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THE CITY RECORD

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Citywide 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 an ULURP hearing on the matters below in person, at 6:00 P.M., on Monday, December 5, 2022, in the Borough Hall Courtroom. The meeting will be recorded for public transparency.



Please note that visitors are no longer required to wear masks, at Borough Hall, and will not be asked to show proof of vaccination to enter the building.

For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact Corina Lozada, at corina.lozada@brooklynbp.nyc.gov, at least five (5) business days in advance, to ensure availability.

Testimony, at the hearing is limited to **2 minutes**, unless extended by the Chair. The Borough President welcomes written testimony on all agenda items. For timely consideration, comments must be submitted to testimony@brooklynbp.nyc.gov, no later than Monday, December 12, 2022.

The following agenda item will be heard:

58 Nixon Court Rezoning (210170 ZMK, 210171 ZRK)

An application by SLG Assets, Inc., pursuant to Sections 197-c and 201 of the New York City Charter affecting five lots between Murdock Court and Shore Parkway within the Special Ocean Parkway District (OP). The applicant seeks a zoning map amendment to change the project area from R5 to R7X/C2-4, and a zoning text amendment to establish a coterminous Mandatory Inclusionary Housing (MIH) area. These actions would enable a 9-story building with 21 units (approximately 5 affordable, pursuant to MIH Option 1) and 706 square feet (sf) of commercial space on a triangular corner site on the south side of Nixon Court. The development would provide 8 accessory parking spaces on the ground floor, and a 30-foot front yard to comply with OP regulations.

Accessibility questions: Corina Lozada, corina.lozada@brooklynbp.nyc.gov, by: Monday, November 28, 2022, 5:00 P.M.



CITY PLANNING COMMISSION

PUBLIC HEARINGS

The City Planning Commission will hold a public hearing accessible both in-person and remotely via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, December 14, 2022, regarding the calendar items listed below. The public hearing will be held in person in the NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY. Anyone attending the meeting in-person is encouraged to wear a mask.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate, as well as materials relating to the meeting: https://www.nyc.gov/site/nycengage/events/city-planning-public-meeting/413962/1.

Members of the public attending remotely should observe the meeting through DCP's website. Testimony can be provided verbally by joining the meeting using either Zoom or by calling the following number and entering the information listed below:

877 853 5247 US Toll-free
888 788 0099 US Toll-free

253 215 8782 US Toll Number
213 338 8477 US Toll Number

Meeting ID: 618 237 7396
[Press # to skip the Participation ID]
Password: 1

To provide verbal testimony via Zoom please follow the instructions available through the above webpage (link above).

Written comments will also be accepted until 11:59 P.M., one week before the date of vote. Please use the CPC Comments form that is accessible through the above webpage.

Please inform the Department of City Planning if you need a reasonable accommodation, such as a sign language interpreter, in order to participate in the meeting. The submission of testimony, verbal or written, in a language other than English, will be accepted, and real time interpretation services will be provided based on available resources. Requests for a reasonable accommodation or foreign language assistance during the meeting should be emailed to [AccessibilityInfo@planning.nyc.gov] or made by calling [212-720-3508]. Requests must be submitted at least five business days before the meeting.

BOROUGH OF THE BRONX

No. 1

PRATT AVE RETAINING WALL & ROADWAY RECONSTRUCTION

CD 12 C 230060 PQX
IN THE MATTER OF an application submitted by the Department of Transportation, the Department of Design and Construction and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located on Marolla Place (Block 4922, p/o Lots 12 and 15) to facilitate the reconstruction, maintenance, and inspection of a retaining wall for Pratt Avenue.

BOROUGH OF BROOKLYN

Nos. 2 & 3

1880-1888 CONEY ISLAND AVENUE REZONING

No. 2

CD 12 C 210090 ZMK
IN THE MATTER OF an application submitted by Plaza Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22d, changing from an C8-2 District to an C4-5A District property bounded by Avenue O, Coney Island Avenue, a line 590 feet southerly of Avenue O, and a line midway between East 10th Street and Coney Island Avenue, as shown on a diagram (for illustrative purposes only) dated September 6, 2022, and subject to the conditions of CEQR Declaration E-684.

No. 3

CD 12 N 210091 ZRK
IN THE MATTER OF an application submitted by Plaza Realty, 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

* * *

BROOKLYN

* * *

Brooklyn Community District 12

* * *

Map 5 - [date of adoption]



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

Portion of Community District 12, Brooklyn

* * *

BOROUGH OF MANHATTAN

No. 4

MN CB2 OFFICE SPACE - 3 WASHINGTON SQUARE VILLAGE CD 2 N 230100 PXM

IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services and Manhattan Community Board 2, pursuant to Section 195 of the New York City Charter for use of property located at 1 Washington Square Village (Block 533, p/o Lot 1) (Manhattan Community Board 2 office).

Sara Avila, Calendar Officer
City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Telephone (212) 720-3366

Accessibility questions: (212) 720-3508, Accessibility Info@planning.nyc.gov, by: Thursday, December 8, 2022, 5:00 P.M.



n30-d14

COMMUNITY BOARDS

PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, December 5, 2022, 7:30 P.M. via Zoom.

#2022-81BZ

An application for the development of a cellar and two-story, one-family residential home that does not provide a required front yard, pursuant to R3-1 Zoning guidelines at 204-34 45 Drive, Bayside, Queens.

#468-54BZ

An application to reinstate BSA Variance #468-54BZ, convert auto repair shop to an accessory convenience store and fast-food restaurant and obtain a new C of O at 175-33 Horace Harding Expressway, Fresh Meadows, Queens.

n29-d5

HOUSING AUTHORITY

MEETING

The next Audit & Finance Committee Meeting of the New York City Housing Authority, is scheduled for Thursday, December 15, 2022, at 10:00 A.M. in the Ceremonial Room on the 5th Floor of 90 Church Street, New York, NY. Copies of the Agenda will be available on NYCHA's website or may be picked up, at the Department of Internal Audit and Assessment, at 90 Church Street, 9th Floor, New York, NY, no earlier than twenty-four (24) hours before the upcoming Audit & Finance Committee Meeting. Copies of the draft Minutes are available on this web page or can be picked up, at the Department of Internal Audit and Assessment no earlier than 3:00 P.M. on Thursday, two weeks after the Audit & Finance Committee Meeting.

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

The meeting will be streamed live on YouTube Channel and on NYCHA's website, at <https://www1.nyc.gov/site/nycha/about/audit-committee-meetings.page> for public access.

The meeting is open, to the public. For those wishing, to provide public comment, pre-registration is required, at least 45 minutes before the scheduled Committee Meeting. Comments are limited, to the items on the Agenda.

Speaking time will be limited to three minutes. Speakers will provide comment in the order in which the requests to comment are received. The public comment period will conclude upon all speakers being heard or, at the expiration of 30 minutes allotted for public comment, whichever occurs first.

Any person requiring a reasonable accommodation in order to participate in the Audit & Finance Committee Meeting, should contact the Department of Internal Audit and Assessment by phone, at (212) 306-3441 or by email, at audit@nycha.nyc.gov, no later than Thursday, December 1, 2022, at 5:00 P.M.

For additional information regarding the Audit & Finance Committee Meeting, please visit NYCHA's website, contact by phone, at (212) 306-3441 or by email, at audit@nycha.nyc.gov.

Accessibility questions: Internal Audit, (212) 306-3441, by: Thursday, December 1, 2022, 5:00 P.M.



n18-d15

OFFICE OF LABOR RELATIONS

MEETING

The New York City Deferred Compensation Board will hold its next meeting on Wednesday, December 7, 2022, from 10:00 A.M. to 12:00 P.M. The meeting will be held remotely via conference call. Please visit the below link to access the audio recording of the Board meeting, or to access archived Board meeting audio/videos: <https://www1.nyc.gov/site/olr/deferred/dcp-board-webcasts.page>.

n30-d7

LANDMARKS PRESERVATION COMMISSION

NOTICE

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, December 13, 2022, the Landmarks Preservation Commission (LPC or agency) will hold a public hearing by teleconference with respect to the properties list below, 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. Please note that the order and estimated times are subject to change. The teleconference will be by the Zoom app, and will be live-streamed on the LPC's YouTube channel, www.youtube.com/nyclpc. Members of the public should observe the meeting on the YouTube channel, and may testify on particular matters by joining the meeting using either the Zoom app, or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's

website, under the "Hearings" tab, <https://www1.nyc.gov/site/lpc/hearings/hearings.page>, on the Monday before the public hearing. Any person requiring language assistance services or other reasonable accommodation in order to participate in the hearing or attend the meeting should contact the LPC, by contacting Gregory Cala, Community and Intergovernmental Affairs Coordinator, at gcala@lpc.nyc.gov, or (212) 602-7254, at least five (5) business days before the hearing or meeting. Please note: Due to the City's response to COVID-19, this public hearing and meeting is subject to change and/or cancellation.

404A Henry Street - Cobble Hill Historic District

LPC-23-00708 - Block 310 - Lot 21 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

A rowhouse, built c. 1870. Application is to modify fireescapes and install a deck at the rear.

17 Battery Place - Individual Landmark

LPC-23-02930 - Block 15 - Lot 7501 - **Zoning:** C5-5

CERTIFICATE OF APPROPRIATENESS

A Neo-Renaissance style office building, designed by Henry J. Hardenbergh and built in 1902-04, with an addition designed by Clinton & Russell and built in 1908-10. Application is to replace entrance infill.

43 Barrow Street - Greenwich Village Historic District

LPC-22-11159 - Block 587 - Lot 53 - **Zoning:** C2-6

CERTIFICATE OF APPROPRIATENESS

A Federal style rowhouse, built in 1828. Application is to construct a rooftop addition, alter the façade, and excavate at the cellar.

458 West 20th Street - Chelsea Historic District

LPC-23-04117 - Block 717 - Lot 73 - **Zoning:** R7B

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse, built in 1845. Application is to relocate through-wall louvers and legalize façade work without a Landmarks Preservation Commission permit.

1140 Broadway - Madison Square North Historic District

LPC-22-11813 - Block 828 - Lot 33 - **Zoning:** M1-6

CERTIFICATE OF APPROPRIATENESS

A Neo-Classical style store and loft building, designed by Maynicke & Franke and built in 1914-15. Application is to alter the entrance surround and replace infill, and install a marquee.

11 East 26th Street - Madison Square North Historic District

LPC-23-04408 - Block 856 - Lot 9 - **Zoning:** C5-2

CERTIFICATE OF APPROPRIATENESS

A Neo-Gothic style store and lofts building, designed by Rouse & Goldstone and built in 1912-13. Application is to install storefront infill, a revolving door and marquee, remove interior lot-line walls, reconstruct and alter the parapets and install railings, construct rooftop additions and install mechanical equipment.

344 West 72nd Street - Individual Landmark

LPC-23-04483 - Block 1183 - Lot 53 - **Zoning:** R10A R8B

CERTIFICATE OF APPROPRIATENESS

A Beaux-Arts style annex to the Chatsworth Apartments, designed by John Scharsmith and built in 1905-06. Application is to construct a rooftop addition.

471 West End Avenue - Riverside - West End Historic District Extension I

LPC-23-04321 - Block 1245 - Lot 24 - **Zoning:**

CERTIFICATE OF APPROPRIATENESS

An altered Renaissance Revival-style row house, built in 1885-86. Application is to modify the façade, and construct rooftop and rear additions.

514 West End Avenue - Riverside - West End Historic District Extension I

LPC-23-00197 - Block 1232 - Lot 61 - **Zoning:** R10A

CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style apartment building, designed by Gaetan Ajello and built in 1923-24. Application is to install through-wall HVAC louvers.

829 Madison Avenue - Upper East Side Historic District

LPC-23-04180 - Block 1384 - Lot 23 - **Zoning:** C5-1

CERTIFICATE OF APPROPRIATENESS

An altered Queen Anne style residence, designed by Buek & Co. and built in 1885-86. Application is to alter the façade, install storefront infill, and replace roofing.

7 East 81st Street - Metropolitan Museum Historic District

LPC-23-01775 - Block 1493 - Lot 107 - **Zoning:** R8B

CERTIFICATE OF APPROPRIATENESS

A rowhouse, designed by Griffith Thomas and built in 1878-79. Application is to construct a rooftop addition and excavate the rear yard.

n30-d13

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, December 6, 2022, the Landmarks Preservation Commission (LPC or agency) will hold a public hearing by teleconference with respect to the properties list below, 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. Please note that the order and estimated times are subject to change. The teleconference will be by the Zoom app and will be live-streamed on the LPC's YouTube channel, www.youtube.com/nyclpc. Members of the public should observe the meeting on the YouTube channel and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, under the "Hearings" tab, <https://www1.nyc.gov/site/lpc/hearings/hearings.page>, on the Monday before the public hearing. Any person requiring language assistance services or other reasonable accommodation in order to participate in the hearing or attend the meeting should contact the LPC by contacting Gregory Cala, Community and Intergovernmental Affairs Coordinator, at gcala@lpc.nyc.gov, or (212) 602-7254, at least five (5) business days before the hearing or meeting. Please note: Due to the City's response to COVID-19, this public hearing and meeting is subject to change and/or cancellation.

39-84 46th Street - Sunnyside Gardens Historic District

LPC-23-02929 - Block 154 - Lot 95 - **Zoning:** R4

CERTIFICATE OF APPROPRIATENESS

A Colonial Revival style rowhouse, designed by Clarence Stein & Henry Wright and built in 1926. Application is to modify a window opening.

3 Hillcrest Avenue - Douglaston Historic District

LPC-22-11971 - Block 8093 - Lot 33 - **Zoning:** R1-2

CERTIFICATE OF APPROPRIATENESS

A Colonial Revival freestanding house, built c. 1925. Application is to modify a masonry opening and replace a door.

43 Barrow Street - Greenwich Village Historic District

LPC-22-11159 - Block 587 - Lot 53 - **Zoning:** C2-6

CERTIFICATE OF APPROPRIATENESS

A Federal style rowhouse, built in 1828. Application is to construct a rooftop addition and excavate at the cellar.

817 Washington Street - Gansevoort Market Historic District

LPC-23-03843 - Block 644 - Lot 30 - **Zoning:**

CERTIFICATE OF APPROPRIATENESS

A Queen-Anne-Style French Flats building, with stores built in 1886-87. Application is to establish a Master Plan governing the future installation of painted wall signs.

242 Lafayette Street - SoHo-Cast Iron Historic District Extension

LPC-23-02052 - Block 496 - Lot 30 - **Zoning:** M1-5B

CERTIFICATE OF APPROPRIATENESS

A Queen-Anne-Style factory building, designed by John Sexton and built in 1881-82. Application is to replace windows.

46 Jane Street - Greenwich Village Historic District

LPC-23-00579 - Block 625 - Lot 31 - **Zoning:** C1-6

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse, built in 1846. Application is to construct a rooftop addition.

48 West 85th Street - Upper West Side/Central Park West Historic District

LPC-23-03161 - Block 1198 - Lot 51 - **Zoning:** R8B

CERTIFICATE OF APPROPRIATENESS

A Queen-Anne-Style rowhouse, with Neo-Grec elements, built in 1886-87, designed by Thom & Wilson. Application is to construct rooftop and rear yard additions.

21 East 90th Street - Expanded Carnegie Hill Historic District

LPC-22-12241 - Block 1502 - Lot 17 - **Zoning:** R10 R8B

CERTIFICATE OF APPROPRIATENESS

An Art Deco style apartment building, with medieval elements, designed by George F. Pelham and built in 1927. Application is to alter the penthouse.

n22-d6

OFFICE OF THE MAYOR

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Report and Advisory Board Review Commission will hold a public hearing on Wednesday, December 7, 2022, at <https://us06web.zoom.us/j/87849683101>, from 3:00 P.M. - 4:00 P.M. The commission, will be reviewing reports submitted for waiver by agencies in 2022. The commission will also hear any public testimony. Finally, the commission will hold a waiver vote.

n30-d7

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE OF A JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and the New York City Department of Transportation ("DOT"), to be held remotely, via a Microsoft Teams dial-in on December 13, 2022, at 2:30 P.M. relative to:

INTENT TO AWARD as a concession a Sole Source License Agreement ("License"), to the DUMBO District Management Association, Inc. ("DUMBO BID"), whose address is 20 Jay Street, Suite 510, Brooklyn, NY 11201, to provide for the operation, management, and maintenance of a pedestrian plaza, located on Old Fulton Street, Front Street and Water Street, in the Borough of Brooklyn ("Licensed Plaza"), including through City approved plaza events, sponsorships, gifts, and subconcession(s), including but not limited to providing for the sale of any of the following: prepared food, beverages, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts), and other similar merchandise within the Licensed Plaza. Subconcessions would be awarded based on solicitations issued by DUMBO BID in the basic form of a Request for Proposals or Request for Bids, subject to DOT's prior written approval of both solicitation and award. DUMBO BID will be required to invest any revenue generated by this concession into the maintenance and/or repair, including reasonable administrative costs, of the Licensed Plaza.

The License will provide for one (1) five-year initial term, commencing upon written Notice to Proceed, which may be renewed for up to two (2) additional five-year terms, exercisable at the sole discretion of DOT.

The public may participate in the public hearing by calling the dial-in number below. Written testimony may be submitted in advance of the hearing electronically, to fcrc@mocs.nyc.gov. All written testimony must be received by December 1, 2022. In addition, the public may also testify during the hearing by calling the dial-in number.

The dial-in information is below:

Dial-in #: +1-646-893-7101

Access Code: 951 976 883

Press # on further prompts

A draft copy of the agreement may be obtained, at no cost by any of the following ways:

1. Submit a written request to DOT, at concessions@dot.nyc.gov, through December 9, 2022.
2. Submit a written request by mail to Rachel Frumin, NYC Department of Transportation, 55 Water Street, 9th Floor, New York, NY 10041. Written requests must be received by December 2, 2022. For mail-in requests, please include your name, return address and reference the "Old Fulton Plaza Concession Agreement".
3. A transcript of the hearing will be posted on the FCRC website, at <https://www1.nyc.gov/site/mocs/reporting/agendas.page>.

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 (646) 872- 0231. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

n28-d12

NOTICE OF A JOINT PUBLIC HEARING of the Franchise and Concession Review Committee and the New York City Department of Transportation ("DOT"), to be held on remotely via a Microsoft Teams dial-in on December 13, 2022, at 2:30 P.M. relative to:

INTENT TO AWARD as a concession a Sole Source License Agreement (“License”), to the MetroTech Area District Management Association, Inc. d/b/a MetroTech Business Improvement District (“MetroTech BID”), whose address is 1 MetroTech Center #1003, Brooklyn, NY 11201, to provide for the operation, management, and maintenance of a pedestrian plaza, located at Willoughby Street between Pearl Street and Adams Street, in the Borough of Brooklyn (“Licensed Plaza”), including through City-Approved plaza events, sponsorships, gifts, and subconcession(s), including but not limited to providing for the sale of any of the following: prepared food, beverages, locally grown produce or locally manufactured products, merchandise (such as souvenirs or T-shirts), and other similar merchandise within the Licensed Plaza. Subconcessions would be awarded based on solicitations issued by MetroTech BID in the basic form of a Request for Proposals or Request for Bids, subject to DOT’s prior written approval of both solicitation and award. MetroTech BID will be required to invest any revenue generated by this concession into the maintenance and/or repair, including reasonable administrative costs, of the Licensed Plaza.

The License will provide for one (1) five-year initial term, commencing upon written Notice to Proceed, which may be renewed for up to two (2) additional five-year terms, exercisable at the sole discretion of DOT.

The public may participate in the public hearing by calling the dial-in number below. Written testimony may be submitted in advance of the hearing electronically, to fcrc@mocs.nyc.gov. All written testimony must be received by December 1, 2022. In addition, the public may also testify during the hearing by calling the dial-in number.

The dial-in information is below:

Dial-in #: +1-646-893-7101
 Access Code: 951 976 883
 Press # on further prompts

A draft copy of the agreement may be obtained, at no cost by any of the following ways:

1. Submit a written request to DOT, at concessions@dot.nyc.gov, through December 9, 2022.
2. Submit a written request by mail to Rachel Frumin, NYC Department of Transportation, 55 Water Street, 9th Floor, New York, NY 10041. Written requests must be received by December 2, 2022. For mail-in requests, please include your name, return address and reference the “Willoughby Plaza Concession Agreement”.
3. A transcript of the hearing will be posted on the FCRC website, at <https://www1.nyc.gov/site/mocs/reporting/agendas.page>.

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 (646) 872-0231. Any person requiring reasonable accommodation for the public hearing should contact MOCS, at least five (5) business days in advance of the hearing to ensure availability.

n28-d12

PROPERTY DISPOSITION

The City of New York in partnership with PublicSurplus.com posts online auctions. All auctions are open, to the public.

Registration is free and new auctions are added daily. To review auctions or register visit <https://publicsurplus.com>

CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

The City of New York in partnership with IAAI.com posts vehicle and heavy machinery auctions online every week at:

<https://iaai.com/search?keyword=dcas+public>

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

Vehicles can be viewed in person at:
 Insurance Auto Auctions, Green Yard
 137 Peconic Avenue, Medford, NY 11763
 Phone: (631) 207-3477

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

jy29-j17

■ NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that the Department of Citywide Administrative Services, Real Estate Services (DCAS) will be conducting an online public lease auction in accordance with New York Administrative Code Section 4-203. Online bids will be accepted via the DCAS auction webpage at nyc.gov/auctions from December 8, 2022 at 9:00 A.M. until December 15, 2022 at 9:00 P.M. The apparent highest bidders will be identified by December 19, 2022 and such bids will be subject to a due diligence process. Auction results will also be posted on the DCAS auction webpage at nyc.gov/auctions. The City intends to award the bids to the highest eligible bidders.

The auction will be conducted in accordance with Offering Terms and Conditions, together with any Special Terms and Conditions, if any, pertinent to specific parcels. Offering Terms and Conditions, any Special Terms and Conditions, and inspection times are available on the DCAS auction webpage at nyc.gov/auctions. For further information, or in the event potential bidders do not have access to a computer and would like to make arrangements to utilize a computer at DCAS’ office located at 1 Centre Street, Manhattan for online bid submissions, please contact Harry Doobay at (212) 386-0335 or hdoobay@dcas.nyc.gov.

Address or Location	Borough	Block	Lot(s)	Minimum Monthly Bid
271 Bowery	Manhattan	427	14	\$6,750
2521 Adam Clayton Powell Junior Boulevard	Manhattan	2015	1	\$6,830
681 Marcy Avenue	Brooklyn	1780	1	\$1,720
Bed of Calyer Street between Monitor Street and Kingsland Avenue	Brooklyn	2585	999	\$8,620
Bed of Skillman Avenue between Morgan and Vandervoort Avenues	Brooklyn	2896	999	\$15,890
279 Grafton Street	Brooklyn	3567	6	\$980
West Corner of 37 Street and Fort Hamilton Parkway	Brooklyn	5289	46p	\$5,560
Foot of Trotting Course Lane, 167 feet North of Margaret Place	Queens	3880	91p	\$12,740
Northwest Corner of 183 Street and Rockaway Boulevard	Queens	13420	8, 999	\$12,510
Foot of 150 Drive, East of 183 Street	Queens	13432	6p, 20p, 21p, 40p, 46p, 49p, 53p, 998	\$56,460
		13433	2p, 5, 10, 15p, 20p, 23p, 29p, 34p, 36p, 53p, 55p, 57, 59, 69	
Southeast Corner of 150 Road and 183 Street	Queens	13432	59p, 65p	\$4,110
		13433	2p, 999	
Willowbrook Parkway North of Clark Avenue and Amboy Road	Staten Island	4396	999	\$7,910

n14-d15

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

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

j5-d30

PROCUREMENT

“Compete To Win” More Contracts!

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

- Win More Contracts, at nyc.gov/competetowin

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

HHS ACCELERATOR PREQUALIFICATION

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 HHS Accelerator Prequalification Application using the City’s PASSPort system. The PASSPort system is a web-based system maintained by the City of New York for use by its Mayoral Agencies to manage procurement. Important business information collected in the Prequalification Application is 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 and organizational capacity. Approved organizations will be eligible to compete and would submit electronic proposals through the PASSPort system. The PASSPort Public Portal, which lists all RFPs, including HHS RFPs that require HHS Accelerator Prequalification, may be viewed, at https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding. For additional information about HHS Accelerator Prequalification and PASSPort, including background materials, user guides and video tutorials, please visit <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>.

ADMINISTRATION FOR CHILDREN’S SERVICES

■ INTENT TO AWARD

Services (other than human services)

AUDIT AND RISK ASSESSMENT SERVICES - Negotiated Acquisition - Other - PIN#06823N0009 - Due 12-5-22 at 10:00 P.M.

ACS, intends to enter into a Negotiated Acquisition Extension (EPIN 06823N0006) with Valles Vendiola LLP, to continue the implementation of a fiscal monitoring system for the term of November 1, 2022 through June 30, 2024, in the amount of \$6,581,989.52.

Changing vendors at this point in the rollout of the special projects the vendor has been working on, would disrupt and undermine those projects.

n28-d2

BROOKLYN NAVY YARD DEVELOPMENT CORP.

■ SOLICITATION

Construction Related Services

DEMOLITION AND BULKHEAD STABILIZATION OF PIER D - Request for Proposals - PIN# 000213 - Due 1-13-23 at 1:00 P.M.

IFB documents will be available on the BNYDC website, at brooklynnavyyard.org.

A mandatory Pre-Bid Meeting and site visit will be held on Tuesday, December 6th, 2022, at 10:30 A.M. Failure to attend the Pre-Bid Meeting will result in disqualification. Personal protective equipment is required for the site walk.

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

Brooklyn Navy Yard Development Corporation, Building 77, 141 Flushing Avenue, Suite 801, Brooklyn, NY 11205. Attn: Rachel Neal. Rachel Neal (929) 337-1202; rneal@bnydc.org

n25-d1

CITYWIDE ADMINISTRATIVE SERVICES

■ AWARD

Goods

STANDARDS, CUSTOM, ORGANIC & INORGANIC (DEP) RENEWAL #1 - Renewal - PIN# 85718B8609KXLR001 - AMT: \$390,102.28 - TO: Accustandard Inc., 125 Market Street, New Haven, CT 06513.

• d1

ADMINISTRATION

■ SOLICITATION

Goods

85723B0056- 2300048 RENTAL OF SEWER CLEANING EQUIPMENT DEP RE-AD - Competitive Sealed Bids - PIN# 85723B0056 - Due 12-20-22 at 10:30 A.M.

ALL bids are done in PASSPort, please visit, https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public, and search by PIN: 85723B0056 number, or keywords: 85723B0056 - 2300048 -RENTAL OF SEWER CLEANING EQUIPMENT DEP RE-AD.

Please see the solicitation documents for additional details and submit your proposals by both acknowledging the receipt of the RFx in the Acknowledgement tab and completing your response in the Manage Responses tab.

Vendor resources and materials can be found, at <https://www1.nyc.gov/site/mocs/systems/passport-user-materials.page>, under the Finding and Responding to RFx heading.

For virtual bid opening, please email: khenry@dcas.nyc.gov

If you need additional assistance with PASSPort, please contact the MOCS Service Desk, at <https://mocsupport.atlassian.net/servicedesk/customer/portal/8>.

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

Citywide Administrative Services, Bid Room, 1 Centre Street, 18th Floor, New York, NY 10007-160. Kirklyval Henry (212) 386-0438; khenry@dcas.nyc.gov

• d1

COMPTROLLER

ASSET MANAGEMENT

■ SOLICITATION

Services (other than human services)

INFRASTRUCTURE INVESTMENT CONSULTANT SERVICES

- Negotiated Acquisition - Available only from a single source - PIN# 015-14 8 158 01 ZI - Due 12-12-22 at 3:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules, the New York City Comptroller Office (the "Comptroller's Office"), acting on behalf of the New York City Retirement Systems, is seeking to extend the existing Infrastructure Investment Consultant Agreement with StepStone Group LP ("StepStone"), from October 20, 2022 to October 19, 2024. The firm is a fiduciary and provides infrastructure investment consulting services. Vendors that are interested in expressing interest in similar procurements in the future, may contact Samantha Bobb, via email, at sbobb@comptroller.nyc.gov.

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.

Comptroller, 1 Centre Street, 8th Floor, South, New York, NY 10007. Samantha Bobb (212) 669-8106; sbobb@comptroller.nyc.gov

n28-d2

ENVIRONMENTAL PROTECTION

WASTEWATER TREATMENT

■ INTENT TO AWARD

Services (other than human services)

82623Y0289-BWT INSPECTION OF COOPER ENGINES

3030459X - Request for Information - PIN# 82623Y0289 - Due 12-12-22 at 2:00 P.M.

Pursuant to Procurement Policy Board Rule Section 3-05, Department of Environmental Protection, intends to enter into a sole source agreement with Cooper Machinery Services, for the inspection of Cooper Engines. DEP has determined, Cooper Machinery Services, is the sole authorized source of these services. Any firm which believes it is authorized to provide such services are welcome to submit an expression of interest. All related inquiries should be sent via the Discussion Forum in PASSPort, or to Noah Shieh, at noahs@dep.nyc.gov, no later than December 12, 2022, by 2:00 P.M.

n28-d5

HEALTH AND MENTAL HYGIENE

■ INTENT TO AWARD

Human Services/Client Services

ONSITE SPECIMEN COLLECTION & VACCINATION SERVICES

- Negotiated Acquisition - Other - PIN# 81623N0013 - Due 12-19-22 at 5:00 A.M.

DOHMH, intends to enter a Negotiated Acquisition with Executive Medical Services PC, for onsite testing, specimen collection & vaccination services. DOHMH has created a framework and the infrastructure for deploying teams to various settings to ensure equitable access to testing and vaccination services. The settings consist of Community settings, Congregate residential settings, and Non-congregate residential settings. Considering current various public health outbreaks (coronavirus, influenza, the reemergence of polio, and other communicable and vaccine-preventable diseases), there is a continued need to provide access to onsite testing, specimen collection and immunization services at these settings which serve many of the city's vulnerable population. Therefore, DOHMH has determined that it is in the best interest of the city to enter a Negotiated Acquisition with this vendor for continuity of testing, specimen collection and vaccination services for the duration of two years.

Vendors who believe they can provide these services for the existing or future procurements, can submit an expression of interest via email, to swillia9@health.nyc.gov, by the due date.

Executive Medical Services PC, is the only vendor that can provide the service immediately following the expiration of the emergency contract; other vendors would require time to recruit, hire, train staff and develop implement operating protocols. Executive Medical Services PC have demonstrated the capacity to provide these services, which have been beneficial to the city and its residents during DOHMH response to COVID-19, and to ensure that these services continue to be available, while DOHMH processes a new competitive procurement, DOHMH has determined that it is in the best interest of the City to enter a Negotiated Acquisition with the existing vendor for testing, specimen collection and vaccination services.

n30-d7

MOBILE AND ON-SITE TESTING, SPECIMEN COLLECTION AND IMMUNIZATION SERVICES - Negotiated Acquisition - Other - PIN# 81623N0014 - Due 12-19-22 at 5:00 A.M.

DOHMH, intends to enter a Negotiated Acquisition with Mobile Health Medical Services PC, for mobile & onsite testing, specimen collection & vaccination services. DOHMH has created a framework and the infrastructure for deploying teams to various settings to ensure equitable access to testing and vaccination services. The settings consist of Community settings, Congregate residential settings, and Non-congregate residential settings. Considering current various public health outbreaks (coronavirus, influenza, the reemergence of polio, and other communicable and vaccine-preventable diseases), there is a continued need to provide access to onsite testing, specimen collection and immunization services at these settings which serve many of the city's vulnerable population. Therefore, DOHMH has determined that it is in the best interest of the City to enter a Negotiated Acquisition with this vendor for continuity of testing, specimen collection and vaccination services for the duration of two years.

Vendors who believe they can provide these services for the existing or future procurements, can submit an expression of interest via email, to swillia9@health.nyc.gov, by the due date.

Mobile Medical is the only vendor that can provide the service immediately following the expiration of the emergency contract; other vendors would require time to recruit, hire, train staff and develop implement operating protocols. Mobile Health Medical Services PC, have demonstrated the capacity to provide these services, which have been beneficial to the city and its residents during DOHMH response to COVID-19, and to ensure that these services continue to be available, while DOHMH processes a new competitive procurement, DOHMH has determined that it is in the best interest of the City to enter a Negotiated Acquisition with the existing vendor for testing, specimen collection and vaccination services.

n30-d7

AGENCY CHIEF CONTRACTING OFFICER

■ INTENT TO AWARD

Human Services/Client Services

NURSE TRIAGE CALL CENTER FOR PUBLIC HEALTH

OUTBREAKS - Negotiated Acquisition - Other - PIN# 81623N0015 - Due 12-19-22 at 5:00 A.M.

DOHMH, intends to enter into a Negotiated Acquisition with Change Healthcare Technology Enabled Services LLC, for the provision of a nurse triage call center, which will serve as a health equity intervention as the agents and nurses will provide most of their services to New Yorkers from priority neighborhoods; many who have no medical provider, no health insurance and who need language services. These services have been beneficial to the city and its residents during the department's response to COVID-19, and to ensure that these services are available to assist the agency in responding to all public health inquiries, DOHMH has determined, that it is in the best interest of the City to contract with this vendor for a duration of two years for continuity of services.

Vendors who believe they can provide these services for existing or future procurements such as this, are welcome to submit an expression of interest via email, to swillia9@health.nyc.gov, by the due date.

DOHMH determined, that it is in the City's best interest to award a contract to Change Healthcare Technology Enabled Services LLC, via a Negotiated Acquisition. This vendor is the only viable vendor, as they have established the capacity to provide these required services through an existing Emergency contract that will expire on December 31, 2022. The proposed Negotiated Acquisition term will be from January 1, 2023 to December 31, 2024, for continuity of services.

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

Health and Mental Hygiene, 42-09 28th Street, Long Island City, NY 11101. Shamecka Williams (347) 396-6656; swillia9@health.nyc.gov

n30-d7

HOUSING AUTHORITY

PROCUREMENT

■ VENDOR LIST

Goods and Services

NYCHA'S PRE-QUALIFIED LIST (PQL) FOR CARPENTRY SERVICES

NYCHA, is excited to introduce you to our pre-qualified list (PQL), for Carpentry services. These services include removal, installation, fabrication, repair, materials, supplies and other services performed by the Carpentry trade across NYCHA developments City-Wide. We are seeking experienced vendors to join our community and provide these in-demand services!

What is a pre-qualified list?

A PQL, is a tool that NYCHA will use to primarily contract for Carpentry services for its developments, streamlining the process for both vendors and NYCHA. NYCHA will publish Carpentry services contracting opportunities, and the PQL will predominantly be used to procure Carpentry services. After pre-qualifying according to specific criteria, vendors can bid on Carpentry services contracts released to the PQL.

All contractors interested in NYCHA's Carpentry services PQL must follow two important steps:

1. Vendors must prepare and submit applications to NYCHA's Carpentry services PQL, at PQL@nycha.nyc.gov. You can view and prepare your response to the Request for Qualifications (RFQ), at <https://www.nyc.gov/site/nycha/business/nycha-pql.page>. To pre-qualify, vendors must meet the minimum requirements listed for experience, licensure, workforce capacity, and integrity. Applications will be evaluated by NYCHA on a rolling basis, but we recommend applying early to gain access to more Carpentry services contracting opportunities!
2. Vendors who are admitted to the PQL can then bid for Carpentry services solicitations at NYCHA. NYCHA will confirm PQL evaluation decisions with applicants via a letter of acceptance or a letter of rejection. Vendors must bid on each Carpentry service contract award, as admission to the PQL does not guarantee contract award. To bid on a specific contract, NYCHA encourages vendors to apply to the PQL no fewer than 15 days prior to a bid submission date for a Carpentry services contract to be considered for that solicitation.

Please join one of our virtual Information Sessions, held via TEAMS, on the 1st Thursday of every month, beginning December 1:

Microsoft Teams meeting (Join on your computer, mobile app or room device)

Copy and paste the below into your browser:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MDlhODIyYzItMmNkOC00OGQ1LTk3ZjUtNmE1YTkyZWNjMTQ2%40thread.v2/0?context=%7b%22Tid%22%3a%22709ab558-a73c-4f8f-98ad-20bb096cd0f8%22%2c%22Oid%22%3a%221180dc41-0bf3-4c66-b149-ba30dc431613%22%7d

Or, for call in (audio only) +1 646-838-1534,,685677082# United States, New York City Phone Conference ID: 685 677 082#

Meeting ID: 217 110 841 054 Passcode: pUtrgG

You may also access a clickable link to join the meeting from the attached document "TEAMS Meeting Link Carpentry PQL Information Session".

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. JoAnn Park (212) 306-4511; joann.park@nycha.nyc.gov

HOUSING PRESERVATION AND DEVELOPMENT

EDC/HPD TECH

■ INTENT TO AWARD

Services (other than human services)

80623Y0080-SOLE SOURCE NOTICE OF INTENT - MAINTENANCE OF SANBORN MAP - Request for Information - PIN# 80623Y0080 - Due 12-12-22 at 2:00 P.M.

Pursuant to Section 3-05(C) of the City's Procurement Policy Board Rules, The New York City Department of Housing Preservation and Development (HPD), intends to enter into a Sole Source negotiation, to maintain and update digital georeferenced raster imagery data and PDF maps, that are used by the Environmental units, architects and engineers from Building and Land Development Services, planners, developers from Office of Development.

Sanborn MapsTM, is a sole source product of The Sanborn Map Company, Inc. Any firm who believes it can provide this Map service is invited to send a letter or email, to the HPD contact person listed in this notice.

This Sole Source procurement is being managed through PASSPort (EPIN: 80623Y0080). If there are any expressions of interest, please send an email to Agency Contact: Gaurav Channan, Deputy Agency Chief Contracting Officer, at email address: channang@hpd.nyc.gov.

n28-d2

OFFICE OF NEIGHBORHOOD STRATEGIES

■ INTENT TO AWARD

Human Services/Client Services

HPD NOTICE OF INTENT CITYWIDE HOMEOWNER HELP DESK NA - Negotiated Acquisition - Other - PIN# 80623N0003 - Due 12-14-22 at 5:00 A.M.

Pursuant to Section 3-04(b)(2)(i)(D) and Section 3-04(b)(2)(ii) of the Procurement Policy Board Rules, the Department of Housing Preservation and Development (HPD), intends to enter into a Negotiated Acquisition contract with the Center for New York City Neighborhoods. This contract is for the implementation of the citywide expansion of the Homeowner Help Desk. The contract term will be for three years from the Notice to Proceed with one option to renew for an additional three years. The ePIN for this award is 80623N0003, and the proposed contract budget is 4,800,000.00.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. Vendors can express interest in responding to a future procurement to provide these services by sending such request via email to Agency Contact, Charlisa Lanzot (lanzotc@hpd.nyc.gov).

n29-d5

HUMAN RESOURCES ADMINISTRATION

■ INTENT TO AWARD

Services (other than human services)

06923Y0163-PURCHASE OF EVERYACTION SMARTVAN SOFTWARE LICENSES AND SUPPORT(SO6931R) - Request for Information - PIN# 06923Y0163 - Due 12-2-22 at 4:00 P.M.

The Department of Social Services Office of Information Technology Services (ITS), is requesting a Sole Source procurement for the Purchase of EveryAction SmartVAN Software Licenses and Support through *PruTech Solutions Inc.*, for the service period of 11/1/2020 to 10/31/2021. The contract amount is \$99,800.00.

The Department of Social Services Public Engagement Unit (PEU) uses EveryAction's SmartVan tool for outreach along with Target Smart for data collection of the residents in the City of New York. To improve functionality of the existing systems, DSS/PEU is looking to continue its usage of the EveryAction SmartVan software licenses, services and support for the EveryAction SmartVAN tool and the DemNYC project.

PruTech Solutions Inc., is the sole source provider of EveryAction SmartVan Software Licenses and Support, and is the only authorized reseller.

If you have any questions, please email, "frazierjac@dss.nyc.gov", with the subject line "06923Y0163 - Purchase of EveryAction SmartVAN Software Licenses and Support. Please indicate your interest by responding to the RFI EPIN: 06923Y0163 in PASSPort no later than 12/2/2022, 4:00 P.M.

n25-d2

POLICE DEPARTMENT**MANAGEMENT AND BUDGET**

■ INTENT TO AWARD

Services (other than human services)

NEG. AQ. EXTENSION FOR INFORMATION BUILDERS, INC
- Negotiated Acquisition - Other - PIN#05623N0002 - Due 12-7-22 at 5:00 A.M.

NYPD, intends to enter into a Negotiated Acquisition Extension (EPIN 05623N0002) with Information Builders, Inc., to continue providing Proprietary Software Licenses including maintenance, upgrades and support for communication and integration systems for the term of November 1, 2022 through October 31, 2023, in the amount of \$28,601,685.00.

n29-d5

AGENCY RULES**HEALTH AND MENTAL HYGIENE**

■ NOTICE

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

What are we proposing? The New York City Department of Health and Mental Hygiene (DOHMH or Department) is proposing to amend Chapter 7 (Adjudicatory Hearings and Violation Fines and Penalties) of Title 24 of the Rules of the City of New York to reflect amendments to the New York City Administrative Code, made by Local Law 80 of 2021, concerning the reduction or waiving of monetary penalties for certain first-time violations. Certain other amendments, corrections, and formatting changes are also being made.

When and where is the hearing? The Department will hold a public hearing on the proposed rules. The public hearing will take place from 10:00 A.M. to 12:00 P.M., on **Tuesday, January 3, 2023**.

The hearing will be conducted by video conference accessible via internet or telephone.

- **Internet.** To participate in the public hearing, enter to register at this Webex URL: <https://nycdohmh.webex.com/nycdohmh/j.php?MTID=mb049c5375e1280c9b65f7b0b6c79d041>

If prompted to provide an event number or password, please enter the following:

Event number: **2345 076 2866**
Password: Health (**432584** from phones)

Phone: For access, dial: (408) 418-9388; (646) 992-2010 (New York City) then please enter the following: Access code: 234 507 62866, Password: 432584.

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

- **Website.** You can submit comments to the Department through the NYC rules website, at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail comments to DOHMH at:
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 30
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to DOHMH at (347) 396-6087.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing should sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or by emailing at

resolutioncomments@health.nyc.gov before the hearing begins at 10AM on January 3, 2023. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign-up in advance. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by January 3, 2023.

What if I need assistance to participate in the hearing? You must tell the Department's Office of General Counsel if you need a reasonable accommodation of a disability at the hearing, including whether you need a sign language interpreter. You can tell us by e-mail or by mail at the addresses given above. You may also tell us by telephone at 347-396-6078. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by December 20, 2022.

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

What authorizes the DOHMH to make this rule? Sections 556 and 1043 of the City Charter and Local Law 80 of 2021 authorize the Department to make this proposed rule. This proposed rule was included in the Department's FY2023 regulatory agenda.

Where can I find the DOHMH's rules? DOHMH's rules are in title 24 of the Rules of the City of New York.

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

Statement of Basis and Purpose of Proposed Rule**Background**

Local Law 80 of 2021, effective January 14, 2022, amends various provisions of Title 17 of the New York City Administrative Code, requiring the Department to reduce or waive monetary penalties for certain first-time violations of the New York City Health Code or Administrative Code provisions that address food service establishments, including mobile food vending units, mobile food vending commissaries, child care programs and pet shops.

The Department is now proposing to amend Chapter 7 of Title 24 of the Rules of the City of New York to implement Local Law 80 of 2021, as well as to make other changes, as indicated below.

Specific Proposed Changes**Revised § 7-01**

The proposed rule would amend section 7-01 by defining the terms "first-time violation," "cure," and "summons." The proposed rule would also remove the lettered subdivision designators so that the definitions are listed in alphabetical order.

New §§ 7-10 and 7-11

The proposed rule would add new sections 7-10 and 7-11, which will provide the requirements for the submission of proof of correction for a first-time violation and the acceptance of such proof by the Department.

Revised Appendix 7-A

The proposed rule would amend Appendix 7-A to reflect the changes made to the Administrative Code by Local Law 80 of 2021 with respect to child care programs and pet shop violations, as well as to add penalties for not testing drinking water for lead in child care programs and school based programs for children ages 3 through 5 as required under the Health Code.

Statutory Authority

The authority for these rules is found in the New York City Charter § 556 and Local Law 80 of 2021.

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

Deleted material is in [brackets]; new text is underlined.
The proposal is as follows:

Section 1. Section 7-01 of Chapter 7 of Title 24 of the Rules of the City of New York is amended to read as follows:

§7-01 Definitions.

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

[(a)] **Administrative Code or Admin. Code** [refers to] means the Administrative Code of the City of New York.

[(b)] **Charter** means the New York City Charter.

Cure means that the respondent has submitted proof of having corrected a first-time violation and the Department has accepted such proof.

[(c)] **Environmental Control Board** [is] means the board that exists in the OATH Hearings Division pursuant to Charter §1049-a.

First-time violation means a violation of law, listed in Appendix 7-A of this Chapter, committed by a respondent for the first time and cited on a summons that either is pending or has not been adjudicated by OATH as defaulted or sustained.

[(d)] **NYCHC or Health Code** [refers to] means the New York City Health Code, found in Title 24 of the Rules of the City of New York.

[(e)] **NYSPHL** [refers to] means the New York State Public Health Law.

OATH means the Office of Administrative Trials and Hearings (OATH).

[(f)] **OATH Trials Division** [is] means the tribunal of [the Office of Administrative Trials and Hearings (OATH)] OATH, established by Charter §1048(1) to conduct adjudicatory hearings for all agencies of the City of New York.

[(g)] **OATH Hearings Division** includes the tribunal established by the Board of Health pursuant to Charter §558 and transferred to OATH by Mayoral Executive Order 148 (2011).

[(h)] **Premises** [refer to] means real property consisting of a building and land on which it is situated.

“Same premises” [refers to] means (i) a specific building, or (ii) a group of buildings co-located in a development owned by the same entity.

[(i)] **RCNY** [refers to] means the Rules of the City of New York.

Summons means a document, including a notice of violation, issued by the Department to a respondent, that specifies the charges forming the basis of an adjudicatory proceeding at the Office of Administrative Trials and Hearings.

§ 2. Chapter 7 of Title 24 of the Rules of the City of New York is amended to add sections 7-10 and 7-11 to read as follows:

§ 7-10 Submitting proof of correction for eligible first-time violations.

- (a) Submission of proof of correction must be in writing in a form approved or provided by the Department.
- (b) The proof must be submitted to the Department electronically or in person within seven (7) calendar days of the date the violation was issued as recorded on the summons.
- (c) The proof must be affirmed by the permittee or their authorized representative that it is complete and accurate to the best of such person’s knowledge.
- (d) Submission of any false statements in support of a proof of correction may be subject to penalties prescribed for violations of Health Code § 3.19 and other applicable law.
- (e) A permittee whose first-time violation is pending at OATH for adjudication is not eligible to submit a proof of correction for a subsequent identical violation.

§7-11 Acceptance of proof of correction for eligible first-time violations.

- (a) The Department must accept proof of correction if it determines that the proof is adequately documented and submitted timely in accordance with § 7-10 of this Chapter. Acceptance of proof of correction constitutes a cure and an admission of the violation for all purposes, except as provided in subdivision (b) of this section.
- (b) A first-time violation whose proof of correction has been accepted by the Department will not be subject to a civil penalty.
- (c) The determination of whether a violation is a first-time violation shall be based solely on the records of the Department.
- (d) The Department may require further documentation in addition to the proof of correction and may inspect the establishment or take any other action as it deems necessary before acceptance or rejection of such proof.
- (e) Nothing in this Chapter limits the authority of the Department to conduct other inspections or take any other action it deems necessary to enforce any provision of law within the jurisdiction of the Department.

§ 3. Appendix 7-A of Chapter 7 of Title 24 of the Rules of the City of New York is amended by adding rows NYCHC 43.24(a), NYCHC

47.09(b), NYCHC 47.43(a), NYCHC 47.73(b)(2), Admin Code 17-377(b), and Admin Code 17-1703(c) in numerical order by section number, by amending row NYCHC 161.09(f), and by adding a sentence at the end to read as follows:

Section of Law	Violation Description	Standard Penalty	Default Penalty
<u>NYCHC 43.24(a)</u>	<u>Drinking water not tested for lead as required.</u>	<u>\$400</u>	<u>\$800</u>
<u>NYCHC 47.09(b) Admin Code 17-1304(a)</u>	<u>Failure to disclose serious injury or death.</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC 47.43(a)</u>	<u>Drinking water not tested for lead as required.</u>	<u>\$400</u>	<u>\$800</u>
<u>NYCHC 47.73(b)(2) Admin Code 17-1303</u>	<u>Availability of childcare service inspection information not posted*.</u>	<u>\$500</u>	<u>\$1,000</u>
<u>NYCHC 161.09(f)</u>	<u>No certificate of completion of small animal care and handling course</u>	<u>[\$500] \$400</u>	<u>[\$1,000] \$800</u>
<u>Admin Code 17-377 (b)</u>	<u>Permit not placed in a clean, transparent cover and clearly visible to the public*.</u>	<u>\$100 per day</u>	<u>\$100 per day</u>
<u>Admin Code 17-1703 (c)</u>	<u>Failure to conspicuously post required notices*.</u>	<u>\$100 per day</u>	<u>\$100 per day</u>

*Violation is subject to cure; see section 7-10 of this Chapter.

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

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

RULE TITLE: Amendment of Provisions Relating to First Time Health Code Violations (Health Code Chapter 7)

REFERENCE NUMBER: DOHMH-120

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) The proposed rule reduces or waives monetary penalties for certain first-time violations.

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

November 23, 2022
Date

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

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

RULE TITLE: 2022 RG 036

REFERENCE NUMBER: Amendment of Provisions Relating to First Time Health Code Violations (Health Code Chapter 7)

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: November 23, 2022

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

What are we proposing? The New York City Department of Health and Mental Hygiene (DOHMH or Department) is proposing to amend Chapter 23 (Food Service Establishment Sanitary Inspection Procedures and Letter Grading) of Title 24 of the Rules of the City of New York to reflect amendments to the New York City Administrative Code, made by Local Law 80 of 2021, concerning the reduction or waiving of monetary penalties for certain first-time violations. Certain other amendments, corrections, and formatting changes are also being made.

When and where is the hearing? The Department will hold a public hearing on the proposed rules. The public hearing will take place from 10:00 A.M. to 12:00 P.M., on **Tuesday, January 3, 2023**.

The hearing will be conducted by video conference accessible via internet or telephone.

- **Internet.** To participate in the public hearing, enter to register at this Webex URL: <https://nycdohmh.webex.com/nycdohmh/j.php?MTID=mb049c5375e1280c9b65f7b0b6c79d041>

If prompted to provide an event number or password, please enter the following:

Event number: **2345 076 2866**
Password: Health (**432584** from phones)

Phone: For access, dial: (408) 418-9388; (646) 992-2010 (New York City) then please enter the following: Access code: 234 507 62866, Password: 432584.

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

- **Website.** You can submit comments to the Department through the NYC website, at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail comments to DOHMH at:
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 23rd Street, CN 30
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to DOHMH at (347) 396-6087.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing should

sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or by emailing at resolutioncomments@health.nyc.gov before the hearing begins at 10AM on January 3, 2023. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign-up in advance. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by January 3, 2023.

What if I need assistance to participate in the hearing? You must tell the Department's Office of General Counsel if you need a reasonable accommodation of a disability at the hearing, including whether you need a sign language interpreter. You can tell us by e-mail or by mail at the addresses given above. You may also tell us by telephone at 347-396-6078. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by December 20, 2022.

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

What authorizes the DOHMH to make this rule? Sections 556 and 1043 of the City Charter authorize the Department to make this proposed rule. This proposed rule was included in the Department's FY2023 regulatory agenda.

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

What laws govern the rulemaking process? DOHMH must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Local Law 80 of 2021, effective January 14, 2022, amends various provisions of Title 17 of the New York City Administrative Code, requiring the Department to reduce or waive monetary penalties for certain first-time violations of the New York City Health Code or Administrative Code provisions that address food service establishments, including mobile food vending units, mobile food vending commissaries, child care programs and pet shops.

The Department is now proposing to amend Chapter 23 of Title 24 of the Rules of the City of New York to implement Local Law 80 of 2021, as well as to make other changes, as indicated below.

Specific changes proposed

Revised § 23-01

This proposed rule would amend section 23-01 by defining the terms "cure," "first-time violation," and "summons."

New § 23-09 and § 23-10

The proposed rule would add section 23-09, which details the rules for submitting proof of having corrected a first-time violation. The proposed rule would also add section 23-10, which describes when the Department will accept the submitted proof of correction.

Revised Appendix 23-A

The proposed rule would amend Appendix 23-A to include language about refillable, reusable beverage containers, rephrase language for prohibited substances, and correct typographical errors.

Revised Appendix 23-B

The proposed rule would amend Appendix 23-B to include language about refillable, reusable beverage containers, rephrase language for prohibited substances, and correct typographical errors.

Revised Appendix 23-C

Appendix 23-C specifies monetary penalties for food service establishment violations that are adjudicated at the Office of Administrative Trials and Hearings ("OATH").

Local Law 80 added section 17-1508(c) of the Administrative Code, reducing penalties and providing for a cure for any food service establishment first-time violation for failing to post a "sign, poster, image, card or other required information." However, Local Law 80 also added a section 17-1508(d) of the Administrative Code, providing that no cure process shall be applicable if the Department determines that "the posting of such sign, poster, image, card or other required information is required in order to mitigate a risk of immediate death or serious injury to the general public or patrons of such establishment." Accordingly, the Department has determined the following postings are not subject to cure under §17-1508(c): allergen warnings and resuscitation equipment signs.

This proposed rule would amend Appendix 23-C by indicating which first-time violations are subject to either unconditional waiver of a monetary penalty or waiver of such penalty if proof of correction has been accepted. The proposed amendments to Appendix 23-C also include reductions in penalties made in the Administrative Code where the violations are not subject to cure.

Additionally, the proposed rule lowers some penalties, amends the penalty table to correct typographical errors, and adds other violation descriptions and penalties. For example, the proposed rule would add penalties for violations of Administrative Code § 16-401, which prohibits food service establishments from offering plastic beverage straws, splash sticks, or stirrers to customers.

Statutory Authority

The authority for these rules is found in the New York City Charter § 556 and Local Law 80 of 2021.

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

Deleted material is in [brackets]; new text is underlined.

The proposal is as follows:

Section 1. Section 23-01 of Chapter 23 of Title 24 of the Rules of the City of New York is amended by adding the definitions of “cure,” “first-time violation,” and “summons” in alphabetical order to read as follows:

Cure means that the respondent has submitted proof of having corrected a first-time violation and the Department has accepted such proof.

First-time violation means a violation of law, identified in Appendix 23-C of this Chapter, committed by a respondent for the first time and cited on a summons that either is pending or has not been adjudicated by OATH as defaulted or sustained.

Summons means a document, including a notice of violation, issued by the Department to a respondent, that specifies the charges forming the basis of an adjudicatory proceeding at OATH.

§ 2. Chapter 23 of Title 24 of the Rules of the City of New York is amended by adding sections 23-09 and 23-10 to read as follows:

§ 23-09 Submitting proof of correction for eligible first-time violations.

- (a) Submission of proof of correction must be in writing in a form approved or provided by the Department.
- (b) The proof must be submitted to the Department electronically or in person within seven (7) calendar days of the date the violation was issued as recorded on the summons, except that the cure period of a first-time violation of Administrative Code § 17-504(f) is within thirty (30) days of the issuance of the notice of violation.
- (c) Such proof must be affirmed by the permittee or their authorized representative that it is complete and accurate to the best of such person’s knowledge.
- (d) Submission of any false statements in support of a proof of correction may be subject to penalties prescribed for violations of Health Code § 3.19 and other applicable law.
- (e) A permittee whose first-time violation is pending at OATH for adjudication is not eligible to submit a proof of correction for a subsequent identical violation.

§ 23-10 Acceptance of proof of correction for eligible first-time violations.

- (a) The Department must accept the proof of correction if it determines that the proof is adequately documented and submitted timely in accordance with §23-09 of this Chapter. Acceptance of proof of correction constitutes a cure and an admission of the violation for all purposes, except as provided in subdivision (b) of this section.
- (b) A first-time violation whose proof of correction has been accepted by the Department will not be subject to a civil penalty.

- (c) The determination of whether a violation is a first-time violation shall be based solely on the records of the Department.
- (d) The Department may require further documentation in addition to the proof of correction and may inspect the establishment or take any other action as it deems necessary before acceptance or rejection of such proof.
- (e) Nothing in this Chapter limits the authority of the Department to conduct other inspections or take any other action it deems necessary to enforce any provision of law within the jurisdiction of the Department.

§ 3. Appendix 23-A of Chapter 23 of Title 24 of the Rules of the City of New York is amended by amending rows 4F, 4P, 5C, 6A, 6C, and 6J to read as follows:

APPENDIX 23-A FOOD SERVICE ESTABLISHMENT & NON RETAIL FOOD SERVICE ESTABLISHMENTS INSPECTION WORKSHEET							
	Critical Violations	Conditions					Score
		I	II	III	IV	V	
4F*	Food[, food] preparation area, food storage area, or other area used by employees or patrons, contaminated by sewage or liquid waste.	-	-	-	10	28	
4P	[Food held, kept, prepared, processed, packaged or served with a prohibited substance] <u>Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served.</u>	-	-	-	10	28	
5C+	Food contact surface, <u>refillable, reusable containers</u> , or equipment improperly constructed placed or maintained. Unacceptable material used. Culinary sink or other acceptable method not provided for washing food	7	8	9	10	28	
6A	Personal cleanliness inadequate. Outer garment soiled with possible contaminant. [Food worker not properly dressed; sleeveless garment worn or bare midriff exposed.] Effective hair restraint not worn when required. Jewelry worn on hands or arms: fingernail polish worn; or fingernails not kept clean and trimmed.	5	6	7	8	-	
6C	Food, supplies, or equipment not protected from potential source of contamination during storage, preparation, transportation, display [or] service or from customer’s <u>refillable, reusable container.</u>	5	6	7	8	-	
6J	[Commissary or other approved facility maintains no or incomplete records of mobile food vending units serviced] <u>Refillable, reusable beverage container filled with TCS foods.</u>	5	6	7	[-] 8	28	

§ 4. Appendix 23-B of Chapter 23 of Title 24 of the Rules of the City of New York is amended by amending rows 4F, 4N, 4P, 5C, 6A, 6C, and 6J to read as follows:

APPENDIX 23-B: FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS - A GUIDE TO CONDITIONS						
	Violation	Condition I	Condition II	Condition III	Condition IV	Condition V
4F*	Food[, food] preparation area, food storage area, or any other area used by employees or patrons contaminated by sewage or liquid waste.				Food[, or food] preparation or food storage area, or any area used by employees or patrons, contaminated by sewage or liquid waste.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4N	Filth flies or food/refuse/sewage associated (FRSA) flies or other nuisance pests in facility's food and/or non-food areas. FRSA flies include house flies, blow flies, bottle flies, flesh flies, drain flies, Phorid flies and fruit flies.	1 - 5 filth flies or FRSA flies in the food preparation or food storage area during November 1 through March 1. Example: two flies in dry non-food area in January.	6 - 10 filth flies or FRSA flies in one area; or 2 - 5 filth flies in two areas. Example: 7 live flies in food preparation area; or 2 flies in the dry food storage area and 1 in basement.	11 - 15 filth flies or FRSA flies in one area; 6 - 10 in two areas; or 2 - 5 flies in three areas. Example: 12 live flies in food preparation area; 4 flies in the dry food storage area and 5 flies in basement; or 1 fly observed in walk-in refrigerator food preparation area and dry storage area.	16 - [20] 30 filth flies or FRSA flies in one area; 11 - 15 in two areas; 6 - 10 filth flies in three areas; or 1 - 5 in four areas. Example: 17 filth flies in food preparation area; 10 filth flies in dry food storage area and 5 filth flies in basement; or 2 filth flies observed in walk-in refrigerator, food preparation area, garbage area and dry storage area.	More than 30 filth flies, FRSA flies and/or other conditions exist conducive to infestation of filth flies. Example: 40 flies in the basement garbage area; and other conditions exist conducive to filth fly infestation, i.e. openings to the outer air, water, food, decaying matter, and/or sewage. Inspector must call office to discuss closing or other enforcement measures.
4P	[Food held, kept, prepared, processed, packaged or served with a prohibited substance] <u>Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served.</u>				Any food held, kept, offered, prepared, processed, packaged or served with any prohibited substance.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures
5C+	Food contact surface, <u>refillable, reusable containers</u> , or equipment improperly constructed placed or maintained. Unacceptable material used. Culinary sink or other acceptable method not provided for washing food	One food contact surface or piece of equipment improperly constructed, located and/or unacceptable material used. Example: painted shelves in a walk-in unit.	Two food contact surfaces or pieces of equipment improperly constructed, located and/or unacceptable material used. Example: painted shelves in a walk-in unit and [cutting board made from untreated wood] <u>customer's refillable, reusable container made from polystyrene.</u>	Three food contact surfaces or pieces of equipment improperly constructed, located, and/or unacceptable material used. Example: painted shelves of a walk-in unit, <u>customer's refillable, reusable container made from polystyrene</u> , cutting board made from untreated wood and acidic foods placed in pewter bowl.	Four or more food contact surfaces or pieces of equipment improperly constructed, located, and/or unacceptable material used. Example: painted shelves of a walk-in unit, cutting board made from untreated wood, acidic foods placed in pewter bowl and solder and flux used to repair food contact equipment or no culinary sink or other acceptable method provided for washing food.	Failure to correct on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.
6A	Personal cleanliness inadequate. Outer garment soiled with possible contaminant. [Food worker not properly dressed; sleeveless garment worn or bare midriff exposed.] Effective hair restraint not worn where required. Jewelry worn on hands or arms; fingernail polish worn or fingernails not kept clean and trimmed	One food worker without clean outer garment or hair restraint or wearing prohibited jewelry or fingernail polish, or fingernails not kept clean and trimmed.	Two food workers without clean outer garments and/or hair restraints or wearing prohibited jewelry or fingernail polish or fingernails not kept clean and trimmed.	Three food workers without clean outer garments and/or hair restraints or wearing prohibited jewelry or fingernail polish or with fingernails not kept clean and trimmed.	Four or more food workers without clean outer garments and/or hair restraints, or wearing prohibited jewelry or fingernail polish or fingernails not kept clean and trimmed.	

6C	Food, supplies or equipment not protected from potential source of contamination during storage, preparation, transportation, display or service or from customer's refillable, reusable container.	One food item or kind of supply not protected during storage, preparation, transportation, display or service or from customer's refillable, reusable container. Example: one tray of uncovered assorted pastries or supply of clean table linen in customer self-service area or customer's refillable, reusable container directly touches the cappuccino milk frother.	Two food items or supplies not protected during storage, preparation, transportation, display or service or from customer's refillable, reusable container. Example: one tray of uncovered pastries or supply of clean table linen in customer self-service area and one cooked steak on prep table under fly strip	Three food items or supplies not protected during storage, preparation, transportation, display or service or from customer's refillable, reusable container. Example: one tray of uncovered pastries or supply of clean table linen in customer self-service area; one cooked steak on prep table under fly strip and self-service buffet without sneeze guard.	Four or more food items or supplies not protected during storage, preparation, transportation, display or service or from customer's refillable, reusable container. Example: one tray of uncovered pastries or supply of clean table linen in customer self-service area; one cooked steak on prep table under fly strip, customer's refillable, reusable container directly touches the cappuccino milk frother, buffet without sneeze guard and uncovered bucket of marinating chicken on floor of walk-in refrigerator.	
6J	[Commissary or other approved facility maintains no or incomplete records of mobile food vending units serviced] Refillable, reusable beverage container filled with TCS foods.	One food worker filled a customer's reusable beverage container with mixed fruit milk smoothie.	Two food workers filled a customer's reusable beverage container with fruit milk smoothie, or one food worker filled two customer's containers with mixed fruit milk smoothie.	Three food workers filled a customer's reusable beverage container with fruit milk smoothie, or one food worker filled three customer's containers with mixed fruit milk smoothie.	Four or more food workers filled a customer's reusable beverage container with fruit milk smoothie, or one food worker filled three customer's containers with mixed fruit milk smoothie.	[No or incomplete records kept. Inspector must call office to discuss corrective action.]

§ 5. Appendix 23-C of Chapter 23 of Title 24 of the Rules of the City of New York are amended to read as follows:

Appendix 23-C: Food Service Establishment and Non-Retail Food Processing Establishment Penalty Schedule									
SCORED VIOLATIONS									
VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST-TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
02A	NYCHC 81.09(c)	Public Health Hazard	Time and temperature control for safety ("TCS") hot food not heated to 140°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(1)	Public Health Hazard	Poultry, poultry stuffing, parts and ground, comminuted poultry not heated to 165°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(2)	Public Health Hazard	Pork/food containing pork not heated to 150°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(3)	Public Health Hazard	Rare roast beef/steak not heated to minimum time/temperature					\$400	\$600

02A	NYCHC 81.09(c)(4)	Public Health Hazard	Ground, comminuted meat, foods containing ground, comminuted meat not heated to 158°F					\$400	\$600
02A	NYCHC 81.09(c)(5)	Public Health Hazard	Stuffed meats, fish, ratites and tenderized meats not heated to 165°F for 15 seconds; injected, mechanically tenderized meats not heated to 155°F					\$400	\$600
02A	NYCHC 81.09(c)(6)	Public Health Hazard	Shell eggs/food containing shell eggs not heated 145°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(7)	Public Health Hazard	Raw animal food cooked in microwave not heated to 165°F, not covered, rotated or stirred, not held for 2 minutes					\$400	\$600
02B	NYCHC 81.09(a)	Public Health Hazard	Hot TCS food not held at 140°F or above		\$250	\$300	\$350	\$400	[\$600] <u>\$500</u>
02C	NYCHC 81.09(d)	[CRITICAL] <u>Critical</u>	Previously cooked and cooled TCS food not reheated to 165°F for 15 seconds within 2 hours		\$200	\$200	\$250	\$300	
02D	NYCHC 81.09(d)(2)	[CRITICAL] <u>Critical</u>	Commercially processed TCS food not heated to 140°F within 2 hours		\$200	\$200	\$250	\$300	
02E	NYCHC 81.09(f)(5)	[CRITICAL] <u>Critical</u>	Whole frozen poultry or poultry breast, other than a single portion, cooked frozen or partially thawed		\$200	\$200			
02F	NYCHC 81.11	[CRITICAL] <u>Critical</u>	Meat, fish, or shellfish offered, served raw or partially cooked with no written consumer advisory		\$200				
02G	NYCHC 81.09(a)	Public Health Hazard	Cold TCS food not held at 41°F or below		\$250	\$300	\$350	\$400	[\$600] <u>\$500</u>
02G	NYCHC 81.09(a)(3)	Public Health Hazard	Processed or smoked fish not held at or below 38°F		\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.09(a)(2)	Public Health Hazard	Eggs not held at ambient temperature of 45°F or below		\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.12(d)(2)	Public Health Hazard	Reduced oxygen packaged raw TCS foods not held at proper temperatures		\$250	\$300	\$350	\$400	\$600

02G	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged TCS foods not held at proper temperatures		\$250	\$300	\$350	\$400	\$600
02H	NYCHC 81.09(e)	Public Health Hazard	TCS food not cooled by approved method		\$250	\$300	\$350	\$400	[\$600] \$500
02I	NYCHC 81.09(e)(2)	[CRITICAL] Critical	TCS food not cooled to 41°F when prepared from ambient temperature ingredients within 4 hours		\$200	\$200	\$250	\$300	
02J	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged TCS foods not properly cooled		\$250	\$300	\$350	\$400	\$600
03A	NYCHC 81.04	Public Health Hazard	Food from unapproved or unknown source, or home cooked					\$400	\$600
03A	NYCHC 81.12(c)	Public Health Hazard	Reduced oxygen packaged foods not from an approved source					\$400	\$600
03A	NYCHC 81.12(e)	Public Health Hazard	Reduced oxygen packaged fish not frozen before processing					\$400	\$600
03A	NYCHC 81.04(b)	Public Health Hazard	Meat not from an approved source					\$400	\$600
03A	NYCHC 81.04(d)	Public Health Hazard	Exotic and game animals' meat not from an approved source					\$400	\$600
03A	NYCHC 81.07(m)	Public Health Hazard	Animal slaughter in establishment					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish not from an approved source					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish improperly tagged or labeled					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish required tags not retained at least 90 days					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish records not on premises					\$400	\$600
03C	NYCHC 81.07(c)	Public Health Hazard	Whole eggs cracked, not clean; other eggs unpasteurized		\$250	\$300	\$350	\$400	\$600
03D	NYCHC 81.07(b)	Public Health Hazard	Food packages, hermetically sealed containers, or [canned] packaged food swollen, leaking and/or rusted; not labeled; not segregated from packaged foods [intact cans]		[\$250] \$200	[\$300] \$200	[\$350] \$200	[\$400] \$200	[\$600] \$200
03E	NYCHC 81.20(a)	Public Health Hazard	Potable water not provided; inadequate***	\$0				[\$400] \$100	[\$600] \$100

03E	NYCHC 141.13	Public Health Hazard	Bottled water not from an approved source; not state certified					\$250	\$250
03E	NYCHC 81.20(a)	Public Health Hazard	Cross-connection observed between potable and non-potable water***	\$0				[\$400] \$100	[\$600] \$100
03E	NYCHC 81.20(c)	Public Health Hazard	Carbon dioxide gas lines unacceptable, improper materials used					\$400	\$600
03F	NYCHC 81.07(k)	Public Health Hazard	Unpasteurized milk and milk products (except aged cheese) served					\$400	\$600
03G	NYCHC 81.07(a)(4)	[CRITICAL] Critical	Raw fruits and vegetables not washed prior to cutting, serving		\$200	\$200	\$250	\$300	
03I	NYCHC 81.04(e)	Public Health Hazard	Juice packaged on premises with no or incomplete label, no warning statement					\$400	\$600
04A	NYCHC 81.15(a)	[CRITICAL] Critical	Food Protection Certificate not held by supervisor or manager of food operations						[\$600] \$400
04B	NYCHC [81.13(a)] 81.13(l)	Public Health Hazard	Food worker spitting in establishment					\$400	\$600
04B	NYCHC 81.13(a)	Public Health Hazard	Food worker with illness, communicable disease and/or injury preparing food					\$400	\$600
04C	NYCHC 81.07(j)	Public Health Hazard	Bare hand contact with ready-to-eat food		\$250	\$300	\$350	\$400	\$600
04D	NYCHC 81.13(d)	Public Health Hazard	Food worker failed to wash hands after contamination; or change gloves when required					\$400	\$600
04E	NYCHC 81.23(d)(3)	Public Health Hazard	Pesticides not properly labeled, stored or used such that food contamination may occur		\$250	\$300	\$350	\$400	\$600
04E	NYCHC 81.17(g)	Public Health Hazard	Toxic chemicals not properly labeled, stored or used such that food contamination may occur		\$250	\$300	\$350	\$400	\$600
04F	NYCHC 81.20(b)	Public Health Hazard	Food preparation, food storage, or other area contaminated by sewage or liquid waste***	\$0				[\$400] \$100	[\$600] \$100

04G	NYCHC 81.07(l)	Public Health Hazard	Unprotected TCS food re-served					\$400	\$600
04H	NYCHC 81.07(a)(2)	Public Health Hazard	Food not protected from cross-contamination		\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food in contact with toxic material		\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food not protected from adulteration or contamination		\$250	\$300	\$350	\$400	\$600 [\$500]
04H	NYCHC 81.06(b)(3)	Public Health Hazard	Food not discarded in accordance with HACCP plan		\$250	\$300	\$350	\$400	\$600
04I	NYCHC 81.07(l)	Public Health Hazard	Unprotected non-TCS food re-served		\$200	\$200	\$250	\$300	
04J	NYCHC 81.09(g)	[CRITICAL] Critical	Thermometer not provided, calibrated properly, or accessible for use		\$200				
04J	NYCHC 81.12(g)(1)	[CRITICAL] Critical	Thermocouple not provided for ROP TCS foods		\$200				
04K	NYCHC 81.23(a)	[CRITICAL] Critical	Rats or evidence of rats		\$200	\$200	\$250	\$300	\$350
04L	NYCHC 81.23(a)	[CRITICAL] Critical	Mice or evidence of mice		\$200	\$200	\$250	\$300	\$350
04M	NYCHC 81.23(a)	[CRITICAL] Critical	Live roaches		\$200	\$200	\$250	\$300	\$350
04N	NYCHC 81.23(a)	[CRITICAL] Critical	Filth or FRSA flies, other nuisance pests		\$200	\$200	\$250	\$300	\$350
04O	NYCHC 81.25	[CRITICAL] Critical	Live animal other than fish in tank or service animal		\$200	\$200	\$250	\$300	\$350
04P	SSC 14-1.89(a)	Public Health Hazard	Non-food grade liquid nitrogen, dry ice added to food		Condition levels are not applicable. Penalty is \$250 for first violation and \$500 for each subsequent violation				
04P	SSC 14-1.89(d)	Public Health Hazard	Dry ice "smoke" or liquid nitrogen "fog" effect remains at time of service						
04P	NYCHC 71.05	Public Health Hazard	[Food held, kept, prepared, processed, packaged or served with prohibited substance] <u>Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served</u>					\$400	\$600
05A	NYCHC 81.20(b)	Public Health Hazard	Sewage disposal system not provided, inadequate or unapproved***	\$0				[\$400] \$100	[\$600] \$100

05B	NYCHC 81.19(c)	Public Health Hazard	Harmful noxious gas or vapor detected; CO levels at or exceeding 9 ppm					\$400	\$600
05C	NYCHC 81.17(d)	[CRITICAL] Critical	Food contact surface, equipment improperly constructed, located and/or made of unacceptable materials		\$200	\$200	\$250	\$300	\$350
05C	NYCHC 81.46(c)	Critical	Refillable, returnable containers constructed with improper materials.		\$200	\$200	\$250	\$300	\$350
05C	NYCHC 81.07(a)(1)	[CRITICAL] Critical	Culinary sink or alternative method not provided for washing food		\$200	\$200	\$250	\$300	\$350
05D	NYCHC 81.21(a)	[CRITICAL] Critical	Hand wash facilities not provided or not located where required					\$300	\$350
05D	NYCHC 81.21(a)(1)	[CRITICAL] Critical	Hand wash facilities not provided within 25 feet of food preparation, food service area or ware washing area					\$300	\$350
05D	NYCHC 81.21(a)	[CRITICAL] Critical	Hand wash facility not provided with potable running water, or properly equipped					\$300	\$350
05D	NYCHC 81.21(b)	[CRITICAL] Critical	Hand wash facility without soap, drying device					\$300	\$350
05E	NYCHC 81.22(a)	[CRITICAL] Critical	Toilet facilities not provided for employees					\$300	\$350
05E	NYCHC 81.22(b)	[CRITICAL] Critical	Toilet facilities not provided for patrons					\$300	\$350
05E	NYCHC 81.22(d)	[CRITICAL] Critical	Shared patron/employee toilet accessed through kitchen, food prep or storage or utensil washing area					\$300	\$350
05F	NYCHC 81.18	[CRITICAL] Critical	Hot or cold holding equipment not provided or inadequate					\$300	\$350
05F	NYCHC 81.18 (a)(6)	[CRITICAL] Critical	Outdoor refrigerator not locked, secure					\$300	\$350
05G	NYCHC 89.27(c)	[CRITICAL] Critical	Enclosed service area not provided, equipped in mobile food vending commissary					\$300	\$350

05G	NYCHC 89.27(d)	[CRITICAL] <u>Critical</u>	Mobile food vending units cleaned or serviced on street or sidewalk outside commissary					\$300	\$350
05H	NYCHC 81.29	[CRITICAL] <u>Critical</u>	Manual or mechanical tableware, utensil and/or ware washing facilities not provided					\$300	\$350
05H	NYCHC 81.46	[CRITICAL] <u>Critical</u>	No approved [SOP] <u>standard operating procedure</u> for refillable consumer containers					\$300	\$350
05I	NYCHC 81.12(d)(5)	[CRITICAL] <u>Critical</u>	Refrigeration unit used for ROP foods not equipped with an electronic system					\$300	\$350
06A	NYCHC 81.13	[CRITICAL] <u>Critical</u>	Food worker does not maintain personal cleanliness		\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(e)	[CRITICAL] <u>Critical</u>	Fingernails not clean, trimmed, or with nail polish		\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(c)	[CRITICAL] <u>Critical</u>	Clean outer garment not worn		\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(b)	[CRITICAL] <u>Critical</u>	Effective hair restraint not worn*****	\$0	[\$200] \$100	[\$200] \$100	[\$250] \$125	[\$300] \$150	
06A	NYCHC 81.13(f)	[CRITICAL] <u>Critical</u>	Jewelry worn on arm(s) or hand(s)		\$200	\$200	\$250	\$300	
06B	NYCHC 81.13(h)	[CRITICAL] <u>Critical</u>	Eating, drinking in food preparation or other areas*****	\$0	[\$200] \$100	[\$200] \$100	[\$250] \$125	[\$300] \$150	
06B	NYCHC 81.13(g)	[CRITICAL] <u>Critical</u>	Smoking tobacco, using electronic cigarette or other substance in establishment		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(a)	[CRITICAL] <u>Critical</u>	Food not protected from contamination		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(q)	[CRITICAL] <u>Critical</u>	Unnecessary traffic through food prep area		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(d)	[CRITICAL] <u>Critical</u>	Food not properly protected when stored		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(e)	[CRITICAL] <u>Critical</u>	Food not properly protected when displayed		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(f)	[CRITICAL] <u>Critical</u>	Condiments for self service not properly dispensed		\$200	\$200	\$250	\$300	

06C	NYCHC 81.07(i)	[CRITICAL] Critical	Supplies and equipment under or near source of contamination		\$200	\$200	\$250	\$300	
06C	NYCHC 81.46(a)	Critical	Beverage dispensing equipment not protecting from potential contamination from customer's reusable, refillable container		\$200	\$200	\$250	\$300	
06D	NYCHC 81.27(b)	[CRITICAL] Critical	Food contact surface not washed, rinsed and sanitized when required		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	[CRITICAL] Critical	In-use food dispensing utensil not properly stored		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(g)	[CRITICAL] Critical	Ice not properly dispensed		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	[CRITICAL] Critical	Food dispensing utensil not provided		\$200	\$200	\$250	\$300	
06F	NYCHC 81.27(c)	[CRITICAL] Critical	Wiping cloth improperly stored and/or sanitized****	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100		
06F	SSC 14-1.112(c)	[CRITICAL] Critical	No test kit for measuring sanitizing solution concentration		\$200	\$200			
[06J]	[NYCHC 89.27(b)]	[CRITICAL]	[Mobile food vending unit records incomplete or not maintained by commissary]						[\$350]
06J	NYCHC 81.46(a)	Critical	Refillable, reusable beverage container filled with TCS foods.		\$200	\$200	\$250	\$300	
07A	NYCHC 3.15(a)	[CRITICAL] Critical	Obstruction of Department personnel						\$1,000
08A	NYCHC 81.23(a)	[GENERAL] General	Harborage or conditions conducive to pests with pests, signs of pests				\$200	\$200	
08A	NYCHC 81.23(b)(3)	[GENERAL] General	Door openings into the establishment from the outside not properly equipped when pests or signs of pests present				\$200	\$200	
08B	NYCHC 81.24(a)	[GENERAL] General	Garbage cans not pest or water resistant; not covered with tight-fitted lids****	\$0	\$200 \$100				
08B	NYCHC 81.24(c)	[GENERAL] General	Garbage receptacles and covers not cleaned after emptying and prior to reuse***	\$0	[\$200] \$100	[\$200]	[\$200]	[\$200]	

08C	NYCHC 81.23(d)	[GENERAL] General	Pesticides not properly labeled, not authorized for use, or used		\$200	\$200	\$200	\$200	\$200
08C	NYCHC 81.23(d)(4)	[GENERAL] General	Open bait station used		\$200	\$200	\$200	\$200	\$200
08C	NYCHC 81.17(g)	[GENERAL] General	Toxic materials not properly stored		\$200	\$200	\$200	\$200	\$200
09A	NYCHC 81.07(b)	[GENERAL] General	Dented food cans not segregated from intact packages*****	\$0	[\$200] \$50	[\$200] \$50	[\$200] \$50	[\$200] \$50	
09B	NYCHC 81.09(f)	[GENERAL] General	Thawing procedures improper		\$200	\$200	\$200	\$200	
09C	NYCHC 81.17(d)(1)	[GENERAL] General	Food contact surface improperly constructed and maintained; not easily cleanable***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
09C	NYCHC 81.07(m)	[GENERAL] General	Tank holding edible live fish, other aquatic animals not clean, free of debris, algae		\$200	\$200	\$200	\$200	
09D	NYCHC 81.17(a)(2)	[GENERAL] General	Food processed, prepared, packed, or stored in a private home or apartment, or food service establishment rooms used as sleeping or living quarters		\$200	\$200	\$200	\$200	
09E	NYCHC 81.21(c)	[GENERAL] General	Wash hands sign not posted		\$200				
10A	NYCHC 81.22(c)	[GENERAL] General	Toilet facility not properly maintained		\$200	\$200	\$200	\$200	
10A	NYCHC 81.22(c)	[GENERAL] General	Toilet facility not properly supplied		\$200	\$200	\$200	\$200	
10A	SSC 14-1.142(a)	[GENERAL] General	Toilet room not completely enclosed with self-closing door		\$200	\$200	\$200	\$200	
10B	NYCHC 81.20(a)	[GENERAL] General	Potable water not protected from back-flow, back-siphonage or cross-connection***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100
10B	NYCHC 81.20(b)	[GENERAL] General	Improper disposal of sewage or liquid waste***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100
10C	NYCHC 81.19(a)	[GENERAL] General	Lighting insufficient; inadequate***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
10D	NYCHC 81.19(c)	[GENERAL] General	Ventilation (mechanical or natural) not provided or inadequate		\$200	\$200	\$200	\$200	

10E	NYCHC 81.18(a)(3)	[GENERAL] General	Accurate thermometers not provided or not properly located in cold storage and/or refrigerator unit		\$200	\$200	\$200	\$200	
10E	NYCHC 81.18(b)(1)	[GENERAL] General	Accurate thermometers not provided or not properly located in hot storage or holding unit		\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)(1)	[GENERAL] General	Flooring: unacceptable material used, not maintained or not clean***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
10F	NYCHC 81.17(e)(2)	[GENERAL] General	Non-food contact surfaces (wall, ceiling): unacceptable materials used: not maintained or not clean***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
10F	NYCHC 81.17(e)(3)	[GENERAL] General	Non-food contact surface (equipment, fixtures, decorative material, fans, etc.) not clean or not in working order***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
10G	NYCHC 81.29(a)	[GENERAL] General	Hot water manual ware washing inadequate		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(a)	[GENERAL] General	Manual chemical sanitizing procedure inadequate		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(b)(1)	[GENERAL] General	High temperature mechanical ware washing inadequate		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(b)(2)	[GENERAL] General	Mechanical chemical sanitizing procedure inadequate		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(a)(3) (B)	[GENERAL] General	Test kit not accurate or used for manual dishwashing		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(b)(2)	[GENERAL] General	Test kit not accurate or used for mechanical dishwashing		\$200	\$200	\$200	\$200	
10H	NYCHC 81.07(o)	[GENERAL] General	Single service items improperly stored or reused		\$200	\$200	\$200	\$200	
10H	NYCHC 81.07(o)	[GENERAL] General	Drinking straws improperly dispensed		\$200	\$200	\$200	\$200	

APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON-RETAIL FOOD PROCESSING ESTABLISHMENT PENALTY SCHEDULE					
UNSCORED VIOLATIONS					
VIOLATION CODE	CITATION	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST-TIME VIOLATIONS	APPEARANCE PENALTY*	DEFAULT PENALTY
15-01	NYSPHL 1399-o	Smoking or electronic cigarette use allowed in prohibited area		\$1,000	\$2,000
15-05	Admin. Code 17-177(b)	Tobacco vending machine in public place other than tavern		\$300 (1st violation); \$500 (2nd violation) \$1,000 (3rd and subsequent violations)	Same as appearance penalties
15-06	Admin. Code 17-177(c)(1)	Tobacco vending machine less than 25 feet from tavern entry		\$300 (1st violation); \$500 (2nd violation); \$1,000 (3rd and subsequent violations)	Same as appearance penalties
15-07	Admin. Code 17-177(c)(1)	Tobacco vending machine not directly visible to premises owner		\$300 (1st violation); \$500 (2nd violation); \$1,000 (3rd and subsequent violations)	Same as appearance penalties
15-08	Admin. Code 17-177(d)	Tobacco vending machine sign not durable or lacks required information		\$300 (1st violation); \$500 (2nd violation); \$1,000 (3rd and subsequent violations)	Same as appearance penalties
15-09	Admin. Code 17-177(d)	Sign not posted on tobacco vending machine or not visible to the public		\$300 (1st violation); \$500 (2nd violation); \$1,000 (3rd and subsequent violations)	Same as appearance penalties
15-13	Admin. Code 17-176(b)	Tobacco products distributed at less than basic cost		\$500 (1st violation); \$1,000 (2nd and subsequent violations)	Same as appearance penalties
15-14	Admin. Code 17-176.1(b)	Selling discounted cigarettes		\$1,000 (1st violation); \$2,000 (2nd violation in 5 years); \$5,000 (3rd and subsequent violations in 5 years)	Same as appearance penalties
15-15	Admin. Code 17-176.1(c)	Selling discounted tobacco products		\$1,000 (1st violation); \$2,000 (2nd violation in 5 years); \$5,000 (3rd and subsequent violations in 5 years)	Same as appearance penalties
15-16	Admin. Code 17-176.1(d)	Selling cigarettes, other tobacco products, non-tobacco shisha below the price floor		\$1,000 (1st violation); \$2,000 (2nd violation in 5 years); \$5,000 (3rd and subsequent violation in 5 years)	Same as appearance penalties
15-17	NYSPHL 1399-cc(2)	Sale of tobacco products, herbal cigarettes, liquid nicotine, shisha, electronic cigarettes to underage individual		[\$1000] \$1,500 (1st violation); [\$1,500] \$2,500 (2nd and subsequent violations)	Same as appearance penalties
15-17	NYSPHL 1399-cc(2)	Failure to conspicuously post the required tobacco sign		[\$1000] \$1,500 (1st violation); [\$1,500] \$2,500 (2nd and subsequent violations)	Same as appearance penalties
15-17	NYSPHL 1399-cc(3)	Failure to obtain proper identification from purchaser		[\$1000] \$1,500 (1st violation); [\$1,500] \$2,500 (2nd and subsequent violations)	Same as appearance penalties
[15-17]	[NYSPHL 1399-cc(5)]	[Failure to obtain proper identification from purchaser]		[\$1,000 (1st violation); \$1,500 (2nd and subsequent violations)]	[Same as appearance penalties]
15-17	NYSPHL 1399-cc(5)	Improper use of electronic transaction information		\$1,000 (1st violation); [\$1,500] \$1,000 (2nd and subsequent violations)	Same as appearance penalties
15-17	NYSPHL 1399-cc(7)	Failure to store tobacco products, herbal cigarettes behind a counter accessible only to store personnel or in a locked container		[\$1000] \$1,500 (1st violation); [\$1,500] \$2,500 (2nd and subsequent violations)	Same as appearance penalties
15-17	NYSPHL 1399-dd	Unlawful sale of tobacco products, herbal cigarettes, or electronic cigarettes in vending machines		[\$1000] \$1,500 (1st violation); [\$1,500] \$2,500 (2nd and subsequent violations)	Same as appearance penalties
15-17	NYSPHL 1399-ee (2)	Sale of tobacco products with a suspended or revoked retail dealer registration		\$2,500	Same as appearance penalties

15-17	<u>NYSPL 1399-dd-1</u>	<u>Public display of tobacco product or electronic cigarette advertisements, or smoking paraphernalia, within 500 feet of a school</u>		500 (1st violation); \$1,000 (2nd and subsequent violations)	<u>Same as appearance penalties</u>
15-17	NYSPL 1399-gg	Unlawful out-of-package sales or minimum package size violation		\$1,500 (1st violation); \$2,500 (2nd and subsequent violations)	Same as appearance penalties
15-17	NYSPL 1399-ll	Unlawful sale of bidis		\$500	Same as appearance penalties
15-17	NYSPL 1399-mm	Unlawful sale of gutka		\$500	Same as appearance penalties
15-21	Admin. Code 17-715	Flavored tobacco products sold, offered for sale		\$1,000 (1st violation; \$2,000 (2nd violation in 36 months); \$5,000 (3rd and subsequent violations in 36 months)	Same as appearance penalties
15-22	24 RCNY 28-06	No original labels of tobacco and non-tobacco smoking products currently sold, offered for sale		\$1,000	Same as appearance penalty
15-26	24 RCNY 10-11(b)	"No smoking" sign not posted at hotel entrance or elevators where ashtrays are placed		\$500	\$1,000
15-27	24 RCNY 10-12(a)	Required signage not conspicuously posted.		\$1,000	Same as appearance penalty
15-28	24 RCNY 10-12(c)	Non-compliant signage		\$500	\$1,000
15-29	24RCNY 10-12(c)(iv)(D)	Smoking or electronic cigarette use signage lacks required warning		\$1,000	Same as appearance penalty
15-30	24 RCNY10-20(a)	Hookah equipment in Non-tobacco Hookah Establishment (NTHE) not cleaned, sanitized		\$1,000	Same as appearance penalty
15-31	24 RCNY 10-20(b)	New individually wrapped mouthpiece not provided to each NTHE hookah patron		\$1,000	Same as appearance penalty
15-32	24 RCNY 10-21(d)	Warning sign re dangers of hookah smoking not posted at street entrance to NTHE		\$1,000	Same as appearance penalty
15-33	24 RCNY 10-21(e)	Warning sign re: dangers of hookah smoking not posted in each room or area of NTHE where smoking is allowed		\$1,000	Same as appearance penalty
15-34	24 RCNY 13-04(a)	Retail dealer tobacco, non-tobacco age restriction signage not conspicuously posted		\$500	[\$1,000] <u>Same as appearance penalty</u>
[15-35] 15-34	24 RCNY 13-04(a)	Retail dealer tobacco, non-tobacco age restriction signage non-compliant		\$500	[\$1,000] <u>Same as appearance penalty</u>
15-35	24 RCNY 13-04(b)	Retail dealer cigarette tax stamp sign not posted conspicuously		[\$1,000] \$500	Same as appearance penalty
[15-35]	[24 RCNY 13-04(b)]	[Retail dealer cigarette tax stamp signage non-compliant]		[\$1,000]	[Same as appearance penalty]
15-36	24 RCNY 10-21(g)	Sign prohibiting entry of persons under 21 not posted at public entrance(s) to NTHE		\$1,000	Same as appearance penalty
15-37	Admin. Code 17-504(f)	Workplace SFAA policy not prominently posted in workplace****	\$0	[\$400 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)] \$50 (1st violation); \$100 (2nd violation) \$150 (3rd and subsequent violations in 12 months)	Same as appearance penalty

15-38	Admin. Code 17-506(b)	Screen shot prohibiting smoking, electronic cigarette use not shown in motion picture theatre		\$400 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalty
15-39	Admin. Code 17-506(d)	Ashtray in smoke-free area		\$400 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalty
15-40	Admin. Code 17-506.1(b) (1)	Initial multiple dwelling smoking policy not distributed to tenants or posted by owner		\$100	Same as appearance penalty
15-41	Admin. Code 17-506.1(b) (7)	Multiple dwelling smoking policy not distributed to tenants or posted annually by owner		\$100	Same as appearance penalty
15-42	Admin. Code 17-508(b)	Failure to make a good faith effort to inform smokers or electronic cigarette users of Smoke-Free Air Act prohibitions		\$400 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalty
[15-47]	[24 RCNY 13-06(a)]	["Minimum age" sign not posted; required information missing from sign]		[\$500]	[1,000]
15-48	Admin. Code 17-703.1	Cigarette tax stamp sign not posted		**\$500	[1,000] <u>Same as appearance penalties</u>
15-49	Admin. Code 17-703.2	Sale of cigarette package without tax stamp		**\$2,000 1st violation; \$5,000 (2nd and subsequent violations in 3 years)	Same as appearance penalties
15-50	Admin. Code 17-704	Cigarettes, tobacco products sold in packages without health warning or not in minimum quantities		\$1,000 (1st violation), [\$5,000] \$2,000 (2nd and subsequent violations in 3 years)	Same as appearance penalties
15-51	Admin. Code 17-704(a)	Out of package sale of tobacco product(s)		**\$1,000 (1st violation), [\$5,000] \$2,000 (2nd and subsequent violations in 3 years)	Same as appearance penalties
[15-52]	[Admin. Code 17-704(b)]	[Cigars priced at or below \$3.00 each sold in packages containing less than four cigars]		[\$1,000 (1st violation), \$2,000 (2nd and subsequent violations in 3 years)]	[Same as appearance penalties]
<u>15-52</u>	<u>Admin. Code 17-176.1(f)</u>	<u>Cigars sold or offered for sale for less than the cigar price floor</u>		<u>\$1,000 (1st violation), \$2,000 (2nd and subsequent violations in 3 years)</u>	<u>Same as appearance penalties</u>
15-53	Admin. Code 17-704.1	Unlawful delivery of cigarettes, tobacco products or electronic cigarettes		**\$1,000 (1st violation), \$2,000 (2nd and subsequent violations in 3 years)	Same as appearance penalties
15-54	Admin. Code 17-705	Employee under 18 years of age selling tobacco products without direct supervision of an adult retailer		**\$1,000(1st violation); \$2,000 (2nd and subsequent violations in 36 months)	Same as appearance penalties
15-55	Admin. Code 17-706(a)	Sale of cigarettes, tobacco products, liquid nicotine to persons under 21 years of age		**\$1000 (1st); \$2,000 (2nd or subsequent in 36 months)	Same as appearance penalties
15-55	Admin. Code 17-706(a)	Sale of cigarettes, tobacco products, liquid nicotine, electronic cigarettes, or non-tobacco smoking products to persons under 21 years of age		**\$1,000(1st violation); \$2,000 (2nd and subsequent violations in 36 months)	Same as appearance penalties
15-55	Admin. Code 17-706(a-1)	Sale of electronic cigarettes to persons under 21 years of age		\$1000 (1st violation); \$2,000 (2nd and subsequent in 36 months)	Same as appearance penalties
15-55	Admin. Code 17-706[(a)]	Sale of non-tobacco smoking products to persons under 21 years of age		**\$1,000 (1st violation); \$2,000 (2nd and subsequent violations in 36 months)	Same as appearance penalties
15-56	Admin. Code 17-719(a)	Person under 21 years of age allowed entry to non-tobacco hookah establishment		\$200 (1st violation); \$500 (2nd and subsequent violations)	Same as appearance penalties

16-01	NYCHC 81.08(a)	Cooking oil, shortening or margarine contains 0.5 grams or more of artificial trans fat		\$200	\$400
16-02	NYCHC 81.08(c)	Nutritional fact labels and/or ingredient label is not maintained on site***	\$0	[\$200] \$100	[\$400] \$200
16-03	NYCHC 81.50(c)	Calorie information is not posted on menu and menu board		\$200	\$400
16-03	NYCHC 81.50(c)	Total number of calories or total number of discrete calories not posted		\$200	\$400
16-03	NYCHC 81.50(c)	Calorie information not posted for standard menu items offered in different varieties		\$200	\$400
16-03	NYCHC 81.50(c)	Calorie information not posted for combination meals		\$200	\$400
16-03	NYCHC 81.50(c)	Calorie information not posted for toppings		\$200	\$400
16-03	NYCHC 81.50(c)	Calorie information font, appearance, term used improper		\$200	\$400
16-03	NYCHC 81.50(c)	Calorie information improperly posted for standard menu items offered in three or more combinations		\$200	\$400
16-03	NYCHC 81.50(c)	Calorie information for standard menu item offered in two different combinations not posted with a slash between both calorie counts		\$200	\$400
16-03	NYCHC 81.50(c)	Calorie information for standard menu items that come in two different varieties not posted with a slash between both calorie counts		\$200	\$400
16-03	NYCHC 81.50(c)	Calorie information improperly posted for standard menu items offered in three or more different varieties		\$200	\$400
16-04	NYCHC 81.50(d)	Required succinct nutritional statements not posted on menu(s) for adults and children		\$200	\$400
16-06	NYCHC 81.50(e)	Additional nutritional information statement not posted		\$200	\$400
16-06	NYCHC 81.50(e)	Written nutritional information not provided in a manner required by federal law		\$200	\$400
16-08	NYCHC 81.49(b)(1)	No sodium warning icon where required		\$200	\$400
16-09	NYCHC 81.49(b)(1)	Sodium warning icon non-compliant with design specifications		\$200	\$400
16-10	NYCHC 81.49(b)(2)	No sodium warning statement at point of purchase		\$200	\$400
16-11	Admin. Code 17-199.11(b)	Prohibited drink listed on children's meal menu***	\$0	[\$200] \$100	Same as appearance penalty
17-01	24 RCNY 32-03	"Dogs allowed" sign not posted at or near entrance		[\$250] \$200	[\$500] \$200

[17-02]	[24 RCNY 32-03]	["Dogs allowed" sign incomplete]		[\$250]	[\$500]
17-03	24 RCNY 32-04(c)	Effective barrier not provided		\$250	\$500
18-01	NYCHC 81.05(a)	No current valid permit, registration, other authorization to operate establishment		\$1,000	\$2,000
18-02	NYCHC 88.05(c)	No current valid permit to operate temporary food service establishment		\$1,000	\$2,000
18-08	NYCHC 5.15	Permit not conspicuously displayed		\$200	\$400
18-10	NYCHC 88.05(a)	Failure of temporary event sponsor to exclude vendor without current valid permit		\$500	\$1,000
18-11	NYCHC 81.15(b)	Food protection certificate not available for inspection		\$200	\$400
18-12	NYCHC 3.19	Department document unlawfully reproduced or altered		\$1,000	\$2,000
18-12	NYCHC 3.19	Submitting false, misleading statements, documents; documents unlawfully reproduced or altered		\$1,000	\$2,000
18-13	NYCHC 3.05(a)	Failure to comply with an Order of the Board of Health, Commissioner or Department		\$1,000	\$2,000
18-14	NYCHC 3.17	Notice, Order or other posted material of the Department mutilated, obstructed, or removed		\$1,000	\$2,000
18-15	NYCHC 81.43(a)	Foodborne illness; failure to notify department		\$200	\$400
18-25	NYCHC 81.05(h)	Operator of shared kitchen allows unpermitted user		\$500	\$1,000
18-25	NYCHC 88.05(b)	Temporary event sponsor failed to provide list of all participating establishments at least 30 days before event		\$500	\$1,000
19-01	[16 RCNY 1-11(c)(1)] <u>16 RCNY 1-11(c)(2)</u>	[Organics containers not provided] <u>Organics mixed with non-organics materials</u>		\$250 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalties
19-02	16 RCNY 1-11(c)(1)	Organics containers not labeled		\$250 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalties
19-03	16 RCNY 1-11(d)(2)	Failure to post sign in organics collection areas		\$250 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalties
19-04	Admin. Code 16-329(c)	Possess, sell expanded polystyrene single service articles		[\$250 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)] <u>\$100 (1st violation); \$250 (2nd violation) \$500 (3rd and subsequent violations in 12 months)</u>	
19-05	Admin. Code § 16-401(b)	<u>Providing single-use plastic stirrers or single-use plastic splash sticks</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>	Same as appearance penalty
19-06	Admin. Code § 16- 401(c) (1)	<u>Providing single-use, non-compostable plastic straws to customers without customer request (including providing such straws at a self-serve station)</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>	Same as appearance penalty

19-07	<u>Admin. Code § 16- 401(c) (2)</u>	<u>Failure to maintain a sufficient supply of single-use, non-compostable plastic straws</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>	<u>Same as appearance penalty</u>
19-08	<u>Admin. Code § 16- 401(c) (2)</u>	<u>Failure to provide a single-use, non-compostable plastic straw upon request</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>	<u>Same as appearance penalty</u>
19-09	<u>Admin. Code § 16- 401(c) (2)</u>	<u>Charging a customer for a single-use, non-compostable plastic straw that the customer has requested or inquiring as to the reason a customer has requested such plastic straw</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>	<u>Same as appearance penalty</u>
19-10	<u>Admin. Code § 16- 401(c) (3)</u>	<u>Failure to display required signage about plastic straw availability</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>	<u>Same as appearance penalty</u>
19-11	<u>Admin. Code § 16-401(d)</u>	<u>Providing compostable plastic straws to be used outside of the food establishment's premises; failure to appropriately dispose of compostable plastic straws; failure to maintain required bins for disposal of compostable plastic straws</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>	<u>Same as appearance penalty</u>
20-01	[24 RCNY 27.03(c)] <u>24 RCNY 27-03(c)</u>	Allergy poster not posted or not in correct location		\$100	\$100
20-02	[24 RCNY 27.03(c)] <u>24 RCNY 27-03(c)</u>	Allergy poster not in language(s) understood by all food workers		\$100	\$100
20-03	24 RCNY 27-[.]03(b)	Allergy poster not approved by the Department		\$100	\$100
[20-04]	[Admin. Code 17-172(a)]	["Choking" poster not posted]		[\$200]	[\$200]
20-04	Admin. Code 17-173(2)(b)	Alcohol use during pregnancy sign not posted***	\$0	\$100	\$100
<u>20-04</u>	<u>24 RCNY 18-04</u>	<u>Resuscitation equipment required notice to patrons not posted</u>		<u>\$200</u>	<u>\$400</u>
20-04	24 RCNY 18-02	Resuscitation equipment not available		\$200	\$400
20-05	24 RCNY 23-07(f)	Current letter grade or "Grade Pending" card not conspicuously posted or visible to passersby		[\$1,000] <u>\$500</u>	[Same as appearance penalty] <u>\$1,000</u>
20-06	24 RCNY 23-07	Current letter grade or Grade Pending card not posted		[\$1,000] <u>\$500</u>	[Same as appearance penalty] <u>\$1,000</u>
20-06	24 RCNY 23-06(d)	Grade card not posted after reopening when FSE ordered closed by BFSCS		[\$1,000] <u>\$500</u>	[Same as appearance penalty] <u>\$1,000</u>
20-07	24 RCNY 23-07	Grade card removed, destroyed, modified, obscured or otherwise tampered with		\$1,000	[Same as appearance penalty] <u>\$2,000</u>
20-08	Admin. Code 17-1507(a)	Failure to post or conspicuously post healthy eating information***	\$0	[\$500] <u>\$100</u>	[Same as appearance penalty] <u>\$200</u>
26-04	NYCHC 89.27(b)	Required records incomplete or not maintained by commissary		\$200	\$400
28-01	NYCHC 3.07	Failure to take reasonable precautions to protect health and safety, e.g., by not securing CO2 or liquefied petroleum gas (LPG) containers		\$1,000	\$2,000

28-01	NYCHC 3.09	Failure to abate or remediate nuisance		\$1,000	\$2,000
28-01	NYCHC 131.07(c)(2)	Insufficient heat in commercial premises		\$300	\$600
28-02	NYCHC 81.07(p)	Microwave safe container not marked or used		\$200	\$400
28-03	NYCHC 81.19(b)	Light fixtures not shielded, shatterproofed, or otherwise protected from accidental breakage		\$200	400
28-04	NYCHC 81.12(g)	Equipment used for ROP not approved by the Department		\$200	\$400
28-05	NYCHC 71.05	Adulterated or misbranded food possessed, manufactured, produced, packed, sold, offered for sale, delivered or given away		\$500	\$1,000
28-06	NYCHC 81.23(b)(2)	Contract with pest management professional, record of pest exterminations, activities not kept on premises		[\$200] <u>\$100</u>	[\$400] <u>\$100</u>
28-07	NYCHC 81.31	Unauthorized FSE street, sidewalk cooking		\$350	\$700
28-09	NYCHC 88.15	No, or insufficient toilets, sinks provided by temporary event sponsor		\$500	\$1,000
28-10	NYCHC 88.19	No, insufficient refuse, trash containers; temporary event area not maintained by sponsor		\$500	\$1,000
[99-00]	[NYCHC miscellaneous]	[Other Health Code unscored violations]		[\$200]	[\$400]

*An appearance penalty is imposed if a respondent appears at a hearing. A respondent appears at a hearing if the respondent physically attends a hearing; attends a hearing remotely by telephone or via the internet; or pleads in violation in accepting a settlement offer.

**Repeat violation penalties for tobacco and non-tobacco smoking and sales. In accordance with Administrative Code section 17-710(a)(5), violations of sections 17-703, 17-703.2, 17-704(a), 17-704.1(a), 17-705 and 17-706(a) and (b) of the Administrative Code must be included in determining the number of sustained repeat violations committed by a tobacco product license holder and subsequent license holder at a place of business unless the subsequent license holder submits documentation of an arm's length transaction in acquiring the business. A violation is considered sustained if the respondent (i) pleads in violation or guilty; (ii) is found in violation or guilty by a decision of a hearing officer as a result of an appearance or if found in default; or (iii) enters into a settlement agreement.

*****First-time violation subject to cure.** First-time violation where a monetary penalty is waived because proof of correction has been accepted. See § 23-09 of this Chapter.

******First-time violation subject to cure with a 30-day cure period.** See, Administrative Code Section 17-504.

*******First-time violation subject to a \$0 penalty.**

The penalties listed in this Appendix for violations of 24 RCNY Health Code §§ 3.05(a), 3.07, 3.09, 3.15, 3.17 and 3.19 shall apply to any notice of violation or civil summons issued by the Department citing these provisions, regardless of whether the respondent is operating a food service establishment.

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

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

RULE TITLE: 2022 RG 037

REFERENCE NUMBER: Amendment of Provisions Relating to First Time Health Code Violations (Health Code Chapter 23)

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: November 23, 2022

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

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

RULE TITLE: Amendment of Provisions Relating to First Time Health Code Violations (Health Code Chapter 23)

REFERENCE NUMBER: DOHMH-127

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) The proposed rule reduces or waives monetary penalties for certain first-time violations.

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

November 23, 2022
Date

← d1

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Health and Mental Hygiene (DOHMH or Department) is proposing to amend Chapter 6 (Mobile Food Vending) of Title 24 of the Rules of the City of New York to reflect amendments to the New York City Administrative Code, made by Local Law 80 of 2021, concerning the reduction or waiving of monetary penalties for certain first-time violations. Certain other amendments, corrections, and formatting changes are also being made.

When and where is the hearing? The Department will hold a public hearing on the proposed rules. The public hearing will take place from 10:00 A.M. to 12:00 P.M., on **Tuesday, January 3, 2023**.

The hearing will be conducted by video conference accessible via internet or telephone.

- **Internet.** To participate in the public hearing, enter to register at this Webex URL: <https://nycdohmh.webex.com/nycdohmh/j.php?MTID=mb049c5375e1280c9b65f7b0b6c79d041>

If prompted to provide an event number or password, please enter the following:

Event number: **2345 076 2866**
Password: Health (**432584** from phones)

Phone: For access, dial: (408) 418-9388; (646) 992-2010 (New York City) then please enter the following: Access code: 234 507 62866, Password: 432584.

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

- **Website.** You can submit comments to the Department through the NYC rules website, at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail comments to DOHMH at:
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 30
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to DOHMH at (347) 396-6087.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing should sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or by emailing at resolutioncomments@health.nyc.gov before the hearing

begins at 10AM on January 3, 2023. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign-up in advance. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by January 3, 2023.

What if I need assistance to participate in the hearing? You must tell the Department's Office of General Counsel if you need a reasonable accommodation of a disability at the hearing, including whether you need a sign language interpreter. You can tell us by e-mail or by mail at the addresses given above. You may also tell us by telephone at 347-396-6078. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by December 20, 2022.

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

What authorizes the DOHMH to make this rule? Sections 556 and 1043 of the City Charter and Local Law 80 of 2021 authorize the Department to make these proposed rules. This proposed rule was included in the Department's FY2023 regulatory agenda.

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

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

Statement of Basis and Purpose

Local Law 80 of 2021, effective January 14, 2022, amends various provisions of Title 17 of the New York City Administrative Code, requiring the Department to reduce or waive monetary penalties for certain first-time violations of the New York City Health Code or Administrative Code provisions that address food service establishments, including mobile food vending units, mobile food vending commissaries, child care programs and pet shops.

The Department is now proposing to amend Chapter 6 of Title 24 of the Rules of the City of New York to implement Local Law 80 of 2021, as well as to make other changes, as indicated below.

Specific changes proposed

Revised § 6-02

This proposed rule would amend section 6-02 by defining the terms "cure" and "first-time violation."

New § 6-23 and § 6-24

The proposed rule would add section 6-23, which details the rules for submitting proof of having corrected a first-time violation. The proposed rule would also add section 6-24, which describes when the Department will accept the submitted proof of correction.

Revised Appendices 6-A and 6-B

The proposed rule would amend Appendices 6-A and 6-B by adding new violations concerning the adulteration of food to align with Appendices for Chapter 23 of Title 24 of the Rules of the City of New York and by correcting typographical errors.

Revised Appendices 6-C, 6-C-2 and 6-C-3

Appendices 6-C, 6-C-2 and 6-C-3 specify monetary penalties for mobile food vending violations that are adjudicated at the Office of Administrative Trials and Hearings ("OATH"), using a schedule similar to that of Chapter 23 Appendix C (Food Service Establishment and Non-Retail Food Service Establishment Penalty Schedule) in the Department's rules.

The proposed rule would amend Appendices 6-C, 6-C-2 and 6-C-3 by indicating which first-time violations are subject to either unconditional waiver of a monetary penalty or waiver of such penalty if proof of correction has been accepted. The proposed rule also includes reductions in penalties made in the Administrative Code where the violations are not subject to cure.

Additionally, the proposed rule lowers some penalties, amends the penalty table to correct typographical errors, and adds other violation descriptions and penalties. For example, the proposed rule would add penalties for violations of Administrative Code § 16-401, which prohibits food service establishments from offering plastic beverage straws, splash sticks, or stirrers to customers.

Statutory Authority

The authority for these proposed rules is found in New York City Charter § 556 and Local Law 80 of 2021.

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

Deleted material is in [brackets]; new text is underlined.

The proposal is as follows:

Section 1. Section 6-02 of Chapter 6 of Title 24 of the Rules of the City of New York is amended by adding the definitions of “cure” and “first-time violation” in alphabetical order to read as follows:

Cure means that the respondent has submitted proof of having corrected a first-time violation and the Department has accepted such proof.

First-time violation means a violation of law, listed in Appendix 6-C, 6-C-2, or 6-C-3 of this Chapter, committed by a respondent for the first time and cited on a summons that either is pending or has not been adjudicated by OATH as defaulted or sustained.

§ 2. Chapter 6 of Title 24 of the Rules of the City of New York is amended by adding new sections 6-23 and 6-24 to read as follows:

§6-23 Submitting proof of correction for eligible first-time violations.

- (a) Submission of proof of correction must be in writing in a form approved or provided by the Department.
- (b) The proof must be submitted to the Department electronically or in person within seven (7) calendar days of the date the violation was issued as recorded on the summons.
- (c) The proof must be affirmed by the permittee or their authorized representative that it is complete and accurate to the best of such person’s knowledge.
- (d) Submission of any false statements in support of a proof of correction may be subject to penalties prescribed for violations of Health Code § 3.19 and other applicable law.
- (e) A permittee whose first-time violation is pending at OATH for adjudication is not eligible to submit a proof of correction for a subsequent identical violation.

§6-24 Acceptance of proof of correction for eligible first-time violations.

- (a) The Department must accept proof of correction if it determines that the proof is adequately documented and submitted timely in accordance with § 7-10 of this Chapter. Acceptance of proof of correction constitutes a cure and an admission of the violation for all purposes, except as provided in subdivision (b) of this section.
- (b) A first-time violation whose proof of correction has been accepted by the Department will not be subject to a civil penalty.
- (c) The determination of whether a violation is a first-time violation shall be based solely on the records of the Department.
- (d) The Department may require further documentation in addition to the proof of correction and may inspect the establishment or take any other action as it deems necessary before acceptance or rejection of such proof.
- (e) Nothing in this Chapter limits the authority of the Department to conduct other inspections or take any other action it deems necessary to enforce any provision of law within the jurisdiction of the Department.

§ 3. Appendix 6-A of Chapter 6 of Title 24 of the Rules of the City of New York is amended by adding a new row 4P and amending rows 4F, 5C, 5H, 6C, and 6J to read as follows:

APPENDIX 6-A SELF-INSPECTION WORKSHEET FOR MOBILE FOOD VENDING UNITS (MFVU)						
Critical Violations	Conditions					Score
	I	II	III	IV	V	
4F* Food[, food] preparation area, food storage area, or other area used by food worker or food vendor contaminated by sewage or liquid waste.	-	-	-	10	28	
4P <u>Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served.</u>	-	-	-	<u>10</u>	<u>28</u>	
5C+ Food contact surface, <u>refillable, reusable containers</u> , or equipment improperly constructed placed or maintained. Unacceptable material used. Culinary sink or other acceptable method not provided for washing food. Potable water tank and plumbing improperly constructed or designed.	7	8	9	10	28	
5H+ No facilities available to wash, rinse, and sanitize utensils or equipment [and/or refillable returnable containers] <u>No approved written standard operating procedure for avoiding contamination by refillable returnable containers.</u>	-	-	-	10	28	
6C Food, supplies or equipment not protected from potential source of contamination during storage, preparation, transportation, display or service <u>or from customer’s refillable, reusable container.</u> Condiments not in single-service containers or dispensed directly by the vendor.	5	6	7	8	-	
6J [No approved written standard operating procedure for avoiding contamination by refillable returnable containers] <u>Refillable, reusable beverage container filled with TCS foods.</u>	<u>[-] 5</u>	<u>[-] 6</u>	<u>[-] 7</u>	8	28	

§ 4. Appendix 6-B of Chapter 6 of Title 24 of the Rules of the City of New York is amended by adding a new row 4P and amending row 4F, 4N, 5C, 5H, 6C, and 6J to read as follows:

APPENDIX 6-B MOBILE FOOD VENDING UNIT (MFVU) INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS						
	Violation	Condition I	Condition II	Condition III	Condition IV	Condition V
4F*	Food[, or food] preparation or storage area, or any area used by employees or patrons, contaminated by sewage or liquid waste.				Food[, or food] preparation or food storage area, or any area used by employees or patrons, contaminated by sewage or liquid waste.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4N	Filth flies or food/refuse/sewage associated (FRSA) flies or other nuisance pests in MFVU's food and/or non-food areas. FRSA flies include house flies, blow flies, bottle flies, flesh flies, drain flies, Phorid flies and fruit flies.	1-5 filth flies or FRSA flies in the MFVU during November 1 through March 1. Example: two flies in the MFVU in January.	6-10 filth flies or FRSA flies in the MFVU area. Example: seven live flies in the MFVU	11-15 filth flies or FRSA flies in the MFVU. Example: 12 live flies in the MFVU	[16 -20] 16-30 filth flies or FRSA flies in the MFVU. Example: 17 filth flies in the MFVU	More than 30 filth flies, FRSA flies and/or other conditions exist conducive to infestation of filth flies. Example: 40 flies in the MFVU; and other conditions exist conducive to filth fly infestation, e.g., openings to the outer air, water, food, decaying matter and/or sewage. Inspector must call office to discuss closing or other enforcement measures.
4P*	<u>Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served.</u>				<u>Any food held, kept, offered, prepared, processed, packaged or served with any prohibited substance.</u>	<u>Failure to correct any condition of a public health hazard at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.</u>
5C+	Food contact surface, <u>refillable, reusable containers</u> , or equipment improperly constructed placed or maintained. Unacceptable material used. Culinary sink or other acceptable method not provided for washing food	One food contact surface or piece of equipment improperly constructed, maintained, placed and/or unacceptable material used. Example: painted shelves in a low boy refrigerator unit	Two food contact surfaces or pieces of equipment improperly constructed, placed, maintained, and/or unacceptable material used. Example: painted shelves in [allow] a low boy refrigerator unit and [cutting board made from untreated wood] <u>customer's refillable, reusable container made from polystyrene.</u>	Three food contact surfaces or pieces of equipment improperly constructed, placed, maintained and/or unacceptable material used. Example: painted shelves of a low boy unit, cutting board made from untreated wood and [acidic foods placed in pewter bowl] <u>customer's refillable, reusable container made from polystyrene.</u>	Four or more food contact surfaces or pieces of equipment improperly constructed, placed, maintained, and/or unacceptable material used. Example: painted shelves of a low boy refrigerator unit, cutting board made from untreated wood, acidic foods placed in pewter bowl and solder and flux used to repair food contact equipment or no culinary sink or other acceptable method provided for washing food.	Failure to correct as pre-permit serious (PPS) violation or on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures
5H+	No facilities available to wash, rinse, and sanitize utensils or equipment [and/or refillable returnable containers]. <u>No approved written standard operating procedure for avoiding contamination by refillable returnable containers.</u>				No facilities available to wash rinse and sanitize utensils or equipment [and/or refillable returnable containers]. <u>No approved written standard operating procedure for avoiding contamination by refillable returnable containers.</u>	Failure to correct as pre-permit serious (PPS) violation or on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures

6C	Food, supplies or equipment not protected from potential source of contamination during storage, preparation, transportation, display or service <u>or from customer's refillable, reusable container.</u> Condiments not in single-service containers or dispensed directly by the vendor.	One food item not protected during storage, preparation, transportation, display or service. Example: one tray of uncovered assorted pastries or supply of wax paper used to wrap bagels stored under the wastewater tank <u>or customer's refillable, reusables container directly touches the cappuccino milk frother.</u>	Two food items not protected during storage, preparation, transportation, display or service. Example: one tray of uncovered pastries and one cooked steak on prep table under fly strip.	Three food items not protected during storage, preparation, transportation, display or service. Example: one tray of uncovered pastries; one cooked steak on prep table under fly strip and fresh cut fruit in the service window.	Four or more food items not protected during storage, preparation, transportation, display or service. Example: one tray of uncovered pastries; wax paper used to wrap bagels stored under the waste water tank; <u>customer's refillable, reusables container directly touches the cappuccino milk frother;</u> one cooked steak on kitchen prep table under fly strip, and fresh cut fruit in the service window.	
6J	[No approved written standard operating procedure for avoiding contamination by refillable returnable containers] <u>Refillable, reusable beverage container filled with TCS foods.</u>	<u>One food worker filled a customer's reusable beverage container with mixed fruit milk smoothie.</u>		<u>Two food workers filled a customer's reusable beverage container with fruit milk smoothie, or one food worker filled two customer's containers with mixed fruit milk smoothie.</u>	[No approved written standard operating procedure for avoiding contamination by refillable returnable containers] <u>Three food workers filled a customer's reusable beverage container with fruit milk smoothie, or one food worker filled three customer's containers with mixed fruit milk smoothie.</u>	[Failure to correct on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures] <u>Four or more food workers filled a customer's reusable beverage container with fruit milk smoothie, or one food worker filled three customer's containers with mixed fruit milk smoothie.</u>

* Public Health Hazards (PHH) must be corrected immediately.

§ 5. Appendix 6-C of Chapter 6 of Title 24 of the Rules of the City of New York is amended to read as follows:

APPENDIX 6-C MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE SCORED VIOLATIONS									
VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
02A	NYCHC 81.09(c)	Public Health Hazard	Other time and temperature control for safety ("TCS") hot food not heated to 140°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(1)	Public Health Hazard	Poultry, poultry stuffing, parts and ground, comminuted poultry not heated to 165°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(2)	Public Health Hazard	Pork/food containing pork not heated to 150°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(3)	Public Health Hazard	Whole meat roasts and beef steak, rare roast beef or beef steak not heated to minimum time/temperature					\$400	\$600

02A	NYCHC 81.09(c)(4)	Public Health Hazard	Ground, comminuted meat, foods containing ground, comminuted meat not heated to 158°F					\$400	\$600
02A	NYCHC 81.09(c)(5)	Public Health Hazard	Stuffed meats, fish, ratites and tenderized meats not heated to 165°F injected, mechanically tenderized meats not heated to 155°F					\$400	\$600
02A	NYCHC 81.09(c)(6)	Public Health Hazard	Shell eggs/food containing shell eggs not heated 145°F for 15 seconds					\$400	\$600
02A	NYCHC 81.09(c)(7)	Public Health Hazard	Raw animal food cooked in microwave not heated to 165°F, not covered, rotated or stirred, not held for 2 minutes					\$400	\$600
02B	NYCHC 81.09(a)	Public Health Hazard	Hot TCS food not held at 140°F or above		\$250	\$300	\$350	\$400	[\$600] \$500
02C	NYCHC 81.09(d)	Critical	Previously cooked and cooled TCS food not reheated to 165°F for 15 seconds within 2 hours		\$200	\$200	\$250	\$300	
02D	NYCHC 81.09(d)(2)	Critical	Commercially processed TCS food not heated to 140°F within 2 hours		\$200	\$200	\$250	\$300	
02E	NYCHC 81.09(f)(5)	Critical	Whole frozen poultry or poultry breast, other than a single portion, cooked frozen or partially thawed		\$200	\$200			
02F	NYCHC 81.11	Critical	Meat, fish, eggs or poultry offered, served raw or partially cooked without written consumer advisory		\$200				
02G	NYCHC 81.09(a)	Public Health Hazard	Cold TCS food not held at 41°F or below		\$250	\$300	\$350	\$400	[\$600] \$500
02G	NYCHC 81.09(a)(2)	Public Health Hazard	Eggs not held at ambient temperature of 45°F or below		\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.09(a)(3)	Public Health Hazard	Processed or smoked fish not held at or below 38°F		\$250	\$300	\$350	\$400	\$600
02H	NYCHC 81.09(e)	Public Health Hazard	TCS food not cooled by approved method		\$250	\$300	\$350	\$400	[\$600] \$500

02I	NYCHC 81.09(e)(2)	Critical	TCS food not cooled to 41°F when prepared from ambient temperature ingredients within 4 hours		\$200	\$200	\$250	\$300	
03A	NYCHC 81.04	Public Health Hazard	Food from unapproved or unknown source, or home cooked					\$400	\$600
03A	NYCHC 81.04(b)	Public Health Hazard	Meat not from an approved source					\$400	\$600
03A	NYCHC 81.04(d)	Public Health Hazard	Exotic and game animals' meat not from an approved source					\$400	\$600
03A	NYCHC 81.07(m)	Public Health Hazard	Animal slaughter on MFVU					\$400	\$600
[03A]	[NYCHC 89.19(d)]	[Public Health Hazard]	[Ice contaminated or not made from potable water]					[\$400]	[\$600]
03A	NYCHC 89.19(f)	Public Health Hazard	Butchering raw meat on MFVU					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish improperly tagged or labeled					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish required tags not retained at least 90 days					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish records not on MFVU					\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish not from an approved source					\$400	\$600
03C	NYCHC 81.07(c)	Public Health Hazard	Whole eggs cracked, not clean; other eggs unpasteurized		\$250	\$300	\$350	\$400	\$600
03D	NYCHC 81.07(b)	Public Health Hazard	Food packages, hermetically sealed containers, or [canned] packaged food swollen, leaking and/or rusted; not labeled; not segregated from intact [cans] packaged foods.		[\$250] \$200	[\$300] \$200	[\$350] \$200	[\$400] \$200	[\$600] \$200
03E	24 RCNY 6-04(f)	Public Health Hazard	Potable water not provided; inadequate	\$0				\$400	\$600
03E	NYCHC 89.19(d)	Public Health Hazard	Ice contaminated or not made from potable water					\$400	\$600
03E	NYCHC 141.13	Public Health Hazard	Bottled water not from an approved source; not state certified					\$250	\$250

03E	NYCHC 81.20(c)	Public Health Hazard	Carbon dioxide gas lines unacceptable, improper materials used					\$400	\$600
03E	NYCHC 81.20(a)	Public Health Hazard	Cross-connection observed between potable and non-potable water***	\$0				[\$400] \$100	[\$600] \$100
03F	NYCHC 81.07(k)	Public Health Hazard	Unpasteurized milk and milk products (except aged cheese) served					\$400	\$600
03G	NYCHC 81.07(a)(4)	Critical	Raw fruits and vegetables not washed prior to cutting, serving		\$200	\$200	\$250	\$300	
03H	NYCHC 89.19(f)	Public Health Hazard	Prohibited sale of raw meat, fish, and shellfish					\$400	\$600
03I	NYCHC 81.04(e)	Public Health Hazard	Juice packaged on MFVU with no or incomplete label, no warning statement					\$400	\$600
04B	NYCHC 81.13(a)	Public Health Hazard	Food worker or vendor with illness, communicable disease and/or injury preparing food					\$400	\$600
04B	NYCHC 81.13(i)	Public Health Hazard	Food worker or vendor spitting					\$400	\$600
04C	NYCHC 81.07(j)	Public Health Hazard	Bare hand contact with ready-to-eat foods		\$250	\$300	\$350	\$400	\$600
04D	NYCHC 81.13(d)	Public Health Hazard	Food worker failed to wash hands after contamination; or change gloves when required					\$400	\$600
04E	NYCHC 81.23(d)	Public Health Hazard	Pesticide improperly labeled, stored or used such that food contamination may occur.		\$250	\$300	\$350	\$400	\$600
04F	NYCHC 81.20(b)	Public Health Hazard	Food preparation, food storage, or other area contaminated by sewage or liquid waste***	\$0				[\$400] \$100	[\$600] \$100
04G	NYCHC 81.07(l)	Public Health Hazard	Unprotected TCS food re-served					\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food in contact with toxic material		\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food adulterated or contaminated		\$250	\$300	\$350	\$400	[\$600] \$500
04H	NYCHC 81.07(a)(2)	Public Health Hazard	Food not protected from cross-contamination		\$250	\$300	\$350	\$400	\$600

04H	NYCHC 89.19(e)	Public Health Hazard	TCS foods improperly stored on ice		\$250	\$300	\$350	\$400	\$600
04H	NYCHC 89.19(j)	Public Health Hazard	Food exposed to contamination when containers stored in cooking water		\$250	\$300	\$350	\$400	\$600
04I	NYCHC 81.07(l)	Critical	Unprotected non-TCS food re-served		\$200	\$200	\$250	\$300	
04J	NYCHC 89.19(b)	Critical	Thermometer not provided, calibrated properly, or accessible for use		\$200				
04K	NYCHC 81.23(a)	Critical	Rats or evidence of rats		\$200	\$200	\$250	\$300	\$350
04L	NYCHC 81.23(a)	Critical	Mice or evidence of mice		\$200	\$200	\$250	\$300	\$350
04M	NYCHC 81.23(a)	Critical	Live roaches		\$200	\$200	\$250	\$300	\$350
04N	NYCHC 81.23(a)	Critical	Filth or FRSA flies, other nuisance pests		\$200	\$200	\$250	\$300	\$350
04O	NYCHC 81.25	Critical	Live animal other than fish in tank or service animal		\$200	\$200	\$250	\$300	
04P	SSC 14-1.89(a)	Public Health Hazard	Non-food grade liquid nitrogen, dry ice added to food					\$400	\$600
04P	SSC 14-1.89(d)	Public Health Hazard	Dry ice "smoke" or liquid nitrogen "fog" effect remains at time of service					\$400	\$600
04P	NYCHC 71.05	Public Health Hazard	Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served.					\$400	\$600
05A	NYCHC 89.25(b)	Public Health Hazard	Sewage and liquid waste holding tank not provided, inadequate or unapproved***	\$0				[\$400]\$100	[\$600]\$100
05B	NYCHC 81.19(c)	Public Health Hazard	Harmful noxious gas or vapor detected; CO levels at or exceeding 9 ppm					\$400	\$600
05C	24 RCNY 6-04(f)(2)	Critical	Water tanks and inlet pipes are not constructed of food grade materials that are corrosion resistant, durable and non-absorbent		\$200	\$200	\$250	\$300	\$350
05C	24 RCNY 6-04(i)(3)	Critical	Culinary sink or alternative method not provided for washing food		\$200	\$200	\$250	\$300	\$350

05C	NYCHC 81.17(d)	Critical	Food contact surface, equipment improperly constructed, located and/or made of unacceptable materials		\$200	\$200	\$250	\$300	\$350
05C	<u>NYCHC 81.46(c)</u>	<u>Critical</u>	<u>Refillable, returnable containers constructed with improper materials.</u>		<u>\$200</u>	<u>\$200</u>	<u>\$250</u>	<u>\$300</u>	<u>\$350</u>
05D	24 RCNY 6-04(i)(1)	Critical	Hand wash facility not provided with potable running water, or properly equipped					\$300	\$350
05D	24 RCNY 6-04(i)(1)	Critical	Hand wash facility without soap, drying device					\$300	\$350
05D	24 RCNY 6-04(i)(1)(A)	Critical	Hand washing facilities not provided/ obstructed					\$300	\$350
05F	24 RCNY 6-04(l)	Critical	Hot or cold holding equipment not provided or inadequate					\$300	\$350
05H	24 RCNY 6-04(i)(2)(A)	Critical	No facilities to wash, rinse, and sanitize utensils or equipment					\$300	\$350
05H	<u>NYCHC 81.46</u>	<u>Critical</u>	<u>No approved standard operating procedure for refillable consumer containers</u>					<u>\$300</u>	<u>\$350</u>
05I	24 RCNY 6-11(g)	Critical	Service contract or agreement with commissary or other approved facility not provided; documents not kept on MFVU and made available for inspection					\$300	\$350
05J	24 RCNY 6-04(b)(4)	Critical	Food vehicles not provided with partition or self-closing door between the drivers seat and the food preparation area.					\$300	\$350
05J	24 RCNY 6-04(n)	Critical	Ice cream truck not equipped with fully operational warning beepers and signage arm					\$300	\$350

05J	24 RCNY 6-04(o)	Critical	MFVU not equipped or constructed with an overhead structure, or similar device					\$300	\$350
05J	24 RCNY 6-04(p)	Critical	Tamper proof locks or other food security mechanism not provided					\$300	\$350
05J	24 RCNY 6-04(f)(1)	Critical	Potable water tank capacity inadequate					\$300	\$350
05J	24 RCNY 6-04(i)(1)	Critical	Potable water storage tank less than 5 gallons					\$300	\$350
06A	NYCHC 81.13	Critical	Food worker or vendor does not maintain personal cleanliness		\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(b)	Critical	Effective hair restraint not worn****	\$0	[\$200] \$100	[\$200] \$100	[\$250] \$125	[\$300] \$150	
06A	NYCHC 81.13(c)	Critical	Clean outer garment not worn		\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(e)	Critical	Fingernails not clean, trimmed, or with nail polish		\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(f)	Critical	Jewelry worn on arm(s) or hand(s)		\$200	\$200	\$250	\$300	
06A	NYCHC 89.19(i)	Critical	Not properly dressed; sleeveless garment or bare midriff		\$200	\$200	\$250	\$300	
06B	NYCHC 81.13(g)	Critical	Smoking, use of tobacco or electronic cigarette		\$200	\$200	\$250	\$300	
06B	NYCHC 81.13(h)	Critical	Eating, drinking in food preparation or other areas****	\$0	[\$200] \$100	[\$200] \$100	[\$250] \$125	[\$300] \$150	
06C	NYCHC 81.07(a)	Critical	Food not protected from contamination		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(d)	Critical	Food not properly protected when stored		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(e)	Critical	Food not properly protected when displayed		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(i)	Critical	Supplies and equipment under or near source of contamination		\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(q)	Critical	Unnecessary traffic through food prep area		\$200	\$200	\$250	\$300	

06C	NYCHC 89.19(h)	Critical	Condiments, seasoning, sugar, dressings: held in inadequate containers, not properly dispensed		\$200	\$200	\$250	\$300	
<u>06C</u>	<u>NYCHC 81.46(a)</u>	<u>Critical</u>	<u>Beverage dispensing equipment not protecting from potential contamination from customer's reusable, refillable container</u>		<u>\$200</u>	<u>\$200</u>	<u>\$250</u>	<u>\$300</u>	
06D	NYCHC 81.27(b)	Critical	Food contact surface not washed, rinsed and sanitized when required		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(g)	Critical	Ice not properly dispensed		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	Critical	In-use food dispensing utensil not properly stored		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	Critical	Food dispensing utensil not provided		\$200	\$200	\$250	\$300	
06F	NYCHC 81.27(c)	Critical	Wiping cloth improperly stored and/or sanitized****	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100		
06F	SSC 14-4.112(b)	Critical	No test kit for measuring sanitizing solution concentration		\$200	\$200	\$200		
[06J]	[NYCHC 81.46]	[Critical]	[No approved standard operating procedure for refillable consumer containers]					[\$300]	[\$600]
<u>06J</u>	<u>NYCHC 81.46(a)</u>	<u>Critical</u>	<u>Refillable, reusable beverage container filled with TCS foods.</u>		<u>\$200</u>	<u>\$200</u>	<u>\$250</u>	<u>\$300</u>	
06K	24 RCNY 6-04(p)	Public Health Hazard	MFVU with food left unsecured or unattended for more than one-half hour						\$600
06L	NYCHC 89.19(d)	Critical	Ice not held in manufacturer's bag				\$250		
06L	NYCHC 89.19(d)	Public Health Hazard	Ice not obtained in chipped, crushed, or cubed form or not properly packaged.				\$250		
07A	NYCHC 3.15(a)	Critical	Interference or obstruction of Department personnel						\$1,000

08A	NYCHC 81.23(a)	Critical	Harborage or conditions conducive to pests with pests, signs of pests				\$200	\$200	
08A	NYCHC 81.23(b)(3)	General	Door openings from outside not properly equipped when pests or signs of pests present				\$200	\$200	
08B	NYCHC 81.24(a)	General	Garbage cans not pest or water resistant; not covered with tight-fitted lids***	\$0	[\$200] \$100				
08B	NYCHC 81.24(c)	General	Garbage receptacles and covers not cleaned after emptying and prior to reuse***	\$0	[\$200] \$100				
08B	NYCHC 89.25(a)	General	Garbage, refuse and litter not properly removed or stored		\$200				
08B	NYCHC 89.25(a)	General	Solid and liquid waste discarded on public streets, or in public litter baskets.		\$200				
08C	NYCHC 81.17(g)	General	Toxic materials not properly stored		\$200	\$200	\$200	\$200	\$200
08C	NYCHC 81.23(d)(4)	General	Open bait station used		\$200	\$200	\$200	\$200	\$200
08C	NYCHC 89.19(k)	General	Pesticides, other toxic chemicals improperly used/stored on a MFVU.		\$200	\$200	\$200	\$200	\$200
09A	NYCHC 81.07(b)	General	Dented food cans not segregated from intact packages****	\$0	[\$200] \$50	[\$200] \$50	[\$200] \$50	[\$200] \$50	
09B	NYCHC 81.09(f)	General	Thawing procedures improper		\$200	\$200	\$200	\$200	
09C	NYCHC 81.17(d)(1)	General	Food contact surface improperly constructed and maintained; not easily cleanable***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
09D	24 RCNY 6-04	General	MFVU used as a dwelling, or for sleeping purposes						\$200
09E	NYCHC 81.21(c)	General	Wash hands sign not posted		\$200				
10B	24 RCNY 6-04(g)(1)	General	Potable water not protected from back-flow, back-siphonage or cross-connection***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100

10B	NYCHC 81.20(b)	General	Improper disposal of sewage or liquid waste***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100
[10B]	[NYCHC 81.20(b)]	[General]	[Condensation pipes not properly installed or maintained]		[\$200]	[\$200]	[\$200]	[\$200]	[\$200]
10C	24 RCNY 6-04(c)	General	Lighting insufficient; inadequate***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
10D	24 RCNY 6-04(d)	General	Ventilation (mechanical or natural) not provided or inadequate		\$200	\$200	\$200	\$200	
10E	24 RCNY 6-04(1)(1)	General	Accurate thermometer not provided in each hot and cold storage or holding equipment		\$200	\$200	\$200	\$200	
10E	24 RCNY 6-04(1)(2)	General	Thermometer not properly located in each hot and cold holding equipment		\$200	\$200	\$200	\$200	
10F	24 RCNY 6-04(b)(2)	General	Exterior non-food contact surfaces: unacceptable materials used		\$200	\$200	\$200	\$200	
10F	24 RCNY 6-04(b)(1)	General	Interior non-food contact surfaces: unacceptable material used, or not clean or sanitary***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
10F	NYCHC 81.17(e)(3)	General	Non-food contact surface (equipment, fixtures, decorative material, fans, etc.) not clean or not in working order***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
10G	NYCHC 81.29(a)	General	Manual sanitizing procedure inadequate					\$200	
10G	NYCHC 81.29(a)(3) (B)	General	Chemical sanitizer unapproved or sanitizing procedure inadequate					\$200	
10G	NYCHC 81.29(a)(3) (B)	General	Test kit not accurate or used for manual dishwashing					\$200	
10H	NYCHC 81.07(o)	General	Single service items improperly stored or reused		\$200	\$200	\$200	\$200	
10H	NYCHC 81.07(o)	General	Drinking straws improperly dispensed		\$200	\$200	\$200	\$200	
10H	NYCHC 89.23(c)	General	Single service items not provided		\$200	\$200	\$200	\$200	

10H	NYCHC 89.23(c)	General	Consumer not provided with single service items.		\$200	\$200	\$200	\$200	
10I	NYCHC 89.19(1)	General	Failure to clean unit at commissary or approved facility at least daily						\$200

*Default Penalties. When a respondent is found in violation of New York City Administrative Code section 17-307 (a)(1) or (b)(1), the penalty for each violation is \$1,000 which may not be increased on default.

**MOS or Multiple Offense Schedule. In accordance with New York City Administrative Code section 17-325, the Multiple Offense Schedule (MOS) applies to a subsequent violation by the same respondent, of the same section of law listed in this Penalty Schedule as subject to the "MOS" with a date of occurrence within two (2) years of the date(s) of occurrence of the first violation. The MOS is to be applied as follows: 1st Violation [\$50] \$25 (default [\$50] \$25); 2nd Violation [\$100] \$50 (default [\$100] \$50); 3rd Violation [\$250] \$100 (default [\$250] \$100); 4th and subsequent Violation [\$500] \$250 (default [\$500] \$250)

*****First-time violations subject to cure.** First-time violations where a monetary penalty is waived because a cure has been accepted. See § 6-23 of this Chapter.

**** **First-time violation subject to a \$0 penalty.**

§ 6. Appendix 6-C-2 of Chapter 6 of Title 24 of the Rules of the City of New York is amended to read as follows:

APPENDIX 6-C-2 MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE UNSCORED VIOLATIONS				
VIOLATION CODE	CITATION	VIOLATION DESCRIPTION	CURE ACCEPTED OR \$0 PENALTY FIRST TIME VIOLATIONS	VIOLATION PENALTY*
16-01	NYCHC 81.08(a)	Cooking oil, shortening, margarine contains 0.5 grams or more of artificial trans fat		\$200
16-02	NYCHC 81.08(c)	Nutritional fact labels and/or ingredient label is not maintained on site****	\$0	[\$200] \$100
16-03	NYCHC 81.50(c)	Calorie information is not posted on menu and menu board		\$200
16-03	NYCHC 81.50(c)	Total number of calories or total number of discrete calories not posted		\$200
16-03	NYCHC 81.50(c)	Calorie information not posted for standard menu items offered in different varieties		\$200
16-03	NYCHC 81.50(c)	Calorie information not posted for combination meals		\$200
16-03	NYCHC 81.50(c)	Calorie information not posted for toppings		\$200
16-03	NYCHC 81.50(c)	Calorie information font, appearance, term used improper		\$200
16-03	NYCHC 81.50(c)	Calorie information improperly posted for standard menu items offered in three or more combinations		\$200
16-03	NYCHC 81.50(c)	Calorie information for standard menu item offered in two different combinations not posted with a slash between both calorie count		\$200
16-03	NYCHC 81.50(c)	Calorie information for standard menu items that come in two different varieties not posted with a slash between both calorie count		\$200
16-03	NYCHC 81.50(c)	Calorie information improperly posted for standard menu items offered in three or more different varieties		\$200
16-04	NYCHC 81.50(d)	Required nutritional succinct statements not posted on menu(s) for adults and children		\$200
16-06	NYCHC 81.50(e)	Additional nutritional information statement not posted		\$200
16-06	NYCHC 81.50(e)	Written nutritional information not provided in a manner required by Federal Law		\$200

16-08	NYCHC 81.49(b)(1)	No sodium warning icon where required		\$200
16-09	NYCHC 81.49(b)(1)	Sodium warning icon non-compliant with design specifications		\$200
16-10	NYCHC 81.49(b)(2)	No sodium warning statement at point of purchase		\$200
18-03	NYCHC 89.05(a)	Operating a MFVU without a permit in restricted or private space		\$1,000
18-04	NYCHC 89.05(c)	MFVU materially altered after permit decal issued.		\$1,000
18-05	NYCHC 89.07(a)	Operating a MFVU without a license in restricted or private space		\$1,000
18-06	NYCHC 89.13(g)	Allowing unlicensed person to vend		\$1,000
18-07	24 RCNY 6-04(b)(3)	Unobstructed space not provided for posting of permit-decal and grade card		\$500
18-09	NYCHC 89.07(d)	Failure to display license and/or permit documentation		\$200
18-12	NYCHC 3.19	Department document unlawfully reproduced or altered		\$1,000
18-13	NYCHC 3.05(a)	Failure to comply with an Order of the Board of Health, Commissioner or Department		\$1,000
18-14	NYCHC 3.17	Notice, Order or other posted material of the Department mutilated, obstructed, or removed		\$1,000
18-15	NYCHC 81.43(a)	Foodborne illness; failure to notify [department] Department		\$200
18-16	NYCHC 89.13(a)	Failure to permit inspection or present unit at time and place designated by the Department		\$1,000
18-17	NYCHC 3.19	Submitting false, misleading statements, documents; documents unlawfully reproduced or altered		\$1,000
19-05	<u>Admin. Code § 16-401(b)</u>	<u>Providing single-use plastic stirrers or single-use plastic splash sticks</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>
19-06	<u>Admin. Code § 16-401(c)(1)</u>	<u>Providing single-use, non-compostable plastic straws to customers without customer request (including providing such straws at a self-serve station)</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>
19-07	<u>Admin. Code § 16-401(c)(2)</u>	<u>Failure to maintain a sufficient supply of single-use, non-compostable plastic straws</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>
19-08	<u>Admin. Code § 16-401(c)(2)</u>	<u>Failure to provide a single-use, non-compostable plastic straw upon request</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>
19-09	<u>Admin. Code § 16-401(c)(2)</u>	<u>Charging a customer for a single-use, non-compostable plastic straw that the customer has requested or inquiring as to the reason a customer has requested such plastic straw</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>
19-10	<u>Admin. Code § 16-401(c)(3)</u>	<u>Failure to display required signage about plastic straw availability</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>
19-11	<u>Admin. Code § 16-401(d)</u>	<u>Providing compostable plastic straws to be used outside of the food establishment's premises; failure to appropriately dispose of compostable plastic straws; failure to maintain required bins for disposal of compostable plastic straws</u>		<u>\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)</u>

20-06	24 RCNY 6-19	Current letter grade or Grade Pending card not posted		[\$1,000] <u>\$500</u>
20-07	24 RCNY 6-20(b)	Current letter grade or Grade Pending card removed, destroyed, modified, obscured, or otherwise tampered with		\$1,000
22-05	24 RCNY 6-21(b)	Operating without a location sharing device		\$1,000
22-05	24 RCNY 6-21(c)	Location sharing device removed, obstructed, disposed of, modified or tampered with		\$1,000
22-06	24 RCNY 6-03(b)	Vending non-food items		\$200
22-10	NYCHC 89.23(b)	Vending from any place other than a MFVU		\$200
28-01	NYCHC 3.07	Failure to take reasonable precautions to protect health and safety, e.g., by not securing CO2 or liquefied petroleum gas (LPG) containers		\$1,000
28-01	NYCHC 3.09	Failure to abate or remediate nuisance		\$1,000
28-02	NYCHC 81.07(p)	Microwave safe container not marked or used		\$200
28-03	24 RCNY 6-04(c)	Light fixtures not shielded, shatterproofed, or otherwise protected from accidental breakage		\$200
28-04	NYCHC 89.25(c)	Failure to remove consumer litter, and food spillage caused by the operation		\$200
28-05	NYCHC 71.05	Food adulterated or misbranded		\$500
28-06	NYCHC 81.23(b)(2)	Contract with pest management professional, record of pest extermination activities not kept on premises		[\$200] <u>\$100</u>
28-07	NYHC 81.31	Unauthorized FSE street, sidewalk cooking		\$350
28-08	24 RCNY 6-06 (a)	MFVU exceeds size requirements		\$200
[99-00	NYHC miscellaneous	Other Health Code unscored violations		\$200]

***Default Penalties.** When a respondent is found in default, the penalty for each violation of the Health Code or the State Public Health Law must be doubled, except that in no case may the penalty imposed exceed \$2000.

Except when this Appendix states that a violation is subject to the Multiple Offense Schedule (MOS), the penalty to be imposed upon a respondent found in default for any violation of the rules of the Department in 24 RCNY must be doubled, but may not exceed \$1,000.

When a respondent is found in default for any violation of the New York City Administrative Code or the New York State Sanitary Code, the penalty shall remain the same as that set forth herein.

**** Each such violation is a separate and distinct offense and in the case of a continuing violation, each day's continuance thereof is to be treated as a separate and distinct offense.**

*****First-time violations subject to cure.** First-time violations where a monetary penalty is waived because a cure has been accepted. See §6-23 of this Chapter.

§ 7. Appendix 6-C-3 of Chapter 6 of Title 24 of the Rules of the City of New York is amended to read as follows:

APPENDIX 6-C-3 MOBILE FOOD VENDING UNIT (MFVU) PENALTY SCHEDULE UNSCORED VIOLATIONS			
CITATION	VIOLATION DESCRIPTION	CURE ACCEPTED	PENALTY*
Admin. Code 16-329(c)	Possess, sell expanded polystyrene (EPS) single service articles		[\$250 (1st); \$500 (2nd); \$1,000 (3rd or more in 12 months)] <u>\$100 (1st violation); \$250 (2nd violation) \$500 (3rd and subsequent violations in 12 months)</u>
Admin. Code 17-307(a)(1)	Unlicensed mobile food vendor (public space)		\$1,000
Admin. Code 17-307(b)(1)	Unpermitted MFVU (public space)		\$1,000
Admin. Code 17-307(b)(1)	Vending food other than fresh fruits and vegetables		\$1,000
Admin. Code 17-307(d)	Vending of unapproved items		MOS**
Admin. Code 17-311	Failure to display license and/or plate***	<u>\$0</u>	MOS**

Admin. Code 17-311(d)	Green Cart vendor failed to carry map showing authorized vending areas***	\$0	MOS**
Admin. Code 17-315(a)	MFVU on sidewalk less than 12 feet, or not at curb***	\$0	MOS**
Admin. Code 17-315(b)	Pushcart touching against building***	\$0	MOS**
Admin. Code 17-315(c)	Items not kept in MFVU (except waste container)		MOS
Admin. Code 17-315(d)	Pushcart against display window or within 20 feet of entrance of any building or within 20 feet from exits, including service exits, to buildings that are exclusively residential at street level		MOS
Admin. Code 17-315(e)	Vending in: bus stop, sidewalk next to a hospital or health facility, no standing zone or within 10 feet of a driveway, subway, crosswalk		MOS
Admin. Code 17-315(h)	Vending on median strip, which is not intended for mall or plaza		MOS
Admin. Code 17-315(i)	Unapproved vending within Parks Department jurisdiction		MOS
Admin. Code 17-315(k), (l)	Vending at time/place prohibited		MOS

*Default Penalties. When a respondent is found in violation of New York City Administrative Code section 17-307 (a)(1) or (b)(1), the penalty for each violation is \$1,000 which may not be increased on default.

****MOS or Multiple Offense Schedule.** In accordance with New York City Administrative Code section 17-325, the Multiple Offense Schedule (MOS) applies to a subsequent violation by the same respondent, of the same section of law listed in this Penalty Schedule as subject to the "MOS" with a date of occurrence within two (2) years of the date(s) of occurrence of the first violation. The MOS is to be applied as follows: 1st Violation \$25 (default \$25); 2nd Violation \$50 (default \$50); 3rd Violation \$100 (default \$100); 4th and subsequent Violation \$250 (default \$250).

*****First-time violations subject to cure. First-time violations where a monetary penalty is waived because a cure has been accepted. See section 6-23 of this Chapter.**

**** **First-time violation subject to a \$0 penalty.**

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

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

RULE TITLE: Amendment of Provisions Relating to First Time Health Code Violations (Health Code Chapter 6)

REFERENCE NUMBER: DOHMH-119

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) The proposed rule reduces or waives monetary penalties for certain first-time violations.

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

November 23, 2022
Date

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

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

RULE TITLE: 2022 RG 035

REFERENCE NUMBER: Amendment of Provisions Relating to First Time Health Code Violations (Health Code Chapter 6)

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: November 23, 2022

SPECIAL MATERIALS

COMPTROLLER

■ NOTICE

In accordance with Section 232 of the City Charter, the following table represents estimates of New York City's Debt-Incurring Power as of July 1, 2022 and each of the three ensuing fiscal years

(\$ in millions)

	July 1, 2022	July 1, 2023	July 1, 2024	July 1, 2025
Gross Statutory Debt-Incurring Power^a	\$127,448	\$131,687	\$136,682	\$145,593
General Obligation (GO) Bonds Outstanding as of July 1, 2022 plus projected bond issuance (net) ^b	38,760	41,210	43,648	46,841
Less: Appropriations for GO Principal	(2,450)	(2,513)	(2,435)	(2,368)
Plus: Incremental TFA Bonds Outstanding Above \$13.5 billion	29,829	32,110	35,343	39,320
Subtotal: Net Funded Debt Against the Limit	\$66,139	\$70,807	\$76,556	\$83,793
Plus: Contract and Other Liability	19,801	23,589	30,623	35,364
Total Projected Indebtedness Against the Limit^c	\$85,940	\$94,396	\$107,179	\$119,157
Remaining Debt-Incurring Power within General Limit	\$41,508	\$37,291	\$29,503	\$26,436
Remaining Debt-Incurring Power (%)	32.6%	28.3%	21.6%	18.2%

Source: NYC Comptroller's Office and the NYC Office of Management and Budget.

Note: The Debt Affordability Statement released by OMB in April 2022 presents data for the last day of each fiscal year, June 30th, instead of the first day of each fiscal year, July 1, as reflected in this table. The City's Debt Affordability Statement forecasts that indebtedness would be below the general debt limit by \$27.38 billion at the end of FY 2023.

^a FYs 2024 through 2026 debt limits are based on the NYC Comptroller's Office's forecasts of the full market value of real property.

^b Net adjusted for Original Issue Discount, GO bonds issued for the water and sewer system and Business Improvement District debt.

^c Reflects City-funds capital commitments as of the FY 2023 Adopted Capital Commitment Plan (released in September of 2022) and includes cost of issuance and certain Inter-Fund Agreements. In addition, the total indebtedness figure includes assumptions for future borrowing, estimated principal redemptions, and incremental changes to contract liability. In July 2009, the State Legislature authorized the issuance of TFA Future Tax Secured bonds above the initial authorization of \$13.5 billion, with the condition that this debt would be counted against the general debt limit. Thus, City capital commitments are funded with TFA FTS debt as well as City GO bonds.

ENVIRONMENTAL PROTECTION

■ NOTICE

PUBLIC NOTICE

**Federal Emergency Management Agency
In accordance with 44 CFR §9.8 for Executive Orders 11988 & 11990 Proposed Stormwater Resiliency Measures
East Harlem, New York County, New York**

NOTIFICATION IS HEREBY GIVEN to the public of the intent of the Department of Homeland Security-Federal Emergency Management Agency (DHS-FEMA), to provide Federal funding to the New York City Department of Environmental Protection (NYCDEP) as Subrecipient for financial assistance to install flood control measures, including nature-based detention and retention basins, at eight locations within the Clinton Houses public housing development in the Manhattan neighborhood of East Harlem. Funds are being requested through the Building Resilient Infrastructure and Communities (BRIC) grant program. The purpose of the BRIC grant program is to proactively invest in hazard mitigation projects, reducing the risks that communities face from disasters and natural hazards. This notification is given in accordance with Executive Order (EO) 11988 (Floodplain Management), EO 11990 (Protection of Wetlands), the Federal Coastal Zone Management Act, and 44 CFR Part 9, regulations for implementing EO 11988 and EO 11990.

The proposed project entails the installation of eight sites with green infrastructure interventions at the Clinton Houses development. These interventions will include infiltration-based stormwater system units placed under and above existing open spaces such as basketball courts, parking lots, and other locations. A conveyance system comprising of inlets, perforated pipes, spreader tanks and small bioretention nature-based channels will be utilized to route the rainfall runoff from the Clinton Houses development and surrounding streets into the eight sites. Several sites may also include "water squares," which will allow for water to be stored above ground (up to one foot) in the proposed locations. These sites will be integrated into the community as multi-functional open spaces able to store excessive rainfall runoff while incorporating green infrastructure and nature-based designs.

This action would take place within the 100-year floodplain per the current preliminary flood insurance rate map, which means that the action has the potential to affect, or be affected by, the floodplain. Alternatives considered include: 1) taking no action and 2) the proposed alternative to install the green infrastructure at the Clinton Houses development. FEMA, has determined that the proposed alternative is the most practicable to combat the increasing threat of stormwater flooding that is known to impact this community. FEMA has also determined that investment of funds to reduce flood risk is in the public interest. Potential impacts to water quality or aquatic habitat are anticipated to be negligible during construction and minimized through best management practices and conservation measures incorporated from resource agency recommendations and required regulatory permits.

Comments about this project, potential alternatives, and floodplain impacts may be submitted in writing within 15 days of the date of this publication to: FEMA Region 2, Attn: Environmental Planning and Historic Preservation, 26 Federal Plaza, New York, NY 10278, or via email, to FEMAR2COMMENT@fema.dhs.gov. If substantive comments are received, FEMA will evaluate and address the comments as part of the environmental documentation for this project.

n25-d15

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2023 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2023 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Office of Chief Medical Examiner
Description of Services to be Provided: Mechanical Service and Repair of Air Handler Units, Cooling Towers, Hot Water Heaters, and associated components at following four (4) OCME locations. (Hirsch Center, 421 East 26th Street, New York, NY 10016, OCME Manhattan Facility 520 First Avenue, New York, NY 10016, OCME Queens Facility, 160-15 82nd Drive, Jamaica, NY 11432, OCME Brooklyn Facility, 599 Winthrop Street, Brooklyn, NY 11203)

Anticipated Contract Start Date: 6/1/23
 Anticipated Contract End Date: 5/31/26
 Anticipation Procurement Method: MWBE Non-Competitive Small Purchase
 Job Titles: None
 Headcounts: 0

Agency: Office of Chief Medical Examiner
 Description of Services to be Provided: General Construction and Building Services which shall include but not be limited to miscellaneous interior and exterior alterations (painting, flooring, glazing, weatherproofing, roof repair, ironwork, welding, concrete/cement repair), NYC Dept. of Building (DOB) Work Applications and Permits, and preparation of As-Built Drawings, at any OCME locations.

Anticipated Contract Start Date: 6/1/23
 Anticipated Contract End Date: 5/31/26
 Anticipation Procurement Method: MWBE Non-Competitive Small Purchase
 Job Titles: None
 Headcounts: 0

← d1

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2023 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2023 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: DOT
 Description of Services to be Provided: On-Call Repair Service of Various Roofing Systems at Various DOT Facilities
 Anticipated Contract Start Date: 1/1/2023
 Anticipated Contract End Date: 12/31/2025
 Anticipation Procurement Method: MWBE Noncompetitive Small Purchase
 Job Titles: None
 Headcounts: 0

← d1

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2023 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2023 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Department of Health and Mental Hygiene
 Description of Services to be Provided: American Sign Language Services (ASL) is to be accessible for the New Yorkers who are hard of hearing, deaf, Deafblind, Deaf Close-Vision and Late-deafened. ASL is a language that uses a combination of hand movement, facial expressions, and body posture. ASL services can be on-site/in-person and on demand video-remote interpretation (VRI) for New Yorkers who seek DOHMH's services during public health emergencies as well as for our non-emergency clinics, public events, meeting, presentations and/or other services; with interpreters who are certified by the Registry of Interpreters for the Deaf, Inc. (RID), National Association of the Deaf (NAD) and/or Certified Deaf Interpreters.

Anticipated Contract Start Date: 5/1/2023
 Anticipated Contract End Date: 4/30/2029
 Anticipation Procurement Method: MWBE Non-Competitive Small Purchase Method
 Job Titles: None
 Headcounts: 0

← d1

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2023 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2023 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter § 312(a):

Agency: Department of Design and Construction
 Description of Services to be Provided: Design Services Grand Army Plaza, Vanderbilt Avenue and Underhill Avenue Capital Project Scope Development (CPSD)
 Anticipated Contract Start Date: 2/1/2023
 Anticipated Contract End Date: 6/30/2028
 Anticipation Procurement Method: RFP
 Job Titles: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative City Planner, Administrative City Planner NM, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager,

Administrative Project Manager NM, Architect, Assistant Architect, Assistant Chemical Engineer, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Project Manager, Associate Urban Designer, Civil Engineer, Civil Engineer Intern, City Planner, Electrical Engineer, Highways and Sewers Inspector, Landscape Architect, Mechanical Engineer, Mechanical Engineering Intern, Project Manager, Project Manager Intern
 Headcounts: 600

Agency: Department of Design and Construction
 Description of Services to be Provided: Construction Management Grand Army Plaza, Vanderbilt Avenue and Underhill Avenue Capital Project Scope Development (CPSD)

Anticipated Contract Start Date: 2/1/2023
 Anticipated Contract End Date: 6/30/2028
 Anticipation Procurement Method: RFP
 Job Titles: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor
 Headcounts: 695

Agency: Department of Design and Construction
 Description of Services to be Provided: Resident Engineering Inspection Services Grand Army Plaza, Vanderbilt Avenue and Underhill Avenue Capital Project Scope Development (CPSD)

Anticipated Contract Start Date: 2/1/2023
 Anticipated Contract End Date: 6/30/2028
 Anticipation Procurement Method: RFP
 Job Titles: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor
 Headcounts: 695

Agency: Department of Design and Construction
 Description of Services to be Provided: Consultant Contract Administration: research, training, data analysis, and expert testimony, including services related to damages for delay claims, Grand Army Plaza, Vanderbilt Avenue and Underhill Avenue Capital Project Scope Development (CPSD)

Anticipated Contract Start Date: 2/1/2023
 Anticipated Contract End Date: 6/30/2028
 Anticipation Procurement Method: RFP
 Job Titles: Accountant, Administrative Accountant (NM), Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Management Auditor, Mechanical Engineer, Mechanical Engineer Intern, Project Manager, Project Manager Intern, Supervisor of Electrical Installations & Maintenance
 Headcounts: 735

Agency: Department of Design and Construction
 Description of Services to be Provided: Construction Support Services: asbestos, boring, testing, monitoring, sampling, site safety, inspections and environmental, Grand Army Plaza, Vanderbilt Avenue and Underhill Avenue Capital Project Scope Development (CPSD)
 Anticipated Contract Start Date: 2/1/2023
 Anticipated Contract End Date: 6/30/2028
 Anticipation Procurement Method: RFP
 Job Titles: Administrative Construction Project Manager, Administrative Project Manager, Asbestos Hazard Investigator, Assistant Chemical Engineer, Assistant Civil Engineer, Assistant Environmental Engineer, Associate Project Manager, Civil Engineer,

Construction Project Manager, Engineering Technician, Geologist, Industrial Hygienist, Project Manager
Headcounts: 418

Agency: Department of Design and Construction
Description of Services to be Provided: Contract Administration: fiscal audit, reconciliation of accounts, preparation of change orders, analyzing and finalizing financial transactions and contract close out, Grand Army Plaza, Vanderbilt Avenue and Underhill Avenue Capital Project Scope Development (CPSD)
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP

Job Titles: Accountant, Administrative Accountant (NM), Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Intern, Project Manager, Project Manager Intern, Supervisor of Electrical Installations & Maintenance
Headcounts: 735

Agency: Department of Design and Construction
Description of Services to be Provided: Community Outreach Consultants Grand Army Plaza, Vanderbilt Avenue and Underhill Avenue Capital Project Scope Development (CPSD)
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP
Job Titles: None
Headcounts: 0

Agency: Department of Design and Construction
Description of Services to be Provided: Owner's Representative Requirements Contracts Grand Army Plaza, Vanderbilt Avenue and Underhill Avenue Capital Project Scope Development (CPSD)
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP
Job Titles: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor
Headcounts: 695

Agency: Department of Design and Construction
Description of Services to be Provided: Design Services Replacement of one roof top unit (RTU) at Horizon Juvenile Detention Center
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP
Job Titles: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative City Planner, Administrative City Planner NM, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Chemical Engineer, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Project Manager, Associate Urban Designer, Civil Engineer, Civil Engineering Intern, City Planner, Electrical Engineer, Highways and Sewers Inspector, Landscape Architect, Mechanical Engineer, Mechanical Engineering Intern, Project Manager, Project Manager Intern
Headcounts: 600

Agency: Department of Design and Construction
Description of Services to be Provided: Construction Management Replacement of one roof top unit (RTU) at Horizon Juvenile Detention Center
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP

Job Titles: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Landscape Architect, Assistant Civil Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor
Headcounts: 695

Agency: Department of Design and Construction
Description of Services to be Provided: Resident Engineering Inspection Services Replacement of one roof top unit (RTU) at Horizon Juvenile Detention Center
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP
Job Titles: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor
Headcounts: 695

Agency: Department of Design and Construction
Description of Services to be Provided: Consultant Contract Administration: research, training, data analysis, and expert testimony, including services related to damages for delay claims, Replacement of one roof top unit (RTU) at Horizon Juvenile Detention Center
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP
Job Titles: Accountant, Administrative Accountant (NM), Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Management Auditor, Mechanical Engineer, Mechanical Engineer Intern, Project Manager, Project Manager Intern, Supervisor of Electrical Installations & Maintenance
Headcounts: 735

Agency: Department of Design and Construction
Description of Services to be Provided: Construction Support Services: asbestos, boring, testing, monitoring, sampling, site safety, inspections and environmental, Replacement of one roof top unit (RTU) at Horizon Juvenile Detention Center
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP
Job Titles: Administrative Construction Project Manager, Administrative Project Manager, Asbestos Hazard Investigator, Assistant Chemical Engineer, Assistant Civil Engineer, Assistant Environmental Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Engineering Technician, Geologist, Industrial Hygienist, Project Manager
Headcounts: 418

Agency: Department of Design and Construction
Description of Services to be Provided: Contract Administration: fiscal audit, reconciliation of accounts, preparation of change orders, analyzing and finalizing financial transactions and contract close out, Replacement of one roof top unit (RTU) at Horizon Juvenile Detention Center
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP
Job Titles: Accountant, Administrative Accountant (NM), Administrative Architect, Administrative Architect NM, Administrative City Planner, Administrative City Planner NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landscape Architect,

Administrative Landscape Architect NM, Administrative Manager, Administrative Project Manager, Administrative Project Manager NM, Administrative Staff Analyst, Architect, Architectural Intern, Assistant Architect, Assistant Landscape Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Mechanical Engineer, Assistant Urban Designer, Associate Investigator, Associate Project Manager, Associate Urban Designer, City Planner, Civil Engineer, Civil Engineering Intern, Construction Project Manager, Electrical Engineer, Estimator (General Construction), Estimator (Mechanical), Investigator, Landscape Architect, Management Auditor, Mechanical Engineer, Mechanical Engineer Intern, Project Manager, Project Manager Intern, Supervisor of Electrical Installations & Maintenance Headcounts: 735

Agency: Department of Design and Construction
Description of Services to be Provided: Community Outreach Consultants Replacement of one roof top unit (RTU) at Horizon Juvenile Detention Center
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP
Job Titles: None
Headcounts: 0

Agency: Department of Design and Construction
Description of Services to be Provided: Owner's Representative Requirements Contracts Replacement of one roof top unit (RTU) at Horizon Juvenile Detention Center
Anticipated Contract Start Date: 2/1/2023
Anticipated Contract End Date: 6/30/2028
Anticipated Procurement Method: RFP
Job Titles: Administrative Architect, Administrative Architect NM, Administrative Construction Project Manager, Administrative Engineer, Administrative Engineer NM, Administrative Landmarks Preservationist, Administrative Landscape Architect, Administrative Landscape Architect NM, Administrative Project Manager, Administrative Project Manager NM, Architect, Assistant Architect, Assistant Civil Engineer, Assistant Electrical Engineer, Assistant Landscape Architect, Assistant Mechanical Engineer, Associate Project Manager, Civil Engineer, Construction Project Manager, Electrical Engineer, Highways and Sewers Inspector, Mechanical Engineer, Project Manager, Project Manager Intern, Surveyor
Headcounts: 695

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CHANGES IN PERSONNEL

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. District Attorney QNS County for period ending 09/02/22.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. District Attorney QNS County for period ending 09/02/22.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. District Attorney Richmond Cou for period ending 09/02/22.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. District Attorney-Special Narc for period ending 09/02/22.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Office of the Mayor for period ending 09/16/22.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Office of the Mayor for period ending 09/16/22.

Table with columns: NAME, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees like SPEDAFINO, TAN, TIGERE, TOGBAH, TOWNSEND, TYNAN, UDDIN, WILLIAMS.

LAW DEPARTMENT FOR PERIOD ENDING 09/16/22

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employee YUREK.

DEPARTMENT OF CITY PLANNING FOR PERIOD ENDING 09/16/22

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees BURROWS, CHANG, CHERMSIRIVATANA, DEULING, FIGUEREDO, JASMIN, KAISARAM, MILLER, OLALAYE, WHITE.

DEPARTMENT OF INVESTIGATION FOR PERIOD ENDING 09/16/22

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees ACOSTA, BAUER, CHEN.

TEACHERS RETIREMENT SYSTEM FOR PERIOD ENDING 09/16/22

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees CHOI, HUANG, JHA, JORGE, LEDNA, LI, MAINEPALLI, MIKHELZON, MORRIS, NAYYAR, SAMUELS, SIMONS, WONG, WONG, YACOBY.

CIVILIAN COMPLAINT REVIEW BD FOR PERIOD ENDING 09/16/22

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees APPLEWHITE, ASSELMAN, CALVO-PLATERO, COBBINA, DOVE, ENCARNACION GON, KAUFMAN, TAVEL, VARGAS, VORA, WOOLLEY.

POLICE DEPARTMENT FOR PERIOD ENDING 09/16/22

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees ABADIA, ABRAMS, ABREU, ACEVEDO, ACEVEDO, ACHBANI, ADAMO, ADORNOR MARRERO, AGUNLOYE, AHIANLOHO, AHLFELD, AHMED, AHMED, AKANDE, AKTER, AKTER, ALBERTINI, ALEXANDER, ALEXANDER, ALLEN, ALLEN, ALLEN, ALLEYNE, ALLEYNE, JR.

Table with columns: NAME, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees ALMODOVAR, ALMONOR, ALVAREZ-GUTIERR, AMBRISTER, AMELIN, AMITRANO, ANDERSON, ANDERSON, ANGRAND, APONTE-PLASENCI, AQUINO, ARDREY, ARENAS, ARIAS, ARROYO, ARTIS, ASENCIO, ATKINS, AUGUSTE, AVILES, AYALA, BAILEY, BALLESTERO, BAPTISTE, BARKER, BARKLEY, BARKSDALE.

POLICE DEPARTMENT FOR PERIOD ENDING 09/16/22

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees BARNES, BARNES, BARNES, BARRETT-PHILLIP, BARTALSKY, BASS, BATISTA, BATTISTE, BAULKMAN, BECKLES, BELCHER, BELTRAN, BENICE, BENJAMIN, BENJAMIN, BENNETT, BENYMON, BERMUDEZ, BERRY, BERRY, BEST, BHOWMICK, BIFULCO, BISHOP, BLACKSTOCK, BOBE, BODDIE, BONNY, BOWEN, BRACEY, BRADLEY, BRADY, BRATHWAITE, BROWN, BROWN, BROWN, BROWN, BROWN, BROWN, BRUNSON, BRYAN, BULLARD, BUONO JR, BURGESS, BURNETT, BURNS, BURTON, CABARCAS.

POLICE DEPARTMENT FOR PERIOD ENDING 09/16/22

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Includes employees CABEZA, CALHOUN, CAMACHO, CAMPOS, CAPASSO, CAPELLAN, CAPOSI, CARFLEY, CARPIO, CARUSO, CASTRO, CAZEAU, CELIK, CENTENO-TALAVER.

Department of Sanitation by sections 753 and 1043(a) of the New York City Charter, section 16-120 of the New York City Administrative Code that DSNY adopts the following rule governing the time for placing solid waste and recyclable materials out at the curb for collection. DSNY published a Notice of Opportunity to Comment on the proposed rule in the City Record on October 17, 2022. On November 18, 2022, DSNY held a public hearing on the proposed rule.

Statement of Basis and Purpose

New York City became noticeably dirtier during the pandemic. While some of this was due to behavioral change and budget cuts, it also highlighted a need to update the Department's rules associated with waste setout for the first time in decades.

Department rules currently allow the placement of waste at the curb in plastic bags beginning at 4:00 p.m. for residential properties and one hour before closing for commercial properties – creating unsanitary conditions, attracting rats and other pests and impeding pedestrian flow. This has a substantial impact on quality of life in all five boroughs of New York City and directly counteracts the City's efforts to create cleaner, more vibrant neighborhoods. The current 4pm setout time for residential waste is the earliest of any major American city, and leaves trash on the street for 14+ hours in a given 24-hour period.

A 2020 audit on NYC cleanliness by the Office of the New York State Comptroller found that 70 percent of surveyed streets and 59 percent of sidewalks were dirty, based on the City's own street cleanliness scorecard criteria. In addition, rodent complaints have increased from pre-pandemic lows to record highs in 2022. Trash bags placed out on the street for 14+ hours at a time contribute to these and other issues that affect public health, public safety, and quality of life for all New Yorkers.

Section 16-120 of the New York City Administrative Code requires that all solid waste and recyclables be kept inside a building or at the rear of a building prior to collection time by the Department of Sanitation (DSNY) or a private carter.

Residential Waste:

New York City currently has the earliest setout time for residential waste of any major city in the United States and is one of only a few that does not require trash to be set out in receptacles. Boston, Chicago, Los Angeles and San Francisco are among the vast majority of cities that require waste be set out for collection in lidded receptacles. Philadelphia is the only major U.S. city that allows waste be set out for collection in bags, but it requires that waste be set out as late as 8:00 p.m. in the central business district and 7:00 p.m. in other parts of the city.

This rule will amend the applicable set-out times, based on the number of dwelling units, for solid waste and recyclables for DSNY collection from the current 4:00 p.m. time to a later time based on how the materials are placed out at the curb for collection.

For those using receptacles with tight-fitting lids, such receptacles containing solid waste and recyclables may be placed at the curb for collection by DSNY no earlier than 6:00 p.m. on the day before their scheduled collection. Based on comments received from the public, DSNY has amended the rule to include designated recyclable paper set out without a container, provided that the paper is tied and bundled securely, in the categories of materials that must be set out by 6:00 p.m.. Those using bags must place out their materials at the curb for collection by DSNY no earlier than 8:00 p.m. on the day before their scheduled collection. In both cases, solid waste and recyclables must be set out before midnight to allow for Department collection beginning at 12:01 a.m. on the scheduled collection day.

The rule also restates the requirements in Section 16-120(c) of the New York City Administrative Code regarding the removal of receptacles from the curb following collection. This is included for the purposes of clarity and to consolidate all requirements related to the setout and removal of receptacles in one rule.

The rule will also create an enrollment-based Multiunit Building Collection Program for multiple dwellings that contain nine or more dwelling units. This program will allow approved buildings with on-site maintenance or janitorial staff, to opt to set out waste for collection between 4:00 a.m. and 7:00 a.m. on the day of collection rather than after 6:00 p.m. (if in a container with a lid) or 8:00 p.m. the night before collection. This will provide flexibility to building staff in terms of changes to scheduled shifts necessary to implement this rule change.

To enroll in this program, an owner, or their agent, of a multiunit building would be required to submit an application to DSNY during the annual program application period (January 1 – January 31). DSNY will review these applications and either approve or deny them in writing by the following March 1, and enrollment will be effective April 1. Buildings will have their enrollment automatically renewed each year unless they opt out during the annual program application period. DSNY may terminate a building's enrollment in this program at any time with 30 days notice if the building's participation in the

program constitutes a public nuisance or if the building fails to comply with the requirements.

Commercial Waste

Currently, DSNY rules allow commercial establishments to set out trash and recycling one hour before closing or two hours before a scheduled collection. Because these rules are difficult to enforce, there is a large amount of non-compliance. As a result, there is a significant amount of commercial trash and recycling bags at the curb during daytime hours.

The rule also amends the applicable set-out times for solid waste and receptacles that are collected by private carters based on how materials are placed out at the curb for collection.

Under the rules, waste may be placed out for collection within one hour of closing, provided that the scheduled collection occurs before the establishment next reopens for business and only if such materials are placed out for collection in receptacles with tight-fitting lids. Based on comments received from the public, DSNY has amended the rule to allow for designated recyclable paper to continue to be placed out without a container provided that it is tied and bundled securely

Those establishments that place materials out for collection in bags, regardless of the time they close, may place such materials at the curb no earlier than 8:00 p.m..

The rules will not affect containerized or off-street collection, including collection that takes place in a loading dock.

These rules establish a uniform 8:00 p.m. time that bags can be set out by either residential or commercial properties. These changes will improve quality of life for New Yorkers, clarify enforcement practices, and reduce food sources for rats on our streets.

Based on comments received from the public, DSNY has amended the rule to allow for designated recyclable paper to continue to be placed out without a container provided that it is tied and bundled securely.

DSNY's authority for this rule is found in sections 753 and 1043(a) of the New York City Charter and section 16-120 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

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

Section 1. Subdivision (a) of section 1-02 of Chapter 1 of Title 16 of the rules of the city of New York is amended to read as follows:

(a) Subject to the conditions and fees set forth in sections 1-02.2, 1-02.3, and 1-03 of this Chapter, the Department will provide collection service for ashes and solid waste generated by occupants of residential buildings, public buildings and special use buildings, excluding, however, all commercial occupants of said residential buildings unless such service is otherwise authorized by section 1-03 of this Chapter.

§ 2. Subdivisions (a) and (b) of section 1-02.1 of Title 16 of the rules of the city of New York are amended to read as follows:

(a) [Occupants] Except as otherwise authorized in section 1-02.3 of this chapter, occupants of residential buildings, public buildings, and special use buildings, except commercial occupants of residential buildings where Department collection service is not otherwise authorized by section 1-03 of this chapter, shall [not place receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department earlier than 4:00 p.m. on the day before scheduled collection. Receptacles containing solid waste that are set out at the curb for collection by the Department must not exceed fifty-five gallons in size.] place their receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department as follows:

1. Except as provided in paragraph (2) of this subdivision, materials must be placed out at the curb no earlier than 8:00 p.m. on the day before scheduled collection and no later than 12:00 a.m. on the scheduled collection day;
2. The following materials must be placed out at the curb no earlier than 6:00 p.m. on the day before scheduled collection and no later than 12:00 a.m. on the scheduled collection day: (i) materials placed out for collection in receptacles with a tight-fitting lid; and (ii) designated recyclable paper that is tied and bundled securely without a container and set out in accordance with the requirements found in section 1-08(h) of Title 16 of the rules of the city of New York;
3. Receptacles containing solid waste that are set out at the curb must not exceed fifty-five gallons in size;
4. Receptacles containing designated recyclable materials that are set out at the curb must comply with the container specifications found in section 1-08 of title 16 of the rules of the city of New York; and

5. All receptacles shall be removed before 9:00 p.m. on the day of collection, or if such collection occurs after 4:00 p.m., then before 9:00 a.m. on the day following collection.

(b) A commercial establishment that receives collection from a private carter [while the establishment is closed may place receptacles or bags containing solid waste or recyclables out at the curb for collection within one hour of closing, provided that the scheduled collection occurs before the establishment next reopens for business. If collection is performed while an establishment is open, receptacles or bags containing solid waste or recyclables may be placed out at the curb for collection no earlier than two hours before the scheduled collection time.] shall place receptacles or bags containing solid waste or recyclables out at the curb for private carter collection as follows:

1. Except as provided in paragraph (2) of this subdivision, materials must be placed out at the curb no earlier than 8:00 p.m. prior to scheduled collection provided that such collection takes place later that same day or on the day immediately following;
2. Materials placed out for collection in receptacles with a tight-fitting lid, and designated recyclable paper that is tied and bundled securely without a container, may be placed out for collection at the curb no earlier than one hour before closing, provided that the scheduled collection occurs before the establishment next reopens for business.;
3. Any receptacle placed out for collection must be removed from the curb no later than the time the commercial establishment next reopens for business; and
4. The requirements of this subdivision do not apply to commercial establishments that receive off-street collection, including collection from inside a loading dock.

§ 3. Chapter 1 of Title 16 of the rules of the city of New York is amended by adding a new Section 1-02.3, to read as follows:

§ 1-02.3 Multiunit Building Collection Program

(a) Definitions. For the purposes of this section:

1. A “multiunit building” means a multiple dwelling that receives Department collection service and has nine or more dwelling units; and
2. The “program application period” means the period of time beginning January 1 and ending January 31 of each calendar year.

(b) Program Requirements. An owner, or their agent, of a multiunit building may apply to the Department for enrollment in the multiunit building collection program to allow approved multiunit buildings to place their receptacles or bags containing solid waste or recyclables out at the curb for collection by the Department as follows:

1. Materials must be placed out at the curb no earlier than 4:00 a.m. on the day of collection and no later than 7:00 a.m. on the day of collection.
2. Receptacles containing solid waste that are set out at the curb must not exceed fifty-five gallons in size; and
3. Receptacles containing designated recyclable materials that are set out at the curb must comply with the container specifications found in section 1-08 of title 16 of the rules of the city of New York.

(c) Application and Enrollment Process. The multiunit building program shall be an ongoing program providing an annual application period for new enrollees and an automatic annual renewal for multiunit buildings already enrolled in the program in compliance with program requirements. The multiunit building program enrollment and approval process is as follows:

1. An owner, or their agent, of a multiunit building may submit a new application to the Department to enroll in the multiunit building collection program during the program application period in accordance with the requirements of subdivision (d) of this section.
2. The Department shall have until March 1 to review any new multiunit building applications submitted during the program application period. The Department may deny an application for the multiunit building collection program if participation by a multiunit building in such program would constitute a public nuisance, or if such building has failed to

comply with the requirements of this program during a prior enrollment in the three years preceding an application.

3. Applicants denied by the Department for enrollment in the multiunit building collection program shall be notified in writing no later than March 1 of the calendar year in which the application is submitted. Buildings denied by the Department shall set out materials for collection pursuant to the requirements in section 1-02.1. If an application or renewal is denied by the Department, the applicant will have 30 days to submit an appeal in writing to the Commissioner. The Commissioner shall respond to this appeal in a reasonable time, and such decision will be deemed a final determination. Those buildings that are currently enrolled in the multiunit building collection program shall be allowed to continue participation in such program pending a final determination by the Department.
4. Applicants approved by the Department for enrollment in the multiunit building collection program shall be notified in writing no later than March 1 of the calendar year in which the application is submitted. Such approved multiunit buildings shall comply with the requirements set forth in subdivision (b) of this section beginning on April 1 of the calendar year in which the application is submitted.
5. Approved enrollment in the multiunit building collection program shall renew automatically each subsequent year, unless terminated by an owner, or their agent, or by the Department pursuant to subdivision (e) of this section. If a renewal is denied by the Department, the applicant will have 30 days to submit an appeal in writing to the Commissioner. The Commissioner shall respond to this appeal in a reasonable time, and such decision will be deemed a final determination. Those buildings that are currently enrolled in the multiunit building collection program shall be allowed to continue participation in such program pending a final determination by the Department.

(d) Application Requirements. New applications to enroll in the multiunit building collection program must be submitted by the owner, or their agent, of a multiunit building to the Department in a form and format determined by the Department during the program application period. There is no fee to enroll. Such application shall include:

1. the name and contact information of the owner of such building, and their agent, if applicable;
2. the number of dwelling units in such building;
3. an attestation that the owner of such building, or their agent, agrees to place receptacles or bags containing solid waste or recyclables at the curb consistent with subdivision (b) of this section; and
4. any additional information deemed necessary by the Department.

(e) Termination of enrollment.

1. At any point, upon 30 days written notice to an owner, or their agent, the Department may terminate the participation in the multiunit building collection program of any building that causes a public nuisance or who fails to comply with the requirements of this program.
2. An owner, or their agent, of a building enrolled in the multiunit building collection program may opt to terminate participation in this program only during the program application period. Such termination shall be effective beginning April 1 thereafter.
3. When a building enrolled in the multiunit building collection program has a change in ownership, the owner that enrolled the building in the program shall notify the Department in writing to cancel enrollment in the program thirty days prior to the closing of the sale of the building. Cancellation of enrollment in the program shall be effective upon receipt of the notice. The enrollment cancellation notice to the Department shall include the name and contact information of the new building ownership.

(f) Annual notification. The Department shall notify, in writing, the owners, or their agents, of multiunit buildings enrolled in this program of their obligations under this program no later than December 31 each year that they are enrolled.