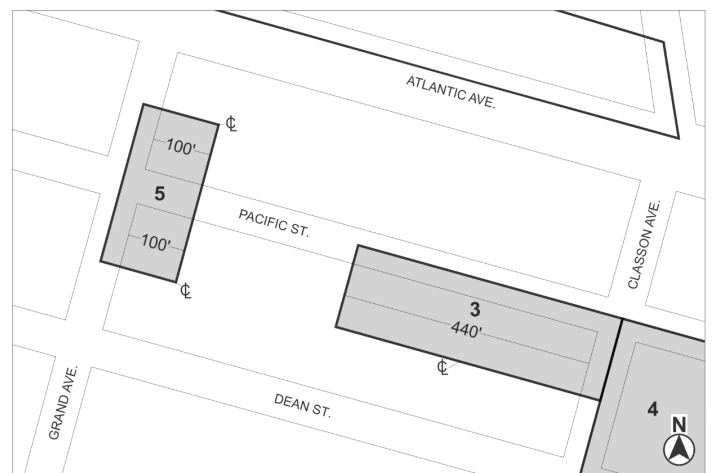
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Brooklyn Community District 8

* * *

Map 4 – [date of adoption]

[PROPOSED MAP]



- Inclusionary Housing Designated Area (Portion of Community District 2, Brooklyn)
- Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
- Area 3 — 5/8/19 — MIH Program Option 1 and Option 2
- Area 4 — 5/8/19 — MIH Program Option 1 and Option 2
- Area 5 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 8, Brooklyn

* * *

**No. 6
271 SEA BREEZE AVENUE**

CD 13 C 190172 ZMK
IN THE MATTER OF an application submitted by 271 Sea Breeze Development LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 28d, by establishing within an existing R6 District a C2-4 District, bounded by West Brighton Avenue, West 2nd Street, Sea Breeze Avenue and West 5th Street, as shown on a diagram (for illustrative purposes only), dated September 23, 2019, and subject to the conditions of CEQR Declaration E-535.

No. 7

8118 13TH AVENUE REZONING

CD 10

C 190295 ZMK

IN THE MATTER OF an application submitted by Stars and Stripes Holding Co. Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 22b, by establishing within an existing R5B District a C1-3 District, bounded by a line 100 feet northwesterly of 13th Avenue, a line midway between 81st Street and 82nd Street, 13th Avenue and 82nd Street, as shown on a diagram (for illustrative purposes only), dated October 15, 2019.

BOROUGH OF QUEENS

No. 8

QUEENS BOULEVARD MIH TEXT AMENDMENT

CD 2

N 190352 ZRQ

IN THE MATTER OF an application submitted by 64-11 QB Owner 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.

Matter underlined is new, to be added;
Matter ~~struck out~~ 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

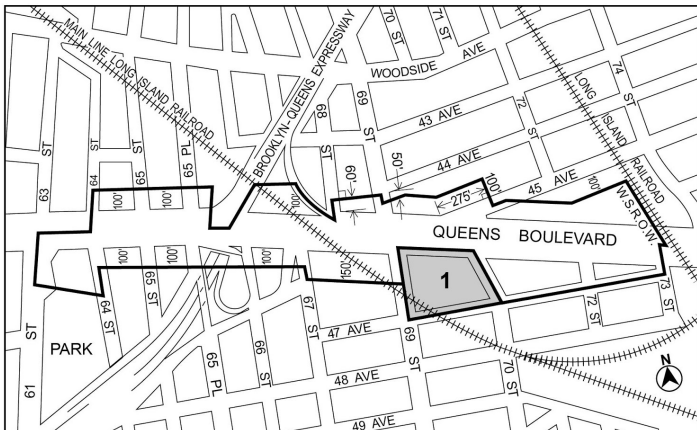
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Queens Community District 2

* * *

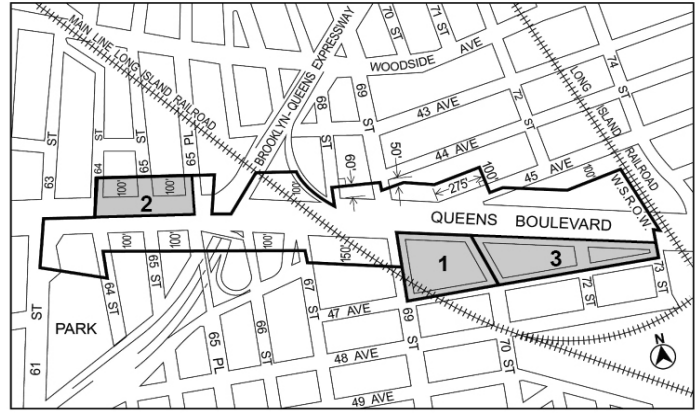
Map 2 - [date of adoption]

[EXISTING MAP]



Inclusionary Housing designated area
Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 1—10/31/18 MIH Program Option 2

[PROPOSED MAP]



Inclusionary Housing designated area
Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 1—10/31/18 MIH Program Option 2
Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 2 — [date of adoption] MIH Program Option 1 and Option 2
Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 3 — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 2, Queens

* * *

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



d23-j8

CITYWIDE ADMINISTRATIVE SERVICES

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT A REAL PROPERTY ACQUISITIONS AND DISPOSITIONS PUBLIC HEARING, in accordance with Section 824 of the New York City Charter, will be held, on January 8, 2020, at 10:00 A.M., at Spector Hall, 22 Reade Street, Borough of Manhattan.

IN THE MATTER OF a lease, for the City of New York, as Tenant, of space on the entire fourteenth (14th) through eighteenth (18th), portion of thirtieth (30th), and portion of sub-cellar floor ("Existing Premises"), until substantial completion of space on the entire second (2nd) through seventh (7th), portion of eighth (8th) and portion of sub-cellar floor ("New Premises") of the building, located at 250 Broadway (Block 124, Lot 24), in the Borough of Manhattan, for New York City Council, to use as an office, or for such other use as the Commissioner of the Department of Citywide Administrative Services, may determine.

The proposed Lease, shall be, for a period of twenty (20) years, from March 1, 2020 through February 29, 2040. The annual rent, for the Existing Premises, will be \$4,765,604.88, payable in equal monthly installments, at the end of each month, being in effect starting on the lease execution date through Substantial Completion of alterations and improvements of the New Premises. The annual rent, for the New Premises, shall commence in the amount of \$9,975,020, for the first five (5) years, \$10,949,462.50, for the following five (5) years, \$11,923,905, for the next five (5) years and \$12,898,347.50, for the last five (5) years, payable in equal monthly installments, at the end of each month. The rent, shall be abated, for ten (10) months, from substantial completion of the New Premises.

The Lease, may be terminated, by the Tenant 15 years and 10 months, from substantial completion, provided the Tenant gives the Landlord fifteen (15) months prior written notice. In the event that the Lease is terminated by the Tenant, the Tenant, shall pay, to the Landlord, the unamortized portion of the following: The Landlord's work contribution, the ten (10) month rent abatement, and the Tenant's and Landlord's brokerage commissions.

The Tenant, shall have the right to renew the Lease, for a ten (10) year period, at 100% of fair market value, with eighteen (18) months prior written notice. Tenant, shall have the right of first offer on space that becomes available, for any space that share a demising wall with a

Tenant's space on a floor that is partially occupied by Tenant and any space on a floor above or below any floor occupied by Tenant. The rent payable, for the space being offered, by Landlord, shall be the product of the amount Tenant is then paying on a per rentable square foot basis times the number of rentable square feet in the space being offered by Landlord.

The Landlord, shall prepare final architectural plans and engineering plans and make alterations and improvements in accordance, with preliminary architectural plans and specifications, which are attached to the Lease. The alterations and improvements consist of Base Building Work, which the Landlord, shall provide, at its sole cost and expense, and Tenant Work. The total cost, for the Tenant Work, shall not exceed \$40,022,492, of which the Landlord, shall contribute \$11,560,402, and the balance up to \$28,462,090, will be paid, by the Tenant in accordance with the terms of the Lease.

Further information, including public inspection of the proposed lease, may be obtained, at One Centre Street, Room 2000 North, New York, NY 10007. To schedule an inspection, please contact Chris Fleming, at (212) 386-0315.

Individuals requesting Sign Language Interpreters/Translators should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, NY 10007, (212) 788-7490, no later than TEN (10) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call VERIZON relay services.



d26

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee will hold a public meeting on Wednesday, January 8, 2020, at 2:30 P.M., at 22 Reade Street, Spector Hall, New York, NY 10007.

NOTE: This location is accessible to individuals using wheelchairs or other mobility devices. For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS), via email, at DisabilityAffairs@mocs.nyc.gov, or via phone, at (212) 788-0010. Any person requiring reasonable accommodation for the public meeting should contact MOCS at least three (3) business days in advance of the meeting to ensure availability.



d17-j8

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

PUBLIC HEARINGS

NOTICE OF A SPECIAL JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and the New York City Department of Information Technology & Telecommunications (DoITT), to be held, on January 13, 2020, commencing at 2:30 P.M., at 2 Lafayette Street, 14th Floor, Borough of Manhattan, on the following calendar items: Cal. item #1) a proposed mobile telecommunications services franchise agreement between the City of New York and Crown Castle Fiber LLC; Cal. item #2) a proposed mobile telecommunications services franchise agreement between the City of New York and Crown Castle NG East LLC; Cal. item #3) a proposed mobile telecommunications services franchise agreement between the City of New York and Crown Castle Solutions LLC; Cal. item #4) a proposed mobile telecommunications services franchise agreement between the City of New York and CSC Wireless, LLC; Cal. item #5) a proposed mobile telecommunications services franchise agreement between the City of New York and ExteNet Systems, Inc. (ExteNet 1); Cal. item #6) a proposed mobile telecommunications services franchise agreement between the City of New York and ExteNet Systems, Inc. (ExteNet 2); Cal. item #7) a proposed mobile telecommunications services franchise agreement between the City of New York and Mobilitie, LLC; Cal. item #8) a proposed mobile telecommunications services franchise agreement between the City of New York and New Cingular Wireless PCS, LLC; Cal. item #9) a proposed mobile telecommunications services franchise agreement between the City of New York and New York SMSA Limited Partnership; Cal. item #10) a proposed mobile telecommunications services franchise agreement between the City of New York and Transit Wireless LLC; Cal. item #11) a proposed mobile telecommunications services franchise agreement between the City of

New York and Transmission Network NY, LLC; and Cal. item #12) a proposed mobile telecommunications services franchise agreement between the City of New York and ZenFi Networks, LLC.

The proposed franchise agreements would authorize the franchisees to install, operate and maintain equipment and facilities, including base stations and access point facilities, on 1) City-Owned street light poles and traffic light poles, and certain privately-owned utility poles, located on the City streets and 2) subject to necessary further approvals, LinkNYC Kiosks, bus stop shelters and automatic public toilets, all in connection with the provision of mobile telecommunications services. The proposed franchise agreements have a term of ten years.

A copy of the proposed franchise agreements may be viewed, at The Department of Information Technology and Telecommunications, 15 MetroTech Center, 18th Floor, Brooklyn, NY 11201, commencing January 6, 2020 through January 13, 2020, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of the proposed franchise agreements may be obtained, by appointment, at a cost of \$.25 per page. All payments, shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The proposed franchise agreements may also be obtained in PDF form, at no cost, by email request. Interested parties should contact Brett Sikoff, at (718) 403-6722, or by email, at franchiseopportunities@doitt.nyc.gov.

This location is accessible to individuals using wheelchairs or other mobility devices. For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS), via email, at DisabilityAffairs@mocs.nyc.gov, or via phone, at (212) 788-0010. Any person requiring reasonable accommodation for the public hearing, should contact MOCS at least three (3) business days in advance of the hearing, to ensure availability.

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

Accessibility questions: DisabilityAffairs@mocs.nyc.gov, (212) 788-0010, by: Tuesday, January 7, 2020, 4:00 P.M.



d26-j13

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320), on Tuesday, January 7, 2020, a public hearing, will be held, at 1 Centre Street, 9th Floor, Borough of Manhattan, with respect to the following properties, and then followed by a public meeting. The final order and estimated times for each application, will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission, no later than five (5) business days before the hearing or meeting.

192 Columbia Heights - Brooklyn Heights Historic District
LPC-20-04641 - Block 208 - Lot 316 - Zoning: R6
CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse, built in 1856. Application is to construct a rooftop bulkhead, pergola and railings and enlarge the rear porch.

295 Clermont Avenue - Fort Greene Historic District
LPC-20-02842 - Block 2105 - Lot 15 - Zoning: R6B
CERTIFICATE OF APPROPRIATENESS

A Second Empire style rowhouse, built in 1867. Application is to construct a side yard addition.

131 Remsen Street - Brooklyn Heights Historic District
LPC-20-02389 - Block 249 - Lot 6 - Zoning: R6
CERTIFICATE OF APPROPRIATENESS

A brownstone house, built in 1858. Application is to construct a rooftop bulkhead.

308 Cumberland Street - Fort Greene Historic District
LPC-20-01262 - Block 2118 - Lot 33 - Zoning: R6B
CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse, built in 1859. Application is to replace windows.

127 Hicks Street - Brooklyn Heights Historic District
LPC-20-04334 - Block 236 - Lot 99 - Zoning: R7-1
CERTIFICATE OF APPROPRIATENESS

An Anglo-Italianate style rowhouse, built in 1849. Application is to install windows, decorative details, and a cornice, at the primary façade.

39 and 41 Worth Street - Individual Landmark

**LPC-19-25982 - Block 176 - Lot 11 & 10 - Zoning: C6-2A
CERTIFICATE OF APPROPRIATENESS**

Two Italianate style store and loft buildings, designed by Isaac F. Duckworth, and built in c. 1865-66. Application is to construct rooftop additions, raise rear parapets, and install a roof ladder.

127 Greene Street - SoHo-Cast Iron Historic District

LPC-20-04541 - Block 514 - Lot 31 - Zoning: M1-5A

CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style store building, designed by William Baker and built in 1883-1884. Application is to alter the storefront display window.

62 Gansevoort Street - Gansevoort Market Historic District

LPC-20-04936 - Block 643 - Lot 43 - Zoning: M1-5

CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style tenement building, designed by George B. Pelham, built 1880-81, altered to a market building in 1940, by Voorhees, Walker, Foley & Smith, and enlarged in 2019, pursuant to Certificate of Appropriateness 19-6750. Application is to install new storefront infill, signage, and light fixtures.

55 Gansevoort Street - Gansevoort Market Historic District

LPC-20-02539 - Block 644 - Lot 60 - Zoning: M1-5

CERTIFICATE OF APPROPRIATENESS

A vernacular store and lofts building, designed by Joseph M. Dunn and built 1887. Application is to modify a canopy and install a sidewalk cafe.

14-16 East 16th Street - Ladies' Mile Historic District

LPC-20-05254 - Block 843 - Lot 39 - Zoning: C6-2A

CERTIFICATE OF APPROPRIATENESS

A Romanesque Revival style residence hall, designed by R.H. Robertson and built in 1889-91. Application is to demolish portions of the rear facade and rear additions, enlarge the building, at the roof and rear, excavate the cellar, extend a chimney, alter the ground floor, and install signage, lighting, and windows.

320 Riverside Drive - Riverside - West End Historic District Extension II

LPC-20-03372 - Block 1891 - Lot 1 - Zoning: R8, R8B

CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style apartment building, designed by Leo F. Knust and built in 1928. Application is to install new windows and doors in enlarged openings, at the southwest penthouse.

d23-j7

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, January 8, 2020. 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 SW, New York, NY 10041, or by calling (212) 839-6550.

#1 IN THE MATTER OF a proposed revocable consent authorizing Jamestown OTS, LP, to construct, maintain and use entrance details and overhead projections, in the Borough of Manhattan. The proposed revocable consent, is for a term of ten years, from the Approval Date, by the Mayor and provides among other terms and conditions, for compensation payable to the City, according to the following schedule: **R.P. #2500**

From the Approval Date by the Mayor to June 30, 2020 - \$1,090,397/
per annul

- For the period July 1, 2020 to June 30, 2021 - \$1,107,265
- For the period July 1, 2021 to June 30, 2022 - \$1,124,133
- For the period July 1, 2022 to June 30, 2023 - \$1,141,001
- For the period July 1, 2023 to June 30, 2024 - \$1,157,869
- For the period July 1, 2024 to June 30, 2025 - \$1,174,737
- For the period July 1, 2025 to June 30, 2026 - \$1,191,605
- For the period July 1, 2026 to June 30, 2027 - \$1,208,473
- For the period July 1, 2027 to June 30, 2028 - \$1,225,341
- For the period July 1, 2028 to June 30, 2029 - \$1,242,209
- For the period July 1, 2029 to June 30, 2030 - \$1,259,077

the maintenance of a security deposit in the sum of \$1,500,000 and the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

d17-j8

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 at:
Insurance Auto Auctions, North Yard
156 Peconic Avenue, Medford, NY 11763
Phone: (631) 294-2797

No previous arrangements or phone calls are needed to preview.
Hours are Monday and Tuesday from 10:00 A.M. – 2:00 P.M.

s4-f22

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

j2-d31

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

All Notices Regarding Housing Preservation and Development Dispositions of City-Owned Property appear in the Public Hearing Section.

j9-30

POLICE

■ NOTICE

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

The following list of properties 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

j2-d31

PROCUREMENT

“Compete To Win” More Contracts!

Thanks to a new City initiative - “Compete To Win” - the NYC Department of Small Business Services offers a new set of FREE services to help create more opportunities for minority and Women-Owned Businesses to compete, connect and grow their business with the City. With NYC Construction Loan, Technical Assistance, NYC Construction Mentorship, Bond Readiness, and NYC Teaming services, the City will be able to help even more small businesses than before.

- *Win More Contracts, at nyc.gov/competetowin*

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

HHS ACCELERATOR

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

Important information about the new method

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

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

Participating NYC Agencies

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

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

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

CITY COUNCIL

■ INTENT TO AWARD

Goods and Services

SOFTWARE SUPPORT AND MAINTENANCE - Sole Source - Available only from a single source - PIN# 102 2020121219 - Due 12-30-19

NYCC/Administrative Services Division, intends to enter into sole sources negotiations, with Leidos Digital Solutions Inc., to obtain software and services for the provision, support, maintenance, and updates of the Council’s Uniform Constituent Tracking System (“CounStat”). Any firms that believes it can provide this requirement, is invited to indicate so in a letter to the New York City Council, 250 Broadway, 16th Floor, New York, NY 10007, attention John P. Smyth, (jsmyth@Council.nyc.gov).

Notice of Intent to negotiate, first printed on 12/20/19.

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

City Council, 250 Broadway, 16th Floor, New York, NY 10007. John Smyth (212) 482-5116; Fax: (212) 482-2996; jsmyth@council.nyc.gov

d20-27

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ AWARD

Goods

FDNY CUSTOM FOAM SYSTEM, MONITORS AND ACCESSORIES - Competitive Sealed Bids - PIN# 8571900214 - AMT: \$597,875.00 - TO: AAA Emergency Supply Co Inc, 635 North Broadway, White Plains, NY 10603.

☛ d26

ENVIRONMENTAL PROTECTION

PURCHASING MANAGEMENT

■ AWARD

Goods

WALLACE AND TIERNAN GENUINE REPLACEMENT PARTS - Innovative Procurement - Other - PIN# 2X012000 - AMT: \$80,250.42 - TO: Pina M Inc, 16 West Main Street, 2nd Floor, Freehold, NJ 07728.

MWBE Innovative Procurement.

☛ d26

FINANCE

■ INTENT TO AWARD

Services (other than human services)

MISCELLANEOUS BANKING SERVICES - Negotiated Acquisition - Available only from a single source - PIN# 83612N0001001N002 - Due 12-27-19 at 3:00 P.M.

This is a notice of intent, to enter into for one (1) year extension of the current contract, for JP Morgan Chase for the Department of Finance, Treasury Division.

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

Finance, 59 Maiden Lane, New York, NY 10038. Tia Clarke (212) 291-4435; bids@finance.nyc.gov

d19-26

HEALTH AND MENTAL HYGIENE

■ AWARD

Human Services/Client Services

MENTAL HEALTH SERVICES, SUPPORTED HOUSING

- Request for Proposals - PIN# 08PO076387R0X00 - AMT: \$10,003,110.00 - TO: Project Renewal Inc, 200 Varick Street, New York, NY 10014.

◀ d26

MENTAL HEALTH SERVICES FOR ADULTS - BP/City Council

Discretionary - PIN# 20AZ026701R0X00 - AMT: \$531,103.00 - TO: Bailey House, Inc, 1751 Park Avenue, New York, NY 10035-2831.

◀ d26

PARKS AND RECREATION

■ VENDOR LIST

Construction Related 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.

NYC 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 NYC DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, NYC DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construct its parks, playgrounds, beaches, gardens and green-streets. NYC 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.

NYC 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/nycvendronline/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; dmbwe.capital@parks.nyc.gov

j2-d31

■ SOLICITATION

Goods and Services

NYC PARKS REQUEST FOR BIDS FOR MOBILE FOOD CONCESSIONS CITYWIDE - Competitive Sealed Bids -

PIN# CWB2020-A - Due 1-17-20 at 11:00 A.M.

In accordance with Section 1-12 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks"), has issued a Request for Bids ("RFB") for the sale of food from mobile food units at various parks citywide.

Hard copies of the RFB can be obtained, at no cost, commencing December 18, 2019 through January 17, 2020 between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and Holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065. All bids submitted in response to this RFB, must be submitted by no later than Friday, January 17, 2020, at 11:00 A.M.

The RFB is also available for download from December 18, 2019 through January 17, 2020 on Parks' website. To download the RFB, visit www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities at Parks" and, after logging in, click on the "download" link that appears adjacent to the RFB's description.

For more information related to the RFB contact Angel Williams (for Bronx and Staten Island Parks) at (212) 360-1397 or via email: angel.williams@parks.nyc.gov; Andrew Coppola (for Brooklyn Parks), at (212) 360-1397 or via email: andrew.coppola@parks.nyc.gov; Sophia Filippone (for Queens Parks), at (212) 360-1397 or via email: sophia.filippone@parks.nyc.gov; or Glenn Kaalund (Manhattan Parks), at (212) 360-1397 or via email: glenn.kaalund@parks.nyc.gov.

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

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

Parks and Recreation, The Arsenal, 830 Fifth Avenue, Room 407, New York, NY 10065. Glenn Kaalund (212) 360-3482; glenn.kaalund@parks.nyc.gov

Accessibility questions: Glenn Kaalund (212) 360-1397; (212) 360-3482, by: Wednesday, January 15, 2020, 11:00 A.M.



d18-j2

POLICE

CONTRACT ADMINISTRATION

■ SOLICITATION

Construction/Construction Services

CORRECTION: MECHANICAL CONTRACTORS - PQL - Request for Qualifications - PIN#0561600001065 - Due 12-31-20 at 5:00 P.M.

CORRECTION: The New York City Police Department ("NYPD"), is establishing a list of Prequalified Mechanical Contractors (a "PQL"), to provide labor, equipment, and materials, for the Removal and Replacement of Existing Boiler/Heating Systems and Installation/Upgrades of Air Conditioning Systems. NYPD, will solicit bids, for these projects, from mechanical contractors, on the PQL. To be included on the PQL, mechanical contractors must possess the qualifications

described in the Request for Qualifications (“RFQ”), and meet one of the following qualifying criteria:

1. The submitting entity, is a Minority and Women-Owned Business Enterprise (M/WBE), certified by the New York City Department of Small Business Services (“New York City-Certified M/WBE”).
2. The submitting entity, must be a registered joint venture, or have a valid legal agreement, as a joint venture, 50 percent owned, operated, and controlled, by a New York City-Certified M/WBE.
3. The submitting entity, will sub-contract no less than 50 percent of any awarded job, to a New York City-Certified M/WBE, for each and every project awarded.

The PQL Application, will be available online, at www.nyc.gov/cityrecord, on February 22, 2016 through December 31, 2020.

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.

Police, 90 Church Street, Room #1206, New York, NY 10007. Claudia Castro (646) 610-4786; Fax: (646) 610-5224; claudia.castro@nypd.org

← d26

SCHOOL CONSTRUCTION AUTHORITY

■ SOLICITATION

Construction/Construction Services

ELECTRICAL WORK FOR AC INITIATIVE/EXIT SIGNS

- Competitive Sealed Bids - PIN#SCA20-025782-1 - Due 1-16-20 at 10:00 A.M.

PS045K/PS299K/IS383K (Brooklyn)

SCA system-generated category: \$1,000,001 to \$4,000,000 (not to be interpreted as a “bid range”).

Documents Available: December 17, 2019, via our BidSet website, at <https://bidset.nycsca.org>.

Pre-Bid Walk through Date: January 8, 2020, at 10:00 A.M., at: PS 45K: 84 Schaefer Street, Brooklyn, NY 11207. Potential bidders are encouraged to attend, but this walkthrough is not mandatory. Meet at the Custodian’s Office.

BIDDERS MUST BE PRE-QUALIFIED BY THE SCA AT THE TIME OF THE BID OPENING DATE.

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.

School Construction Authority, 30-30 Thomson Avenue, Long Island City, NY 11101. Lily Persaud (718) 752-5852; lpersaud@nycsca.org

← d26

TRANSPORTATION

CITYSCAPE AND FRANCHISES

■ SOLICITATION

Services (other than human services)

WHITEHALL FERRY TERMINAL FARMER’S MARKET -

Request for Proposals - PIN#84120MNB388 - Due 2-21-20 at 2:00 P.M.

The City of New York (“City”) through its Department of Transportation (“DOT”), is seeking a concessionaire for the development, operation, and maintenance of an indoor farmer’s market (“Market”), at Whitehall Ferry Terminal, located at 4 South Street in the Borough of Manhattan (“Ferry Terminal”).

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, 55 Water Street, 9th Floor, New York, NY 10041. Brandon Budelman (212) 839-6550; Fax: (212) 839-9895; bbudelman@dot.nyc.gov

d18-j2

CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR’S OFFICE OF CONTRACT SERVICES (MOCS) VIA E-MAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 788-0010. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.



CITYWIDE ADMINISTRATIVE SERVICES

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that Contract Public Hearing will be held on Friday January 3, 2020 in the David Dinkins Municipal Building, One Centre Street, 18th Floor South, Conference Room D, commencing at 10:00 A.M. on the following:

IN THE MATTER of a propose Purchase Order/Contract between the Department of Citywide Administrative Services of the City of New York and ePaul Dynamics, located at 16 Sintsink Drive East, Port Washington, NY 11050 for the provision of Flow Energy Valves for Excel Program. The amount of this Purchase Order/Contract will be \$138,002.25. The term of the contract will be from December 19, 2019 to June 30th, 2020. PIN 85620RQ0920.

The Vendor has been selected pursuant to Section 3-08 (c) (1) (iv) of the Procurement Policy Board Rules.

A draft copy of the Purchase Order/Contracts will be available for public inspection at the Department of Citywide Administrative Services, Agency Purchasing, 1 Centre Street, 18th Floor South, New York, NY 10007 from December 26th, 2019 to January 3rd 2020, Monday to Friday excluding weekends and Holidays, from 10:00 A.M to 4:00 P.M. Contact Jennie Almeida at (212) 386-0426 or email jalmeida@dcas.nyc.gov

Pursuant to Section 2-11(c)(3) of the New York City Procurement Policy Board Rules, if DCAS does not receive, by December 31st, 2019, from any individual a written request to speak at such hearing, the hearing shall be cancelled.

← d26

ENVIRONMENTAL PROTECTION

■ PUBLIC HEARINGS

THIS PUBLIC HEARING HAS BEEN CANCELED.

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Environmental Protection Offices at 59-17 Junction Boulevard, 17th Floor Conference Room, Flushing, New York, on December 27, 2019 commencing at 10:00 A.M. on the following:

IN THE MATTER OF a proposed Purchase between the Department of Environmental Protection and M. Zion Security Systems, 1 World Trade Center, Suite 8500, New York, New York 10007 for Pelco Security Cameras. The Contract term shall be 6 months from the date of the written notice to proceed. The Contract amount shall be \$148,452.70—Location: Citywide: Pin 2X801062.

Contract was selected by Innovative Procurement pursuant to Section 3-12(e) of the PPB Rules.

A copy of the Purchase may be inspected at the Department of Environmental Protection, 59-17 Junction Boulevard, Flushing, New York, 11373, on the 17th Floor Bid Room, on business days from December 11, 2019 to December 27, 2019 between the hours of 9:30 A.M. - 12:00 P.M. and from 1:00 P.M. - 4:00 P.M.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by December 18, 2019, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Written notice should be sent to Mr. Noah Shieh, NYCDEP, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 or via email to noahs@dep.nyc.gov.

Note: Individuals requesting Sign Language Interpreters should contact Mr. Noah Shieh, Office of the ACCO, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373, (718) 595-3241, no later than FIVE (5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.

← d26

POLICE

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Friday, January 10, 2020 at 90 Church Street, Room #1206, New York, New York, 10007, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed Purchase Order/Contract between the Police Department of the City of New York and Abrahams Consulting, LLC., located at PO Box 10266, Staten Island, NY 10301 for the provision of Global Star Services for the NYPD. The contract amount will be \$108,441.96. The Purchase Order/Contract term will be for one-year from issuance of Purchase Order/Contract. PIN # 06220154.

The Vendor has been selected pursuant to Section 3-12 of the Procurement Policy Board Rules.

A draft copy of the Purchase Order/Contract will be available for public inspection at the New York City Police Department Contract Administration Unit, 90 Church Street, Room # 1206, New York, New York 10007 on business days, excluding holidays, from December 26, 2019 through January 10, 2020 from 9:30AM to 4:30PM (EST).

Accessibility questions: Claudia Castro, 646-610-4786, claudia.castro@nypd.org, by: Thursday, January 9, 2020 10:00 AM



← d26

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Friday, January 10, 2020 at 90 Church Street, Room #1206, New York, New York, 10007, commencing at 10:00 A.M. On the following:

IN THE MATTER of a proposed Purchase Order/Contract between the Police Department of the City of New York and Derive Technologies LLC., Located at 40 Wall Street, 20th Floor, New York, NY 10005 for the provision of Informatics Subscription Services for the NYPD. The contract amount will be \$127,842.75. The Purchase Order/Contract term will be for one-year from issuance of Purchase Order/Contract. PIN # 06220231

The Vendor has been selected pursuant to Section 3-12 of the Procurement Policy Board Rules.

A draft copy of the Purchase Order/Contract will be available for public inspection at the New York City Police Department Contract Administration Unit, 90 Church Street, Room # 1206, New York, New York 10007 on business days, excluding holidays, from December 26, 2019 through January 10, 2020 from 9:30 AM to 4:30 PM (EST).

Accessibility questions: Claudia Castro, 646-610-4786, claudia.castro@nypd.org, by: Thursday, January 9, 2020 10:00 AM



← d26

AGENCY RULES

HEALTH AND MENTAL HYGIENE

■ NOTICE

BOARD OF HEALTH

Notice of Adoption of Amendments to Article 43 of the New York City Health Code

In accordance with Section 1043 of the New York City Charter (“Charter”) and pursuant to the authority granted to the Board of Health (“Board”) by Section 558 of the Charter, a notice of intention to amend Article 43 of the New York City Health Code (“Health Code”) was published in the City Record on October 15, 2019. Given the similarity and simultaneity of the proposed child safety amendments to Articles 43, 47, 48 and 49, a consolidated public hearing was held for these proposed amendments on November 15, 2019. The public was invited to testify and/or submit written comments on any or all of the proposed amendments to these Articles. Three individuals testified at the public hearing, and a total of 13 written comments were received for all Articles. Of the 13 written public comments received, five submissions contained comments specifically addressing Article 43.

In response to the public comments and on its own initiative, the Department has made the following changes:

- **Definition of “school” - § 43.01(a):**
The definition of a “school” has been changed to reflect and incorporate the use of the term “program” as used in these amendments to mean a “school”.
- **Examples of imminent or public health hazards in the definition of “imminent or public health hazard” - § 43.01(g):**
Except for one inapplicable instance relating to use of pillows for children under 2, all of the examples of public health hazards currently codified in §47.01(p) have now been added to §43.01(g).
- **Inspector’s access to electronic records - §§ 43.11(c)(2), 43.17(a)(2)(A)(i) and 43.23(e)(2):**
Inspection of records relating to child and staff immunizations and lead-paint surveys, respectively, are now being modified to require programs to allow for Department staff to be able to access these electronic records while the inspectors are on-site.
- **Waivers from styrofoam ban - § 43.16(e):**
Modified to recognize that the NYC Administrative Code prohibition (§16-329(e)) allows for a waiver from use of expanded polystyrene (foam) single serving food containers in certain instances. Accordingly, if a program has been granted or is in the process of applying for such a waiver, an inspector will not issue a violation under §43.16.
- **Enforcement - § 43.29(a), (b):**
Specific due process language has been added, including objecting to a closing order, and right to a hearing currently codified in Health Code Article 5. Language from §5.17(b) has been added to §43.29 (b) allowing for a hearing within 15 days of closure.

At its meeting on December 17, 2019, the Board adopted the following resolution.

Statement of Basis and Purpose

The Board of Health (“Board”) is adopting certain child health and safety amendments to Article 43 of the New York City Health Code (“Health Code”). Article 43 provides health and safety requirements for children ages 3 to 5 attending a kindergarten or pre-K program located within a school or that is part of a school. Article 43 requirements are intended to supplement regulations in the Health Code that currently apply to all schools.

Historically, Article 43 programs were previously regulated under Health Code Article 47 (“Child Care Programs and Family Shelter-Based Drop-Off Child Supervision Programs”) except that they were not required to obtain a permit. However, many of the provisions in Article 43 have not been updated since 2008, whereas Article 47 is and has been far more frequently updated. These amendments align Article 43 with some of the more current child health and safety requirements provided in Article 47 and supported by the larger childcare sector.

These amendments make changes to conform the Health Code with recent changes in state and local law, including updated immunization and lead-based paint hazards requirements. On June 13, 2019,

NYS Public Health Law §2164 was amended to remove the religious exemption from childhood immunization requirements. Article 43 (§43.17) of the Health Code is now amended to incorporate this state legislative change. On March 13, 2019, the NYC Council passed multiple amendments to the NYC Administrative Code concerning child care programs, which among other things, updated the requirements for conducting an annual survey for lead-based paint hazards for all day care services (See, for example, Local Laws 64, 66, 67 and 71 of 2019). As per Local Law 64 of 2019, "day care service" means "a program or service regulated by articles 43 and 47 of the New York city health code." Accordingly, Article 43 (§43.23) of the Health Code is now amended to incorporate these updated annual survey requirements.

Legal Authority

These amendments to the Health Code are made pursuant to §§ 558 and 1043 of the NYC Charter. Sections 558 (b) and (c) of the Charter empower the Board to amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. Section 1043 grants the Department rule-making authority.

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

New text is underlined; deleted text is in [brackets].

* * *

RESOLVED, that §§ 43.01, 43.07, 43.11, 43.15, 43.17, 43.19, 43.23 and 43.24 of Article 43 of the New York City Health Code, located in Title 24 of the Rules of the City of New York be amended, and that new §§ 43.14, 43.16, 43.20, 43.22, 43.29 and 43.31 be added, in order to provide additional child health and safety protections and to conform the Health Code with recent changes in state and local law involving immunization requirements and lead-based paint hazards, to be printed together with explanatory notes, to read as follows:

§43.01 Definitions.

When used in this [article] Article:

(a) School [shall mean] means a public, non-public, chartered or other school or school facility recognized under the State Education Law and/or that has been determined by the State Education Department or the New York City Department of Education, or successor agency, as providing a compulsory education for children in grades one through twelve, and where more than six children ages three through five are provided instruction, but shall not include a child care service defined in Article 47 of this Code. As used in this Article and unless the context clearly indicates otherwise, the term "program" may be used interchangeably to refer to and mean a "school" as defined above.

(g) Imminent or public health hazard means any violation, combination of violations, conditions or combination of conditions occurring in a school making it probable that illness, physical injury or death could occur, or the continued operation of the program could result in injury or be otherwise detrimental to the health and safety of a child. If the hazard cannot be immediately corrected, the Commissioner or designee may order the school to cease operations immediately and to institute such corrective action(s) as may be required by the Department. Imminent or public health hazards include, but are not limited to:

- (1) Failure to maintain constant and competent supervision of children;
(2) Use of corporal punishments or of frightening or humiliating methods of behavior management;
(3) Failure to immediately report instances of alleged child abuse, maltreatment, or neglect 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, maltreatment or neglect have been reported to or observed by the school;
(4) Refusal or failure to provide access to the facility to an authorized employee or agent of the Department;
(5) Uncontained sewage in any part of the 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) Contamination of the potable water supply by cross connection or other faults in the water distribution or plumbing systems;
(11) 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;

- (12) Failing to exclude from the school a person with a communicable disease who is required to be excluded, pursuant to Article 11 of this Code;
(13) Failure to implement the school's written safety plan resulting in a child not being protected from any unreasonable risk to his or her safety;
(14) Conducting construction, demolition, painting, scraping, or any repairs other than emergency repairs while children are present in the facility; failing to remove children from areas and rooms while such activities are in progress;
(15) Failure to screen any person who has, or will have the potential for, unsupervised contact with children in accordance with Section 43.13 of this Code; or
(16) Any other condition, violation, or combination of conditions or violations, deemed to be an imminent health hazard by the Commissioner or his or her designee.

§43.07 Written safety plan.

(a) Safety plan required. [Except where a school has established a written safety plan in compliance with applicable State or federal law, every] Every program subject to this Article [shall] must develop, review] a written safety plan, which must be reviewed annually and [update,] updated in accordance with changed circumstances, conditions or activities[, a written safety plan]. The safety plan [shall] must be implemented by the person in charge of the program's associated school, used to train staff and volunteers, provided to parents on request, and kept in an accessible location at the school where it may be used by staff for reference[,] and [reviewed] available for review by Department inspectors.

(b) Scope and content. ***

- (1) ***
(2) Program operation and maintenance: including, but not limited to:
(A) schedules and designated staff for facility inspection,
(B) cleaning and maintenance,
(C) schedule for boiler/furnace and HVAC system maintenance,
(D) maintenance of adequate water pressure,
(E) protection of the potable water supply from submerged inlets and cross-connections in the plumbing system,
(F) schedule for the annual lead paint survey,
(G) inspection of window guards,
(H) indoor and outdoor equipment inspection and replacement schedule,
(I) evaluation of injury prevention procedures,
(J) equipment and structures,
(K) identification of procedures for transportation vehicle maintenance,
(L) food protection procedures during receipt,
(M) storage and preparation,
(N) identity of individuals certified in food protection, and
(O) schedule for sanitization procedures of food prep areas and identification of approved food sources.
(3) Fire safety:
(A) evacuation of buildings and property, assembly, supervision, and accounting for children and staff;
(B) fire prevention;
(C) coordination with local fire officials;
(D) fire alarm and detection systems and their operation, maintenance, and routine testing;
(E) type, location and maintenance of fire extinguishers;
(F) inspection and maintenance of exits;
(G) required fire drills and log; and
(H) electrical safety and
(I) reporting to the Department within 24 hours any fire of which the Fire Department or other appropriate state or federal government entity is notified, or that damages any facilities, or is threatening to life or health.
(4) ***
(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, or where a failure to maintain adequate supervision results in a lost child incident.
(6) ***
(7) Staff training: new employee orientation; training curricula; procedures for child supervision and discipline; child abuse and neglect recognition and reporting; provision of pediatric first aid and pediatric cardiopulmonary resuscitation, and other emergency medical assistance; emergency preparedness and response planning for emergencies resulting from natural disasters or a human-caused events, including procedures for evacuation, relocation, shelter-in-place and lockdown, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of

infants, toddlers, and children with disabilities or chronic medical conditions; prevention of and response to emergencies due to food and allergic reactions; prevention and control of infectious diseases (including immunization); reporting of child injury and illness; fire safety and fire drills; child and staff evacuation procedures; activity specific training for assigned activities; administration of medication, consistent with standards for parental consent; building and physical premises safety, including protection from hazards, bodies of water, and vehicular traffic; handling and storage of hazardous materials and appropriate disposal of biocontaminants; safe transportation of children if applicable; use of safe sleep practices and prevention of sudden infant death syndrome ("SIDS"); prevention of abusive head trauma ("shaken baby syndrome") and child maltreatment; and process to document attendance at staff training. The written safety plan must minimally provide for staff trainings in child abuse, infection and hazard control and emergency procedures as required by §43.14.

§43.11 Health; staff.

(a) Staff to be excluded. The person in charge of a school 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 school 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.]

(a) Isolation and exclusion pursuant to Article 11. The person in charge of a school must isolate and exclude any staff member who is suspected or confirmed with, or has been exposed to, a communicable disease requiring isolation or exclusion under Article 11 of this Code. A staff member who has been excluded must not be permitted to return to the school without a written statement from a health care provider indicating that the staff member 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.

(c) Staff immunizations.

(1) Each staff person and volunteer [shall] must 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] with two doses of measles-containing vaccine; two doses of mumps-containing vaccine; one dose of rubella-containing vaccine; two doses of varicella-containing vaccine (chicken pox); [and] one dose of tetanus, diphtheria and acellular pertussis (Tdap) in accordance with recommendations of the CDC Advisory Committee on Immunization Practices (ACIP) or other nationally recognized evidence-based guidelines. 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] is acceptable in [lieu] place 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] is also [be accepted] acceptable in [lieu] place of varicella, measles, mumps and rubella vaccine. [An employee] A staff person or volunteer may be exempted from this immunization requirement for recognized medical contraindications as provided by ACIP or other nationally recognized evidence-based guidelines, upon submission of appropriate documentation from a physician licensed [physician] in the State of New York.

(2) Each staff person and volunteer [shall] must submit such report of immunization to the person in charge of a school where he or she is employed or volunteers. Reports of immunizations shall be confidential and [shall] must be kept by the person in charge of a school in a paper or electronic file with other staff and volunteer health information, except that such reports [shall] must be made available to the Department upon request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site.

(3) No principal, teacher, owner, or person in charge of a school shall permit any staff member or volunteer to attend such school without appropriate documentation of the immunizations required by paragraph (1) of this subdivision.

§43.14 Staff trainings.

In addition to the trainings required by §43.07(b)(7), all teaching and supervisory staff must complete the following trainings. Certificates of completion of all training required pursuant to this section must be kept on-site and made available to the Department upon request.

(a) Child abuse, maltreatment, and neglect. All teaching and

supervisory staff must receive at least 2 hours of training every 24 months in preventing, identifying and reporting child abuse, maltreatment and neglect, and as required under applicable state law. Such training must be provided by a New York State Office of Children and Family Services-certified trainer. New teaching and supervisory staff must receive such training within 3 months of hire or on the effective date of this rule, whichever is later. Training completed while employed at a different program holding a notice under this Article shall count for purposes of compliance with this paragraph.

(b) Infection control, administration of medication, protection from hazards and additional safety topics. Within 3 months of hire or on the effective date of this rule, whichever is later, all teaching and supervisory staff must receive training in infection control, reporting infectious diseases; administration of medication; handling and storage of hazardous materials; appropriate disposal of bio-contaminants; building and physical premises safety; including protection from hazards, bodies of water, and vehicular traffic; and, if applicable, safe transportation of children. Training completed while employed at a different program holding a notice under this Article shall count for purposes of compliance with this paragraph.

(c) Emergency procedures. Within 3 months of hire or on the effective date of this rule, whichever is later, all staff must receive training in the emergency procedures contained in the approved written safety plan, including:

- (1) Loss of a child;
- (2) Situation requiring lockdown;
- (3) Gas, electrical, sewer, or water main break; and
- (4) Extreme weather.

§43.15 Corrective action plan.

(a) ***

(1) ***

(2) ***

(3) When required by the Department, if the person in charge of a school has been cited for violations or conditions deemed imminent or public health hazards, or if there has been a history of failure to comply with applicable provisions of this Code, to demonstrate that the person in charge of a school is able and willing to correct such violations or conditions.

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

(c) Available for Department inspection. Corrective action plans [shall] must be maintained on-site by the person in charge of a school and [made available] submitted to the Department [for inspection upon request] within 5 business days of discovery of the condition to be corrected.

§43.16 Food service.

(a) School programs that prepare and/or process food for service to children in their care must maintain a food service establishment permit issued in accordance with §81.05 of this Code.

(b) All food must be stored, prepared and served to children in accordance with the requirements of Article 81 of this Code.

(c) The school must designate as a supervisor of food service operations a person who has a certificate in food protection in accordance with §81.15(a) of this Code. Such food protection certificate holder must be on-site to supervise all food storage, preparation, cooking, holding and cleaning activities, whenever such activities are in progress.

(d) Food supplied to children must be wholesome, of good quality, properly prepared, age-appropriate in portion size and variety and served at regular hours at appropriate intervals.

(e) Unless the program has a pending waiver application or has been issued a waiver, single-use expanded polystyrene (foam) food containers, such as cups and plates, are prohibited.

§43.17 Health; children's examinations and immunizations.

(a) ***

(1) ***

(2) Immunizations.

(A) (i) All children [shall] must 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 State 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 New York State Public Health Law §2164. [In addition, there shall be a 90-day grace period after admission for children who are either homeless, as defined by Section 11434a of Chapter 119 of Title 42 of the United States code, or in foster care, to obtain the required immunizations.] Documentation of immunizations and exemptions must be kept on-site and made available to the Department immediately upon request.

If such records are maintained electronically, Department staff must be allowed to access such records while on-site.

(ii) No principal, teacher, owner, or person in charge of a school shall permit any child to attend such school without appropriate documentation of the immunizations required pursuant to clause (i) of this subparagraph, except as provided for in this subdivision or pursuant to New York State Public Health Law §2164, or successor law.

(B) (i) Children aged from 6 months to 59 months [shall] must be immunized each year before December 31 against influenza with a vaccine approved by the US Food and Drug Administration as likely to prevent infection for the influenza season that begins following July 1 of 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] in the State of New York. The principal or person in charge of a school may require additional information supporting [either] the exemption request.

(ii) Except where prohibited by law, the principal or person in charge of a school may after December 31 refuse to allow any child to attend such school 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 principal or person in charge of a school may appeal by petition to the commissioner. A child who first enrolls in a school 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) In addition, for children who are either homeless, as defined by section 11434a of Chapter 119 of Title 42 of the United States Code, or in foster care, there shall be a 90-day grace period to obtain the required immunizations after enrollment.

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

[(E)] (C) All children [shall] must have such additional immunizations as the Department may require.

(D) The principal, owner, or person in charge of a school must report to the Department all requests for exemption made pursuant to subparagraphs (A) or (B) of paragraph (2) of this subdivision in a manner and form prescribed by the Department. Upon submission of an exemption request and pending Department determination, the child may attend school. If upon review of the documents submitted and any additional documentation provided to the Department, the Department determines that the exemption request is not valid insofar as it is not in accordance with ACIP guidelines or other nationally-recognized evidence-based guidelines, the person in charge of a school must not allow the child to attend the school without documentation that such child has received the immunizations required pursuant to clause (i) of subparagraph (A) of paragraph (2) of this subdivision.

§43.19 Health; daily requirements; communicable diseases.

(f) *Exclusions pursuant to Article 11 of this Code.* The person in charge of a school 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 school 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.]

(f) *Isolation and exclusion pursuant to Article 11 of this Code.* The person in charge of a school must isolate or exclude any child who is suspected or confirmed with, or has been exposed to, a communicable disease requiring isolation or exclusion under Article 11 of this Code. A child who has been excluded must not be permitted to return to the school without a written statement from a health care provider indicating 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.

§43.20 Personal hygiene practices; staff and children.

(a) *Hand washing.* Staff and children must 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 must be prominently posted in each lavatory and by each sink.

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

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

(e) *Bathing.* Children must not be bathed on premises except that they must be washed in case of accidents.

(f) *Safety precautions relating to blood.* Schools must implement the following safety precautions for all staff having any exposure to or contact with blood:

(1) Disposable gloves must 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 must take priority. A bleeding child shall not be denied care because gloves are not immediately available.

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

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

(5) Clothes contaminated with blood must 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 must be cleaned and disinfected with a germicidal solution.

(g) *Smoking prohibited.* There must be no smoking of tobacco or other substances, or use of e-cigarettes, in any indoor or outdoor area of any premises on which a program is located.

§43.22 Fire safety.

(a) All exits must have clear and legible illuminated exit signs. All exit signs and emergency lighting must be maintained in working condition.

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

(c) Fire drills must be conducted monthly and logged. Such logs must be kept on-site and made available to the Department and the Fire Department upon request.

(d) Heating apparatuses must be equipped with adequate protective guards. Space heaters are prohibited.

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

(f) Smoke and carbon monoxide detectors with audible alarms must be provided in accordance with applicable law or as required by the Department or the Fire Department and maintained in working condition.

§43.23 Lead-based paint restricted.

(a) *Applicability.* This section [shall apply] applies to all rooms and areas in a school facility that are occupied by children [under six years of age], or to which such children have access.

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

(1) ***

(2) ***

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

(A) After such order has been served by the Department, the owner or person in charge of a school must post the notices required by §173.14 (e)(1)(A) of this Code at or near the entrance of the facility.

(B) The owner or person in charge of a school must comply with the requirements of the order within 21 days after service of the order. Where compliance with the time period requirements of this subdivision would cause undue hardship and the owner or person in charge of a school demonstrates a good faith effort to timely comply, such as by showing that it has taken steps to remediate, including by retaining a contractor to conduct the remediation, and demonstrates to the satisfaction of the Department that it is maintaining adequate controls to protect children from a lead-based paint hazard, the Department may, at its discretion, extend the time period for compliance.

[(3)] (4) Children [shall] must not be [present] in [and shall not] nor have access to any room or area 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.

[(4)] (5) The work practices of §173.14 of this Code shall not apply to repair and maintenance work 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.

(c) ***

(d) ***

(e) Annual survey. [Each] At least once each year, the owner or person in charge of a school [shall] must conduct a survey of the condition of surfaces in classrooms[, where the surfaces of such classrooms] or other areas used by children [under six years of age] that are covered with lead-based paint or paint of unknown lead content. Survey results [shall] must be recorded on a form provided or approved by [or satisfactory to] the Department [, and copies of survey results shall be provided to the Department upon request]. The survey form must include, but need not be limited to, the following: the date of the survey; a description of, and the location of, each surface surveyed and remediation status, if applicable.

(1) Within 30 days of completion of such survey, the annual survey results must be submitted to the Department. Copies of such survey results may be submitted to the Department by mail, fax or electronically.

(2) Within 30 days of submitting to the Department, the school must notify the parent or guardian of each child attending the program of the results of the annual survey. Such notice may be provided electronically if the permittee routinely communicates with parents or guardians electronically and may refer to detailed results on a website if such results are maintained there. The school must maintain documentation indicating the date on which such notice was provided. A copy of the notice and proof of the date when such notification was made must be made available to the Department immediately upon request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site.

§43.24 Physical facilities.

(c) All items of large furniture and all electronic appliances capable of being tipped over due to design, height, weight, stability or other features must be secured to the floors or walls of such facility, using angle-braces, anchors or other anchoring devices. Any item of furniture or electronic device which cannot be so anchored must be removed from the facility.

§43.29 Closing and enforcement.

(a) Imminent or public health hazards. (1) If the Department determines that a program is being operated in a manner that may give rise to an imminent or public health hazard as defined in §43.01, or is maintaining one or more conditions that constitute an imminent or public health hazard, or that its operation otherwise presents an unreasonable risk of endangering the health or safety of children or other persons, the Commissioner or the Commissioner's designee may order such program to close and to discontinue operations if the program is unable to correct the hazard, without further proceedings, by service of an order upon the school, or person(s) or entity managing or in control of such program. (2) An order issued pursuant to this subdivision will provide the school, or person(s) or entity in control, an opportunity to object or contest the order in order to determine whether the public health hazard does not exist or has been corrected and if the hearing provided by subdivision (b) of this section is required.

(b) When a program subject to this Article is ordered closed, the Department will schedule a hearing at the New York City Office of Administrative Trials and Hearings (OATH) Trials Division within 15 business days of closure. The purpose of the hearing is to allow the program to show cause why its continued operation is not a public health or imminent health hazard and why it should be allowed to reopen.

(c) The Commissioner or the Commissioner's designee may require any school that consistently fails to correct or repeats violations to prepare a corrective action plan in which factors contributing to violations are analyzed and a plan is created to address and correct violations to prevent their recurrence.

(d) Additional operating terms and conditions authorized. The Department may authorize the reopening of a program that has been ordered closed upon its determination that continuing operation will not present any unreasonable risk to any person and may impose such additional conditions upon reopening and continuing operation that it deems appropriate.

(e) 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 the person in charge of a school, to a person or entity that owns or operates the school, or upon any other person of suitable age and discretion who is asserting ownership, management or control of such program. Service of any order may be made in any manner provided in §3.05(b) of this Code, or successor provision, and may be delivered to an owner or operator's home, or business address of the school listed in the notice submitted to the Department, or at the place where the

program is being operated.

(f) Posting orders to close; notifying parents. Upon issuing an order to close a program for any reason, the Department will post a copy of the closing order at the entrance to the premises subject to such order and will notify and provide a copy of the closing order to the parents or other persons who arrive at the program to pick up children attending the program.

(g) Operation in violation of order prohibited. No person can remove an order posted pursuant to this section, or open to the public or operate a program in violation of an order issued pursuant to this section.

(h) Department authority not limited by this section. Nothing in this Article can be construed to limit the authority of the Department to take any authorized action it deems appropriate in the protection of children or staff participating in a program subject to this Article, including issuance of summonses seeking monetary penalties for violations cited by the Department, or commencing actions concerning the ongoing ability to operate such a program.

§43.31 Construction and severability.

This Article must be liberally construed for the protection of the health of children attending 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.

Notes: At its December 17, 2019 meeting, the Board of Health adopted amendments to Article 43 to provide additional child health and safety protections for children attending pre-kindergarten and kindergarten programs located within a school or that is part of a school, including by aligning Article 43 with child health and safety requirements in Article 47 of the Health Code, as well as to conform Article 43 with recent legislative changes in state and city law, including changes to immunization and lead-based paint requirements and revising certain language to provide greater clarity and in order to remove inadvertent prior inclusions.

• d26

BOARD OF HEALTH

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

In accordance with Section 1043 of the New York City Charter ("Charter") and pursuant to the authority granted to the Board of Health ("Board") by Section 558 of the Charter, a notice of intention to amend Article 47 of the New York City Health Code ("Health Code") was published in the City Record on October 15, 2019. Given the similarity and simultaneity of the proposed child safety amendments to Articles 43, 47, 48 and 49, a consolidated public hearing was held for these proposed amendments on November 15, 2019. The public was invited to testify and/or submit written comments on any or all of the proposed amendments to these Articles. Three individuals testified at the public hearing, and a total of 13 written comments were received for all Articles. Of the 13 written public comments received, two submissions contained comments related specifically to Article 47.

In response to the public comments and on its own initiative, the Department has made the following changes:

- **Withdrawing proposed increase in child capacity for 3-4 year olds - § 47.23(f):**
Proposed increase in NOI of child capacity from 15 to 17 as maximum group size for 3-4 year olds has been withdrawn – the Department will be leaving current capacity at 15 pending further review.
- **Inspector's access to electronic records - §§ 47.25(a)(2)(A)(i), 47.33(c)(2), 47.63(e)(3):**
Inspection of records relating to child and staff immunizations and lead-paint surveys, respectively, are now being modified to require programs to allow for Department staff to be able to access these electronic records while the inspectors are on-site.
- **Waivers from styrofoam ban - § 47.61(j):**
Modified to recognize NYC Administrative Code prohibition (§16-329(e)) allows for a waiver from expanded polystyrene (foam) single serving food containers in certain instances. Accordingly, if a program has been granted or is in the process of applying for such a waiver, an inspector will not issue a violation under § 47.61(j).

At its meeting on December 17, 2019, the Board adopted the following resolution.

Statement of Basis and Purpose

The New York City Board of Health is amending Article 47 of the New York City Health Code . These amendments align the Health Code with recent legislative changes to the New York State ("NYS") Public

Health Law and the New York City (“NYC”) Administrative Code. On June 13, 2019, NYS Public Health Law §2164 was amended to remove the exemption from childhood immunization requirements due to religious beliefs. Article 47 (§ 47.25) of the Health Code is being amended to incorporate this change. On March 13, 2019, the NYC Council passed multiple amendments to the NYC Administrative Code, which among other things, updated the requirements for conducting an annual survey for lead-based paint hazards for all day care services (See Local Laws 64, 66, 67 and 71 of 2019). As per Local Law 64 of 2019, “day care service” means “a program or service regulated by articles 43 and 47 of the New York city health code.” Accordingly, Article 47 (§47.63) of the Health Code is being amended to incorporate these updated annual survey requirements. Changes to the Health Code are also being made in response to other recent state legislation prohibiting use of crib bumper pads and to require anchors for furniture that could topple over. Other Health Code amendments have been made to provide greater clarity and to remove text which was inadvertently included in prior amendments.

Legal Authority

These amendments to the Health Code are promulgated pursuant to §§ 558 and 1043 of the NYC Charter. Sections 558 (b) and (c) of the Charter empower the Board to amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. Section 1043 grants the Department rule-making authority.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the text below, unless otherwise specified or unless the context clearly indicates otherwise.
 New text is underlined; deleted text is in [brackets].

* * *

RESOLVED, that §§ 47.07, 47.13, 47.19, 47.23, 47.25, 47.27, 47.29, 47.33, 47.37, 47.55, 47.61, 47.63 and 47.67 of Article 47 of the New York City Health Code, located in Title 24 of the Rules of the City of New York, be amended to provide additional child protections and to conform the Health Code with recent changes in state and local law including immunization requirements and lead-based paint hazards, to be printed together with explanatory notes, to read as follows:

§ 47.07 Permit: required approvals and clearances.

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

(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 Central Registry of Child Abuse and Maltreatment] Statewide Central Register of Child Abuse and Maltreatment (SCR) screening in accordance with Section 47.19 of this [Code] Article. Such documentation [shall] must be kept on site and made available to the Department upon request.

§ 47.13 Teaching staff qualifications and coverage in child care programs.

(b) *Pending certifications.* A permittee may temporarily employ an education director or group teacher whose application for certification is fully submitted and pending certification by the State Education Department or other accreditation organization or whose study plan for obtaining certification is fully submitted and pending approval by the Department, provided that the permittee has complied with criminal justice and [State Central Registry of Child Abuse and Maltreatment] Statewide Central Register of Child Abuse and Maltreatment (SCR) screening requirements for staff set forth in this Article. No individual qualifying as an education director under this subsection may serve in that capacity with a pending certification for a total of more than [six] 6 months. All relevant documentation [shall] must be kept on site and made available to the Department upon request.

(c) *Education director.* Except as provided in Sections 47.15 or 47.17, every child care program [shall] must designate a certified group teacher as the education 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 program. An education director [can] may serve in such capacity for a maximum of two programs, and only if such programs are co-located and operated by the same legal entity.

(1) *Coverage for education director.* Except as provided herein, a program’s education director must be on site at all times while the program is caring for one or more children. At any time when the education director is not on the premises to supervise a child care program, the permittee [shall] must designate an individual to act as education director. Except as provided in Section 47.15 or 47.17, such individual [shall] must be a certified group teacher or a group teacher whose application for certification is fully submitted and pending certification by the State Education Department or other accreditation organization, or whose application for certification is fully submitted and pending approval by the Department, provided that the permittee has complied with criminal justice and [State Central Registry of

Child Abuse and Maltreatment] SCR screening requirements for staff set forth in this Article. In addition, the permittee must notify the Department in writing within [five] 5 business days of the separation from service of the education director. When the education director is separated from service or will be on leave for more than [five] 5 business days, the permittee must notify teaching staff and the Department in writing of the certified teacher who has been designated as education director and make this written communication available to the Department for inspection upon request.

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

(c) ***

(1) ***

(A) ***

(B) ***

[(2)] (C) the permittee has ensured that the individual [shall] must be continuously supervised by a satisfactorily screened staff member with authority to intervene in the actions of such individual. For all employees, the permittee [shall] must request a new report from the SCR every [two] 2 years. All documents obtained in accordance with the requirements of this section, along with any required English language translations, [shall] must be kept on site and made available to the Department upon request.

§ 47.23 Supervision; staff/child ratios and group size.

(f) *Minimum staff/child ratios.*

(1) The staff of a child care program for purposes of staff/child ratios [shall] must include only the teaching staff. The minimum ratios of staff to children in a child care program [shall] must be as follows:

AGE OF CHILDREN	MINIMUM STAFF/CHILD RATIO	MAXIMUM GROUP SIZE per room/area separated from other rooms/areas by a physical barrier
under 12 months	1:4 or 1:3	8 [per room/area separated from other rooms/areas by a physical barrier]

§47.25 Health; children’s examinations and immunizations.

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

(1) *Physical examinations and screening.* Prior to admission[, or within 90 days after admission for children who are either homeless, as defined by section 11434a of Chapter 119 of Title 42 of the United States Code, or in foster care,] all children [shall] must 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) (i) All children [shall] must 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 State 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 New York State Public Health Law §2164. [In addition, there shall be a 90-day grace period after admission for children who are either homeless, as defined by section 11434a of Chapter 119 of Title 42 of the United States Code, or in foster care, to obtain the required immunizations.] Documentation of immunizations and exemptions [shall] must be kept on site and made available to the Department immediately upon request [except as otherwise required by law]. If such records are maintained electronically, Department staff must be allowed to access such records while on-site.

(ii) No permittee shall permit any child to attend such program without appropriate documentation of the immunizations required pursuant to clause (i) of this subparagraph, except as provided for in this subdivision or pursuant to New York State Public Health Law §2164 or successor law.

(B) (i) Children aged from 6 months to 59 months [shall] must 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] or the state in which the child resides. The permittee

may require additional information supporting [either exemption] such request for exemption.

(C) ***

(D) ***

(E) All children must have such additional immunizations as the Department may require.

(F) The permittee must report to the Department all requests for exemption made pursuant to subparagraphs (A) or (B) of paragraph (2) of this subdivision in a manner and form prescribed by the Department. Upon submission of an exemption request and pending Department determination, the child may attend the child care program. If upon review of the documents submitted and any additional documentation provided to the Department, the Department determines that the exemption request is not valid insofar as it is not in accordance with the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP) guidelines or other nationally recognized evidence-based guidelines, the permittee or person in charge of a child care program must not allow the child to attend the program without documentation that such child has received the immunizations required pursuant to clause (i) of subparagraph (A) of paragraph (2) of this subdivision.

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

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

(1) ***

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

[(3)] (2) The Department [shall] must 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 program.

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

[(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 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.]

[(f) Isolation and exclusion pursuant to Article 11 of this Code. The permittee must isolate or exclude any child, staff or volunteer who is suspected or confirmed with, or has been exposed to, a communicable disease requiring isolation or exclusion under Article 11 of this Code. A child, staff or volunteer who has been excluded must not be permitted to return to the child care program without a written statement from a health care provider indicating that the child, staff member or volunteer 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. Any child, staff or volunteer isolated or excluded pursuant to this subdivision must be reported to the Department.

§ 47.29 Health; emergencies.

(b) ***

(1) ***

(2) Where a parent has provided a written, individualized health care plan indicating the specific medications that can be administered and the schedule of such administration(s) for their child, including in cases of emergency, and there is a direct conflict between such plan and any provision of this section, [nm] the permittee [shall] must follow the child's individualized health care plan.

§ 47.33 Health; staff.

(c) *Staff and volunteer immunizations.* (1) Each staff [person] and volunteer [shall] must 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] with 2 doses of measles-containing vaccine; 2 doses of mumps-containing vaccine; 1 dose of rubella-containing vaccine; 2 doses of varicella-containing vaccine (chicken pox); and] 1 dose of tetanus, diphtheria and acellular pertussis (Tdap). 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] is [accepted] acceptable in [lieu] place 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 is also acceptable [shall also be accepted] in [lieu] place of varicella, measles, mumps and rubella vaccine. [An employee] A staff or volunteer may be exempted from this immunization requirement for [ACIP-recognized] medical contraindications in accordance with ACIP or other nationally recognized evidence-based guidelines upon submission of appropriate documentation from a treating licensed physician. Each staff [person] and volunteer [shall] must submit such report of immunization to the permittee.

(2) Reports of immunizations shall be confidential and [shall] must be kept by the permittee in a paper or electronic file with other staff and volunteer health information, except that such reports [shall] must be made available to the Department immediately upon request. Documentation of exemption from immunization [shall] must also be kept on site and made available to the Department immediately upon request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site.

(3) No permittee or person in charge of a childcare program shall permit any staff or volunteer to attend such program without appropriate documentation of the immunizations required pursuant to paragraph (1) of this subdivision.

§ 47.37 Training.

(b) ***

(1) Child abuse, maltreatment[,] and neglect. All [teaching] staff [and shelter child supervision staff shall] must receive at least [two] 2 hours of training every 24 months in preventing, identifying, and reporting child abuse, maltreatment[,] and neglect, and requirements of applicable statutes and regulations. Such training [shall] must be provided by a New York State Office of Children and Family Services-certified trainer. New teaching and shelter child supervision staff [shall] must receive such training within [three] 3 months of hire or of the effective date of this rule, whichever is later. Training completed while employed at a different program holding a permit under this Article shall count for purposes of compliance with this subsection. Certificates of completion of all training required pursuant to this subsection [shall] must be kept on site and made available to the Department upon request.

§ 47.55 Equipment and furnishings.

(a) *Furnishings.*

(1) Tables, chairs, furniture and equipment [shall] must be age and size appropriate, finished with non-toxic surface coverings, easily cleanable, and cleaned and sanitized as needed, in a manner consistent with the health and safety of the children in the program.

(2) All items of large furniture and all electronic appliances capable of being tipped over due to design, height, weight, stability or other features must be secured to the floors or walls of such facility, using angle-braces, anchors or other anchoring devices. Any item of furniture or electronic device which cannot be so anchored must be removed from the child care facility.

§ 47.61 Food and food safety.

(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) Unless the program has a pending waiver application or has been issued a waiver, there must be no single use food service articles consisting of expanded polystyrene, such as foam containers, cups or plates, in the child care facility.

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

§ 47.63 Lead-based paint restricted.

(a) ***

(1) ***

(2) ***

(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 program is located [shall] must use only the methods specified in such order.

(A) After such order has been served by the Department, the permittee must post the notices required by § 173.14(e)(1)(A) of this Code at or near the entrance of the facility.

(B) The permittee must comply with the requirements of the order within 21 days after service of the order. Where compliance with the time period requirements of this subdivision would cause undue hardship and the permittee demonstrates a good faith effort to timely comply, such as by showing that it has taken steps to remediate, including by retaining a contractor to conduct the remediation, and demonstrates to the satisfaction of the Department that it is maintaining adequate controls to protect children from a lead-based paint hazard, the Department may, at its discretion, extend the time period for compliance.

 (e) *Annual survey.* [Each] At least once each year, the permittee operating a program in which any surfaces are covered with lead-based paint or paint of unknown origin [shall] must conduct a survey of the condition of all such surfaces[.]. The permittee must note the results of the survey on a form provided by or [satisfactory to] approved by the Department [, and]. The survey form must include, but need not be limited to, the following: the date of the survey; a description of, and the location of, each surface surveyed and remediation status, if applicable. The permittee [shall] must provide a copy of the survey results to the Department [a copy of the results of such survey].
 (1) Submission of such survey to the Department [shall] must be on or before the permit issuance date, or the anniversary thereof.
 (2) Copies of such survey results may be submitted to the Department by mail, fax or electronically.
 (3) Within 30 days of submitting the annual survey results to the Department, the permittee must notify the parent or guardian of each child attending the program of the results of the annual survey. Such notice may be provided electronically if the permittee routinely communicates with parents or guardians electronically and may refer to detailed results on a website if such results are maintained there. The permittee must maintain documentation on premises indicating the date on which such notice was provided. A copy of the notice and proof of the date when such notification was made must be made available to the Department immediately upon request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site.

§47.67 Child development policies, activities, rest periods and clothing.

 (f) *Safe sleep environment for infants.*
 (1) An infant/toddler child care 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 US 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. No child care facility subject to this Article may use or have on the premises any crib bumper pad unless a medical professional has determined that use of a crib bumper pad is medically necessary for a particular child using a crib in such child care facility.

 Notes: On December 17, 2019, the Board of Health adopted amendments to Article 47 to align the Health Code with recent legislative changes in state and city law, including changes to immunization and lead-based paint requirements, as well as enhancing child health and safety protections, and revising existing language for clarity and in order to remove inadvertent prior text inclusions.

◀ d26

BOARD OF HEALTH

Notice of Adoption of Amendments to Article 48 of the New York City Health Code

In accordance with Section 1043 of the New York City Charter (“Charter”) and pursuant to the authority granted to the Board of Health (“Board”) by Section 558 of the Charter, a notice of intention to amend Article 48 of the New York City Health Code (“Health Code”) was published in the City Record on October 15, 2019. Given the similarity and simultaneity of the proposed child safety amendments to Articles 43, 47, 48 and 49, a consolidated public hearing was held for these proposed amendments on November 15, 2019. The public was invited to testify and/or submit written comments on any or all of the proposed amendments to these Articles. Three individuals testified at the public hearing, and a total of 13 written comments were received for all Articles. Of the 13 written public comments received, five submissions provided comments related specifically to Article 48.

In response to the public comments, and on its own initiative, the Department has made the following changes:

- **Examples of public health hazards provided - § 48.03(a)**
 Modified definition of public health hazard to remove example of use of pillows for children under 2, since this is not an applicable age range for camps.
- **Inspector’s access to electronic records - §§ 48.07(e), 48.09(m)(4) and 48.17 (b)**
 Changed to indicate that required records for Department review that are maintained electronically must be accessible to Department staff while they are on-site.

- **Sex offenders prohibited from camps - § 48.09(m)(3)**
 Added sentence explicitly stating that individuals whose name appears on any sex offender registry are prohibited from volunteering/working at camps.
- **Camps above 3rd floor - § 48.15(a)(2)**
 Modified to match existing language in §47.41(b) allowing use of space on 3rd floor or above if approved by appropriate regulatory authorities, including DOB, FDNY and the Dept.
- **Emergency medical services - § 48.17(d)**
 Modified to clarify that the closest location and type of emergency medical services where sick/injured children or staff can be taken must be identified in the camp’s written safety plan.

At its meeting on December 17, 2019, the Board adopted the following resolution.

Statement of Basis and Purpose of Rule

The Board of Health is amending Article 48 of the New York City Health Code, which governs summer camps operating in New York City (“NYC”) for children under age 16. Article 48 provides standards of service and operational requirements designed to protect the health and well-being of children while camping and has not been significantly updated since its repeal and reenactment in 1982. In 2016, the New York State (“NYS”) Department of Health substantially updated its regulations relating to children’s camps contained in the NYS Sanitary Code (“Sanitary Code”), located in 10 NYCRR Part 7, Subpart 7-2, particularly as to camps that serve children with developmental disabilities.

The Board adopts these changes primarily to be consistent with NYS Department of Health regulations adopted in 2016 relating to children’s camps contained in the NYS Sanitary Code (“Sanitary Code”), located in 10 NYCRR Part 7, Subpart 7-2, particularly as to its updated requirements for camps serving children with disabilities. Sanitary Code protections for developmentally disabled children that are being adopted in these rules provide that:

- Staff that have direct care responsibilities of campers with disabilities must receive training relevant to the specific needs of the campers in their charge;
- Camps must obtain and implement, as appropriate, care and treatment plans for campers with disabilities that have such plans as well as obtain other available information relevant to the care and specific needs of a camper with disabilities including pre-existing medical conditions, allergies, modified diets, and activity restrictions;
- During swimming activities, camps must provide one counselor for each camper who is non-ambulatory or has a disability that may result in an increased risk for an emergency in the water;
- Camps must obtain parent/guardian’s written permission to allow campers with developmentally disabilities to participate in swimming activities;
- Camps must develop procedures and training for handling seizures or aspiration of water by campers with developmental disabilities that may occur during swimming activities;
- All lavatories and showers used by campers with physical disabilities must be equipped with specialized features and grab bars;
- Lavatories and showers used by campers with a disability, who are unable to moderate water temperature safely, shall have a water temperature not greater than 110 degrees Fahrenheit;
- Buildings housing non-ambulatory campers shall have ramps to facilitate access.
- Non-ambulatory campers may not have housing above ground level; and
- Exterior paths must be constructed and maintained, as appropriate for the camp population served, to provide for safe travel during inclement weather.

Specifically, these Article 48 amendments include, among other things:

- a revised and expanded definitions section (§48.03)
- revised record keeping and due process requirements (§§48.07, 48.09)
- updated staffing, screening, training and ratio requirements (§§48.09, 48.11 and 48.12)
- elimination of religious exemptions from child vaccination requirements (§48.17)
- updated developmental disability camp requirements, including for incident reporting, investigation and enforcement (§48.25).

Legal Authority

These amendments to the Health Code are adopted pursuant to §§ 558 and 1043 of the NYC Charter. Sections 558 (b) and (c) of the Charter empower the Board to amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. § 1043 grants the Department rule-making authority.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the text below, unless otherwise specified or unless the context clearly indicates otherwise.

New text is underlined; deleted text is in [brackets].

* * *

Section 1. The Board of Health amends the title of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

[SUMMER] DAY CAMPS, [CHILDREN’S] OVERNIGHT CAMPS, [CHILDREN’S] AND TRAVELING [SUMMER] DAY CAMPS [AND MUNICIPAL CAMPS]

Section 2. The Board of Health amends the opening sentence and subdivision (a) of §48.01 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.01 Scope.

The provisions of this Article apply to all Day Camps, [Children’s] Overnight Camps, and [Children’s] Traveling [Summer] Day Camps [and Municipal Camps located] in New York City (NYC) which are occupied by ten (10) or more children, as defined in this Article, except the following:

(a) programs approved, certified or licensed under the New York State (NYS) Social Services Law;

Section 3. The Board of Health REPEALS §48.03 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, and REENACTS this section to read as follows:

§48.03 Definitions.

When used in this Article, the following terms have the following meanings:

“Acceptable training in cardiopulmonary resuscitation (CPR)” means a CPR training program determined by the NYSDOH to provide an adequate level of knowledge and skills necessary to perform two-rescuer CPR for all ages (infant, child and adult). Such training program must be deemed an accepted course by the NYSDOH current fact sheet entitled “Cardiopulmonary Resuscitation Certification for NYS Children’s Camps and NYS Bathing Facilities” or successor document. CPR certificates shall be valid as specified by the provider but shall not exceed one year from the date of course completion.

“Acceptable training in first aid” means certification in a first aid training program approved by the Department.

“Activity leader” means the staff-person who is deemed competent based on training and/or experience in the activity being conducted and is charged with supervising all children and adults in that activity.

“Adequate” means minimally sufficient to accomplish the purpose for which something is intended and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation, profession or activity, is adequate within the meaning of this Article.

“Aquatic amusement park activities” means where patrons are partially or totally immersed in water and includes but is not limited to “lazy rivers”, activity pools, wave pools and water slides.

“Aquatics director” means an experienced swimming instructor and lifeguard who oversees all aquatic and boating activities at any location. This person shall supervise lifeguards, progressive swimming instructors, and counselors with bather supervision responsibilities and implement the camp safety plan during all aquatic activities.

“Camp” means a day camp, overnight camp or traveling day camp as defined in this Article.

“Camper(s)” means a minor child under 18 years of age who is enrolled in a camp. As used in this Article, and unless the context clearly indicates otherwise, “camper” may be used interchangeably with “child” or “children”.

“Camp program for persons with a developmental disability” means a program:

- (a) within a camp,
- (b) with 20 % or more enrollment of campers with a developmental disability, and
- (c) that provides specially-designed recreational and educational activities and staffing ratios to benefit persons with a developmental disability.

The age requirements for a day camp and an overnight camp do not apply.

“Constant and competent supervision” means, for campers under 6 years of age, that camp staff must maintain direct line of sight observation of such children at all times. For children age 6 years and above, constant and competent supervision means taking into account the child’s age, emotional, physical and cognitive development, and includes awareness of and responsibility for the ongoing activity of

each child and requires that all children be near enough to camp staff such that staff can respond immediately if assistance is required.

“Day Camp” means a property consisting of a tract of land and:

- (a) any tents, vehicles, buildings, or other structures that may be relevant to the camp’s operation, and;
- (b) any part of which may be occupied on a scheduled basis at any time between June 1 and September 15 in any year, and;
- (c) used by children under 16 years of age, under constant and competent supervision.
- (d) where activities take place during a period of less than 24 hours on any day the property is so occupied and/or which no provisions are made for overnight occupancy by such children, and
- (e) provides indoor or outdoor organized group activities, involving 2 or more activities of which at least 1 is a high-risk activity, unless the high risk activity is conducted for no more than 1 hour per day constituting no more than one fifth (1/5) of the program’s daily programming for children and which occur on a playground, in a gymnasium or similar setting.

“Department” means the New York City Department of Health and Mental Hygiene.

“Developmental disability” means a severe, chronic disability of a person that has originated before the age of 18, and manifests as a cognitive or neurological condition or diagnosis, such as cerebral palsy, epilepsy, autism or neurological impairment, which affects general intellectual functioning and/or adaptive behavior, that requires treatment and/or services and is likely to continue indefinitely. Except as provided in §48.25, any camp that admits any person with a developmental disability must develop and provide a specialized program and staffing ratios approved by the Department.

“Equipment” means any furniture, amusement devices, activity, sports and playground equipment intended to be used by the camp for the use of campers and staff. Equipment must be age and developmentally appropriate, and accessible for the size and ability of the child and must be maintained and used in accordance with manufacturers’ specifications and instructions.

“Health director” means a physician, physician assistant, nurse practitioner, registered nurse, licensed practical nurse, emergency medical technician, or other person minimally certified in both first aid and cardiopulmonary resuscitation training as required by the Department and who is responsible for creating, executing and maintaining the health program.

“Health program” means a program under the supervision of a designated health director created to assure the health and well-being of each child and each adult as required by this Article.

“High risk activity” means an activity that may result in significant risk of injury including, but not limited to, “non-passive recreational activities with significant risk of injury” as defined in the NYS Sanitary Code (10 NYCRR §7-2.2(1)). Examples of high-risk activity include, but are not limited to, all off-site trips and activities such as martial arts, court sports, field sports, water sports (including water slides), zip lining, parasailing, horseback riding, gymnastics, rock climbing, archery, bungee jumping, go-carts, motorized vehicle racing, skate boarding, roller skating or ice skating, trampoline, paint ball war games, cooking, or hiking in an area which is not within 5 minutes of a public road way, or involves incidental water immersion.

“Incidental water immersion” means intentional entry into a body of water for a purpose, other than swimming, which is ancillary to the primary activity being conducted. Such immersion, including partial immersion, includes but is not limited to stream crossing or entering water for personal hygiene, but excludes boating, water skiing, sail boarding and similar water sports where participants wear U.S. Coast Guard approved lifejackets.

“NYCRR” means the New York Codes, Rules and Regulations.

“NYSDOH” means the New York State Department of Health.

“Overnight camp” means a property consisting of a tract of land and:

- (a) any tents, vehicles, buildings or other structures that may be relevant to the camp’s operation, and,
- (b) any part of which may be attended by persons under 18 years of age under constant and competent supervision,
- (c) for the purpose of outdoor or indoor organized activities, and
- (d) on which provisions are made for overnight occupancy of children.

“Progressive swimming instructor” means a swimming instructor who is trained and who has the skills to assess the swimming ability of each camper prior to permitting them in water above chest level; such instructor training program must be deemed an accepted course by the NYSDOH current fact sheet entitled “Progressive swimming instructor for NYS children’s camps.” The progressive swimming instructor must be either:

- (a) a currently certified American Red Cross water safety instructor; or
- (b) possess a current certificate issued by a certifying agency determined by NYSDOH to provide an adequate level of similar

training.

A progressive swimming instructor may not perform lifeguard duties unless currently certified as a qualified lifeguard, and not currently performing instructional duties.

“Public health hazard” means any violation or combination of violations and conditions concerning operation of the camp which could reasonably result in injury or be otherwise detrimental to the health and safety of a child. Any of the following are public health hazards which allow the Department to order its immediate correction and/or to order the permittee to cease operations immediately. Public health hazards include, but not are not limited to:

- (a) Failure to maintain constant and competent supervision of children;
- (b) Use of corporal punishments or of frightening or humiliating methods of behavior management;
- (c) Failure to immediately report instances of alleged child abuse, maltreatment, or neglect 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;
- (d) Refusal or failure to provide access to the facility to an authorized employee or agent of the Department;
- (e) Uncontained sewage in any part of the facility;
- (f) 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;
- (g) Failure to provide two approved means of egress or obstructing any means of egress or a required fire exit;
- (h) Failure to properly store flammable liquids or other toxic substances;
- (i) Failure to maintain firefighting or fire detection equipment in working order;
- (j) Contamination of the potable water supply by cross connection or other faults in the water distribution or plumbing systems;
- (k) 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;
- (l) Failing to exclude from work at the program a person with a communicable disease who is required to be excluded, pursuant to Article 11 of this Code;
- (m) Failure to implement the program’s written safety plan resulting in a child not being protected from any unreasonable risk to his or her safety;
- (n) Conducting construction, demolition, painting, scraping, or any repairs other than emergency repairs while children are present in the facility; failing to remove children from areas and rooms while such activities are in progress;
- (o) Failure to screen any person who has, or will have the potential for, unsupervised contact with children as required by this Article and in accordance with § 47.19 of this Code; or
- (p) Any other condition(s), violations, or combination of conditions or violations, deemed to be an imminent health hazard by the Commissioner or designee.

“Staff” means any director, operator, employee, counselor or volunteer of a camp; or a consultant, employee or volunteer of a corporation, partnership, organization or other entity who has regular or substantial contact with campers.

“Traveling day camp” means a day camp which:

- (a) regularly operates in a period between May 15 and September 15, and
- (b) which provides care and regularly transports children under 16 years of age on a regular schedule to a facility, site, or property, including any tract of land, beach, park, stadium, building, tent or other structures pertinent to its use and primarily for the purpose of organized group activities.

Section 4. The Board of Health amends the title and amends and re-letters subdivisions (a) through (d) and adds new subdivisions (e) through (h) of §48.07 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.07 Permit; application, issuance, records and [renewal] enforcement.

- (a) An application for a permit to operate any camp under this [a] Article [shall] must be made by the operator to the Department, on a form furnished by the Department, at least [60] 90 days before the first day of operation. ***
- (b) [Applications for permits made more than 90 days before the first day of camp operation may be submitted to the Department by mail. Applications made between 90 and 60 days before the first day of camp operation shall be submitted to the Department in person.
- (c) A permit shall not be issued unless the camping program is conducted on or within property consisting of land, tents, vehicles, buildings or other structures pertinent to its use.
- (d)]
- (1) ***
- (2) [Effective January 1, 2003, a] A permit shall not be issued unless the camp director has attended an orientation session provided by

the Department regarding the requirements set forth in this Article. Attendance at Department orientation sessions need not be repeated by a director who has attended a session unless the Department determines that the substance of the orientation has changed and requires re-attendance. The director [shall be responsible for] must [ensuring]ensure that the materials covered in the orientation sessions are incorporated into camper and staff orientation programs as required by this Article.

[(e)] (c) ***

[(f)] (d) ***

- (e) All records required by this Article may be maintained electronically or in hard copy paper form and must be made available to the Department immediately on request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site.
- (f) A permit expires on September 16 of the calendar year it was issued or at the close of a camp’s normal operation, whichever is sooner, unless some other date is indicated by the Department.
- (g) Notwithstanding anything to the contrary in this Article, a permit issued under this Article may be ordered suspended or revoked for maintaining a public health hazard, or failure to comply with any applicable law, regulation, rule, directive or policy enforced by the Department, or in the interest of protecting the health of an individual or the public as determined by the Commissioner.
- (h) The permittee shall have an opportunity to be heard before the Department prior to the issuance of an order to suspend or revoke a permit, except that when a public health hazard exists, a permit may be suspended pending such opportunity to be heard.

Section 5. The Board of Health REPEALS §48.09 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, and REENACTS this section to read as follows:

§48.09 Staffing requirements and certain ratios.

- (a) The camp operator must be the permittee.
- (b) Each camp must have a camp director and a health director.
- (c) *Camp director.* Each camp must be supervised by a camp director. The camp director, or equally credentialed designee approved by the Department, must be present to supervise campers and camp staff at all times while the camp is in operation. The camp director must have at least the following minimum qualifications:
 - (1) a bachelor’s degree or be at least 25 years of age for an overnight camp, or 21 years of age for a day or traveling day camp; and
 - (2) 24 weeks of previous administrative or supervisory experience in camping or equivalent experience acceptable to the Department.
 - (3) There must be on file at the Department a notification from the Department of Social Services Statewide Central Register of Child Abuse and Maltreatment that the camp director has not been the subject of an indicated report, pursuant to title 6 of the NYS Social Services Law, or successor law.
 - (4) The camp director must file with the Department a form entitled Prospective Children’s Camp Director Certified Statement Relative to the Conviction of a Crime or the Existence of a Pending Criminal Action, as provided by the Department, and a determination shall be made by the Department that the camp director has no criminal conviction record for which:
 - (i) there is a direct relationship between one or more of the criminal offenses and the applicant’s employment as a camp director; and
 - (ii) employment as a camp director would involve an unreasonable risk to the property or to the safety or welfare of camp participants or the general public.
 - (5) The camp director must complete a training in recognizing and reporting child abuse, neglect and maltreatment.
 - (6) The camp director must ensure that all staff and camper trainings are conducted and completed as mandated by the Written Safety Plan.
- (d) *Health director.* Each camp must have a health director to supervise and manage a camp health program. Except as provided in §48.25, the health director must minimally possess the following:
 - (1) a current certificate in first aid training from a training program acceptable by the Department, and
 - (2) a current certificate in cardiopulmonary resuscitation (CPR) acceptable by the Department, with validity not to exceed 1 year from date of course completion, to provide an adequate level of knowledge and skills necessary to perform 2 rescuer CPR skills for all ages (infant, child, and adult).
- (e) Senior counselors, including specialty and general counselors, must be at least 18 years of age at a children’s overnight camp, and at least 16 years of age at a summer day camp or traveling summer day camp. In addition, the counselor must either have experience in camping and supervision of children, or have completed a training course acceptable to the Department.
- (f) A junior counselor or counselor-in-training is a camper who is assigned to assist on-duty counselors or other staff members, as described in the camp’s written safety plan, in performing specific duties. A junior counselor may not supervise campers and must be supervised as a camper. All junior counselors must receive training specific to their duties, and the camper orientation. Junior counselors must not be included in calculating counselor to camper supervision

ratios.
 (1) Junior counselors at an overnight camp must be at least 16 years of age and have at least 2 seasons' prior experience as a camper.

(2) Junior counselors at a day or traveling day camp must be at least 15 years of age and have at least 2 seasons' prior experience as a camper.

(g) *Trip leader.* A trip leader must accompany campers on any trip away from camp. The trip leader must be at least 18 years of age and have participated in at least 3 out-of-camp trips in a similar program activity as a camp staff member. A trip leader must possess or be accompanied by staff who possess either a current acceptable certificate in first aid and/or a current acceptable certificate in CPR training program as defined in §48.03.

(h) An activity leader is required when campers engage in high-risk activities as defined in this Article. An activity leader must be at least 18 years of age, be present for any high-risk activity in which campers are engaged and be deemed competent in the activity being conducted. The permittee must make available to the Department immediately upon request proof of an activity leader's competence in the form of verified past experience and/or completed training and/or education for the activity being conducted.

(i) A camp aquatics director must be at least 21 years of age and have a minimum of:

- (1) 1 season of previous experience as a camp aquatics director at a NYS children's camp; or
- (2) 2 seasons of previous experience consisting cumulatively of at least 12 weeks as a children's camp lifeguard, as specified in subdivision (j) of this section, at a swimming pool or bathing beach which had more than 1 lifeguard supervising it at a time; or
- (3) At least 18 weeks of previous experience as a lifeguard, as specified in paragraph (2) of this subdivision, at a swimming pool or bathing beach, which had more than one lifeguard supervising it at a time; and
- (4) have successfully completed a training course in lifeguard supervision and management that meets the requirements specified in Part 6, §§ 6-1.31(e) or 6-2.20(e) of the NYS Sanitary Code;
- (5) have annually reviewed and documented the review of the camp's safety plan for swimming; and
- (6) possess a current certificate in an acceptable CPR training program.

(j) A qualified camp lifeguard must:

- (1) be at least 17 years of age; and
- (2) meet lifeguarding, first aid and CPR certification requirements as detailed in Part 6 of the NYS Sanitary Code including the following:

<i>Bathing Facility Type</i>	<i>Minimum Lifeguard Supervision Level</i>
Ocean surf	Supervision Level I
Pool only	Supervision Level IIa
Pool and/or beach	Supervision Level IIb

(k) Each camp must ensure that sufficient first aid- and CPR-qualified staff is present wherever campers are present on- or off-site, taking into account staff absences or illnesses.

(l) The following are certain required minimum staff-to-camper ratios:

- (1) At an overnight camp, in addition to the health director or designee, 1 staff member who possesses a current, acceptable first aid certificate must be present for every 50 campers.
- (2) At a day camp, 1 staff member who possesses a current, acceptable first aid certificate must be present for every 50 campers in attendance. The health director or designee may be counted toward meeting this first aid requirement.
- (3) 1 staff member for every 100 campers in attendance must possess a current, acceptable CPR certificate. The health director may be counted toward meeting this requirement. Where a camp's qualified aquatics staff remain onsite and are available to respond to emergencies, such staff may be counted toward meeting this CPR requirement.

(m) *Records.*

- (1) The camp director must maintain a copy of each staff member's application and staff qualifications, such as resumes, licenses or certifications, on file. The camp director must verify all employees' prior education, experience, training and character references.
- (2) The permittee must maintain daily attendance records for all staff and campers that includes the name, date and time in attendance. Attendance records for staff must include the signature of the staff member.
- (3) The camp director must verify whether any staff or volunteer is listed on the NYS Division of Criminal Justice Services (DCJS) Sex Offender Registry prior to the day such staff or volunteer commences work at camp and annually thereafter prior to their arrival at camp. An individual who is registered, or required to be registered, on any state sex offender registry or repository

or the National Sex Offender Registry is ineligible to serve as a volunteer or to be employed at a camp. A written record of the employee and volunteer names that were submitted to the DCJS for checking against the Sex Offender Registry and DCJS's search results must be kept on file at the camp site.

- (4) If any records required by this Article are maintained electronically, Department staff must be allowed to access such records while on-site.

Section 6. The Board of Health amends subdivision (b) of §48.11 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.11 Written Safety Plan.

(b) ***

- (6) *Staff training:* Every camp must have a staff training curriculum, which provides at a minimum: a [training curriculum outline;] tour of the camp; a description of camp hazards; chain of command; procedures for camper supervision and discipline; child abuse recognition and reporting; provisions for first aid and emergency medical assistance; reporting of camper injury, incident and illness; buddy system; lost swimmer plan (if camp has an aquatics program); a lost camper plan; a lightning plan; fire safety and fire drills; camp evacuation procedures; activity specific training for assigned activities; a protocol for camp trips (if provided); and process to document attendance at and descriptions of required staff training.
- (7) *Camper orientation:* Every camp must have a camper orientation curriculum, which provides at a minimum: a [orientation curriculum outline;] tour of the camp; a description of camp hazards; a protocol for reporting illness, injury and other incidents; a buddy or other accountability system approved by the Department; a lost camper plan; fire drills and evacuation plans; a lightning plan; a protocol for camp trips; and process to document attendance [at orientation].

Section 7. The Board of Health amends subdivisions (a) and (c) and deletes subdivision (b) of §48.12 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.12 Supervision.

(a) The camp director [shall] must ensure that [provide] constant and competent supervision is provided to all campers at all times of camp operation.

[(b) Adequate supervision shall mean that:

- (1) each camper is protected from any unreasonable risk to his or her health or safety, including physical or sexual abuse or any public health hazard;
- (2) each camper shall be under the immediate visual observation of a counselor, and in verbal contact with a counselor, during all activities, and
- (3) each camper's whereabouts shall be accounted for at all times.]

[(c) (b) ***

(3) On any off-site camp trip, the following minimum staff-to-camper ratios must be maintained:

- (i) minimum counselor to camper ratio of 1:6[5] [shall] must be maintained, with at least one trip leader and one other counseling staff member in attendance for children 6 years of age or older;
- (ii) a minimum counselor to camper ratio of 1:5 must be maintained, with at least one trip leader and one other counseling staff member in attendance for children under 6 years of age.

(4) In addition to providing at least 1 qualified lifeguard, [in the NYS Sanitary Code [10 N.Y.C.R.R.] §7-2.5(g), or successor regulation], during all swimming activities, for every 25 swimmers, where each qualified lifeguard supervises no more than 3,400 square feet of pool surface and no more than 50 yards of shoreline at bathing beaches, there [shall] must be at least 1 senior counselor for every:

Section 8. The Board of Health amends subdivisions (a), (e), (i) and (j) and re-letters the subdivisions of §48.15 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.15 Safety standards for facilities.

- (a) (1) Children under the age of 24 months must be located on the ground level of the camp.
 - (2) No camps receiving a first permit after January 1, 1989, shall allow children under six years of age to utilize any rooms, areas or other spaces above the third floor of a building, except that the Department may allow camps to occupy spaces above the third floor where the NYC Department of Buildings and Fire Department (FDNY) or other appropriate government entities have approved such use and the Department has approved the applicant or permittee's evacuation plan.
- [(a)] (b) *Fire [P]rotection.* ***
 [(b)] (c) *Camp [E]quipment.* ***
 [(c)] (d) ***
 [(d)] (e) *Housing [M]aintenance.*

- (1) ***
 (2) ***
 (3) ***
 (4) ***
 (5) ***
 (6) There must be no peeling lead-based paint or peeling paint of unknown lead content on any surface accessible to children under 6 years of age.
 [(e) (f) Location[,] and grounds. ***
 [(f) (g) Food [S]sanitation. ***
 [(g) (h) Toilets; [S]showers; running water. ***
 [(h) (i) Sleeping quarters. ***

- (8) Toilets and hand wash sinks must 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 must be provided for use by children. Such platforms must be securely affixed to a permanent structure and free of hazards.
 [(i) (j) Other [E]nvironmental [C]ontrols. ***

- (4) No animals suspected of carrying a communicable disease shall be kept in camp. Animals kept in camp shall comply with applicable requirements of the NYS Environmental Conservation Law and/[with] the Agriculture and Markets Law.

Section 9. The Board of Health REPEALS §48.17 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, and REENACTS this section to read as follows:

§48.17 Health and medical care.

- (a) A camp health program must be maintained under the supervision of a camp health director and must include: the keeping of comprehensive health records, including records of physical examinations and immunizations of each child and each staff or volunteer; information indicating appropriate and adequate food and nutrition for campers and staff; emergency plan; first aid procedures; plan for reported accidents; search and rescue for lost, missing and runaway persons; daily observation of the children; daily check of food service and food service facilities and adequate cleanliness and maintenance of all facilities.
 (b) Prior to or at admission, the camp director must obtain and maintain from every child in camp required medical records that includes a thorough medical examination by a licensed physician dated within 1 year prior to admission to camp. Such record must include a signed statement containing a summary of the results of the examination, the past medical history and, if a disease or abnormal condition is found, recommendations for exclusion or treatment of the child, or any modifications of diet or activities. In addition, each camper medical record must include the children's immunization record which must include proof of immunization against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, varicella, hepatitis B, pneumococcal disease and haemophilus influenzae type b (Hib). A child may be exempted from this immunization requirement for CDC Advisory Committee on Immunization Practices (ACIP)-recognized medical contraindications, or other nationally-recognized evidence-based guidelines, upon submission of appropriate documentation from a physician licensed in the State of New York. Documentation of immunizations and exemptions must be kept on site and made available to the Department immediately upon request. If such records are maintained electronically, Department staff must be allowed to access such records while on-site. Proof of required child immunizations must be made available for review by the Department immediately upon request and must be established by:
 (1) A certificate of immunization prepared and signed by a physician licensed in the State of New York documenting that the child has been fully immunized against the diseases listed in this subdivision. The certificate of immunization must specify the products administered and the dates of administration. It may also show verified history of varicella disease and/or laboratory evidence of immunity to measles, mumps, rubella, varicella and Hepatitis B. A record issued by NYSIIS, the CIR, an official immunization registry from another state, an electronic health record, and/or an official record from a foreign nation may be accepted as a certificate of immunization without a health practitioner's signature.
 (2) Documentation that the child is in process of receiving an immunization for which the child is not fully immunized, as follows:
 (i) a child has received at least the first dose in each immunization series required by this subdivision (except in the case of live vaccines in which a child should wait 28 days after one live vaccine administration before receiving another live vaccine, if the vaccines were not given on the same day) and has age-appropriate appointments to complete the immunization series according to the ACIP Recommended Immunization Schedules for Persons Aged 0 through 18 Years;
 (ii) a child is obtaining serologic tests within 30 days of notification of the parent/guardian that such testing is requested; or
 (iii) a child's serologic test(s) are negative, and therefore the child

in question has appointments to be immunized within 30 days of notification of the parent/guardian to complete, or begin completion, of the immunization series based on the ACIP Recommended Immunization Schedules for Persons Aged 0 through 18 Years.

- (3) Children who are not fully immunized can only continue to attend camp if they are in the process of completing the immunization series based on the ACIP Recommended Immunization Schedules for Persons Aged 0 through 18 Years. If a child does not receive subsequent doses of vaccine in an immunization series according to the age appropriate ACIP catch-up schedule, including at appropriate intervals, the child is no longer in process and must be excluded from camp within 14 days.
 (4) No owner, operator, or director of a camp shall permit any child to attend such camp without appropriate documentation of the immunizations required by this subdivision, except as provided for in this subdivision.
 (c) All staff, including volunteers and kitchen and maintenance staff, must have had a medical examination dated within 2 years of working with the camp, indicating that they are physically able to perform their camp duties. The Department may require testing for tuberculosis at any time of any staff or volunteer when such testing is deemed necessary for epidemiological investigation.
 (d) Each camp must provide in their written safety plan, the location and contact information to the nearest hospital, clinic, urgent care or doctor's office, as close as possible to the camp where children or staff can be taken in case of serious injury or illness.
 (e) Necessary emergency medical care. When a child or staff is injured or becomes ill under such circumstances that emergency care is needed, the permittee must obtain such emergency medical care in accordance with the requirements of this section and immediately notify the person's parent, guardian or emergency contact.
 (1) Each permittee must:
 (i) at the time of the child's admission into the program, obtain written consent from a parent or guardian authorizing the permittee or other caregivers to obtain emergency health care for the child; and
 (ii) secure emergency care when needed, and notify a parent or guardian immediately, and
 (iii) arrange for any needed transportation of any child in need of emergency health care and ensure that the required staff/child ratios are maintained for the children remaining in the program.
 (2) Where a parent or guardian has provided written consent, medical authorization and training to designated staff, such designated staff may administer asthma inhalers, nebulizers and epinephrine auto-injectors to children.
 (3) Where a parent has provided a written, individualized health care plan indicating the specific medications that can be administered and the schedule of such administration(s) for their child, including in cases of emergency, and there is a direct conflict between such plan and any provision of this section, the permittee must follow the child's individualized health care plan.
 (4) The camper's and staff's family contact or other responsible person's name, address, and telephone number to notify during an emergency must be kept on file.
 (f) All camper and staff injuries, illnesses, and diseases and conditions reportable to the Department in accordance with Article 11 of this Code, must be reported to the camp health director and recorded in the medical log, including the date and time of the illness or injury, nature of complaint, diagnosis, treatment, disposition of case, area in camp where the accident causing the injury occurred, activity in which accident victim was engaged and tool or item of program equipment or other object causing injury.
 (g) Within 24 hours, any of the following must be reported by the camp to the Department:
 (1) all camper and staff injuries or illnesses which result in death or which require resuscitation or admission to a hospital;
 (2) all instances where epinephrine was administered to a staff member or camper;
 (3) camper injuries to the eye, head, neck or spine which require referral to a hospital or other facility for medical treatment;
 (4) camper injuries where the victim sustains 2nd or 3rd degree burns to 5 percent or more of the body;
 (5) camper injuries which involve bone fractures or dislocations;
 (6) camper lacerations requiring sutures or glue;
 (7) allegations of camper abuse or neglect (as defined in §48.25(a)(3)(i));
 (8) all camper and staff illnesses suspected of or confirmed as being water-, food- or air-borne, or spread by contact;
 (9) any persons exposed to rabies; and
 (10) any lost campers.
 (h) The camp director must isolate and exclude any child or staff member who is suspected or confirmed with, or has been exposed to, a communicable disease requiring isolation or exclusion under Article 11 of this Code. Any child or staff member who has been excluded must not be permitted to return to the camp without a written statement from a health care provider indicating that the child or staff member 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.
 (i) At all camps, there must be a current and fully-equipped first aid

cabinet with appropriate contents relative to the size and activities of the camp and ability to contact 911. All camps which travel from their home base must carry with them a first aid kit that must be stocked to treat a broad range of injuries and situations commensurate with the number of children present.

(j) An infirmary having hot and cold running water, examining room, isolation area, convalescent space, bathroom with flush toilets and showers must be provided at all camps with 100 or more persons in residence, including staff.

(k) In all non-overnight camps, a quiet place must be set aside away from the group where a child with a minor illness or injury can relax with an adult counselor in attendance.

Section 10. The Board of Health amends subdivision (a) of §48.21 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.21 Insurance.

(a) Adequate insurance coverage [shall] must be obtained prior to the camping season and [shall] must include workers' compensation and disability insurance for the camp staff, comprehensive liability and motor vehicle insurance on camp vehicles.

Section 11. The Board of Health adds a new subdivision (l) to §48.23 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.23 Transportation.

(l) Before any child may be transported in a motor vehicle where such transportation is provided or arranged for by the camp permittee, the camp must ensure all children are secured in child safety seats properly installed per manufacturers' recommendations, or with safety belts, as appropriate for the age of the child in accordance with the requirements of the NYS Vehicle and Traffic Law.

Section 12. The Board of Health REPEALS §48.25 of Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, and REENACTS this section to read as follows:

§48.25 Additional requirements for camps enrolling campers with disabilities.

(a) As used in this section, the following terms have the following meanings:

- (1) "Developmental disability camp health director" means a physician, physician assistant, nurse practitioner, registered nurse or licensed practical nurse and who must be on-site for the period the camp is in operation.
- (2) "Justice Center" means the Justice Center for the Protection of People with Special Needs, as established pursuant to §551 of the NYS Executive Law.
- (3) Reportable incidents include, but are not limited to, the following:
 - (i) allegations of "Abuse or Neglect", which includes, but is not limited to, those actions by camp staff that:
 - (A) satisfies the definitions of "physical abuse", "sexual abuse", "psychological abuse", "deliberate inappropriate use of restraints", "use of aversive conditioning", "obstruction of reports of reportable incidents", "unlawful use or administration of controlled substance" and "neglect", as such terms are defined in §488 of the NYS Social Services Law.
 - (B) are actions incorporated within the definitions of "unauthorized seclusion", "unauthorized use of time-out", "administration of a prescribed or over-the-counter medication, which is inconsistent with a prescription or order issued by a licensed, qualified health care practitioner, and which has an adverse effect," and "inappropriate use of restraints," as such terms are defined in §488 of the NYS Social Services Law.
 - (ii) allegations of a "Significant Incident", which means an incident (other than an incident of abuse or neglect as defined by clause (i) of paragraph (3) of this subdivision) that because of its severity or the sensitivity of the situation may result in, or has a reasonably foreseeable potential to result in, harm to the health, safety, or welfare of a camper with a developmental disability. A significant incident includes, but is not limited to:
 - (A) conduct between campers with developmental disabilities that would constitute abuse, as defined in this subdivision, if it had been conducted by a camp staff member; or
 - (B) conduct by a camp staff member which is inconsistent with the individual treatment plan for a camper with a developmental disability, generally accepted treatment practices and/or applicable federal or state laws, regulations or policies, or impairs or creates a reasonably foreseeable potential to impair the health, safety or welfare of a camper with a developmental disability.

(4) "Personal representative" means a camper's parent, guardian, or person authorized to act on behalf of a camper with a developmental disability in making health care decisions.

(b) Staff and supervision requirements.

(1) The camp director, who may also be the camp operator, must possess a bachelor's degree from an accredited program in the field of physical education, recreation, education, social work, psychology, rehabilitation or related human services fields and must present evidence of specialized training or 1 year of experience in treating or working with individuals with a developmental disability.

(2) A camp director does not have to meet the requirements of paragraph (1) of this subdivision if:

(i) The individual was a camp director for a camp for developmentally disabled campers during each of the 3 camping seasons preceding the 1986 camping season; and

(ii) Conditions at the camp did not threaten the health or safety of campers during that person's tenure as camp director; and

(iii) The individual otherwise meets the minimum qualifications for a camp director, as set forth in §48.09.

(3) The camp director, or any camp staff, must not be on the Justice Center Staff Exclusion List (SEL) established pursuant to §495 of the NYS Social Services Law.

(4) The camp director must develop a written staff training program appropriate to the specific needs of the campers with developmental disability enrolled in the camp.

(5) Camp staff providing direct care of a camper with a developmental disability must be trained on the specific needs of the campers in their charge.

(c) Medical requirements.

(1) Prior to or at enrollment, a camp director must obtain existing individual treatment, care and behavioral plans for campers with a disability, which must be maintained, reviewed and monitored by the developmental disability camp health director.

(2) The developmental disability camp health director must ensure that camp staff implement adequate procedures to protect the health and safety of a camper based on the treatment plan provided and, when necessary, in consultation with an individual's parent, guardian, personal representative, physician and/or clinical team.

(3) Modified diets, use of any specialized devices and/or other special needs related to a camper's disability, must be identified for each camper prior to arrival at camp, and provided for in accordance with supplied directions, and reviewed and monitored by the developmental disability camp health director.

(4) The confidential medical history for a camper with a disability must, in addition to the requirements of §48.17, include:

(i) Any restrictions, allergies, medications, special dietary needs, and other pre-existing medical, physical or psychological conditions and illnesses needing attention.

(ii) The camper's physician's name, address and telephone number.

(d) Recreational safety.

(1) All appropriate recreational activities must be accessible by providing ramps, proper surfaces for movement, and/or adaptive equipment.

(2) The minimum counselor-to-camper ratio who use a wheelchair, adaptive equipment or bracing to achieve ambulation, but who do not possess, for whatever reason, the ability to fit, secure or independently manipulate such devices to achieve ambulation, shall be 1:2.

(3) The minimum counselor-to-camper ratio during swimming pool and bathing beach activities shall be 1 counselor for each camper who is non-ambulatory or has a disability identified by the camper's parents, guardian, physician or residential care provider that may result in an increased risk of an emergency in the water, such as uncontrolled epilepsy.

(4) The minimum counselor-to-camper ratio during swimming pool and bathing beach activities shall be 1 staff member for every 5 campers with a developmental disability not designated in paragraph (3) of this subdivision.

(5) No camper with a developmental disability can participate in swimming activities unless a written permission statement signed by the camper's parent, guardian or residential care provider is on file at the camp.

(6) The camp safety plan approved under §48.11 must contain a procedure to address the handling of seizures, gag syndrome, and aspiration of water for campers with developmental disabilities. All bathing beach and swimming pool staff must be trained to implement the procedure prior to the date the camp begins operation. In-service training using this procedure must be conducted and documented every 2 weeks after the commencement of the camp's operation or as otherwise approved by the Department in the camp's safety plan.

(e) Transportation.

(1) A camp serving wheelchair-bound campers must provide an adequately-equipped vehicle for transportation.

(2) There shall be at least 1 counselor in addition to the driver in any vehicle transporting campers with a developmental disability or as provided in the camp safety plan approved under §48.11.

(f) Toilets, privies, lavatories, showers. All lavatories and showers used by a camper with a disability must be equipped with specialized fixtures, grab bars or other controls appropriate for the camper's disability. Lavatories and showers used by campers with physical,

intellectual or developmental disabilities, who are unable to moderate water temperature safely, must have a water temperature not greater than 110 degrees Fahrenheit.

(g) Sleeping quarters.

- (1) Buildings housing non-ambulatory or wheelchair-bound campers must have ramps constructed in accordance with the NYS Fire Prevention and Building Code (19 NYCRR Chapter XXXIII, Subchapter A, Part 1219) to facilitate access and egress and must maintain a minimum 36 inch wide clear path to exits if 2 ramps are provided, or a 60 inch wide clear path when only 1 ramp is provided.
- (2) Non-ambulatory campers must not have their sleeping accommodations above the ground floor.
- (h) Location and grounds. Exterior paths of travel must be free of encumbrances and provide an appropriate surface for movement during inclement weather as appropriate for the camp population being served.
- (i) Incident reporting. In addition to reporting incidents as required by this Article, all camp staff must immediately report any incident involving a camper with a developmental disability to the camp director, the Department and to the Justice Center's Vulnerable Person's Central Register (VPCR). Such report must be provided in a form and manner as required by the Department and the Justice Center.
- (j) Immediate protections and notifications. Immediately upon notification of an allegation of abuse, neglect or significant incident as defined in §48.25(a)(3), the camp director or designee must ensure appropriate actions are taken to immediately address the physical and psychological needs of the camper(s) involved, implement protections to ensure the safety and mitigate further risk to campers and document such actions and implementations.
- (k) The camp director or designee must notify a camper with a developmental disability and the camper's personal representative that the camper is an alleged victim or potential witness of an incident of abuse or neglect.
- (1) Alleged victims must be notified within 24 hours and potential witnesses must be notified within 48 hours of reporting to the camp director or designee and to the Department, that an incident of abuse or neglect has been accepted by the Justice Center for investigation.
- (2) There shall be no notification of a personal representative if the alleged victim or potential witness objects to such notification or if providing such notification would compromise the investigation, violate relevant confidentiality laws, be contrary to court order, or otherwise contrary to the best interests of the alleged victim or the potential witness.
- (l) Camp staff must document in writing that notice of an incident (as described in subdivision (k)) was given or that adequate effort to make such notification was made for each camper.
- (m) Staff screening, training and code of conduct.

- (1) Prior to hiring anyone who will or may have direct contact with campers, or approving credentials for any camp staff, the camp director must follow the procedures established by the Justice Center in its regulations or policy, to verify that such person is not on the SEL.
- (2) Prior to hiring anyone who will or may have direct contact with campers, the camp director must consult the NYS Office of Children and Family Services' Statewide Central Register of Child Abuse and Maltreatment (SCR) as required by §424-a of the NYS Social Services Law to verify that such person is not on such registry.
- (3) The screenings required by paragraphs (1) and (2) of this subdivision are in addition to the requirement that the camp director similarly verify that any prospective camp staff is not on the sex offender registry, as required by §48.09(m)(3).
- (4) A camp director must ensure that camp staff receive training regarding their mandated reporting obligations as mandated reporters as defined by Article 11 of the NYS Social Services Law. A camp director must ensure that the telephone number for the Justice Center's VPCR hotline for the reporting of reportable incidents is conspicuously displayed in areas accessible to mandated reporters and campers.
- (5) The camp director must ensure that all camp staff are provided with a copy of the code of conduct established by the Justice Center pursuant to §554 of Executive Law. Such code of conduct must be provided at the time of initial employment, and at least annually thereafter during the term of employment. Receipt of the code of conduct must be acknowledged and the recipient must further acknowledge that he or she has read and understands such code of conduct.

(n) Disclosure of information.

- (1) Except as prohibited by law, the camp director must share information relevant to the investigation of any incident subject to reporting under this Article with the Department and the Justice Center. Except as prohibited by law, the Department and the Justice Center may share information obtained in their respective investigations of incidents.
- (2) Except as prohibited by law, records of facilities or provider agencies not otherwise subject to Article 6 of the NYS Public Officers Law must be made available for public inspection and copying, when such records relate to abuse and neglect, or a significant incident

of developmentally-disabled persons, to the same extent that those records would be available from a state agency, as defined in such Article.

(o) Incident management.

- (1) The camp director must promptly obtain an appropriate medical examination of a physically injured camper with a developmental disability.
- (2) The camp director must fully cooperate with the investigation of reportable incidents involving campers with developmental disabilities and must provide all necessary information and access to conduct the investigation. The camp director must provide information, whether obtained pursuant to the investigation or otherwise, to the Justice Center and Department upon request, in the form and manner requested. Such information must be provided when requested by the Justice Center or Department or other applicable investigator.
- (3) At the conclusion of any investigation of an alleged reportable incident, the camp director must:
 - (i) Assess the need for corrective actions;
 - (ii) Report corrective actions to the Department within 45 days of the conclusion of an investigation; and
 - (iii) Implement corrective actions identified by the camp, or required by the Department or the Justice Center.
 - (iv) Corrective action plans must be implemented as soon as possible but no later than 90 days of the completion of an investigation, unless the camp has closed for the season. If closed for the season, corrective action plans must be implemented when the camp reopens.

(p) Incident review committee.

- (1) Unless as provided by paragraph (2) of this subdivision, a camp must maintain a facility incident review committee in accordance with 14 NYCRR Part 704.
- (2) Pursuant to paragraph (f) of subdivision (1) of §490 of the Social Services Law and 14 NYCRR Part 704, a camp director may seek an exemption from the Department from the requirement to establish and maintain an incident review committee.
 - (i) In order to obtain an exemption, the camp director must file an application with the Department and provide sufficient documentation and information to demonstrate that compliance would present undue hardship, that granting an exemption would not create an undue risk of harm to campers' health and safety and specify an alternative process to ensure appropriate review and evaluation of reportable incidents.
 - (ii) If approved by the Department, a camp director must meet all terms of an approved exemption(s). An exemption shall remain in effect until revoked by the Department. A camp director must immediately notify the Department when conditions upon which the incident review committee exemption was granted have changed.
- (q) In addition to all other bases afforded to the Department to deny, suspend or revoke a permit as specified in this Code, a camp permit may be denied, revoked or suspended if the camp fails to comply with regulations, policies, or other applicable requirements of the Justice Center, as determined by the Department. In considering whether to issue a permit to a camp, the Department shall consider the camp's past and current compliance with the regulations, policies, or other requirements of the Justice Center.

Section 13. The Board of Health creates a new §48.26 in Article 48 of the New York City Health Code, located in title 24 of the Rules of the City of New York, to read as follows:

§48.26 Modification of provisions.

When the strict application of any provision of this Article presents substantial difficulties, or unusual or unreasonable hardships, the Commissioner of the Department or designee may in a specific instance modify the application of such provision consistent with the general purpose and intent of this Article and upon such conditions as in his/her opinion are necessary to protect the health of the children. Unless a specific duration is specified by the Department, all modifications shall remain in effect for the remainder of the permit period and shall expire at the end of the permit period.

* * *

Notes: At its meeting on December 17, 2019, the Board of Health adopted amendments to Article 48 of the NYC Health Code primarily to align the Health Code with applicable state requirements for camps and immunizations.

◀ d26

BOARD OF HEALTH

Notice of Adoption of Amendments to Article 49 of the New York City Health Code

In accordance with Section 1043 of the New York City Charter ("Charter") and pursuant to the authority granted to the Board of Health ("Board") by Section 558 of the Charter, a notice of intention to amend Article 49 of the New York City Health Code ("Health Code")

was published in the City Record on October 15, 2019. Given the similarity and simultaneity of the proposed child safety amendments to Articles 43, 47, 48 and 49, a consolidated public hearing was held for these proposed amendments on November 15, 2019. The public was invited to testify and/or submit written comments on any or all of the proposed amendments to these Articles. Three individuals testified at the public hearing, and a total of 13 written comments were received for all articles. Of the 13 written public comments received, five submissions provided comments related specifically to Article 49.

Minor changes were made to clarify the applicability to high schools of the amendments regarding immunizations and a medical room. Further, the medical room provision was clarified to apply to school nurses staffed by Office of School Health (either by the Department or the Department of Education).

At its meeting on December 17, 2019, the Board adopted the following resolution.

Statement of Basis and Purpose

Article 49 of the New York City Health Code governs health and safety requirements for schools. Children attending Article 49 schools are required to be appropriately immunized pursuant to New York State Public Health Law §2164. On June 13, 2019, New York State Public Health Law §2164 was amended to remove the availability of a religious exemption from childhood immunization requirements. The Board of Health is amending §49.05 by establishing a new subdivision (c) for consistency and clarity and to assist in enforcement by providing child immunization requirements that conforms with updated §2164 of the New York State Public Health Law. This legislative update was in response to two contemporaneous measles outbreaks occurring in Rockland County and New York City. Most of the New York City cases (73%) occurred in the Williamsburg neighborhood and were concentrated among Orthodox Jewish persons. A total of 649 outbreak-associated cases of measles were confirmed in New York City, with rash onsets from September 30, 2018 through July 15, 2019. There were 49 measles-related hospitalizations and 20 admissions to intensive care due to measles complications. Most of the cases (527 or 81%) were diagnosed in people younger than 18. Accordingly, the Board is adopting these amendments to require child immunization requirements to minimize the risk of future vaccine-preventable disease outbreaks.

The Board is also amending §49.07 by establishing a new subdivision (d) to require schools that are provided a nurse, public health advisor or school health services aide by the Office of School Health (either through the Department or the Department of Education) to have a medical room that complies with certain requirements. Section 17-187 of the New York City Administrative Code requires the Department to provide upon request to schools with a certain student population a nurse, public health advisor or school health services aide when such schools maintain an appropriate medical room where such health professional can carry out their duties. The purpose of this rule amendment is to establish such appropriate medical room requirements in accordance with §17-187 of the New York City Administrative Code.

Finally, the Board is amending §49.01 so that these changes concerning child immunizations and requirements regarding a medical room also apply to public and private high schools.

Legal Authority

These amendments to the Health Code are promulgated pursuant to §§ 558 and 1043 of the New York City Charter. Sections 558 (b) and (c) of the Charter empower the Board to amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. Section 1043 grants the Department rule-making authority.

The amendments are as follows:

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

* * * * *

RESOLVED, that section 49.01 of Article 49 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 indicate that required child immunizations and requirement for a medical room apply to high schools, and to read as follows:

§49.01 Scope.

The provisions of this article apply to all schools, and the requirements of this article shall be in addition to the requirements to be met by schools pursuant to Article 45. A nursery school or kindergarten other than a kindergarten conducted as part of an elementary school by the Board of Education shall be maintained pursuant to Article 47. The provisions of §§ 49.05(c), 49.07(d) and [§] 49.15(d) shall also apply to public and private high schools.

RESOLVED, that a new subdivision (c) of section 49.05 of Article 49 of the New York City Health Code, as set forth in Title 24 of the

Rules of the City of New York, be added, concerning required child immunizations, and to read as follows:

§ 49.05 Admissions.

(c) Immunizations. (1) All children must 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 State 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, in accordance with New York State Public Health Law §2164. Documentation of immunizations and exemptions must be kept on site for inspection.
(2) No principal, teacher, owner, or person in charge of a school shall permit any child to attend such school without appropriate documentation of the immunizations required pursuant to paragraph (1) of this subdivision, except as provided for in this subdivision or pursuant to New York State Public Health Law §2164 or successor law.
(3) All children must have such additional immunizations as the Department may require.
(4) The principal, owner, or person in charge of a school must report to the Department all requests for exemption made pursuant to paragraph (1) of this subdivision in a manner and form prescribed by the Department. Upon submission of an exemption request and pending Department determination, the child may attend school. If upon review of the documents submitted and any additional documentation provided to the Department, the Department determines that the exemption request is not valid insofar as it is not in accordance with the Center for Disease Control's Advisory Committee on Immunization Practices guidelines or other nationally recognized evidence-based guidelines, the principal, owner, or person in charge of a school must not allow the child to attend the school unless appropriate documentation is provided that such child has received the immunizations required pursuant to paragraph (1) of this subdivision.

RESOLVED, that a new subdivision (d) of section 49.07 of Article 49 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, be added, requiring a medical room in schools, and to read as follows:

§49.07 Physical facilities.

- (d) Every public or private school where a Department or Department of Education nurse, public health advisor or school health services aide provides health services to school children must have an appropriate medical room where the nurse, public health advisor or school health service aide can carry out their duties. Such school's medical room should be in a dedicated space with no through traffic, wheelchair-accessible, on a lower floor, and in a central building location; and should contain the following:
- (1) a workstation
 - (2) a medical cabinet, a filing cabinet, medication refrigerator, exam table and scale;
 - (3) an appropriate waiting area;
 - (4) a bathroom internal to or adjacent to the medical room;
 - (5) a holding area for a student awaiting transportation or pick-up (80 square feet); and
 - (6) a nursing/treatment area that meets the following requirements:
 - (i) minimum of 200 square feet in buildings for up to 800 students and 300 square feet in larger buildings to accommodate more staff;
 - (ii) sink with hot and cold running water;
 - (iii) floor-to-ceiling walls substantial enough to maintain privacy;
 - (iv) easy to clean surfaces (e.g., no carpeting);
 - (v) internet access and adequate electrical power (multiple outlets) for computers and medical equipment;
 - (vi) telephone line able to make direct calls out of building (e.g., 911 calls) and to send and receive faxes;
 - (vii) adequate heating and air conditioning, lighting and ventilation, including a window;
 - (viii) secure lock that cannot be opened by other school keys (excluding master key); and
 - (ix) safety button to enable nurse to have immediate access to security in the event of an emergency.

Notes: On December 17, 2019, the Board of Health adopted amendments to conform child immunization requirements with applicable state law and to require that schools in which health services are provided to school children by the Department or the Department of Education have a dedicated medical room which complies with specific requirements, and that both of these requirements apply to both public and private high schools.

d26



COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS, PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007, on 1/8/2020, to the person or persons legally entitled an amount, as certified, to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include 114, 114A, 114B, 114C; 115, 115A; 130, 130A, 130B.

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer Comptroller d23-j7

NOTICE OF ADVANCE PAYMENT OF AWARDS, PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007 on 1/2/2020 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include 6, 6A; 7, 7A; 8, 8A; 9, 9A; 10, 10A; 11, 11A; 12, 12A; 13, 13A, 13B.

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer Comptroller d17-31

NOTICE OF ADVANCE PAYMENT OF AWARDS, PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007 on 12/31/2019 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include 4, 4A; 5, 5A.

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer Comptroller d16-30

NOTICE OF ADVANCE PAYMENT OF AWARDS, PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007, on 12/31/2019 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include 1, 1A; 2, 2A; 3, 3A.

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer Comptroller d16-30

NOTICE OF ADVANCE PAYMENT OF AWARDS, PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007, on 1/3/2020 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include 14, 14A; 15, 15A; 16; 17.

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer Comptroller d18-j2

NOTICE OF ADVANCE PAYMENT OF AWARDS, PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007, on 1/10/2020, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Damage Parcel No., Block, Lot. Rows include 136, 136A; 137, 137A; 138, 138A; 139, 139A, 139B; 140, 140A, 140B; 141, 141A.

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS subject to any liens and encumbrances of record on such

property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller
d26-j9

NOTICE OF ADVANCE PAYMENT OF AWARDS, PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 1200, New York, NY 10007, on 1/4/2020, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Table with 3 columns: Parcel No., Block, Lot. Lists various parcels and their corresponding block and lot numbers.

Acquired in the proceeding entitled: ROSEDALE AVENUE AREA STREETS subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller
d19-j3

CHANGES IN PERSONNEL

DEPARTMENT OF SANITATION FOR PERIOD ENDING 11/29/19. Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY.

BUSINESS INTEGRITY COMMISSION FOR PERIOD ENDING 11/29/19. Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY.

DEPARTMENT OF FINANCE FOR PERIOD ENDING 11/29/19. Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY.

DEPARTMENT OF FINANCE FOR PERIOD ENDING 11/29/19. Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for various departments.

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 11/29/19. Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY.

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 11/29/19. Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists employees and their details for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Continuation of employee list for the Department of Parks & Recreation.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists employees for the Department of Parks & Recreation.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Continuation of employee list for the Department of Parks & Recreation.

DEPT. OF DESIGN & CONSTRUCTION
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists employees for the Department of Design & Construction.

DEPT OF INFO TECH & TELECOMM
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists employees for the Department of Info Tech & Telecomm.

DEPT OF INFO TECH & TELECOMM
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Continuation of employee list for the Department of Info Tech & Telecomm.

DEPT OF RECORDS & INFO SERVICE
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists employees for the Department of Records & Info Service.

CONSUMER AFFAIRS
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV EFF DATE, AGENCY. Lists employees for Consumer Affairs.

DEPT OF CITYWIDE ADMIN SVCS
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists various city employees and their details.

DISTRICT ATTORNEY-MANHATTAN
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists District Attorney staff in Manhattan.

BRONX DISTRICT ATTORNEY
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists District Attorney staff in the Bronx.

DISTRICT ATTORNEY KINGS COUNTY
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists District Attorney staff in Kings County.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees TIRRELL and ULYSSE.

DISTRICT ATTORNEY QNS COUNTY
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists District Attorney staff in Queens County.

DISTRICT ATTORNEY RICHMOND COU
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists District Attorney staff in Richmond County.

DISTRICT ATTORNEY-SPECIAL NARC
FOR PERIOD ENDING 11/29/19

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists District Attorney staff for Special Narcotics.



OFFICE OF THE MAYOR

NOTICE

NOTICE OF A PUBLIC HEARING
ON PROPOSED LOCAL LAW

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that proposed local laws numbered and titled hereinafter has been passed by the Council and that a public hearing on such proposed local law will be held in the Blue Room at City Hall, Borough of Manhattan, New York City, on January 3, 2020, at 11:30 A.M.:

Int. 1211-A - A Local Law to amend the administrative code of the City of New York, in relation to the department of housing preservation and development requiring that a percentage of dwelling units in housing development projects receiving City financial assistance be set aside for homeless individuals and families.

Int. 1786 - A Local Law to amend the administrative code of the City of New York, in relation to health insurance benefits for surviving family members of certain deceased employees of the department of sanitation.

Int. 1810 - A Local Law to amend the administrative code of the City of New York, in relation to health insurance coverage for surviving family members of certain deceased employees of the department of transportation.

Bill de Blasio
Mayor

NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of City Legislative Affairs, 253 Broadway, 4th Floor, New York, NY 10007, (212) 788-3678, no later than five days prior to the public hearing.

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