



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

Notice of Adoption of Amendments to Article 131 of the New York City Health Code

In compliance with section 1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the New York City Board of Health (“Board of Health”) by section 558 of the Charter, a notice of public hearing and opportunity to comment on a proposed amendment to Article 131 of the New York City Health Code (“Health Code”) was published in the City Record on October 7, 2024, and a public hearing was held on November 14, 2024. No testimony was provided at the hearing, and one written comment was submitted and reviewed. No changes were made to the proposed rule. At its meeting on December 10, 2024, the Board of Health adopted the following resolution.

Statement of Basis and Purpose of Rule

Local Law 86 of 2017 amended paragraph 2 of subdivision a of § 27-2029 of the New York City Administrative Code to mandate that dwellings in which centrally-supplied heat is required maintain a minimum temperature of 62 degrees Fahrenheit between the hours of 10 p.m. and 6 a.m. during the period of October 1st to May 31st regardless of the outside temperature. The Department is updating section 131.07 of the Health Code to align with the current overnight temperature requirement of section 27-2029.

The Department adopts an additional amendment to section 131.07 to clarify that enforcement of complaints about inadequate heat in multiple dwellings is being handled by the Department of Housing Preservation and Development (HPD).

Finally, the Department is eliminating the appeal process in section 131.19 for cases when the Commissioner declines a request to modify provisions of Article 131 as they apply to a specific property. Such an appeal is not required by law and is an inefficient use of agency resources, and this amendment conforms the modification provision in 131.19 to modification provisions in other articles of the Health Code.

Statutory Authority

The authority for these rules is found in the New York City Charter §§ 558 and 1043 of the New York City Charter and § 27-2029 of the New York City Administrative Code.

The proposed amendment is as follows:

“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; ellipses (***) indicate unamended text.

Section 1. RESOLVED, that paragraph (1) of subdivision (c) of section 131.07 of Article 131 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York is amended, and a new subdivision (e) is added, to read as follows:

(c) Unless otherwise provided by written contract or lease, or as provided by applicable law, including this Code, the minimum temperatures required by subdivision (a) of this section shall be maintained as follows:

(1) [In a dwelling, during the months between October first and May thirty-first between the hours of six a.m. and ten p.m.: a temperature of at least 68 degrees F when the outside temperature falls below 55 degrees F (12.78 degrees C) and during the hours between 10 p.m. and 6 a.m. a temperature of at least 55 degrees F (12.78 degrees C) whenever the outside temperature falls below 40 degrees F (4.44 degrees C)]A minimum temperature shall be maintained as required in subdivision a of § 27-2029 of the Administrative Code in any dwelling covered by such section; and

(e) In multiple dwellings, violations of and orders requiring compliance with this section may be issued by the Department, or by the Department of Housing Preservation and Development, or any successor agency.

Section 2. RESOLVED, that section 131.19 of Article 131 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York is amended to read as follows:

§131.19 Modification by Commissioner. When the strict application of any provision of this article presents practical difficulties or unusual hardships, the Commissioner, in a specific instance, may modify the application of such provision consistent with the general purpose of this article and upon such condition as, in [his or her] their opinion are necessary to protect life and health. [The denial by the Commissioner of a request for modification may be appealed to the Board in the manner provided pursuant to 24 RCNY Health Code § 5.21.]