



THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD U.S.P.S. 0114-660
Printed on paper containing 30% post-consumer material

VOLUME CL NUMBER 23

FRIDAY, FEBRUARY 3, 2023

Price: \$4.00

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THE CITY RECORD

ERIC L. ADAMS

Mayor

DAWN M. PINNOCK

Commissioner, Department of
Citywide Administrative Services

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Editor, The City Record

Published Monday through Friday except legal holidays by the New York City Department of Citywide Administrative Services under Authority of Section 1066 of the New York City Charter.

Subscription \$500 a year, \$4.00 daily (\$5.00 by mail). Periodicals Postage Paid at New York, NY
POSTMASTER: Send address changes to
THE CITY RECORD, 1 Centre Street,
17th Floor, New York, NY 10007-1602

Editorial Office/Subscription Changes:
The City Record, 1 Centre Street, 17th Floor,
New York, NY 10007-1602 (212) 386-0055

Visit **The New City Record Online (CROL)**
at www.nyc.gov/cityrecord for a
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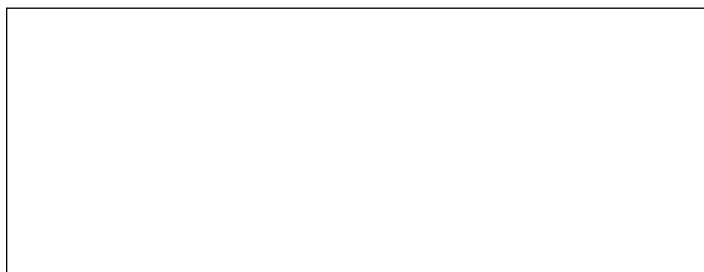
PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOROUGH PRESIDENT - BROOKLYN

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN of a public hearing, to be held, on Tuesday, February 7, 2023, at 6:00 P.M., via Webex, <https://tinyurl.com/ms28my3t>. Meeting number 2344 325 6397 Password BBBM Join by phone:



+1-646-992-2010 (New York City) | +1-408-418-9388 US Toll
Access code: 234 432 56397

To review a proposal from the Prospect Park Alliance to restore and reconstruct approximately 10 acres in the northeast corner of Prospect Park also known as the Vale of Cashmere. The proposed work will include the creation of a meadow with a planted arbor, a natural exploration area, and a comfort station with a green roof. It will also include fully accessible paths, benches, drinking fountains, waste receptacles, protective fencing, and accessible educational signage. The second part of the project is the restoration of the Children's Pool in the Lower Vale.

Accessibility questions: Carol-Ann Church (718) 802-4836,
by: Wednesday, February 1, 2023, 3:00 P.M.



j26-f7

CITY COUNCIL

■ PUBLIC HEARINGS

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

The Subcommittee on Zoning and Franchises will hold a public hearing, accessible remotely and in person, at 250 Broadway, 14th Floor, New York, NY 10007, on the following matters commencing, at 10:00 A.M. on February 8, 2023. The hearing will be live-streamed on the Council's website, at <https://council.nyc.gov/live/>. Please visit <https://council.nyc.gov/land-use/> in advance for information about how to testify and how to submit written testimony.

521 East Tremont Avenue Rezoning
BRONX CB - 6 **C 220306 ZMX**

Application submitted by M521 Tremont LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d:

1. eliminating a Special Mix Use District (MX-14), bounded by a line of 195 feet southwesterly of East 178th Street, Third Avenue, a line 200 feet southwesterly of East 178th Street, and a line midway between Bathgate Avenue and Third Avenue;

2. changing from an R6A District to a C4-4D District property, bounded by a line 195 feet southwesterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, a line 220 feet southwesterly of East 178th Street and Bathgate Avenue;

3. changing from an C4-5X District to a C4-4D District property, bounded by a line 220 feet southwesterly of East 178th Street, a line midway between Bathgate Avenue and Third Avenue, a line 200 feet southwesterly of East 178th Street, Third Avenue, East Tremont Avenue, and Bathgate Avenue; and

4. changing from an M1-4/R7A District to a C4-4D District property, bounded by a line of 195 feet southwesterly of East 178th Street, Third Avenue, a line 200 feet southwesterly of East 178th Street, and a line midway between Bathgate Avenue and Third Avenue; as shown on a diagram (for illustrative purposes only) dated September 19, 2022, and subject, to the conditions of CEQR Declaration E-687.

521 East Tremont Avenue Rezoning
BRONX CB - 6 **N 220307 ZRX**

Application submitted by M521 Tremont 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

* * *

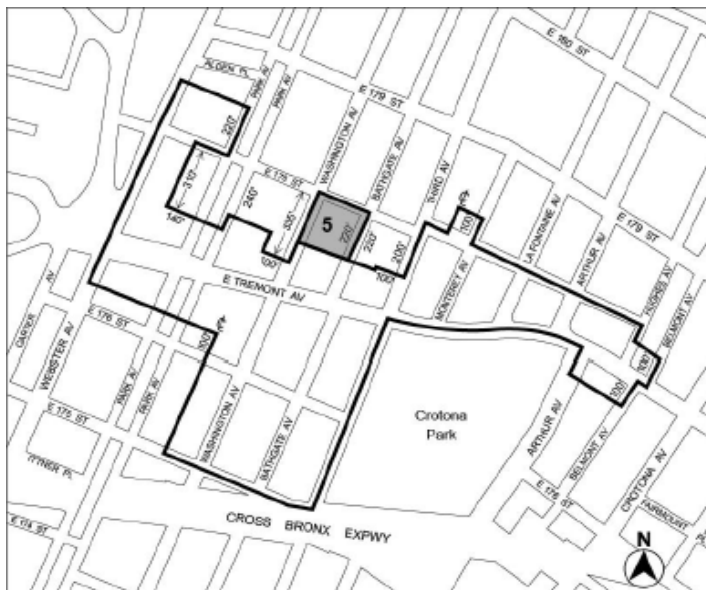
THE BRONX

The Bronx Community District 6

* * *

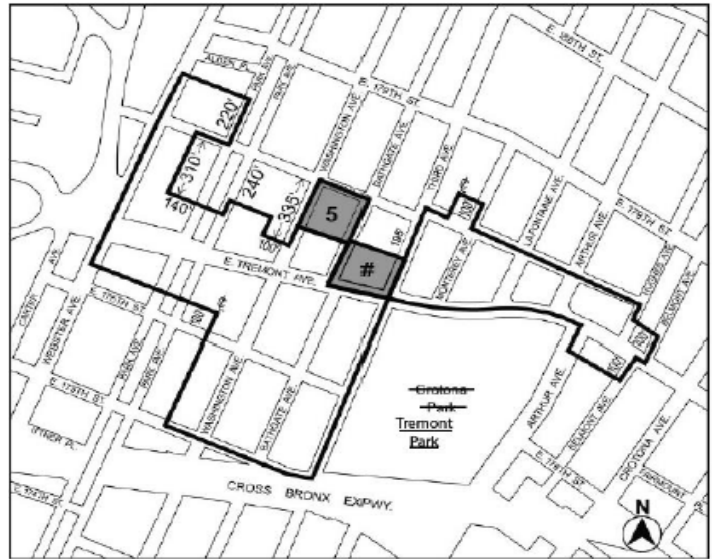
Map 3 - (date of adoption)

[EXISTING MAP]



Inclusionary Housing designated area
Mandatory Inclusionary Housing Area see Section 23-154(d)(3)
Area 5 6/17/21 - MIH Program Option 1 and Option 2

[PROPOSED MAP]



Inclusionary Housing designated area
Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area 5 - 6/17/21 - MIH Program Option 1 and 2
Area # - [date of adoption] - MIH Program Option 1

Portion of Community District Community District 6, The Bronx

* * *

1880-1888 CONEY ISLAND AVENUE REZONING

BROOKLYN CB - 12

C 210090 ZMK

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, 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.

1880-1888 CONEY ISLAND AVENUE REZONING

BROOKLYN CB - 12

N 210091 ZRK

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.

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* * * 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

For questions about accessibility and requests for additional accommodations, please contact swerts@council.nyc.gov or nbenjamin@council.nyc.gov or (212) 788-6936, at least three (3) business days before the hearing.

Accessibility questions: Kaitlin Greer, kgreer@council.nyc.gov, by: Friday, February 3, 2023 3:00 P.M.



f2-8

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, February 15, 2023, 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-commission-public-meeting/427785/1>.

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 PM, 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 [\[AccessibilityInfo@planning.nyc.gov\]](mailto:AccessibilityInfo@planning.nyc.gov) or made by calling [\[212-720-3508\]](tel:212-720-3508). Requests must be submitted at least five business days before the meeting.

BOROUGH OF THE BRONX
Nos. 1 & 2
2560 BOSTON ROAD REZONING
No. 1

CD 11 **C 220283 ZMX**
IN THE MATTER OF an application submitted by Boston Road Associates, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No 4a:

- changing from an R6 District to an R7-2 District property bounded by a line 100’ southeasterly of Boston Road, Matthews Avenue, a line 350 feet northerly of Mace Avenue, a line midway between Barnes Avenue and Matthews Avenue, a line 250 feet northerly of Mace Avenue, and Barnes Avenue;
- changing from a C8-1 District to an R7-2 District property bounded by Boston Road, Matthews Avenue, a line 100’ southeasterly of Boston Road, and Barnes Avenue; and
- establishing within the proposed R7-2 District a C2-4 District bounded by Boston Road, Matthews Avenue, a line 350 feet northerly of Mace Avenue, a line midway between Barnes Avenue and Matthews Avenue, a line 250 feet northerly of Mace Avenue, and Barnes Avenue;

as shown on a diagram (for illustrative purposes only) dated October 24, 2022, and subject to the conditions of CEQR Declaration E-694.

No. 2

CD 11 **N 220284 ZRX**
IN THE MATTER OF an application by Boston Road Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

* * *

THE BRONX


* * *

The Bronx Community District 11

* * *

Map 4 – [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 11, The Bronx

* * *

BOROUGH OF BROOKLYN
Nos. 3-5
PAPERIFIC REZONING
No. 3

CD 12 **C 220470 ZMK**
IN THE MATTER OF an application submitted by Stamford LLC, and Capri Optics, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c:

1. changing from an M2-1 District to an R6B District property bounded by a line 90 feet northeasterly of 38th Street, a line 220 feet northwesterly of 15th Avenue, 38th Street, and a line 460 feet northwesterly of 15th Avenue;
2. changing from an R6 District to a C4-4A District property bounded by 37th Street, 15th Avenue, 38th Street, and a line 100 feet northwesterly of 15th Avenue; 3. changing from an M1-2 District to a C4-4A District property bounded by 37th Street a line 100 feet northwesterly of 15th Avenue, 38th Street, and a line 200 feet northwesterly of 15th Avenue; and
3. changing from an M2-1 District to a C4-4A District property bounded by 37th Street, a line 200 feet northwesterly of 15th Avenue, 38th Street, a line 220 feet northwesterly of 15th Avenue, a line 90 feet northeasterly of 38th Street, and a line 270 feet northwesterly of 15th Avenue;

as shown on a diagram (for illustrative purposes only) dated November 7, 2022, and subject to the conditions of CEQR Declaration E-692.

No. 4

CD 12 **N 220471 ZRK**
IN THE MATTER OF an application submitted by Stamford LLC, and Capri Optics, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

Matter underlined is new, to be added;
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* * * 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 Area see Section 23-154(d)(3)

Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 12, Brooklyn

* * *

No. 5

CD 12 **C 220472 ZSK**
IN THE MATTER OF an application submitted by Stamford LLC and Capri Optics, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section

74-681(a)(2) of the Zoning Resolution to allow a portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area in connection with a proposed 5-story building on property located at 1463 38th Street (Block 5348, Lots 15, 17, 49 and 54), in a C4-4A* District.

*Note: This site is proposed to be rezoned by changing existing M1-2 and M2-1 Districts to a C4-4A District, under a concurrent related application for a Zoning Map change (C 220470 ZMK).

Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2020K0479> or at the Department of City Planning, 120 Broadway, 31st Floor, New York, NY 10271-0001.

BOROUGH OF QUEENS
Nos. 6 and 7
25-46 FAR ROCKAWAY BLVD REZONING
No. 6

CD 14 **C 200232 ZMQ**

IN THE MATTER OF an application submitted by Queens Realty Holdings of NY LTD, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 31a, by changing an existing R4-1 District to an R6B District property bounded by Ocean Crest Boulevard, a line 115 feet northeasterly of Hartman Lane, Beach Channel Drive, a line 80 feet northeasterly of Hartman Lane, Far Rockaway Boulevard, Hartman Lane, as shown on a diagram (for illustrative purposes only) dated November 7, 2022, and subject to the conditions of CEQR Declaration E-676.

No. 7

CD 14 **N 220330 ZRQ**

IN THE MATTER OF an application submitted Queens Realty Holdings of NY LTD, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

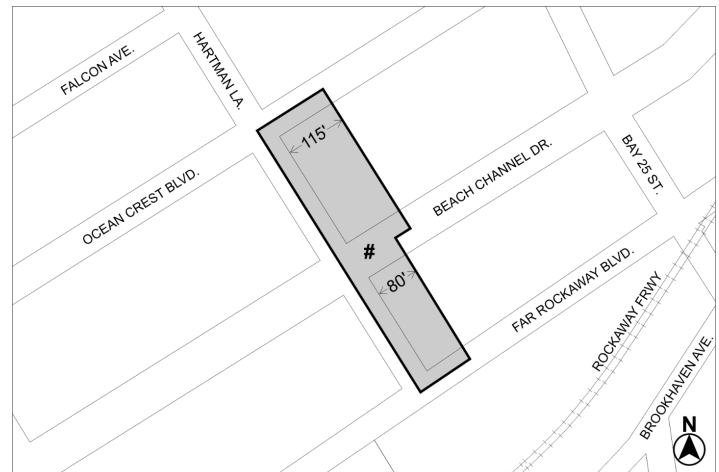
QUEENS

* * *

Queens Community District 14

* * *

Map 4 – [date of adoption]



■ Mandatory Inclusionary Housing Area see Section 23-154(d)(3)

Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 14, Queens

* * *

No. 8

245-06 SOUTH CONDUIT AVENUE COMMERCIAL AVENUE

CD 13 C 230006 ZMQ
IN THE MATTER OF an application submitted by Tire Heaven, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos.19b and 19d:

- 1. eliminating from within an existing R3-2 District a C1-3 District bounded by South Conduit Avenue, 139th Avenue, 246th Street, a line 335 feet northeasterly of Francis Lewis Boulevard, a line 100 feet northwesterly of 246 Street, a line 85 feet northeasterly of Francis Lewis Boulevard, and 245th Street; and
2. establishing within an existing R3-2 District a C2-3 District bounded by South Conduit Avenue, 139th Avenue, 246th Street, a line 335 feet northeasterly of Francis Lewis Boulevard, a line 100 feet northwesterly of 246 Street, a line 85 feet northeasterly of Francis Lewis Boulevard, and 245th Street;

as shown on a diagram (for illustrative purposes only) dated November 7, 2022.

Nos. 9-11
23-10 QUEENS PLAZA SOUTH
No. 9

CD 2 C 210317 ZMQ
IN THE MATTER OF an application submitted by AAGS Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, by changing from an M1-5/R9 District to an M1-6/R9 District property bounded by Queens Plaza South, 24th Street, 42nd Road, and 23rd Street, as shown on a diagram (for illustrative purposes only) dated October 24, 2022, and subject to the conditions of CEQR Declaration E-689.

No. 10

CD 2 N 210318 ZRQ
IN THE MATTER OF an application submitted by AAGS Holdings 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 Article XI, Chapter 7 (Special Long Island City Mixed Use District) to add new Area D to the Queens Plaza Subdistrict.

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.

ARTICLE XI
SPECIAL PURPOSE DISTRICTS

Chapter 7
Special Long Island City Mixed Use District

* * *

117-50
QUEENS PLAZA SUBDISTRICT

117-501
General provisions

In Areas A-1, A-2, B, and C and D of the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#, as indicated on Map 1 in Appendix C of this Chapter. For the purposes of this Chapter, such #Residence# and M1 Districts are referred to as the "designated districts."

* * *

117-502
Queens Plaza Subdistrict Plan

The Queens Plaza Subdistrict Plan partly consists of the following three maps located within Appendix C of this Chapter:

- Map 1 (Designated Districts within the Queens Plaza Subdistrict) of the Queens Plaza Subdistrict Plan identifies special areas comprising the Queens Plaza Subdistrict in which an M1 District is paired with a #Residence District# as indicated on the Subdistrict Map. These areas are as follows:

Table with 2 columns: Area, Designated Districts. Rows include A-1 A-2 (M1-6/R10), B (M1-5/R9), C (M1-5/R7-3), D (M1-6/R9).

- Map 2 (Ground Floor Use and Frontage) of the Queens Plaza Subdistrict Plan specifies locations where the special ground floor #use# and frontage regulations, as set forth in Section 117-512, apply.

- Map 3 (Sidewalk Widening and Street Wall Location) of the Queens Plaza Subdistrict Plan specifies the locations where special #street wall# and mandatory sidewalk widening regulations, as set forth in Section 117-531, apply.

* * *

117-52
Queens Plaza Subdistrict Special Bulk Regulations

117-521
General provisions

All #buildings and other structures# within the Queens Plaza Subdistrict shall comply with the #bulk# regulations of this Section. The regulations of the designated #Residence# and M1 Districts shall apply as set forth below.

In Areas A-1, A-2, B, and C and D of the Queens Plaza Subdistrict, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure# in accordance with the regulations of the designated #Residence District#, and the #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #community facility# and #commercial uses# in a #building or other structure# in accordance with the regulations of the designated M1 District, except as modified in the special #bulk# regulations of Sections 117-522 through 117-533, inclusive.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

117-522
Maximum floor area ratio for all uses Floor area regulations

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# and #residential uses# in accordance with the applicable designated district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES IN THE QUEENS PLAZA SUBDISTRICT

Table with 2 columns: Area, Maximum #Floor Area Ratio#. Rows include A-1 A-2 (12.0 C, M, CF or R), B (8.0 C, M, CF or R), C (5.0 C, M, CF or R), D (15.0 C or M, 10.0 CF, 8.0 R).

C = Commercial
M = Manufacturing
CF = Community Facility
R = Residential

* * *

117-53
Height and Setback and Street Wall Location Regulations

The height and setback regulations of the designated #Residence# and M1 Districts shall not apply, except for permitted obstructions, pursuant to Sections 23-62 or 43-42, as applicable. In lieu thereof, all #buildings or other structures# shall comply with the regulations set forth in Sections 117-531 (Street wall location) and 117-532 (Setback regulations for buildings that exceed the maximum base height). Such regulations, however, shall not apply along the #street frontage# of that portion of a #zoning lot# occupied by existing #buildings#, unless the #street walls# of such existing #buildings# are vertically extended by more than 15 feet. The height of all #buildings or other structures# shall be measured from the #base plane#.

117-531
Street wall location

* * *

- f. For any #building# fronting on Queens Plaza South in Area A-1, or Area B or Area D as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) of Appendix C, any #street wall# along Queens Plaza South shall be set back five feet from the #street line#, except as otherwise specified on Map 3.

* * *

117-532
Setback regulations for buildings that exceed the maximum base height

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

- (a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

Area	Minimum Base Height	Maximum Base Height
A-1	60	---
A-2	60	150
B and D	100	150
C*	60	100

* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet.

- (b) In Area A-1, no setbacks are required above the applicable minimum base height specified in the table in paragraph (a) of this Section. However, if a setback is provided, it shall comply with the provisions of paragraph (a).
- (c) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.

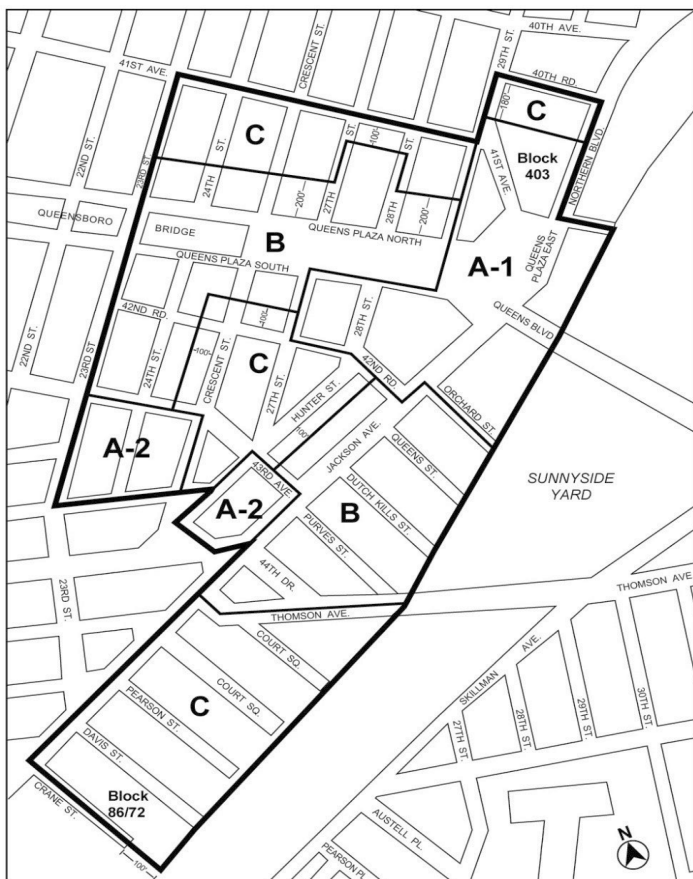
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Appendix C
Queens Plaza Subdistrict Plan Maps

(12/19/01) [date of adoption]

Map 1: Designated Districts within the Queens Plaza Subdistrict

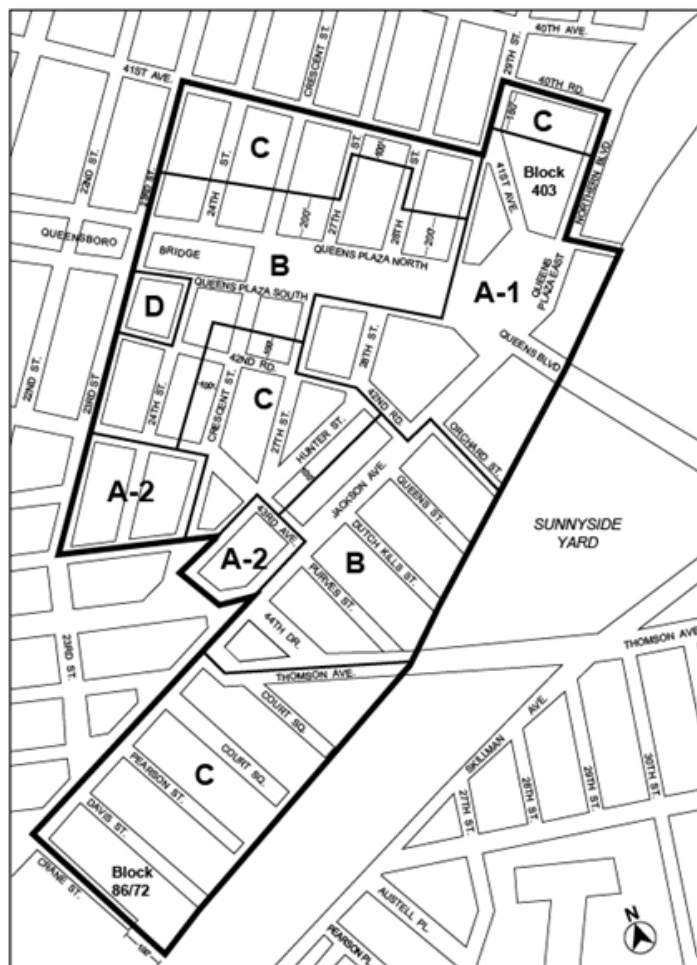
[EXISTING MAP]



Queens Plaza Subdistrict
 Designated Districts

AREA A-1, A-2	M1-6/R10
AREA B	M1-5/R9
AREA C	M1-5/R7-3

[PROPOSED MAP]



Queens Plaza Subdistrict
 Designated Districts

AREA A-1, A-2	M1-6/R10
AREA B	M1-5/R9
AREA C	M1-5/R7-3
AREA D	M1-6/R9

No. 11

CD 2 C 210319 ZSQ

IN THE MATTER OF an application submitted by AAGS Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-533 of the Zoning Resolution to modify the distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), and the street wall location requirements of Section 117-531 (Street wall location), to facilitate a 22-story enlargement of an existing 4-story building on property located at 23-10 Queens Plaza South (Block 425, Lots 1 & 5), in an M1-6/R9 District*, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict).

* Note: an amendment of the Zoning Map, Section No. 9b, to change an existing M1-5/R9 District to an M1-6/R9 District is proposed under a concurrent related application C 210317 ZMQ.

Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2020Q0317>, or the Department of City Planning, 120 Broadway, 31st Floor, New York, NY 10271-0001.

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

Accessibility questions: (212) 720-3508, AccessibilityInfo@planning.nyc.gov, by: Thursday, February 9, 2023, 5:00 P.M.



COMMUNITY BOARDS

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the following matter has been scheduled for public hearing for Community Board:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - February 6, 2023, 7:30 P.M., via Zoom.

BSA Cal. No. 2019-16BZII

An application to the NYC Board of Standards and Appeals, to enlarge the eating and drinking establishment with drive-through, located at 250-01 Northern Boulevard, Little Neck, Queens.

j31-f6

BOARD OF EDUCATION RETIREMENT SYSTEM

■ MEETING

The Board of Education Retirement System Board of Trustees Meeting, will be held on Tuesday, February 7, 2023, from 4:00 P.M. - 6:00 P.M., via Webex. If you would like to attend this meeting, please contact BERS Executive Director, Sanford Rich, at Srich4@bers.nyc.gov.

f1-7

Our next Disability Committee Meeting, will be held next Monday, February 6, 2023, from 10:30 A.M. to 12:30 P.M., via Webex. If you would like to attend this meeting, please contact Sharon Koppula, at Skoppula@bers.nyc.gov.

j27-f6

HOUSING AUTHORITY

■ NOTICE

The next Board Meeting of the New York City Housing Authority is scheduled for Thursday, February 23, 2023, at 10:00 A.M. in the Ceremonial Room on the 5th Floor of 90 Church Street, New York, NY (unless otherwise noted). Copies of the Calendar will be available on NYCHA's website or may be picked up, at the Office of the Corporate Secretary, at 90 Church Street, 5th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the Minutes will also be available on NYCHA's website or may be picked up, at the Office of the Corporate Secretary no earlier than 3:00 P.M. on the Thursday following the Board Meeting.

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

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

The meeting will be streamed live on NYCHA's YouTube Channel, at <https://www.youtube.com/c/nycha> and NYCHA's website, at <https://www1.nyc.gov/site/nycha/about/board-meetings.page>.

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

Accessibility questions: Office of the Corporate Secretary (212) 306-6088, by: Thursday, February 16, 2023, 4:00 P.M.

Large Print

f2-23

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on

Tuesday, February 14, 2023, 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.

136 Franklin Street - Greenpoint Historic District

LPC-23-04875 - Block 2563 - Lot 5 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

An Italianate style row house with a commercial ground floor, built in 1855. Application is to construct a rear yard addition.

292 Kent Avenue - Individual Landmark

LPC-23-04893 - Block 2414 - Lot 25 - **Zoning:** C6-2

CERTIFICATE OF APPROPRIATENESS

Three American Round-Arch style industrial buildings, designed by Theodore A. Havemeyer and others and built in 1881-1884. Application is to install a marquee.

83 7th Avenue - Park Slope Historic District

LPC-22-10937 - Block 1063 - Lot 4 - **Zoning:** R7-1

CERTIFICATE OF APPROPRIATENESS

A Modified Classical style apartment house, designed by M. J. Morrill and built in 1901. Application is to legalize alterations to the storefront entrance and installation of lighting without Landmarks Preservation.

900 Sterling Place - Crown Heights North Historic District II

LPC-23-02388 - Block 1248 - Lot 28 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

An altered Queen Anne style rowhouse, designed by J.H. Herbert and built in 1889. Application is to legalize parging the rear façade without Landmarks Preservation Commission permit(s).

34 Ericsson Place - Tribeca West Historic District

LPC-23-06001 - Block 190 - Lot 7501 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

A Neo-Renaissance style store and lofts building, designed by William Emerson and built in 1908. Application is to install storefront infill and railings, and replace the loading platform.

350 Bleecker Street - Greenwich Village Historic District

LPC-23-04661 - Block 620 - Lot 19 - **Zoning:** C1-6

CERTIFICATE OF APPROPRIATENESS

An apartment house, designed by H.I. Feldman and built in 1963. Application is to paint a portion of the facade and install signage.

238 West 11th Street - Greenwich Village Historic District

LPC-23-02673 - Block 613 - Lot 16 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse, built in 1852-53. Application is to replace a door; construct a rooftop bulkhead and install mechanical equipment; alter the rear façade and construct a rear yard addition; and excavate the rear yard.

392 Columbus Avenue - Upper West Side/Central Park West Historic District

LPC-23-05001 - Block 1150 - Lot 34 - **Zoning:** R10A

CERTIFICATE OF APPROPRIATENESS

A Neo-Grec style rowhouse, designed by Christian Blinn and built in 1881. Application is to replace windows, and install awnings, signage and lighting.

330 West 42nd Street - Individual Landmark

LPC-23-05769 - Block 1032 - Lot 48 - **Zoning:** C6-7

MISCELLANEOUS - AMENDMENT

A Moderne/International Style office building, designed by Raymond Hood, and Godley & Foulhoux and built in 1931. Application is to amend Certificate of Appropriateness 22-04937, to modify entrance infill and install signage and marquees.

45 West 81st Street (aka 41-49 West 81st Street) - Upper West Side/Central Park West Historic District

LPC-23-05059 - Block 1195 - Lot 5 - **Zoning:** R10A

CERTIFICATE OF APPROPRIATENESS

A Neo-Moorish style apartment hotel building, with Spanish Renaissance style elements, designed by Sugarman & Hess and built in 1922. Application is to construct a rooftop addition. Commission permit(s).

j31-f13

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, February 7, 2023, at 9:30 A.M., 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.

**137 St. Marks Avenue - Prospect Heights Historic District
LPC-23-04501 - Block 1144 - Lot 100 - Zoning: - R6B
CERTIFICATE OF APPROPRIATENESS**

A Neo-Grec style rowhouse, designed by Jeremiah J. Gilligan and built c. 1883. Application is to demolish a garage and rear addition modify masonry openings and replace windows, and install a balcony, pergola and fence.

**687B Greenwich Street - Greenwich Village Historic District
LPC-23-05251 - Block 630 - Lot 139 - Zoning: R6
CERTIFICATE OF APPROPRIATENESS**

A rowhouse, designed by Proposition Architecture and built in 1987. Application is to construct a rooftop addition.

**434-436 West 22nd Street - Chelsea Historic District
LPC-22-06493 - Block 719 - Lot 62, 64 - Zoning: R7B
CERTIFICATE OF APPROPRIATENESS**

A Greek Revival style house, built in 1835 and a Greek Revival style rowhouse, built in 1843, both altered c. 1945. Application is to replace entrance surrounds.

**60 East 93rd Street - Expanded Carnegie Hill Historic District
LPC-23-05821 - Block 1504 - Lot 45 - Zoning: R8B
CERTIFICATE OF APPROPRIATENESS**

A Neo-French Classic style townhouse, designed by John Russell Pope and built in 1930-31. Application is to alter the rear façade and infill a light court.

**60 East 93rd Street - Expanded Carnegie Hill Historic District
LPC-23-05825 - Block 1504 - Lot 45 - Zoning: R8B
MODIFICATION OF USE AND BULK**

A Neo-French Classic style townhouse, designed by John Russell Pope and built in 1930-31. Application is to request that the Landmarks Preservation Commission issue a report to the City Planning Commission relating to an application for a Modification of Use, pursuant to Section 74-711 of the Zoning Resolution.

j24-f6

TEACHERS' RETIREMENT SYSTEM

■ MEETING

Please be advised that the next Board Meeting of the Teachers' Retirement System of the City of New York (TRS), has been scheduled for Thursday, February 9, 2023, at 3:30 P.M.

The remote Zoom meeting link be available approximately one hour before the start of the meeting at: <https://www.trsnyc.org/memberportal/About-Us/ourRetirementBoard>.

The meeting is open to the public. However, portions of the meeting, where permitted by law, may be held in executive session.

j31-f9

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

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](https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page). 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

ADMINISTRATION

■ INTENT TO AWARD

Services (other than human services)

NEGOTIATED ACQUISITION EXTENSION- SOCIAL SECURITY ADVOCACY SERVICES - Negotiated Acquisition - Other - PIN# 06823N0014 - Due 2-14-23 at 3:00 P.M.

Pursuant to Section 3-04(b)(2)(i)(D) of the Procurement Policy Board Rules, the Administration for Children's Services (ACS), intends to enter into a Negotiated Acquisition contract with Public Consulting Group. Public Consulting Group's headquarters are located at 148 State Street, 10th Floor, Boston, MA 02109-2510. The contract will be for the provision of Social Security Advocacy Services. The EPIN for this award is 06823N0014, and the proposed budget for this negotiated acquisition extension is \$5,232,800.00. Organizations interested in future solicitations for these services are invited to do so by registering with the NYC Mayor's Office of Contract Services (MOCS) PASSPort system. To register with PASSPort, please go to www.nyc.gov/PASSPort. There you will find additional guides to assist you with the registration process.

ACS, must maintain continuity of services with the current vendor until services resulting from a new procurement are put in place. These services fulfill a vital need for ACS, helping ACS identify those children/youth in care that are potentially eligible for benefits based on criteria established by the Social Security Administration (SSA), so that applications for benefits may be submitted to the SSA on their behalf.

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.

Administration for Children's Services, 150 William Street, 9th Floor, New York, NY. Doron Pinchas (212) 341-3488; doron.pinchas@acs.nyc.gov

f1-14

CHIEF MEDICAL EXAMINER

■ INTENT TO AWARD

Services (other than human services)

81623Y0344-IDEMIA MAINTENANCE AND SUPPORT SERVICES - Request for Information - PIN#81623Y0344 - Due 2-11-23 at 12:00 A.M.

The New York City (the "City") Office of the Chief Medical Examiner ("OCME"), intends to enter into sole source negotiations with Idemia, for two (2) years, to procure Idemia Maintenance and Standard Support - No SA # 005470-003, to OCMEs existing ten (10) equipment for workstation, Livescan and Des. Support to include but not limited to Software Support, Hardware Support and Parts Support for the Following Nodes:

M-520CMSFP03; M-520CMSFP04; M-520CMSFP00; M-520CMSFP01; M-520CMSFP02; M-BRKCMSFP01; M-BRKCMSFP02; M-QNSCMSFP01; M-QNSCMSFP02; & M-520CMSDES.

Any entity able to provide the Idemia Maintenance and Support services for two (2) years, is invited to express its interest and submit qualifications on the Procurement and Sourcing Solutions Portal. Expressions of interest and submissions of qualifications should be submitted, no later than February 11th, 2023, at 2:00 P.M. (EDT).

Please 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 the link below under the Finding and Responding to RFx heading. If you need additional assistance with PASSPort, please contact the MOCS Service Desk, at MOCS Service Desk. Link: <https://mocssupport.atlassian.net/serviceesk/customer/portal/8>.

☛ f3-9

CITYWIDE ADMINISTRATIVE SERVICES

■ AWARD

Goods

ROSCO MIRRORS & ACCESSORIES - Competitive Sealed Bids - PIN#85722B0107001 - AMT: \$994,500.00 - TO: Rosco Inc, 144-31 91st Avenue, Jamaica, NY 11435-4397.

☛ f3

GENUINE REPAIR PARTS FOR HARLEY DAVIDSON MOTORCYCLES - Competitive Sealed Bids - PIN#85723B0016001 - AMT: \$947,500.00 - TO: South Shore Cycles Inc, Harley Davidson of Nassau County, 2428 Sunrise Highway, Bellmore, NY 11710.

☛ f3

Services (other than human services)

PROFESSIONAL DEVELOPMENT TRAINING FOR CITY EMPLOYEES RENEWAL - Renewal - PIN#85619P8185KXLR002 - AMT: \$76,864.15 - TO: Center for Emotional Development, PO Box 276, Hibernia, NJ 07842-0276.

☛ f3

ADMINISTRATION

■ SOLICITATION

Goods

PLATFORM, TELESCOPIC AND ARTICULATED BOOM DSNY - Competitive Sealed Bids - PIN#85723B0066 - Due 3-14-23 at 10:30 A.M.

All bids are done on PASSPort. To review the details for this solicitation and participate, please use the following link below, and use the keyword search fields to find the solicitation for Platform, Telescopic and Articulated Boom DSNY.

You can search by PIN#85723B0066, or search by keyword: https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public.

If you need additional assistance with PASSPort, please contact the MOCS Service Desk, at <https://mocssupport.atlassian.net/serviceesk/customer/portal/8>. Link: <https://www1.nyc.gov/site/mocs/systems/passport-user-materials.page>.

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007. Evelyn Lucero (212) 386-0409; elucero@dcas.nyc.gov

☛ f3

DISTRICT ATTORNEY - QUEENS COUNTY

■ INTENT TO AWARD

Services (other than human services)

CASE INVESTIGATION AND PROPERTY MANAGEMENT SOFTWARE - Sole Source - Available only from a single source - PIN# QDA-20232601 - Due 2-7-23 at 5:00 P.M.

Pursuant to Procurement Policy Board Rule Section 3-05, the Queens District Attorney's Office (QDA), intends to enter into a sole source agreement with ACISS Systems Inc., which is the designer, developer, and holder of the source code to this law enforcement software. ACISS Systems Inc., will develop and customize a software solution to support case investigation and property management services for our agency. ACISS Systems Inc., is the sole source for licensing, software upgrades, modifications, customization, and software maintenance services. No other entity has the rights to license or service ACISS software. Any firm which believes it is authorized to provide such service is welcome to submit an expression of interest. All related inquiries should be sent via email, to the QDA ACCO, at purchasing@queensda.org.

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

District Attorney - Queens County, 80-02 Kew Gardens Road, 5th Floor, Room D-5, Kew Gardens, NY 11415. Miguel Bonilla (718) 286-6910; Purchasing@queensda.org

f1-7

EDUCATION

AWARD

Human Services/Client Services

UPK-BTF-51612 - Competitive Sealed Proposals/Pre-Qualified List - PIN# 04022P0673195 - AMT: \$1,179,220.00 - TO: Our Little Angels Corp, 86-29 Commonwealth Boulevard, Bellerose, NY 11426.

The New York City Department of Education ("DOE"), hereby requests authorization to release a Request for Proposals ("RFP"), on behalf of the Division of Early Childhood Education ("DECE"), to provide 3-K and Pre-K for All services commencing in the 2022-2023 school year.

This solicitation is being conducted as an RFP, because these services are administered directly to children and must be evaluated on qualitative criteria.

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CONTRACTS AND PURCHASING

SOLICITATION

Goods and Services

FULL VALUE CONTRACT FOR VETERINARY VIRTUAL DISSECTION TABLE FOR JOHN BOWNE HS - Competitive Sealed Bids - PIN# Z5796 - Due 2-22-23 at 4:00 P.M.

Please note that bids are due via electronic mail to DCPSubmissions@schools.nyc.gov. To download, please go to <https://infohub.nyc.ed.org/resources/vendors/open-doe-solicitations/request-for-bids>. If you cannot download, send an email to vendorhotline@schools.nyc.gov, with the RFB number and title in the subject line. For all questions related to this RFB, please email rklein35@schools.nyc.gov, with the RFB number and title in the subject line of your email.

Description: This is a full value contract for a Veterinary Virtual Dissection Table for John Bowne HS, to instruct students enrolled in the Career and Technical Education programs, under the jurisdiction of the Board of Education of the City School District of the City of New York ("Board of Education", "NYCDOE", "NYCBOE", "DOE", "BOE" or the "Board").

For electronic bid submissions, please note the following procedures: Bid submissions must be sent via electronic mail ("The Bid Submission Email"), to DCPSubmissions@schools.nyc.gov (the "Bid Submission Email Address"). Bid Submissions sent to any other email address will be disregarded. The subject line of your Bid Submission Email must include the solicitation number and the name of the submitting vendor (e.g. Z5796 – Enter Company Name). Please attach the completed Request for Bids and the Bid Blank documents to the Bid Submission Email as separate files. Please name the bid blank attachment "Bid Blank" and the completed Request for Bids attachment "RFB." If the files accompanying your bid submission are too large to be transmitted as email attachments, please include in the first line of your Bid Submission Email a link to a Microsoft OneDrive folder containing all of your bid-related documents. Please note that if you are using OneDrive, do not attach any documents to the Bid Submission Email. Further, please include a separate folder within your OneDrive folder which includes the separate bid blank file. Please name this folder and the bid blank file "Bid Blank." The name of your OneDrive folder must match the subject line of your bid submission, and your OneDrive folder must not contain any files unrelated to the Bid Submission.

Guidance for first-time Microsoft One-Drive Users: Microsoft OneDrive ("OneDrive") is a file hosting and synchronization service operated by Microsoft as part of its web version of Microsoft Office. OneDrive allows users to grant access to files which are too large to transmit via electronic mail to other users. If you do not have Office 365, please take the following steps to gain access to a free version of OneDrive so that you can upload those bid submission documents which are too large to transmit via electronic mail: 1. Conduct an internet search for "Microsoft OneDrive;" 2. Navigate to the official Microsoft website and sign up for a free account; 3. Once you have created a folder for the solicitation whose name matches the subject line of your Bid Submission Email, upload the documents relevant to your bid submission in this folder; 4. Create a share link for this folder; 5. Be sure to check your share settings so that anyone receiving the link that you create will be able to open the link and access the files. If your share link permissions are restricted (e.g. to only your organization in Office 365), the DOE will not be able to view your solicitation documents. It is your responsibility to ensure that the link(s) you provide allows the DOE to view, download and/or open your documents; and 6. Include the link which you have created as the first line of your Bid Submission Email. The Bid opening will be conducted virtually, via Microsoft Teams, on Thursday, February 23, 2023, from 11:00 A.M. to 12:00 P.M. Bidders who have submitted their Bid

Submission Email by the Bid Submission Deadline, will receive a reply to their Bid Submission Email, with a link to be able to view a livestream of the Bid opening online. If you do not receive a confirmation email of the DOE's receipt of your electronic bid submission, please email: [Gabriel Soriano](mailto:Gabriel.Soriano@schools.nyc.gov), at GSorian@schools.nyc.gov. The Bid opening will also be recorded and posted, on <https://vimeo.com/>. A link to the video of the bid opening will be available on the first DOE website referenced below. Please continue to check the DOE website and/or Vendor Portal for updates.

For hard copy (paper) bid submissions, please follow the below instructions: Further to prior instructions regarding submissions of bids. In addition to electronic submission via email, Bidders may choose to hand deliver their bid packages to NYC DOE at any time prior to the Bid Due Date/Time. If you plan to submit a paper bid, you must provide notice by emailing DCPSubmissions@schools.nyc.gov, including "Paper Submission Request for Solicitation # Z5796" in the subject line, at least three (3) business days in advance of the anticipated date and time, and place you or your agent plan to arrive at, 65 Court Street, Brooklyn, NY 11201, Room 1201, to drop off your bid. Bidders should include in their notification email the name of the person who will be delivering the bid or advise that the Bid Package will be arriving by messenger. Bidders who fail to provide advance notification of intent to hand-deliver a bid, risk not having anyone to receive the bid. Fed Ex, UPS, USPS or other common deliveries services will not be accepted

Please continue to check the DOE website and/or Vendor Portal, for updates. <https://infohub.nyc.ed.org/vendors>, <https://www.finance360.org/vendor/vendorportal/>.

BID OPENS VIRTUALLY ON FEBRUARY 23, 2023, AT 11:00 A.M. PLEASE SEE VIRTUAL LINK BELOW.

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ODMwZGN1OTItYWY3My00OGJlTlkMTetYwQ2YjhjY2ZmWU1%40thread.v2/0?context=%7B%22Tid%22%3A%2218492cb7-ef45-4561-8571-0c42e5f7ac07%22%2C%22Oid%22%3A%2233f73cb2-8a8c-4d65-8f37-5256f643d9ed%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a

The New York City Department of Education (DOE), strives to give all businesses, including Minority and Women-Owned Business Enterprises (MWBEs), an equal opportunity to compete for DOE procurements. The DOE's mission is to provide equal access to procurement opportunities for all qualified vendors, including MWBEs, from all segments of the community. The DOE works to enhance the ability of MWBEs to compete for contracts. DOE is committed to ensuring that MWBEs fully participate in the procurement process.

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.

Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300; vendorhotline@schools.nyc.gov

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ENVIRONMENTAL PROTECTION

AGENCY CHIEF CONTRACTING OFFICE

INTENT TO AWARD

Goods

PURCHASE OF METER TRANSMITTING UNITS (MTUS) - Sole Source - Available only from a single source - PIN# 82623S0008 - Due 2-23-23 at 4:00 P.M.

DEP, intends to enter into a Sole Source Agreement, with Aclara Technologies LLC, for the purchase of approximately 139,636 Meter Transmission Units (MTUs), for the total amount \$14,995,664.20. Aclara is the sole source manufacturer of the Meter Transmission unit, that works exclusively with the Aclara fixed network Automatic Metering Infrastructure system.

The Department of Environmental Protection reads and bills water meters through our Automated Meter Infrastructure System (AMI). The AMI system consists of 575 Data Collector Units (DCU's). Water meters are installed in over 800,000 properties across the City and are connected via a wire, to a Meter Transmission Unit (MTU). The MTU transmits the reading to the DCU, data is sent back to our network so we can bill our customers on actual consumption. The Bureau of Customer Services requires additional Meter Transmission Units to install, repair and maintain our network so we can continue billing each property on an actual reading. Any firm which believes it can also provide the required service IN THE FUTURE, is invited to so, indicated by letter which must be received no later than February 23, 2023, 4:00 P.M. at: Department of Environmental Protection, Agency

Chief Contracting Office, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373, Attn: Glorivee Roman, glroman@dep.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.

Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373. Glorivee Roman (718) 595-3226; glroman@dep.nyc.gov

← f3-9

FINANCE

■ AWARD

Services (other than human services)

IMAGING AND DATA CAPTURE OF BUSINESS AND EXCISE TAX RETURNS - Negotiated Acquisition - Available only from a single source - PIN# 83621N0011001 - AMT: \$3,578,692.83 - TO: New York State Industries for Disabled Inc (NYSID), 11 Columbia Circle Drive, Albany, NY 12203.

The Department of Finance Payment and Operations division, currently contracts with the New York State Industries for the Disabled (NYSID), for the imaging and data capture of business and excise tax returns. The current contract ends on 9/3/2021. NYSID having the right of first refusal services related to document imaging and data management, DOF is submitting a purchase request for continuance of service from 9/14/21 through 9/3/2024.

Agency Chief Contracting Officer, certifies that the contractor's performance is satisfactory.

← f3

HEALTH AND MENTAL HYGIENE

■ AWARD

Services (other than human services)

HIV CRIMINAL JUSTICE STAKEHOLDERS PROJECT - Negotiated Acquisition - Other - PIN# 81623N0009001 - AMT: \$97,000.00 - TO: National Center for Civic Innovation Inc, 121 Avenue of the Americas, 6th Floor, New York, NY 10013.

NYC DOHMH, will enter into a Negotiated Acquisition contract, with the National Center for Civic Innovation (NCCI), for the provision of HIV Criminal Justice Stakeholders Project and HIV Criminalization Project. NCCI, through its partner project program, The Center of HIV Law and Policy (CHLP), will be carrying out the following anticipated services in a continued effort to support NYC 2020 goals to ending the HIV Epidemic Plan: HIV/infectious disease resources and literacy programs for criminal justice stakeholders and HIV criminalization confidentiality and intersection of public health and criminal justice portfolio (HIV Criminalization Project). The duration of this contract will be 1 year and 6 months.

The Agency has determined that it is in the best interest of the City to utilize a Negotiated Acquisition method of source selection, as there are no other organizations or entities that have CHLP's depth and breadth of experience in HIV criminalization or have conducted seminars on this topic for prosecutors, defense attorneys and public health agencies. CHLP's long-term relationships with national and local criminal justice stakeholders are an essential element of the trust that is essential for these seminars to be productive. These unique relationships and array of services makes NCCI through its partner project program with CHLP, the only viable vendor.

← f3

LINKEDIN LEARNING LICENSES AND ADVERTISING SUBSCRIPTION FOR DIVISION OF ADMINISTRATION - Other - PIN# 81623U0014001 - AMT: \$98,840.00 - TO: Carahsoft Technology Corp, 11493 Sunset Hills Road, Suite 100, Reston, VA 20190-5328.

← f3

■ INTENT TO AWARD

Services (other than human services)

LABORATORY TECHNICIANS AND DISEASE DETECTIVES - 23DA026501R0X00 - Negotiated Acquisition - Other - PIN# 81623N0016 - Due 2-10-23 at 5:15 A.M.

DOHMH, intends to enter into a Negotiated Acquisition contract with Atrium Staffing LLC, who will provide New York State licensed

temporary laboratory technicians, clinicians and disease investigative staff in the following two Titles: Laboratory Technicians and Disease Detectives. The temporary staff personnel under this contract will provide support & services to DOHMH in response to infectious diseases. In addition to the unforeseen MPV outbreak, DOHMH is anticipating that new variants of COVID-19 are likely to emerge in the fall/winter, along with other infectious disease outbreaks such as polio and Ebola, causing extensive strain on personnel if temps are unable to be utilized to support NYC's response activities. Therefore, DOHMH determined that it is in the best interest of the city to enter into a Negotiated Acquisition.

The Agency Chief Contracting Officer has determined that it is not practicable or advantageous to the city to use a competitive procurement during this time while there is a need for continuity of service. To avoid a gap in services, DOHMH will negotiate with Atrium Staffing LLC who can provide New York State licensed temporary laboratory technicians, clinicians and disease investigative staff for these required services. Services are currently being utilized through DOHMH temp contracts to maintain operations. Atrium has staff stationed at clinics and will no longer be able to work in these clinics if this NA is not in place. The NA will also be utilized if there is an emerging need to scale these services up.

f2-8

HOMELESS SERVICES

■ INTENT TO AWARD

Human Services/Client Services

SHELTER SERVICES FOR FAMILIES WITH CHILDREN AT COMMERCIAL HOTELS - Renewal - PIN# 07117N0238001R002 - Due 2-6-23 at 5:00 P.M.

The Department of Homeless Services of the New York City Department of Social Services, plans to renew (1) contract with the contractor listed below, for the provision of Shelter Services for Families with Children at Commercial Hotels. The renewal term shall be set forth below. Anyone having comments on the contractor's performance on the proposed renewal contract, may contact Lorna Hinds, via email, at hinds1@dss.nyc.gov. Acacia Network Housing, Inc., 300 East 175th Street, Bronx, NY 10457. EPIN 07117N0238001R002. To provide Shelter Services for Families with Children, at Commercial Hotels, at Various Locations. Renewal Term: 7/1/2023 – 6/30/2026.

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.

Homeless Services, 150 Greenwich Street, 37th Floor, New York, NY 10007. Lorna Hinds (929) 221-6391; hinds1@dss.nyc.gov

← f3

HUMAN RESOURCES ADMINISTRATION

■ AWARD

Human Services/Client Services

NY/NY III PERMANENT SUPPORTIVE CONGREGATE HOUSING -35 UNITS - Competitive Sealed Proposals/Pre-Qualified List - PIN# 06922P0034008 - AMT: \$4,847,500.00 - TO: Comunilife Inc, 462 7th Avenue, 3rd Floor, New York, NY 10018.

To provide NYNYIII Permanent housing and services to HIV/AIDS Services Administration (HASA) clients, who have a history of mental illness, substance use disorder, or mental illness with a co-occurring substance use disorder.

← f3

MAYOR'S OFFICE OF CRIMINAL JUSTICE

■ AWARD

Human Services/Client Services

ARTICLE 10 FAMILY COURT FOR LEGAL SERVICES - Negotiated Acquisition - Other - PIN# 00222N0059001 - AMT: \$11,013,713.00 - TO: Center for Family Representation Inc, 40 Worth Street, Room 605, New York, NY 10013-3094.

The City recognizes the need to provide constitutionally mandated representation in Family Court, for Legal services to indigent respondents in Article 10 cases and subsequent Termination of Parental Rights proceedings, pursuant of the Family Court Act of the State of New York. During each fiscal year of the term of this Agreement, the Contractor will provide representation for new cases/clients in Family Court. The Parties will monitor new cases, pending caseloads, and cases per attorney throughout the term of the Agreement to discuss progress toward these numbers. The Amendment stipulates that the Vendor will provide representation for cases during Fiscal Year 2023 (including direct appeals per fiscal year). The Parties acknowledge the impacts of new cases on pending caseloads and cases per attorney. The Parties will monitor new cases, pending caseloads, and on-going cases per attorney, throughout the term of the Agreement and will meet at the end of each quarter to discuss progress toward these numbers. The budget and or anticipated targets may be adjusted throughout the term of the Agreement to reflect systemic changes. This NAE the contract an additional year to FY2023.

✦ f3

APPELLATE LEGAL SERVICES - Negotiated Acquisition - Other - PIN# 00222N0057001 - AMT: \$19,046,599.00 - TO: The Legal Aid Society, 199 Water Street, New York, NY 10038.

In New York City the vendor provides criminal defense appellate services to indigent defendants in the First or Second Department of the Appellate Division, Appellate Term, and the New York Court of Appeals. The vendor provides appellate representation to poor people convicted of felonies and leads innovative, holistic, and client-centered representation. The Vendor represents poor people convicted of felonies in all 5 counties in the New York Supreme Court, the Appellate Division of the Supreme Court, First Judicial Department, the New York State Court of Appeals, and the Federal courts. This NAE the contract an additional year to FY2023.

✦ f3

PARKS AND RECREATION

REVENUE

■ SOLICITATION

Human Services/Client Services

BICYCLE AND BOAT RENTAL STATIONS AT VARIOUS LOCATIONS IN BROOKLYN WITH THE OPTION FOR FUTURE BROOKLYN LOCATIONS - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN#B057-BR-RB-2022 - Due 3-6-23 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a non-significant Request for Proposals (RFP) for the Development, Operation, and Maintenance of Bicycle and Boat Rental Stations, at Various Locations in Brooklyn with the Option for Future Brooklyn Locations.

There will be a recommended remote proposer meeting on Monday, February 13, 2023, at 12:00 P.M. If you are considering responding to this RFP, please make every effort to attend this recommended remote proposer meeting.

Subject to availability and by appointment only, we may set up a meeting, at the proposed concession site/s: American Veteran's Memorial Pier, Bensonhurst Park, Marine Park, Plumb Beach, and/or Sheepshead Bay – Pier 10, Brooklyn, NY.

All proposals submitted in response to this RFP, must be submitted no later than Monday, March 6, 2023, at 3:00 P.M.

Hard copies of the RFP can be obtained, at no cost, commencing January 30, 2023, through March 6, 2023, by contacting Lindsay Schott, Project Manager, at (212) 360-3405 or, at Lindsay.Schott@parks.nyc.gov.

The RFP is also available for download, on January 30, 2023, through March 6, 2023, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities> and click on the "Concessions Opportunities, at Parks" link. Once you have logged in, click on the "download" link that appears adjacent, to the RFP's description.

For more information or if you cannot attend the remote proposer meeting, prospective proposers may contact Lindsay Schott, Project Manager, at (212) 360-3405 or, at Lindsay.Schott@parks.nyc.gov.

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other

information; and for opening and reading of bids, at date and time specified above.

Parks and Recreation, 830 Fifth Avenue, Room 407, New York, NY 10065. Lindsay Schott (212) 360-3405; Lindsay.Schott@parks.nyc.gov

Accessibility questions: (212) 504-4115, by: Monday, March 6, 2023, 3:00 P.M.



j30-f10

REVENUE AND CONCESSIONS

■ SOLICITATION

Goods and Services

OPERATION OF A MODEL SAILBOAT RENTAL SERVICE AT CONSERVATORY WATER, CENTRAL PARK, MANHATTAN

- Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# M10-15-SLB - Due 3-10-23 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice, a non-significant RFP for the Operation of a Model Sailboat Rental Service, at Conservatory Water, Central Park, Manhattan.

There will be a recommended remote proposer meeting on Friday, February 24, 2023, at 11:00 A.M. If you are considering responding to this RFP, please make every effort to attend this remote proposer meeting. The Microsoft Teams link for the remote proposer meeting is as follows: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDBjMTgxMDUzZjc0Ny00NzRkLWJiODUzMTc3NDM4OGJmN2Yx%40thread.v2/0?context=%7b%22id%22%3a%2232f56fc7-5f81-4e22-a95b-15da66513bef%22%2c%22oid%22%3a%225c070957-7f9c-40dc-9687-72b67b3bbb01%22%7d

Meeting ID: 268 845 921 918

Passcode: j7ixNT

Or call in (audio only) +1 646-893-7101

Phone Conference ID: 952 667 424#

If you cannot attend the remote proposal meeting, please contact us by Friday, February 17, 2023, and subject to availability and by appointment only, we may set up a meeting, at the proposed concession site, (Block #1111 & Lot #1), which is located, at Conservatory Water, in Central Park, at approximately East 74th Street, Manhattan ("Permitted Premises"). Parks must receive all proposals submitted in response to this RFP no later than Friday, March 10, 2023, at 3:00 P.M.

Hard copies of the RFP can be obtained, at no cost, commencing February 2, 2023, through March 10, 2023, by contacting Glenn Kaalund, Senior Project Manager, at (212) 360-3482 or via email, at glenn.kaalund@parks.nyc.gov. The RFP is also available for download commencing February 2, 2023, through March 10, 2023, on Parks' website. To download the RFP, visit www.nyc.gov/parks/businessopportunities, click on the link for "Concessions Opportunities, at Parks" and, after logging in, click on the "download" link that appears adjacent, to the RFP's description.

For more information or if you cannot attend the recommended proposer meeting, the prospective proposer may contact Glenn Kaalund, Senior Project Manager, at (212) 360-3482 or via email: glenn.kaalund@parks.nyc.gov.

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

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

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

Accessibility questions: Glenn Kaalund, (212) 360-3482, by: Friday, March 3, 2023, 3:00 P.M.



f2-15

SANITATION

SOLID WASTE MANAGEMENT

■ INTENT TO AWARD

Services (other than human services)

ENVIRONMENTAL AND POST CLOSURE MONITORING

- Negotiated Acquisition - Other - PIN#82723N0004 - Due 2-7-23 at 10:00 P.M.

The Department of Sanitation, intends to enter into negotiations with APTIM Environmental & Infrastructure Inc., for the continuation of environmental and post closure monitoring and maintenance programs, as well as related work, for the Fresh Kills and Edgemere Landfills. The contract term is 3/6/2023 to 3/5/2026.

Vendors interested in responding to other future solicitations for these types of services, should contact Mehak Kapoor from the Department of Sanitation, at mkapoor@dny.nyc.gov, or John Gioberti, at jgioberti@dny.nyc.gov.

j31-f6

CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA E-MAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 298-0734. ANY PERSON REQUIRING REASONABLE ACCOMMODATION FOR THE PUBLIC HEARING SHOULD CONTACT MOCS AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE HEARING TO ENSURE AVAILABILITY.



PARKS AND RECREATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on February 17, 2023, at 2:00 P.M. The Public Hearing will be held via Zoom.

IN THE MATTER OF a proposed Purchase Order/Contract between the New York City Department of Parks and Recreation and Deborah Bradley Construction and Management Services, Inc., 481 Manhattan Avenue, New York, NY 10027, for X002-320M: Bronx Park Skate Park Drinking Fountain Construction. The amount of this Purchase Order/Contract is \$302,169.45. The term shall be 187 consecutive calendar days from the Order to Work Notice. CB: 06, 07, 11 & 12, Borough of the Bronx, E-PIN: 84623W0019001.

The Vendor has been selected by M/WBE Noncompetitive Small Purchase Method, pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules. In order to access the Public Hearing and testify, please join our Zoom Virtual Meeting link.

<https://us02web.zoom.us/j/2290435542?pwd=VFovbDl6UTVFNXl3ZGxPYUVsQU5kZz09>
Meeting ID: 229 043 5542 Passcode: 763351

A draft copy of the Contract will be available for public inspection at Department of Parks, 117-02 Roosevelt Avenue, Corona, NY 11368, from February 3, 2023 through February 17, 2023, excluding weekends and Holidays, from 9:00 A.M. - 3:00 P.M. (EST).

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if Parks does not receive, by February 10, 2023, from any individual a written request to speak at this hearing, then Parks need not conduct this hearing. Requests should be made to Allison James via email at allison.james@parks.nyc.gov.

◀ f3

AGENCY RULES

HEALTH AND MENTAL HYGIENE

■ NOTICE

Notice of Adoption of Amendments to Chapter 6 of Title 24 of the Rules of the City of New York Concerning the Reduction or Waiving of Monetary Penalties for Certain First-Time Violations

In accordance with Section 389(b) of the New York City Charter (“Charter”) which provides that “heads of mayoral agencies shall have the power to adopt rules to carry out the powers and duties delegated to the agency head or the agency by or pursuant to federal, state or local law,” and Section 1043(a) of the Charter which similarly provides that each “agency is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law,” a notice of public hearing and opportunity to comment on the proposed rules to amend Chapter 6 of Title 24 of the Rules of the City of New York was published in the City Record on December 1, 2022, and a public hearing was held on January 3, 2023. No one testified at the hearing and no written comments were received. On its own initiative, the Department has made certain technical changes to the proposal, including the following:

- correcting violation points for condition level V for violation code 6J in Appendix 6-A
- making corrections to violation code 10B in Appendix 6-B
- adding violation code 28-05, which relates to product labeling requirements, in Appendix 6-C-2
- reducing the monetary penalties for 3E potable water violation conditions IV and V in Appendix 6-C.

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 adopting amendments to 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 necessary changes, as indicated below.

Specific Changes Adopted

Revised § 6-02

This adopted rule amends section 6-02 by defining the terms “cure” and “first-time violation.”

New § 6-23 and § 6-24

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

Revised Appendices 6-A and 6-B

The adopted rule amends 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 adopted rule amends 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 adopted rule also includes reductions in penalties made in the Administrative Code where the violations are not subject to cure.

Additionally, the adopted 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 adopted 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 amendments are 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 new 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 or from customer's refillable, reusable container. 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>	[-] 5	[-] 6	[-] 7	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 rows 4F, 4N, 5C, 5H, 6C, 6J and 10B 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, <u>refillable, reusable containers</u> , or piece of equipment improperly constructed, placed and/or unacceptable material used. Example: painted shelves in a low boy refrigerator unit	Two food contact surfaces, <u>refillable, reusable containers</u> , 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, <u>refillable, reusable containers</u> , 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, <u>refillable, reusable containers</u> , 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>	<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>	[No approved written standard operating procedure for avoiding contamination by refillable returnable containers] <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>	[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]
10B	Back-siphonage or back-flow prevention device not provided where required; equipment or floor not properly drained; sewage disposal system in disrepair or not functioning properly. Condensation or liquid waste improperly disposed of.	One back-flow prevention device not installed, or equipment or floor not properly drained. Example: vacuum breaker not installed on potable water line connected to the coffee machine or waste water tank draining into a bucket.	Two back-flow prevention devices not installed, or equipment or floor not properly drained. Example: vacuum breaker not installed on potable water line connected to the coffee machine waste water tank drained into a bucket and steam table draining onto sidewalk.	Three back-flow prevention devices not installed, or equipment or floor not properly drained. Example: waste water tank draining into bucket, steam table draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet.	Four [or more] back-flow prevention devices not installed or equipment or floor not properly drained. Example: waste water tank draining into bucket, hot holding unit draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet or ice machine or vacuum breaker not installed on potable water line connected to the coffee machine.	Five or more back-flow prevention devices not installed or equipment or floor not properly drained. Example: waste water tank draining into bucket, hot holding unit draining onto sidewalk, no vacuum breaker provided on the hose connected to faucet, vacuum breaker not installed on potable water line connected to the coffee machine; and no vented check valve on the main water supply pipe.

* 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 animal 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] \$100	[\$600] \$100
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 14-4.96(a)	Public Health Hazard	Non-food grade liquid nitrogen, dry ice added to food					\$400	\$600
04P	SSC 14-4.96(d)	Public Health Hazard	Dry ice "smoke" or liquid nitrogen "fog" effect remains at time of service					\$400	\$600

04P	<u>NYCHC 71.05</u>	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>		\$200	\$200	\$250	\$300	\$350
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	NYCHC 81.46	Critical	No approved standard operating procedure for refillable consumer containers					\$300	\$350
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	
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	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]

06J	NYCHC 81.46(a)	Critical	Refillable, reusable beverage container filled with TCS foods.		\$200	\$200	\$250	\$300	
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] receptacles 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(l)	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] <u>\$100</u>
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	Admin. Code §16-401(b)	Providing single-use plastic stirrers or single-use plastic splash sticks		\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)
19-06	Admin. Code §16-401(c)(1)	Providing single-use, non-compostable plastic straws to customers without customer request (including providing such straws at a self-serve station)		\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)
19-07	Admin. Code §16-401(c)(2)	Failure to maintain a sufficient supply of single-use, non-compostable plastic straws		\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)
19-08	Admin. Code §16-401(c)(2)	Failure to provide a single-use, non-compostable plastic straw upon request		\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)

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] \$500
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
28-05	<u>NYCHC 71.06(a)</u>	<u>Labeling information required by applicable law not maintained in English.</u>		\$500
28-06	NYCHC 81.23(b)(2)	Contract with pest management professional, record of pest extermination activities not kept on premises		[\$200] \$100
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] permit***	<u>\$0</u>	MOS**
Admin. Code 17-311(d)	Green Cart vendor failed to carry map showing authorized vending areas***	<u>\$0</u>	MOS**
Admin. Code 17-315(a)	MFVU on sidewalk less than 12 feet, or not at curb***	<u>\$0</u>	MOS**
Admin. Code 17-315(b)	Pushcart touching against building***	<u>\$0</u>	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.**

Notice of Adoption of Amendments to Chapter 7 of Title 24 of the Rules of the City of New York Concerning the Reduction or Waiving of Monetary Penalties for Certain First-Time Violations

In accordance with Section 389(b) of the New York City Charter (“Charter”) which provides that “heads of mayoral agencies shall have the power to adopt rules to carry out the powers and duties delegated to the agency head or the agency by or pursuant to federal, state or local law,” and Section 1043(a) of the Charter which similarly provides that each “agency is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law,” a notice of public hearing and opportunity to comment on the proposed rules to amend Chapter 7 of Title 24 of the Rules of the City of New York was published in the City Record on December 1, 2022, and a public hearing was held on January 3, 2023. No one testified at the hearing and 8 written comments were received, which were broadly supportive of the reduction or waiving of monetary penalties for certain violations. No changes have been made to the proposal as published by the Department, which now acts to adopt these amendments as detailed below.

Statement of Basis and Purpose

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 amending 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 necessary changes, as indicated below.

Specific Proposed Amendments

Revised § 7-01

Section 7-01 is amended by defining the terms “first-time violation,” “cure,” and “summons.” The amendment also removes the lettered subdivision designators so that the definitions are now listed in alphabetical order.

New §§ 7-10 and 7-11

Sections 7-10 and 7-11 are added to Chapter 7 and 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

Appendix 7-A is amended 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 amendments are 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 New York City 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 by adding new 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)</u> <u>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)</u> <u>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>	No certificate of completion of small animal care and handling course	<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.

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Notice of Adoption of Amendments to Chapter 23 of Title 24 of the Rules of the City of New York Concerning the Reduction or Waiving of Monetary Penalties for Certain First-Time Violations

In accordance with Section 389(b) of the New York City Charter (“Charter”) which provides that “heads of mayoral agencies shall have the power to adopt rules to carry out the powers and duties delegated to the agency head or the agency by or pursuant to federal, state or local law,” and Section 1043(a) of the Charter which similarly provides that each “agency is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law,” a notice of public hearing and opportunity to comment on the proposed rules to amend Chapter 23 of Title 24 of the Rules of the City of New York was published in the City Record on December 1, 2022, and a public hearing was held on January 3, 2023. No one testified at the hearing and no written comments were received. On its own initiative, the Department has made certain technical changes to the proposal, including the following:

- correcting violation points of condition level V for violation code 6J in Appendix 23-A
- correcting violation code 10B in Appendix 23-B
- correcting violation code 08B to reflect deletion of prior penalty in Appendix 23-B
- adding violation code 28-05 relating to product labeling requirements in Appendix 23-C
- correcting violation code 19-04 for default penalty in Appendix 23-C.

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 adopting amendments to 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 required changes, as indicated below.

Specific changes adopted

Revised § 23-01

This adopted rule amends section 23-01 by defining the terms “cure,” “first-time violation,” and “summons.”

New § 23-09 and § 23-10

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

Revised Appendix 23-A

The adopted rule amends Appendix 23-A to include language about refillable, reusable beverage containers, rephrase language for prohibited substances, and corrects certain typographical errors.

Revised Appendix 23-B

The adopted rule amends Appendix 23-B to include language about refillable, reusable beverage containers, rephrase language for prohibited substances, and corrects certain 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(d): allergen warnings and resuscitation equipment signs.

This adopted rule amends 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 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 adopted rule lowers some penalties, amends the penalty table to correct certain typographical errors, and adds other violation descriptions and penalties. For example, the rule adds 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 amendments are 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 new 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 new 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. Rows 4F, 4P, 5C, 6A, 6C, and 6J of Appendix 23-A of Chapter 23 of Title 24 of the Rules of the City of New York are amended 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] Food containing a prohibited substance held, kept, offered, prepared, processed, packaged, or served.	-	-	-	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>	<u>5</u>	<u>6</u>	<u>7</u>	<u>[-] 8</u>	<u>[28] -</u>	

§ 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, 6J and 10B 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, <u>refillable, reusable container</u> 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, <u>refillable, reusable containers</u> 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, <u>refillable, reusable containers</u> 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, <u>refillable, reusable containers</u> 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 <u>or from customer's refillable, reusable container.</u>	One food item or kind of supply not protected during storage, preparation, transportation, display or service <u>or from customer's refillable, reusable container.</u> Example: one tray of uncovered assorted pastries or supply of clean table linen in customer self-service area <u>or customer's refillable, reusable container directly touches the cappuccino milk frother.</u>	Two food items or supplies not protected during storage, preparation, transportation, display or service <u>or from customer's refillable, reusable container.</u> 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 <u>or from customer's refillable, reusable container.</u> 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 <u>or from customer's refillable, reusable container.</u> 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, <u>customer's refillable, reusable container directly touches the cappuccino milk frother</u> , 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] <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>	<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>	<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>	[No or incomplete records kept. Inspector must call office to discuss corrective action.]
10B	Back-siphonage or back-flow prevention device not provided where required; equipment or floor not properly drained; sewage disposal system in disrepair or not functioning properly. Condensation or liquid waste improperly disposed of.	One back-flow prevention device not installed, or equipment or floor not properly drained. Example: refrigerator condensation draining into a bucket.	Two back-flow prevention devices not installed, or equipment or floor not properly drained. Example: refrigerator condensation drained into a bucket and air conditioner draining onto sidewalk.	Three back-flow prevention devices not installed, or equipment or floor not properly drained. Example: refrigerator condensation draining into bucket, air conditioner draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet.	Four [or more] back-flow prevention devices not installed or equipment or floor not properly drained. Example: refrigerator condensation draining into bucket, two air conditioners draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet or ice machine.	Five or more back-flow prevention devices not installed or equipment or floor not properly drained. Example: refrigerator condensation draining into bucket, two air conditioners draining onto sidewalk, no vacuum breaker provided on the hose connected to a faucet and no vacuum breaker provided on the hose connected to an ice machine.

§ 5. Appendix 23-C of Chapter 23 of Title 24 of the Rules of the City of New York is 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] 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] <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] \$500
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] <u>Critical</u>	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(i)	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] <u>Critical</u>	Thermometer not provided, calibrated properly, or accessible for use		\$200				
04J	NYCHC 81.12(g)(1)	[CRITICAL] <u>Critical</u>	Thermocouple not provided for ROP TCS foods		\$200				
04K	NYCHC 81.23(a)	[CRITICAL] <u>Critical</u>	Rats or evidence of rats		\$200	\$200	\$250	\$300	\$350
04L	NYCHC 81.23(a)	[CRITICAL] <u>Critical</u>	Mice or evidence of mice		\$200	\$200	\$250	\$300	\$350
04M	NYCHC 81.23(a)	[CRITICAL] <u>Critical</u>	Live roaches		\$200	\$200	\$250	\$300	\$350
04N	NYCHC 81.23(a)	[CRITICAL] <u>Critical</u>	Filth or FRSA flies, other nuisance pests		\$200	\$200	\$250	\$300	\$350
04O	NYCHC 81.25	[CRITICAL] <u>Critical</u>	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	<u>NYCHC 81.46(c)</u>	<u>Critical</u>	<u>Refillable, returnable containers constructed with improper materials.</u>		\$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] <u>Critical</u>	Hot or cold holding equipment not provided or inadequate					\$300	\$350
05F	NYCHC 81.18 (a)(6)	[CRITICAL] <u>Critical</u>	Outdoor refrigerator not locked, secure					\$300	\$350
05G	NYCHC 89.27(c)	[CRITICAL] <u>Critical</u>	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] <u>Critical</u>	Supplies and equipment under or near source of contamination		\$200	\$200	\$250	\$300	
06C	NYCHC 81.46(a)	<u>Critical</u>	Beverage dispensing equipment not protecting from potential contamination from customer's reusable, refillable container		\$200	\$200	\$250	\$300	
06D	NYCHC 81.27(b)	[CRITICAL] <u>Critical</u>	Food contact surface not washed, rinsed and sanitized when required		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	[CRITICAL] <u>Critical</u>	In-use food dispensing utensil not properly stored		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(g)	[CRITICAL] <u>Critical</u>	Ice not properly dispensed		\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	[CRITICAL] <u>Critical</u>	Food dispensing utensil not provided		\$200	\$200	\$250	\$300	
06F	NYCHC 81.27(c)	[CRITICAL] <u>Critical</u>	Wiping cloth improperly stored and/or sanitized*****	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100		
06F	SSC 14-1.112(c)	[CRITICAL] <u>Critical</u>	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)	<u>Critical</u>	Refillable, reusable beverage container filled with TCS foods.		\$200	\$200	\$250	\$300	
07A	NYCHC 3.15(a)	[CRITICAL] <u>Critical</u>	Obstruction of Department personnel						\$1,000
08A	NYCHC 81.23(a)	[GENERAL] <u>General</u>	Harborage or conditions conducive to pests with pests, signs of pests				\$200	\$200	
08A	NYCHC 81.23(b)(3)	[GENERAL] <u>General</u>	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] <u>General</u>	Garbage [cans] receptacles not pest or water resistant; not covered with tight-fitted lids***	\$0	[\$200] \$100				
08B	NYCHC 81.24(c)	[GENERAL] <u>General</u>	Garbage receptacles and covers not cleaned after emptying and prior to reuse***	\$0	[\$200] \$100	[\$200]	[\$200]	[\$200]	
08C	NYCHC 81.23(d)	[GENERAL] <u>General</u>	Pesticides not properly labeled, not authorized for use, or used		\$200	\$200	\$200	\$200	\$200

08C	NYCHC 81.23(d)(4)	[GENERAL] <u>General</u>	Open bait station used		\$200	\$200	\$200	\$200	\$200
08C	NYCHC 81.17(g)	[GENERAL] <u>General</u>	Toxic materials not properly stored		\$200	\$200	\$200	\$200	\$200
09A	NYCHC 81.07(b)	[GENERAL] <u>General</u>	Dented food cans not segregated from intact packages*****	\$0	[\$200] \$50	[\$200] \$50	[\$200] \$50	[\$200] \$50	
09B	NYCHC 81.09(f)	[GENERAL] <u>General</u>	Thawing procedures improper		\$200	\$200	\$200	\$200	
09C	NYCHC 81.17(d)(1)	[GENERAL] <u>General</u>	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] <u>General</u>	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] <u>General</u>	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] <u>General</u>	Wash hands sign not posted		\$200				
10A	NYCHC 81.22(c)	[GENERAL] <u>General</u>	Toilet facility not properly maintained		\$200	\$200	\$200	\$200	
10A	NYCHC 81.22(c)	[GENERAL] <u>General</u>	Toilet facility not properly supplied		\$200	\$200	\$200	\$200	
10A	SSC 14-1.142(a)	[GENERAL] <u>General</u>	Toilet room not completely enclosed with self-closing door		\$200	\$200	\$200	\$200	
10B	NYCHC 81.20(a)	[GENERAL] <u>General</u>	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] <u>General</u>	Improper disposal of sewage or liquid waste***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100
10C	NYCHC 81.19(a)	[GENERAL] <u>General</u>	Lighting insufficient; inadequate ***	\$0	[\$200] \$100	[\$200] \$100	[\$200] \$100	[\$200] \$100	
10D	NYCHC 81.19(c)	[GENERAL] <u>General</u>	Ventilation (mechanical or natural) not provided or inadequate		\$200	\$200	\$200	\$200	
10E	NYCHC 81.18(a)(3)	[GENERAL] <u>General</u>	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] <u>General</u>	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] <u>General</u>	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] <u>General</u>	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] <u>General</u>	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] <u>General</u>	Hot water manual ware washing inadequate		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(a)	[GENERAL] <u>General</u>	Manual chemical sanitizing procedure inadequate		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(b)(1)	[GENERAL] <u>General</u>	High temperature mechanical ware washing inadequate		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(b)(2)	[GENERAL] <u>General</u>	Mechanical chemical sanitizing procedure inadequate		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(a)(3) (B)	[GENERAL] <u>General</u>	Test kit not accurate or used for manual dishwashing		\$200	\$200	\$200	\$200	
10G	NYCHC 81.29(b)(2)	[GENERAL] <u>General</u>	Test kit not accurate or used for mechanical dishwashing		\$200	\$200	\$200	\$200	
10H	NYCHC 81.07(o)	[GENERAL] <u>General</u>	Single service items improperly stored or reused		\$200	\$200	\$200	\$200	
10H	NYCHC 81.07(o)	[GENERAL] <u>General</u>	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
<u>15-17</u>	<u>NYSPHL 1399-dd-1</u>	<u>Public display of tobacco product or electronic cigarette advertisements, or smoking paraphernalia, within 500 feet of a school</u>		<u>500 (1st violation); \$1,000 (2nd and subsequent violations)</u>	<u>Same as appearance penalties</u>
15-17	NYSPHL 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	NYSPHL 1399-ll	Unlawful sale of bidis		\$500	Same as appearance penalties
15-17	NYSPHL 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 RCNY 10-20(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]
15-52	Admin. Code 17-176.1(f)	Cigars sold or offered for sale for less than the cigar price floor		\$1,000 (1st violation), \$2,000 (2nd and subsequent violations in 3 years)	Same as appearance penalties
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)] 16 RCNY 1-11(c)(2)	[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)] \$100 (1st violation); \$250 (2nd violation) \$500 (3rd and subsequent violations in 12 months)	Same as appearance penalties
19-05	Admin. Code § 16-401(b)	<u>Providing single-use plastic stirrers or single-use plastic splash sticks</u>		\$100 (1st violation); \$200 (2nd violation) \$400 (3rd and subsequent violations in 12 months)	Same as appearance penalty

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>	<u>Same as appearance penalty</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>	<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
28-05	NYCHC 71.06	Labeling required by applicable law not maintained in English		\$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] \$100	[\$400] \$100
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.

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

■ NOTICE

OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9112
FUEL OIL AND KEROSENE

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 1/30/2023
4287148	1	#2DULS	CITYWIDE BY TW	GLOBAL MONTELLO	0.0475 GAL.	3.6402 GAL.
4287148	2	#2DULS	RACK PICK-UP	GLOBAL MONTELLO	0.0475 GAL.	3.5232 GAL.
4287148	3	#2DULS	Winterized CITYWIDE BY TW	GLOBAL MONTELLO	0.0475 GAL.	3.6784 GAL.
4287148	4	#2DULS	Winterized RACK PICK-UP	GLOBAL MONTELLO	0.0475 GAL.	3.5614 GAL.
4287149	5	#2DULS	CITYWIDE BY TW	SPRAGUE	0.0475 GAL.	3.9248 GAL.

4287149	6	#2DULS	Winterized	CITYWIDE BY TW	SPRAGUE	0.0475 GAL.	4.1378 GAL.
4287149	7	B100		CITYWIDE BY TW	SPRAGUE	0.0828 GAL.	6.6161 GAL.
4287149	8	#2DULS		RACK PICK-UP	SPRAGUE	0.0475 GAL.	3.7748 GAL.
4287149	9	#2DULS	Winterized	RACK PICK-UP	SPRAGUE	0.0475 GAL.	3.9878 GAL.
4287149	10	B100		RACK PICK-UP	SPRAGUE	0.0828 GAL.	6.4661 GAL.
4287149	11	#1DULS		CITYWIDE BY TW	SPRAGUE	1.0178 GAL.	5.8326 GAL.
4287149	12	B100		CITYWIDE BY TW	SPRAGUE	0.0828 GAL.	6.6401 GAL.
4287149	13	#1DULS		RACK PICK-UP	SPRAGUE	1.0178 GAL.	5.6826 GAL.
4287149	14	B100		RACK PICK-UP	SPRAGUE	0.0828 GAL.	6.4901 GAL.
4287149	15	#2DULS		BARGE DELIVERY	SPRAGUE	0.0475 GAL.	3.6742 GAL.
4287149	16	#2DULS	Winterized	BARGE DELIVERY	SPRAGUE	0.0475 GAL.	3.7402 GAL.
4287149	17	#2DULSB50		CITYWIDE BY TW	SPRAGUE	0.0475 GAL.	4.5490 GAL.
4287149	18	#2DULSB50		CITYWIDE BY TW	SPRAGUE	0.0828 GAL.	6.2303 GAL.
4287149	19	#2DULSB50		RACK PICK-UP	SPRAGUE	0.0475 GAL.	4.3990 GAL.
4287149	20	#2DULSB50		RACK PICK-UP	SPRAGUE	0.0828 GAL.	6.0803 GAL.
4287126	1	JET		FLOYD BENNETT	SPRAGUE	1.0178 GAL.	6.5653 GAL.
Non-Winterized			Apr 1 - Oct 31				
4287149		#2DULSB5	95% ITEM 5.0	CITYWIDE BY TW	SPRAGUE	0.0493 GAL.	4.0594 GAL.
			5% ITEM 7.0				
4287149		#2DULSB10	90% ITEM 5.0	CITYWIDE BY TW	SPRAGUE	0.0510 GAL.	4.1939 GAL.
			10% ITEM 7.0				
4287149		#2DULSB20	80% ITEM 5.0	CITYWIDE BY TW	SPRAGUE	0.0546 GAL.	4.4631 GAL.
			20% ITEM 7.0				
4287149		#2DULSB5	95% ITEM 8.0	RACK PICK-UP	SPRAGUE	0.0493 GAL.	3.9094 GAL.
			5% ITEM 10.0				
4287149		#2DULSB10	90% ITEM 8.0	RACK PICK-UP	SPRAGUE	0.0510 GAL.	4.0439 GAL.
			10% ITEM 10.0				
4287149		#2DULSB20	80% ITEM 8.0	RACK PICK-UP	SPRAGUE	0.0546 GAL.	4.3131 GAL.
			20% ITEM 10.0				
4287149		#2DULSB50	50% ITEM 17.0	CITYWIDE BY TW	SPRAGUE	0.0651 GAL.	5.3896 GAL.
			50% ITEM 18.0				
4287149		#2DULSB50	50% ITEM 19.0	RACK PICK-UP	SPRAGUE	0.0652 GAL.	5.2397 GAL.
			50% ITEM 20.0				
Winterized			Nov 1 - Mar 31				
4287149		#2DULSB5	95% ITEM 6.0	CITYWIDE BY TW	SPRAGUE	0.0493 GAL.	4.2617 GAL.
			5% ITEM 7.0				
4287149		#2DULSB10	90% ITEM 6.0	CITYWIDE BY TW	SPRAGUE	0.0510 GAL.	4.3856 GAL.
			10% ITEM 7.0				
4287149		#2DULSB20	80% ITEM 6.0	CITYWIDE BY TW	SPRAGUE	0.0546 GAL.	4.6335 GAL.
			20% ITEM 7.0				
4287149		#2DULSB5	95% ITEM 9.0	RACK PICK-UP	SPRAGUE	0.0493 GAL.	4.1117 GAL.
			5% ITEM 10.0				
4287149		#2DULSB10	90% ITEM 9.0	RACK PICK-UP	SPRAGUE	0.0510 GAL.	4.2356 GAL.
			10% ITEM 10.0				
4287149		#2DULSB20	80% ITEM 9.0	RACK PICK-UP	SPRAGUE	0.0546 GAL.	4.4835 GAL.
			20% ITEM 10.0				
Non-Winterized/ Winterized			Year-Round				
4287149		#1DULSB20	80% ITEM 11.0	CITYWIDE BY TW	SPRAGUE	0.8308 GAL.	5.9941 GAL.
			20% ITEM 12.0				
4287149		#1DULSB20	80% ITEM 13.0	RACK PICK-UP	SPRAGUE	0.8308 GAL.	5.8441 GAL.
			20% ITEM 14.0				
4287149		#1DULSB5	95% ITEM 11.0	CITYWIDE BY TW	SPRAGUE	0.9710 GAL.	5.8730 GAL.
			5% ITEM 12.0				
4287149		#1DULSB5	95% ITEM 13.0	RACK PICK-UP	SPRAGUE	0.9710 GAL.	5.7230 GAL.
			5% ITEM 14.0				
4287030	1	#4B5		MANHATTAN	UNITED METRO	0.0512 GAL.	3.2934 GAL.
4287030	2	#4B5		BRONX	UNITED METRO	0.0512 GAL.	3.3134 GAL.
4287030	3	#4B5		BROOKLYN	UNITED METRO	0.0512 GAL.	3.2534 GAL.
4287030	4	#4B5		QUEENS	UNITED METRO	0.0512 GAL.	3.2834 GAL.
4287031	5	#4B5		RICHMOND	APPROVED OIL COMPANY	0.0512 GAL.	3.4734 GAL.
4187014	1	#2B5		MANHATTAN	SPRAGUE	0.0493 GAL.	3.7663 GAL.
4187014	3	#2B5		BRONX	SPRAGUE	0.0493 GAL.	3.7183 GAL.
4187014	5	#2B5		BROOKLYN	SPRAGUE	0.0493 GAL.	3.7313 GAL.
4187014	7	#2B5		QUEENS	SPRAGUE	0.0493 GAL.	3.7393 GAL.
4187014	9	#2B5		STATEN ISLAND	SPRAGUE	0.0493 GAL.	3.8183 GAL.
4187014	11	#2B10		CITYWIDE BY TW	SPRAGUE	0.0510 GAL.	3.8249 GAL.
4187014	12	#2B20		CITYWIDE BY TW	SPRAGUE	0.0546 GAL.	3.9965 GAL.
4187015	2	#2B5		MANHATTAN (RACK PICK-UP)	APPROVED OIL COMPANY	0.0493 GAL.	3.5316 GAL.
4187015	4	#2B5		BRONX (RACK PICK-UP)	APPROVED OIL COMPANY	0.0493 GAL.	3.5316 GAL.
4187015	6	#2B5		BROOKLYN (RACK PICK-UP)	APPROVED OIL COMPANY	0.0493 GAL.	3.5316 GAL.
4187015	8	#2B5		QUEENS (RACK PICK-UP)	APPROVED OIL COMPANY	0.0493 GAL.	3.5316 GAL.
4187015	10	#2B5		STATEN ISLAND (RACK PICK-UP)	APPROVED OIL COMPANY	0.0493 GAL.	3.5316 GAL.

OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9113
FUEL OIL, PRIME AND START

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 1/30/2023
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OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9114
FUEL OIL AND REPAIRS

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 1/30/2023
20211200451	1	#2B5	All Boroughs (Pickup under delivery)	APPROVED OIL	0.0493 GAL	3.9457 GAL.
20211200451	2	#4B5	All Boroughs (Pickup under delivery)	APPROVED OIL	0.0512 GAL	3.5438 GAL.

OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9115
GASOLINE

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 1/30/2023
4387063	1.0	Reg UL	CITYWIDE BY TW	GLOBAL MONTELLO	0.0500 GAL	2.7437 GAL.
4387063	2.0	Prem UL	CITYWIDE BY TW	GLOBAL MONTELLO	0.0266 GAL	3.1380 GAL.
4387063	3.0	Reg UL	RACK PICK-UP	GLOBAL MONTELLO	0.0500 GAL	2.6415 GAL.
4387063	4.0	Prem UL	RACK PICK-UP	GLOBAL MONTELLO	0.0266 GAL	3.0408 GAL.
3787121	5.0	E85	Non-Winterized CITYWIDE BY DELIVERY	UNITED METRO	-0.0043 GAL	2.7380 GAL.
3787121	6.0	E70	Winterized CITYWIDE BY DELIVERY	UNITED METRO	0.0065 GAL	2.8294 GAL.

NOTE:

1. Federal excise taxes are imposed on taxable fuels, (i.e., gasoline, kerosene, and diesel), when removed from a taxable fuel terminal. This fuel excise tax does not include Leaking Underground Storage Tank (LUST) tax. LUST tax applies to motor fuels for both diesel and gasoline invoices. Going forward, LUST Tax will appear as an additional fee at the rate of \$0.001 per gallon and will be shown as a separate line item on your invoice.
2. The National Oil Heat Research Alliance (NORA) has been extended until February 6, 2029. A related assessment of \$.002 per gallon has been added to the posted weekly fuel prices and will appear as a separate line item on invoices. This fee applies to heating oil only and since 2015 has included #4 heating oil. All other terms and conditions remain unchanged.
3. Items 1 - 4 on contract 4287148 and 5 - 20 on contract 4287149 are effective as of June 1st, 2022.
4. Items 1 - 4 on contract 4387063 are effective as of December 19, 2022.
5. Federal Superfund Tax is included in the DCAS weekly pricing schedule and it should not show as an additional fee.

REMINDER FOR ALL AGENCIES:

All entities utilizing DCAS fuel contracts are reminded to pay their invoices **on time** to avoid interruption of service. Please send inspection copy of receiving report for all gasoline (E70, UL PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor, New York, NY 10007.

← f3

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Extend Contract(s) Not Included in FY 2023 Annual Contracting Plan and Schedule

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

Agency: Law Department

Vendor: Mirram Group, LLC 134066469

Description of Services to be Provided: Communications and public relations services on behalf of the Racial Justice Commission in their efforts to educate the voting community of three (3) ballot measures, proposed by the commission, which will be included in the November 2022 election. The communications and public relations contractor will bring NYC elections and voter expertise to help execute the citywide non-partisan voter education campaign. The communications and public relations contractor will have strong relationships in local, ethnic, and national media to broadly reach all 5.5 million registered New Yorkers and make a tailored, special effort to reach New Yorkers in the language minority communities protected by the Voting Rights Act, as well as other groups. Working alongside a team of other contractors and staff, the contractor will strategize, develop multi-lingual messaging, and engage media to effectively reach voters about the three proposals on New York City voter ballots at the November 2022 general election.

Anticipated Procurement Method: M/WBE Non-Competitive Small Purchase - Change Order

Anticipated New Start Date: 7/1/22

Anticipated New End Date: 1/1/23

Anticipated Modifications to Scope: None

Reason for Renewal/Extension: To add additional funds

Job Titles: N/A

Headcounts: 0

Agency: Law Department

Vendor: Mirram Group, LLC 134066469

Description of Services to be Provided: Campaign management services on behalf of the Racial Justice Commission in their efforts to educate the voting community of three (3) ballot measures, proposed by the commission, which will be included in the November 2022 election.

Contractor's services will include: (1) working closely with members of the RJC and acting as the lead strategy coordinator for the education campaign; (2) aiding in the development and implementation of an education campaign that reaches 5.5 million voters in New York City; (3) managing and analyzing voter data to provide insight and inform RJC of ways to best allocate resources to adapt and effectively reach voters until November 8, 2022; (4) actively managing, coordinating, strategizing, and partnering with other contractors; and (5) providing such other related tasks as required and requested by the Department or RJC.

Anticipated Procurement Method: M/WBE Non-Competitive Small

Purchase - Change Order

Anticipated New Start Date: 7/1/22

Anticipated New End Date: 1/1/23

Anticipated Modifications to Scope: None

Reason for Renewal/Extension: To add additional funds

Job Titles: N/A

Headcounts: 0

← f3

CHANGES IN PERSONNEL

HRA/DEPT OF SOCIAL SERVICES
FOR PERIOD ENDING 11/10/22

NAME	TITLE		SALARY	ACTION	PROV	EFF DATE	AGENCY
	NUM						
ST. HILAIRE-BAP	LAYLA	B	56058	\$62215.0000	RESIGNED	YES	10/16/22 069
STARVAGGI	MARC	A	21744	\$64140.0000	APPOINTED	YES	10/23/22 069
STEPHANS	COLIN	A	22508	\$100116.0000	RESIGNED	YES	11/03/22 069
STRICKLAND	LAVETTE		52314	\$49034.0000	RETIRED	NO	10/28/22 069
SUTTON	JACQUELI	H	10104	\$43410.0000	RESIGNED	NO	10/26/22 069
THOMAS	DEBORAH	R	52304	\$47729.0000	RESIGNED	NO	10/09/22 069
WILLIAMS	ASIA	M	10104	\$46071.0000	RESIGNED	NO	10/30/22 069
WILLIAMS	YOLANDA		10251	\$43228.0000	RETIRED	NO	11/01/22 069

HRA/DEPT OF SOCIAL SERVICES
FOR PERIOD ENDING 11/10/22

NAME	TITLE		SALARY	ACTION	PROV	EFF DATE	AGENCY
	NUM						
WOODARDS	COURTNEY	C	30086	\$62397.0000	RESIGNED	YES	10/23/22 069
WOOLRIDGE JR	FRANK		52304	\$47748.0000	RETIRED	NO	11/02/22 069
XU	LUCY		10104	\$46115.0000	RETIRED	NO	10/30/22 069
YASMINE	GRULLON	A	56056	\$37428.0000	APPOINTED	YES	10/23/22 069
YOUNG-MEDINA	SEANTAE	S	10104	\$37748.0000	RESIGNED	YES	10/13/22 069

DEPT. OF HOMELESS SERVICES
FOR PERIOD ENDING 11/10/22

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees of the Department of Homeless Services.

DEPARTMENT OF CORRECTION
FOR PERIOD ENDING 11/10/22

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

DEPARTMENT OF CORRECTION
FOR PERIOD ENDING 11/10/22

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

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees of the Mayor's Office of Contract Svcs.

MAYORS OFFICE OF CONTRACT SVCS
FOR PERIOD ENDING 11/10/22

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists employees of the Mayor's Office of Contract Svcs.

CITY COUNCIL
FOR PERIOD ENDING 11/10/22

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists members of the City Council.

CITY CLERK
FOR PERIOD ENDING 11/10/22

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists City Clerk staff.

DEPARTMENT FOR THE AGING
FOR PERIOD ENDING 11/10/22

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



OFFICE OF THE MAYOR
■ NOTICE

Mayor's Office of Special Enforcement
NOTICE OF ADOPTION OF FINAL RULES
GOVERNING REGISTRATION AND REQUIREMENTS
FOR SHORT-TERM RENTALS

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Mayor's Office of Special Enforcement ("OSE") by section 1043(e) of the New York City Charter ("City Charter") and Local Law 18 for the year 2022 (sections 26-3101 et. seq. and sections 26-3201 et. seq. of the Administrative Code of the City of New York), and in accordance with the requirements of section 1043 of the City Charter, that OSE promulgates and adopts Chapter 17 of Title 43 of

the Rules of the City of New York, regarding reporting requirements for booking services.

These rules were proposed and published on November 4, 2022, and a public hearing was held on December 5, 2022. A second notice extending public comment period and announcing a second hearing was published December 12, 2022, and a second hearing was held on January 11, 2023.

Statement of Basis and Purpose

Local Law 18 for the year 2022 (LL 18), enacted on January 9, 2022, established two new provisions of law: 1) Chapter 31 (sections 26-3101 through 26-3105) of Title 26 (“Housing and Buildings”) of the Administrative Code of the City of New York, regarding registration requirements for short-term residential rentals; and 2) Chapter 32 (sections 26-3201 through 26-3203) of Title 26 (“Housing and Buildings”) of the Administrative Code of the City of New York, regarding registration verification and reporting requirements for short-term residential rentals. Local Law 18 specified that it was to be administered by the Mayor’s Office of Special Enforcement (OSE) unless specified otherwise by mayoral executive order.

Short term rentals of dwelling units (rental for less than 30 days) are prohibited by the Multiple Dwelling Law, the Housing Maintenance Code, and the Construction Codes unless the permanent resident of the dwelling unit is present during the rental. Chapter 31 of Title 26 of the Administrative Code of the City of New York provides for the regulation of such hosted short-term rentals by requiring permanent residents of dwelling units who engage in such rentals to register themselves, the dwelling units they occupy, and their listings with OSE and obtain a short-term rental registration number signifying such registration. Registered hosts will be required to include their short-term rental registration number on all advertisements and offers for short-term rental, and to conspicuously post and maintain, within the dwelling unit, a diagram of normal and emergency exit routes and their short-term rental registration certificate. A registrant will further be required to retain records of their short-term rental transactions and provide such records to OSE upon request. Registration will not be permitted if there are uncorrected violations of law that might imperil occupants of such units, or if the units are in buildings on a prohibited building list.

Chapter 32 of Title 26 of the Administrative Code of the City of New York requires online, computer, or application-based platforms, or “booking services,” that charge, collect, or receive fees for the use of the platform in connection with short-term rentals to verify, via an electronic verification system maintained by OSE, that a short-term rental transaction is either for a dwelling unit within a class B multiple dwelling on the list of class B multiple dwellings published by OSE, or is associated with a valid short-term rental registration number. Additionally, booking services are required to report booking services public uniform resource locator for the listing or other identifier, and the unique confirmation number obtained from the electronic verification system for such transaction to OSE.

The purpose of this rule is to implement Chapters 31 and 32 of Title 26 of the Administrative Code of the City of New York in accordance with Local Law 18 for the year 2022. Specifically, this rule would:

- Specify the time, manner, and form of applying for and renewing a short-term rental registration;
- Specify the causes for denial of a short-term rental registration;
- Specify the time, manner, and form of submitting changes to information submitted in the application for short-term rental;
- Establish a process for publishing and maintaining a list of buildings prohibited from short-term rental registration;
- Specify the manner and form of posting and maintaining, within the registered dwelling unit, a diagram indicating normal and emergency exit routes for the unit and building, and a copy of the short-term rental registration certificate;
- Specify the manner and form in which short-term rental transaction records must be maintained by registered hosts and provided to the administering agency;
- Provide a schedule of penalties for violations of the law and rules;
- Provide for revocation of registration for failure to comply with law or rules;
- Establish a retention and disposal period for information obtained pursuant to the law;
- Specify the booking services’ requirement and manner of verifying lawful short-term rentals; and
- Specify the time, manner, and form of reporting by the booking services;

OSE revised the proposed rule in response to comments received at the public hearing as well as written comments received during the public comment period. The final rule includes the following changes from the proposed rule:

§21-01 (“Definitions”) – Clarified definition of “Material false statement” to exclude statements of understanding of a law or statements of intention to comply with a law; clarified definition of “rentee” to correct statutory reference

§21-03 (“Short-term rental registration application and approval procedures”) – reduced the burden on applicants by:
 -changing the proposed requirement of names and relationships of permanent occupants to a statement of the number of unrelated permanent occupants;
 -eliminating submission of a diagram and the date occupancy began from the application requirements;
 -allowing for the submission and use of a chosen or preferred name;
 -reducing the scope of the requirement to for tenants to provide an entire lease to just the relevant portions of the lease;
 -expanding acceptable proofs of identity;
 -expanding allowable redaction of proof of residence documents to include personal information of a non-applicant;
 -adding additional sections and clarifying language to list items applicant must certify to understand and agree to comply with;
 -simplifying language regarding applicant understanding of agency obligation to notify owner of dwelling of an application; and
 -removing legal name from the certificate of registration

§21-05 (“Term of registration; Expiration of registration”) – Doubled the registration term from two year to four years

§21-06 (“Amendment of a short-term rental registration”) – tripled the amount of time a registrant has to amend their registration, and added an extenuating circumstance exception

§21-07 (“Renewal of a short-term rental registration”) – doubled amount of time in which registrants can seek renewal before expiration; removed requirement to affirm past compliance with applicable laws

§21-08 (“Denial of a short-term rental registration or renewal”) – minor typographic modification

§21-09 (“Prohibited buildings list”) - minor typographic modification

§21-10 (“Registered host requirements”) – Reduced regulatory burden on registered hosts by:

- reducing requirements of the diagram required to be posted in the unit;
- simplifying language relating to recordkeeping requirements;
- increasing by 50% the amount of time registrants have to respond to records requests; and
- replacing the prohibition relating to rentees having exclusive access with a requirement to maintain a common household, and including statutory references

§21-13 (“Penalties”) –eliminated proposed penalties for false certification of lease requirements and for violation laws related to short-term rentals; clarified that false statements must be material for penalty provision to apply

§22-01 (“Definitions”) – Defined “full legal name” to include a chosen or preferred name accepted for use by the administering agency

§22-02 (“Verification of lawful short-term rentals”) - minor typographic modification; eased compliance requirements on booking services by:
 -increasing information contained in the unique confirmation number to allow booking services to know if verification was due to exempt status or registered status;
 -changing the minimum reverification period from quarterly to annually;
 -removing minimum reverification for verifications demonstrating exemption from the registration requirements;
 -increasing the period after expiration in which a booking service must reverify from two days to fifteen days
 -tripling the amount of time after which a booking service is presumed to have received a notice of revocation

§22-03 (“Reporting requirements”) – added flexibility for booking services to report transactions in aggregate or individually

§22-04 (“Fees”) – Clarified that the fee for a booking service to use the verification system shall be assessed once per listing per calendar year, not once per listing per verification

§22-05 (“Penalties”) –created “safe harbor” for booking services that accept fees for a short-term rental that began prior to expiration or revocation of the registration

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

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

Section 1. Title 43 of the rules of the City of New York is amended by adding new chapters 21 and 22 to read as follows:

Chapter 21

REQUIRED REGISTRATION OF SHORT-TERM RENTALS

§ 21-01	Definitions
§ 21-02	Short-term rental registration required
§ 21-03	Short-term rental registration application and approval procedures
§ 21-04	Incomplete applications
§ 21-05	Term of registration; Expiration of registration
§ 21-06	Amendment of a short-term rental registration
§ 21-07	Renewal of a short-term rental registration
§ 21-08	Denial of a short-term rental registration or renewal
§ 21-09	Prohibited buildings list
§ 21-10	Registered host requirements
§ 21-11	Privacy and security of information
§ 21-12	Retention and disposal of information
§ 21-13	Penalties
§ 21-14	Revocation

§ 21-01 Definitions

Administering agency. The term “administering agency” means the Office of Special Enforcement, as established under executive order number 96 for the year 2006, or such other agency as subsequently designated by mayoral executive order.

Booking Service. The term “booking service” has the meaning ascribed to such term by section 26-2101 of the NYC administrative code, as added by local law number 146 for the year 2018.

Building. The term “building” means a building as defined in the New York city construction codes that is located in the city.

Class A multiple dwelling. The term “class A multiple dwelling” shall have the meaning ascribed to such term in the housing maintenance code, except that for the purposes of these rules the term class A multiple dwelling shall also be deemed to include “interim multiple dwelling” as defined in section 281 of the multiple dwelling law.

Class B multiple dwelling. The term “class B multiple dwelling” has the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

Dwelling unit. The term “dwelling unit” has the meaning ascribed to such term by section 27-2004 of the housing maintenance code.

Listing. The term “listing” means an advertisement on a booking service that offers a short-term rental.

Listing identifier. The term “listing identifier” means a unique identification number assigned by the booking service to each listing.

Material fact. A “material fact” is a fact stated or omitted in connection with the filing of an application for, or renewal of, a short-term rental registration made pursuant to these rules and NYC administrative code § 26-3102, and that has a natural tendency to influence, or was capable of influencing, the administering agency’s decisions relating to such application or renewal. For the purposes of this chapter an assertion of understanding a provision of law or a statement of intent to comply with a provision of law or this chapter shall not be considered to be a material fact.

Material false statement. A “material false statement” is any false or misleading representation of material fact, or the failure to state a material fact, if such use of, or failure to state, has a natural tendency to influence, or was capable of influencing, the administering agency’s decisions relating to an application for, amendment of, or renewal of, a short-term rental registration made pursuant to these rules and NYC administrative code § 26-3102.

Owner. The term “owner” has the meaning ascribed to such term by the housing maintenance code, except that for the purposes of this chapter shall not be construed to include a tenant in legal possession of a dwelling unit.

Permanent Occupant. The term “permanent occupant” shall mean a natural person or a family occupying a dwelling unit for 30 consecutive days or more, except that a boarder, roomer, or lodger shall not be considered a permanent occupant for the purposes of this chapter.

Private dwelling. The term “private dwelling” shall have the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

Registered host or host. The term “registered host” or “host” means a natural person who is a permanent occupant of a dwelling unit registered in accordance with these rules and chapter 31 of title 26 of the NYC administrative code.

Rentee. The term “rentee” means a boarder, roomer, or lodger, as defined in section BC 202 of the New York city building code, involved in a short-term rental.

Rooming unit. The term “rooming unit” shall have the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

Short-term rental. The term “short-term rental” means a rental for fewer than 30 consecutive days of a dwelling unit within a private dwelling or class A multiple dwelling, or in the case of a mixed-use building, a rental of a class A dwelling unit therein for fewer than 30 consecutive days.

Short-term rental registration number. The term “short-term rental registration number” means a registration number issued by the administering agency in accordance with the registration of a dwelling unit pursuant to these rules and chapter 31 of title 26 of the NYC administrative code.

§ 21-02 Short-term rental registration required

1. A person who owns, manages, occupies, or otherwise controls a dwelling unit shall not offer, manage, or administer short-term rentals of such dwelling unit or portion thereof unless such dwelling unit is registered with the administering agency, such dwelling unit has been issued a unique short-term rental registration number, and such registration is currently valid.
2. A person who owns, manages, occupies, or otherwise controls a dwelling unit shall not falsely represent or falsely advertise that a dwelling unit is registered for short-term rental when such a dwelling unit is not registered for short-term rental.
3. The requirements of this chapter do not apply to the short-term rental of class B multiple dwellings or class B dwelling units within mixed use buildings.

§ 21-03 Short-term rental registration application and approval procedures

1. To register a dwelling unit for short-term rentals, an applicant shall file a completed short-term rental application in accordance with the requirements of this section and meet all other requirements herein. An applicant must be a permanent occupant of the dwelling unit. An applicant may not apply for more than one short-term rental registration number. An applicant may not host short-term rentals in more than one dwelling unit.
2. Applications may be completed using an online registration portal accessible from the administering agency’s website.
3. An applicant must provide the following information as part of their application for short-term rental registration:
 - a. Full legal name;
 - b. A current phone number;
 - c. Full physical address where short-term rental will take place, including street number, street name, zip code, borough, and unit number where there is more than one dwelling unit in the building;
 - d. An email address that will be used to receive communication from the administering agency, or other alternate means of communication acceptable to the administering agency;
 - e. Type of dwelling unit, where known to the applicant (e.g., single family building, apartment in a two family building, apartment in a building with 3+ units, condominium, apartment in a co-op building);
 - f. The number of individuals not related by blood, adoption, legal guardianship, marriage or domestic partnership that reside with the registrant in the unit.;
 - g. The uniform resource locator or listing identifier and the associated booking service name for all existing listings of the dwelling unit; and
 - h. Whether the applicant is a tenant or owner of the dwelling unit.
4. An applicant may provide a chosen name or preferred name other than their legal name for use by the administering agency in communicating with the applicant, and may indicate if the chosen or preferred name is the name on file with booking services used by the applicant. Where the chosen or preferred name is indicated as such, the administering agency shall allow for the use of such name in conducting verifications by booking services pursuant to NYC administrative code § 26-3202.
5. Applicants that are tenants shall also provide the portion of their lease that describes the period of tenancy, the address of the unit of housing, and the names and signatures of the parties to the lease. If the applicant does not have a lease, the administering agency may accept other documentation that establishes the

period for which the applicant is legally entitled to occupancy. The agency may, at its sole discretion, accept a written statement that provides the information and explains why documentation is not available.

6. As part of the application process, an applicant shall be required to prove their identity by providing to the administering agency a copy of one of the following unexpired documents:
- Driver's license or State-issued ID;
 - U.S. Passport or U.S. Passport card;
 - U.S. Military ID;
 - Permanent Resident Card or Employment Authorization card issued by the United States Government;
 - A foreign passport or driver's license;
 - IDNYC card; or
 - Other forms of proof that the administering agency determines are acceptable and indicates as such by including such information on the agency's website.

The administering agency may, at its sole discretion, accept such other proof not listed above where an applicant does not have any of the listed identity documents.

7. As part of the application process, an applicant shall be required to prove their permanent occupancy by providing to the administering agency a copy of a document from at least two of the following categories showing the applicant's name and the address the applicant is seeking to register:
- Utility bill, dated within the last 60 days (e.g., telephone, gas, electric, cable, or water);
 - Correspondence from any government agency that shows home address;
 - A voter registration card;
 - A social security statement;
 - A bank statement dated within the last 60 days;
 - An automobile registration documentation;
 - Income tax form for the last calendar year;
 - Insurance documentation or insurance bill that shows home address;
 - Current (active) license or permit or certificate issued by a City/State/Federal government agency that shows home address;
 - College or school correspondence that shows home address;
 - A w-2 from the most recent tax filing period;
 - Official payroll documentation that includes home address issued by an employer within the past 60 days, such as a paystub with home address, a form submitted for tax withholding purposes, or payroll receipt; or
 - other forms of proof that the administering agency determines are acceptable and indicates as such by including such information on the agency's website.

Any document listed in this paragraph that contains financial information or personal identifying information about an individual that is not the applicant may be redacted by the applicant such that the financial information or personal information of a non-applicant is not visible, and the administering agency shall accept the documents unless the redaction interferes with its ability to confirm the authenticity of the documentation.

8. As part of the application process, an applicant shall be required to certify that they understand and agree to comply with applicable provisions of the zoning resolution, multiple dwelling law, housing maintenance code, New York city construction codes and other laws and rules relating to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings including but not limited to:
- New York City Administrative Code, Title 28, Articles 118, 210, 301, 701 (BC § 310);
 - New York City Administrative Code, Title 27, Chapter 1, Subchapter 3, Article 18;
 - New York City Building Code § 310;
 - New York City Housing Maintenance Code §§ 27-2004, 2057-2088; and
 - Multiple Dwelling Law §§ 4(8), 121, 248.

- As part of the application process, an applicant shall be required to certify that they understand and agree to comply with the section of this chapter entitled "Registered host requirements".
- The applicant shall be required to certify and agree that any listing of a dwelling unit with a booking service shall be reported to the administering agency prior to such listing being used to make an agreement for short-term rental.
- An applicant who is a tenant of the dwelling unit that is the subject of the short-term rental application shall be required to certify that they are not prohibited by the terms of a lease or other agreement from applying for a short-term rental registration for the dwelling unit and from subsequently acting as host for short-term rentals within such dwelling unit.
- An applicant who is a tenant of the dwelling unit that is the subject of the short-term rental application shall be required to acknowledge that they understand that the owner of record of the dwelling unit and of the building will be notified that an application for a short-term rental registration has been received.
- The application fee for registration shall be \$145. Payments shall be required at the time the application is submitted. The applicant will be required to acknowledge that the application fee is non-refundable.
- Prior to requiring payment, the applicant shall indicate their understanding that the administering agency is required by NYC administrative code § 26-3105 to publish on the city open data portal, for all registrations: the registration number; the uniform resource locators associated with such registration; the address and unit number of the dwelling unit, including latitude and longitude; the status of the registration, including active or revoked; and the expiration date of the registration.
- When an application for short-term rental is complete and submitted, the applicant will receive an email confirmation to the email address provided in the application, notifying the applicant that the application is under review.
- Upon receipt of a complete application, the administering agency shall notify the owner of record of the dwelling unit and of the building, that an application for a short-term rental registration has been received. The notification shall include information about applying for inclusion on the prohibited buildings list. The notification shall not include any additional personal identifying information about the applicant.
- If any information submitted in an application changes while the administering agency is reviewing such application, the applicant must notify the administering agency and provide updated information.
- Upon approving an application, the administering agency shall provide a short-term rental registration certificate that will include the full address associated with the registration, a unique short-term rental registration number, an expiration date, and a phone number to call in the event of an emergency.
- Issuance of a registration for a dwelling unit pursuant to this chapter shall not be construed as permission for or approval of the use of such dwelling unit for any occupancy that would be in violation of a lease, cooperative bylaws, condominium association rules and regulations, the multiple dwelling law, the zoning resolution, the New York city construction codes, the housing maintenance code or any other applicable rules, regulations, or laws.
- Issuance of a registration does not alter and may not be deemed to alter the legal occupancy or zoning use group of a building or portion thereof as described in the certificate of occupancy or as otherwise determined by the department of buildings.

§ 21-04 Incomplete applications

Where the administering agency determines that a submitted application is not sufficient to be approved, it shall notify the applicant of the necessary documents or information needed to complete the review of the application. If additional information for registration is required, the administering agency will request such information at the email address provided as part of the application, or by alternate method where approved by the administering agency. If the information needed to evaluate the application is not received within 30 days, the application will be rejected. Upon application the administering agency may grant an extension for good cause.

§ 21-05 Term of registration; Expiration of registration

- The term of the registration shall be four years, except as provided in subdivision b.
 - In a case where the applicant's right to occupy the dwelling unit will terminate in less than four years, the administering agency shall set a registration expiration date that is the end

date of the period that the applicant has demonstrated they have a right of occupancy.

2. Where the registration expiration date is shorter than four years based on the demonstrated date of a right to occupy the dwelling unit, the registered host may at any time during the registration term provide the administering agency proof that their right of occupancy period has been extended. There shall be no additional fee for requesting such an extension. If the administering agency finds such proof acceptable, the administering agency shall provide a new expiration date that shall be the shorter of either:
 - a. Four years from the original issuance date; or
 - b. the end date of the period that the applicant has demonstrated they have a right of occupancy.
3. Immediately upon expiration of a short-term rental registration number or if the host is no longer the permanent occupant of the registered dwelling unit, the host must cease booking the rental unit on all applicable booking services platforms and must cancel all pending reservations.

§ 21-06 Amendment of a short-term rental registration

1. If any information, other than the phone number or email address, required by § 21-03 of this chapter that was provided by a registered host in connection with an application for a short-term rental registration changes before the expiration of such registration, such registered host must submit a request to the administering agency to amend the registration.
2. Such request must be submitted, in the same manner as the application was made, to the administering agency within 15 business days of the change absent extenuating circumstance, along with any applicable supporting documentation of the change or circumstance.
3. Prior to using any listing not disclosed to the administering agency prior to receiving a registration, the registered host shall provide the uniform resource locator or listing identifier of any listing and the associated booking service name for the listing and request that the administering agency amend the registration to include such listing.
4. The administering agency shall review each request for amendment to ensure that the amendment would not violate the provisions of chapter 31 of title 26 of the administrative code or these rules, or otherwise result in unlawful activity under the registration. The administering agency may request additional information from the registered host as necessary to make a determination.
5. The administering agency shall issue a final agency determination regarding such request for amendment within a reasonable timeframe.
6. Where the information provided in the request for amendment would support revocation of the registration or would form the basis of a violation of chapter 31 of title 26 of the administrative code or these rules, the administering agency shall offer an opportunity to terminate the registration voluntarily within 10 days before issuing violations or taking enforcement action based on the requested amendment. Where the requested amendment is solely the addition of a listing that the administering agency determines to offer illegal occupancy, the administering agency may also offer the opportunity to amend or withdraw that listing in lieu of voluntary termination of the registration.

§ 21-07 Renewal of a short-term rental registration

1. A short-term rental registration may be renewed by filing an application for renewal using the online registration portal accessible through the administering agency's website. Renewals will be accepted beginning 180 days before the expiration of a host's current registration. A renewal that is approved before the expiration of the registration period will be effective on the date of the expiration of the original registration.
2. As part of the application for renewal, the registered host must:
 - a. Affirm that all information previously provided in an application for registration or renewal, or previously provided as a required update, remains true and accurate or update such information in accordance with paragraph (b) of this subdivision;
 - b. Provide adequate documentation to satisfy the application requirements where a document previously provided has either expired or is no longer recent enough to satisfy the requirements; and
 - c. Certify that they have maintained a record of each short-term rental transaction in accordance with subdivision 5 of section 21-10 below.

3. The renewal fee will be the same as the application fee. Payments shall be required at the time the application for renewal is submitted.
4. If the information provided by an applicant in connection with a renewal changes before the renewal application is granted or denied, the applicant must immediately notify the administering agency.
5. Renewal of a registration for a dwelling unit pursuant to this chapter shall not be construed as permission for or approval of the use of such dwelling unit for any occupancy that would be in violation of a lease, cooperative bylaws, condominium association rules and regulations, the multiple dwelling law, the zoning resolution, the New York city codes, the housing maintenance code or any other applicable rules, regulations, or laws.
6. Renewal of a registration does not alter and may not be deemed to alter the legal occupancy or zoning use group of a building or portion thereof as described in the certificate of occupancy or as otherwise determined by the department of buildings.

§ 21-08 Denial of a short-term rental registration or renewal

1. No short-term rental registration shall be issued or renewed for a dwelling unit where the administering agency has determined that, in accordance with the records of the department of buildings, the department of housing preservation and development and the fire department, there are uncorrected violations of the New York city construction codes, the housing maintenance code, or the fire code that would endanger occupants of such dwelling unit, including but not limited to where:
 - a. There is an uncorrected violation that is based on the condition of the dwelling unit sought to be registered, and such violation is a Class 1 violation of the New York city construction codes, or a Class C violation of the housing maintenance code;
 - b. There is an uncorrected violation of the fire code;
 - c. There is an uncorrected violation for Work without a Permit pursuant to the New York city construction codes that is based on the condition of the dwelling unit sought to be registered;
 - d. The dwelling unit is subject to a vacate order by any city agency, or to a stop work order issued by the department of buildings; or
 - e. There is an uncorrected violation for Failure to File a Required Tenant Protection Plan pursuant to the New York city construction codes.

The administering agency's determination of which violations would endanger occupants of a dwelling unit are made exclusively for the purposes of determining whether to grant a registration or renewal and shall not be binding on or attributed to any other agency.
2. No short-term rental registration or renewal shall be issued unless the administering agency has verified that the occupancy classification of the dwelling unit allows residential occupancy.
3. No short-term rental registration or renewal shall be issued for a dwelling unit in a New York city housing authority development.
4. No short-term rental registration shall be issued or renewed for a rooming unit.
5. No short-term registration shall be issued or renewed for the short-term rental of a dwelling unit the rent of which is regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, the local emergency housing rent control act of 1962, sections four hundred and twenty-one-a or four hundred eighty-nine of the real property tax law, in a housing development organized pursuant to article two of the private housing finance law and supervised by the department of housing preservation and development, or any other law or rule or an agreement with a governmental entity.
6. No short-term rental registration shall be issued or renewed for a dwelling unit in a building included on the prohibited buildings list.
7. No short-term rental registration shall be renewed while a revocation proceeding has been initiated by the administering agency and remains pending.
8. The administering agency shall not approve a registration or renewal application that includes any listing or listing identifier that advertises illegal occupancy, including listings that offer or appear to offer the unhosted rental of an entire unit or that offers or appears to offer occupancy to more than the lawful number of roomers, boarders, or lodgers permitted by section 27-2004 of the housing maintenance code.

9. The administering agency may refuse to approve a registration or renewal application where such applicant was previously issued a registration pursuant to this chapter and such registration was revoked pursuant to section 21-13 of these rules.
10. The administering agency may refuse to approve a registration or renewal application where such applicant has been determined to have committed any of the acts which would be a basis for the revocation of a registration pursuant to section 21-13 of these rules.
11. No short-term registration shall be renewed until all fines imposed pursuant to these rules or N.Y.C. Administrative Code 26-3104 have been paid.
12. Prior to denying an application, the administering agency shall review the reasons for potential denial in accordance with the grounds for denial set forth in this section. Where all such reasons are for criteria that can be resolved through correction by the applicant, the agency shall not deny the application outright, but shall notify the applicant of the basis for denial and provide the applicant 90 days to resolve the conditions that would otherwise warrant rejection. After the expiration of the 90-day period, the application shall be denied unless all identified bases for denial are resolved to the satisfaction of the administering agency. During the 90-day period, upon notice from the applicant that the basis for potential denial has been resolved, the administering agency shall resume its review of the application. If the conditions continue to warrant denial, the applicant shall be notified and have the remainder of the 90 days to resolve the conditions. Upon application the administering agency may provide an extension of the 90 days for good cause.
13. If an application is denied, the administering agency will notify the applicant and include all reasons for rejecting the application in accordance with the grounds for denial. This rejection shall constitute a final agency action.

§ 21-09 Prohibited buildings list

1. The administering agency shall create and maintain a prohibited buildings list, which shall contain the address of each building whose owner, including any applicable board of a cooperative or condominium corporation, has notified the agency that no short-term rental of any dwelling unit within the building is permitted.
2. To be added to such prohibited buildings list, a building owner, including any applicable board of a cooperative or condominium corporation, or the manager or agent of such building or board, must submit an online application to the administering agency.
3. When submitting an application pursuant to subdivision (2) of this section, the applicant shall be required to provide:
 - a. The name of a natural person making the application;
 - b. A working phone number for the applicant;
 - c. An email address for the applicant;
 - d. The address of the building the applicant seeks to add to the list;
 - e. An explanation of the relationship between the owner and the applicant; and
 - f. Any proof or documentation requested by the administering agency to substantiate the request where the administering agency has cause to require further verification.
4. The applicant must certify that leases and other occupancy agreements for dwelling units within the building prohibit short-term rentals.
5. The administering agency shall send a letter to the owner of record whenever it receives an application for inclusion on the prohibited buildings list.
6. Inclusion or lack of inclusion on such list does not alter and may not be deemed to alter the legal occupancy or zoning use group of a building or portion thereof as described in the certificate of occupancy or as otherwise determined by the department of buildings.
7. The administering agency will publish the list of prohibited buildings on the city's open data website. The list shall be updated in as close to real time as practicable and published in the same location.
8. Application to remove a building from the prohibited buildings list shall be made by using an online application accessible from the administering agency's website. A building owner, including any applicable board of a cooperative or condominium corporation, or

the manager or agent of such building or board, shall be required to provide:

- a. the name of a natural person making the application;
 - b. A working phone number for that applicant;
 - c. An email address for the applicant;
 - d. The address of the building the applicant seeks to remove from the list;
 - e. An explanation of the relationship between the owner and the applicant; and
 - f. A statement describing the basis for removal from the list.
9. The administering agency shall add to the prohibited buildings list all buildings the administering agency is aware of that are precluded from registration based on subdivisions 3, 4, and 5 of section 21-08 of this chapter, and indicate the basis for inclusion. The administering agency shall deny all applications to remove such building from such list unless it discovers that the basis for inclusion has changed.

§ 21-10 Registered host requirements

1. No person shall operate a short-term rental in violation of provisions of the zoning resolution, multiple dwelling law, housing maintenance code, and New York city construction codes relating to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings.
2. During each short-term rental, a registered host must conspicuously post and maintain within the dwelling unit a diagram indicating all exit routes from the unit. Where the building contains more than one unit, such diagram must also indicate all exit routes from the building.
3. During each short-term rental, a registered host must conspicuously post and maintain, within the dwelling unit, a copy of the short-term rental registration certificate provided by the administering agency.
4. A registered host must provide the short-term rental registration number in all advertisements or offers for short-term rental. The information in each listing must match the information provided to the administering agency in the application associated with such registration number.
5. A registered host shall retain a record of each short-term rental for at least seven years. Each record shall include the following information:
 - a. The uniform resource locator or listing identifier used to create the rental;
 - b. The booking start date;
 - c. The total number of nights that the dwelling unit or housing accommodation was rented as a short-term rental;
 - d. The number of persons accommodated by the short-term rental; and
 - e. The total amount of rent received by the host.

If a booking service can provide a report to a registered host that meets the criteria of this subsection, the registered host does not need to maintain the records separately. If the booking service does not provide reports that meet the criteria above, the host must maintain the required record in a digital spreadsheet that allows conversion of data to a ".csv" format. The administering agency shall provide a model template on its website.
6. In accordance with applicable law, upon request by the administering agency to provide the transaction reports in this section, registered hosts shall have 15 business days to provide the requested records via a secure portal accessible from the administering agency's website.
7. If a registered host's submission in response to a request for transaction reports is missing, incomplete, or inaccurate, the administering agency will provide the host with a written notice of the deficiencies in compliance. The notice shall include specific information regarding deficiencies in need of correction. The host shall have 15 business days from the date such notice is provided to either correct the deficiency or provide a written statement explaining why the required information is unavailable or how it is complete or accurate. The host shall submit the corrections or explanation in a manner directed in the notice of deficiency. Upon the conclusion of the 15 business-day period in which the host may cure deficiencies, the administering agency may seek civil penalties for any continuing deficiency.

8. The registered host shall be responsible for ensuring that the information the host has on file with booking services matches the registered name, address, and registration number from the certificate.
9. A short-term rental registration may not be transferred or assigned to another host or to another dwelling unit.
10. If a registered host no longer resides as a permanent occupant in the dwelling unit used for short-term rentals, the host must immediately contact the administering agency to terminate the registration.
11. A registered host shall not accommodate more renters in a registered dwelling unit at the same time than they are allowed to have pursuant to section 27-2004 of the housing maintenance code.
12. A registered host must maintain a common household with a rentee. Pursuant to Housing Maintenance Code § 27-2004, a common household is deemed to exist if every member of the household including the rentee has access to all parts of the dwelling unit, and lack of access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists.
13. A registered host shall not offer, arrange for, or allow the short-term rental of an entire registered dwelling unit.

§ 21-11 Privacy and security of information

1. Unless otherwise required by federal, state, or local law, information provided pursuant to this chapter will be kept confidential by the administering agency, and shall be used or disclosed by the administering agency and the personnel of agencies assigned to such administering agency solely for purposes related to the enforcement of laws relating to short-term rentals. Nothing in this section shall prohibit the administering agency from describing the information in aggregated or deanonymized form.
2. Identifying information, as defined in section 23-1201 of the administrative code, will be collected, retained, and disclosed by the administering agency in compliance with this chapter and with the requirements and approvals by chapter 12 of title 23 of the administrative code.
3. The administering agency will protect the privacy and security of identifying information by implementing appropriate physical,

technical and administrative safeguards, in accordance with the city's information technology security standards and requirements relating to the use, transfer and storage of confidential data.

§ 21-12 Retention and disposal of information

1. The administering agency will retain records provided by registered hosts pursuant to this chapter:
 - a. As long as a registration remains active, and for a period of three years after the revocation or lapse of such registration unless retention is required;
 - b. As long as an investigation or enforcement action involving the records remains open; and
 - c. For a period of three years after all investigations and enforcement actions are closed, except that records involved in civil court litigation will be kept for a period of 10 years after the close of the case.
2. The administering agency will retain records provided by building owners relating to the prohibited buildings list for as long as the building remains on the prohibited buildings list, plus three years.

§ 21-13 Penalties

1. No penalties will be imposed for violations of these rules or of Chapter 31 of Title 26 of the Administrative Code of the City of New York Chapter until May 9, 2023, nor shall any such violation be based on conduct that occurred prior to May 9, 2023, unless such conduct is continued past such date.
2. Civil penalties established by this section may be imposed and recovered in a proceeding before the office of administrative trials and hearings or a court of competent jurisdiction. Notices of violation, administrative summonses, and appearance tickets for violations may be issued by officers and employees of the administering agency or other city agencies designated by such administering agency.
3. Any person who violates subdivision a of section 26-3102 of the administrative code shall be liable for a civil penalty of not more than the lesser of \$5000 or three times the revenue generated by the short-term rental for each such violation. Any person who violates any other provision of chapter 31 of title 26 of the administrative code or any provision of these rules shall be liable for a civil penalty of the applicable amount contained in the following penalty table.

Citation	Violation Description	Cure	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
<u>Admin Code § 26-3102(j)</u>	<u>Failing to timely notify administering agency of changes to information provided by the applicant in connection with a short-term rental application</u>	<u>Yes</u>	<u>\$100</u>	<u>\$500</u>	<u>\$500</u>	<u>\$2,500</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>Admin Code § 26-3103(a)</u>	<u>Failing to conspicuously post and maintain, within a dwelling unit, a diagram indicating normal and emergency egress routes for such unit and building containing such unit</u>	<u>Yes</u>	<u>\$100</u>	<u>\$500</u>	<u>\$500</u>	<u>\$2,500</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>Admin Code § 26-3103(a)</u>	<u>Failing to conspicuously post and maintain, within a dwelling unit, a copy of the short-term rental registration certificate for such unit</u>	<u>Yes</u>	<u>\$100</u>	<u>\$500</u>	<u>\$500</u>	<u>\$2,500</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>Admin Code § 26-3103(b)</u>	<u>Failing to include a short-term rental registration number in an advertisement or other offer for short-term rental of a dwelling unit</u>	<u>Yes</u>	<u>\$100</u>	<u>\$500</u>	<u>\$500</u>	<u>\$2,500</u>	<u>\$1,000</u>	<u>\$5,000</u>
<u>Admin Code § 26-3103(c)</u>	<u>Failing to maintain a record of each short-term rental, for at least seven years after such short-term rental occurred</u>	<u>No</u>	<u>\$500</u>	<u>\$2,500</u>	<u>\$1,000</u>	<u>\$5,000</u>	<u>\$5,000</u>	<u>\$5,000</u>
<u>Admin Code § 26-3104(c)</u>	<u>Making a material false statement or concealing a material fact in connection with filing or renewing an application for short-term rental</u>	<u>No</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>	<u>\$1,000</u>
<u>Admin Code Title 26, Chapter 31</u>	<u>All other violations of Chapter 31 of Title 26 of the New York City Administrative Code and these rules</u>	<u>No</u>	<u>\$100</u>	<u>\$500</u>	<u>\$500</u>	<u>\$2,500</u>	<u>\$1,000</u>	<u>\$5,000</u>

4. All citations are to chapter 31 of title 26 of the administrative code or to chapter 21 of title 43 of the rules of the city of New York.
5. Unless otherwise specified, a second or third or subsequent violation means a violation by the same respondent, within 3 years of the prior violation(s). When a prior violation was dismissed, the penalty shall be reduced as if the violation was charged without consideration of the dismissed violation.
6. Where indicated as eligible for cure in the table of penalties, the fine for a first violation of each section will be zero if the respondent proves by a preponderance of the evidence that the basis for the violation has been corrected. Subsequent violations of that type will not be eligible for cure.

§ 21-14 Revocation

1. A short-term rental registration shall be revoked, after the registered host is given notice and an opportunity to be heard, in any of the following circumstances:
 - a. The dwelling unit has been used in violation of restrictions in the zoning resolution, multiple dwelling law, housing maintenance code and New York city construction codes relating to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings;
 - b. The applicant made a materially false statement or concealed a material fact in connection with the filing of a short-term rental application or renewal pursuant to these rules;
 - c. The registered host has committed three or more violations of chapter 31 of title 26 of the administrative code or these rules within a period of 24 months;
 - d. The dwelling unit that is the subject of the short-term rental application was added to the prohibited buildings list after the registration had been approved; and
 - e. The administering agency, after issuing the registration, discovers information that would have precluded the administering agency from granting the registration had the information been known at the time.
2. A Notice of Intent to Revoke a short-term rental registration shall be sent from the administering agency to the registered host that provides the following information:
 - a. All reasons that the administering agency will allege as a basis for revocation;
 - b. When applicable, the violation numbers of any violations previously issued that constitute a basis for revocation; and
 - c. Information on the registered host's right to a hearing in accordance with subdivision d of section 26-3104 of the administrative code.
3. A registered host may consent to revocation without a hearing.
4. The administering agency shall, as soon as practicable, notify each booking service disclosed by the registrant as having a listing for the registered dwelling unit of any revocation of a short-term rental registration.

**Chapter 22
BOOKING SERVICE REQUIREMENTS FOR
SHORT-TERM RENTALS**

§22-01	Definitions
§22-02	Verification of short-term rentals
§22-03	Reporting requirements
§22-04	Fees
§22-05	Penalties

§22-01 Definitions

Administering agency. The term “administering agency” means the Office of Special Enforcement, as established under executive order number 96 for the year 2006, or such other agency as subsequently designated by executive order.

Application program interface. The term “application program interface” means a software intermediary that makes it possible for application programs to interact with each other and share data or successor technologies.

Class B multiple dwelling. The term “class B multiple dwelling” has the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

Booking Service. The term “booking service” has the meaning ascribed to such term by section 26-2101 of the Administrative Code of the City of New York, as added by local law number 146 for the year 2018.

Directly or indirectly. The term “directly or indirectly” has the meaning ascribed to such term by section 26-2101 of the Administrative Code

of the City of New York, as added by local law number 146 for the year 2018.

Dwelling unit. The term “dwelling unit” has the meaning ascribed to such term by the housing maintenance code.

Electronic verification system. The term “electronic verification system” means an application program interface created and maintained by the administering agency that a booking service may use to: (i) verify whether the housing accommodation or dwelling unit that is the subject of a short-term rental is included on the list of class B multiple dwellings published pursuant to section 26-2103 of the administrative code, as added by local law number 146 for the year 2018; or (ii) verify that the dwelling unit or housing accommodation that is the subject of such short-term rental has a currently valid short-term rental registration number, and that the full legal name of the host and the physical address of the dwelling unit associated with such short-term rental match the host and physical address information associated with such registration number, and that the uniform resource locator or listing identifier being used to offer the short term rental is associated with the currently valid short-term rental registration number; and (iii) obtain a unique confirmation number reflecting that such verification has occurred.

Full Legal Name. The term “full legal name” means either the actual legal name of a registered host or the chosen or preferred name provided by a registered host to the administering agency and accepted for use by the administering agency in relationship to the registration.

Listing. The term “listing” means an advertisement on a booking service that offers a short-term rental.

Listing identifier. The term “listing identifier” means a unique identification number assigned by the booking service to each listing.

Registered host or host. The term “registered host” or “host” means a natural person who is a permanent occupant of a dwelling unit registered in accordance with these rules.

Short-term rental. The term “short-term rental” has the meaning ascribed to such term in section 26-2101 of the Administrative Code of the City of New York, as added by local law number 146 for the year 2018.

Short-term rental registration number. The term “short-term rental registration number” means a registration number issued in accordance with the registration of a dwelling unit pursuant to section 26-3102 of the Administrative Code of the City of New York and chapter 21 of this title.

§22-02 Verification of lawful short-term rentals

1. A booking service shall not charge, collect, or receive a fee from a person in connection with a short-term rental of a dwelling unit or housing accommodation unless such booking service has used the electronic verification system maintained by the administering agency either to:
 - a. Verify that a short-term rental is for a dwelling unit or housing accommodation within a class B multiple dwelling on the list of class B multiple dwellings published pursuant to section 26-2103, as added by local law number 146 for the year 2018; or
 - b. Verify that 1) the dwelling unit or housing accommodation that is the subject of such short-term rental is associated with the short-term rental registration number submitted by such person to the booking service, 2) such registration is currently valid, 3) that the uniform resource locator or listing identifier being used to offer the short-term rental is associated with the short-term rental registration number, and 4) that the host's full legal name and physical address information provided by such person to the booking service match the information contained in the electronic verification system.
2. The electronic verification system will accept from a booking service through an application program interface the street address, host name, registration number, and the uniform resource locator or listing identifier being used to offer the short-term rental. If the street address matches an address on the list of Class B multiple dwellings, the electronic verification system will provide a unique confirmation number to the booking service, reflecting that such verification has occurred. If the street address does not match an address on the list of Class B multiple dwellings, the electronic verification shall verify that the registration number is currently valid and associated with the host name, street address and the uniform resource locator or listing identifier being used to offer the short-term rental. If the data submitted matches the records related to the registration number, the electronic verification system will provide a unique confirmation number to the booking service, reflecting that such verification has occurred. The confirmation number shall be formatted such that the booking service shall be able to identify

whether the verification match was based on a Class B list or a registration status.

3. The administering agency shall incorporate the registration expiration date into the unique code and shall provide all bookings services that use the electronic verification service information sufficient to understand how the date is included. The processing of a transaction by a booking service relying on a code that contains the expiration date shall be presumptive evidence that the booking service is aware of the expiration date of the registration.
4. The booking service must retain all unique confirmation numbers for use in meeting the reporting requirement below.
5. A booking service shall reverify each listing:
 - a. within twelve calendar months of the previous verification, except where the previous verification's unique confirmation number indicates that the verification was based on Class B dwelling list match;
 - b. within 15 business days of the expiration date contained in the unique confirmation number; and
 - c. whenever it knows or should have known that any data it used to complete the most recent verification has changed, including but not limited to the host's name and the address of the listing.
6. A booking service will be required to provide an email address to the administering agency that will be used by the administering agency to transmit notices of revocation.
7. A booking service will be presumed to know that a registration has been revoked if an email notifying the booking service of the revocation was sent to the email account provided by the booking service and 15 business days have passed since the email was sent.

§22-03 Reporting requirements

1. A booking service shall submit to the administering agency a monthly report of each short-term rental transaction processed by the booking service. Such report shall be electronically submitted on a monthly basis by a booking service through a secure portal accessible from the administering agency's website. The report shall be in the format published on the administering agency's website. The report shall include the following information:
 - a. The booking service's public uniform resource locator for the listing or other listing identifier; and
 - b. The unique confirmation number obtained from the electronic verification system.

A booking service may provide the required data once per transaction or may provide the data and indicate the number of transactions processed relying on the unique confirmation.

2. Submission of such report shall constitute a statement by the booking service that for each transaction enumerated in the report, the verification required by this chapter occurred.
3. Each report shall cover transactions occurring during a period that begins with the first day of a reporting period and ends with the last day of that reporting period.
4. A transaction related to a short-term rental that begins in one reporting period but ends in a subsequent reporting period shall be included in the report covering the reporting period in which such rental concludes.
5. Except for the initial reporting period, the reporting periods shall begin on the first day of a month and end on the last day of that month. The initial reporting period shall begin May 9, 2023, and end on May 31, 2023.
6. The initial report shall be submitted not more than 30 calendar days after the conclusion of the initial reporting period. Following the initial report, a booking service must submit the report to the administering agency not more than 15 calendar days after the conclusion of the reporting period.

§22-04 Fees

1. Each booking service shall register with the administering agency to use the electronic verification system. Such registration shall require the name of the booking service, an email that the booking service agrees to receive correspondence with, the name of a contact person, and the phone number for the contact person. The booking service shall provide the number of listings that it

reasonably believes it will verify the registration status of using the electronic verification system per calendar year.

2. The booking service shall pay an initial fee to use the electronic verification system equivalent to \$2.40 per listing that it provides during registration, and such fee shall be required to be paid to complete the registration.
3. The administering agency shall charge \$2.40 for each listing the booking service submits for verification in a calendar year, except that there shall be no fee when a listing was verified as having an address that matches an address on the list of Class B multiple dwellings. Reverification of a listing in compliance with section 22-02(5) of this chapter shall not result in an additional charge. The administering agency shall conduct a quarterly reconciliation of each booking service's use of the electronic verification system. The administering agency shall provide a statement to the booking service indicating the number of listings verified, the number that had not been previously verified in the calendar year, the number that were on the list of Class B multiple dwellings, and the total charges in the quarter. The booking services shall not be liable for fees equal to the initial registration fee, and the administering agency shall reflect on the statement a credit equivalent to such fee.
4. Once a booking service is provided a statement showing that it owes money, it shall pay the balance within 30 days. Failure to pay the balance within 30 days will result in a suspension of the booking service's registration to use the electronic verification system.

§22-05 Penalties

1. No penalties will be imposed for violations of these rules or of Chapter 32 of Title 26 of the Administrative Code of the City of New York until May 9, 2023, nor shall any such violation be based on conduct that occurred prior to May 9, 2023.
2. For each transaction in which a booking service charges, collects, or receives a fee, directly or indirectly, for activity described in the definition of booking service in relation to a short-term rental in violation of section 22-02 of this chapter, such booking service shall be liable for a civil penalty of not more than \$1,500. However, if such booking service can establish the amount of such fee, the civil penalty shall be not more than three times such fee. A booking service may establish the amount of such fee by providing to the administering agency records reflecting the fee in which the booking service charged, collected, or received for such transaction. A booking service shall not be penalized for charging, collecting, or receiving a fee based on a short-term rental occupancy that commenced prior to the end of either the period in which a booking service must reverify a listing or the period after which a booking service is presumed to have notice of revocation.
3. A booking service that fails to submit information in compliance with the requirements of this chapter shall be liable for a civil penalty, to be assessed once per reporting period for each transaction that the booking service has failed to report.
4. The civil penalty shall not be more than the greater of \$1,500 or the total fees collected during the preceding year by the booking service for transactions related to the registration number or uniform resource locator. Penalties based on total fees shall not include any fees that were used to assess a previous penalty.
5. If a booking service's report is missing, incomplete, or inaccurate, the administering agency will provide the booking service with a written notice of its deficiencies in compliance. The notice shall include specific information regarding deficiencies in need of correction. The booking service shall have 15 business days from the date such a notice is provided to either correct the deficiency or provide a written statement explaining why the required information is unavailable or how it is complete or accurate. The booking service shall submit the corrections or explanation in a manner directed in the notice of deficiency. Upon the conclusion of the 15 business-day period in which a booking service may cure deficiencies, the administering agency may seek civil penalties for any continuing deficiency.
6. Civil penalties established by this section may be imposed and recovered in a proceeding before the office of administrative trials and hearing or a court of competent jurisdiction. Notices of violation, administrative summonses and appearance tickets for violations may be issued by officers and employees of the administering agency or other city agencies designated by such administering agency.