



THE CITY RECORD

Official Journal of The City of New York

THE CITY RECORD
U.S.P.S. 0114-660

Printed on paper containing
40% post-consumer material

VOLUME CXXXVII NUMBER 55

TUESDAY, MARCH 23, 2010

PRICE \$4.00

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

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

Subscription—\$500 a year; daily, \$4.00 a copy (\$5.00 by mail) Periodicals Postage Paid at New York, N.Y.
POSTMASTER: Send address changes to THE CITY RECORD, 1 Centre Street, Room 2208, New York, N.Y. 10007 - 1602

Editorial Office
1 Centre Street, Room 2208
New York N.Y. 10007-1602
Telephone (212) 669-8252

Subscription Changes/Information
1 Centre Street, Room 2208
New York N.Y. 10007-1602
Telephone (212) 669-8252

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY COUNCIL

HEARING

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS.

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON THURSDAY, MARCH 25, 2010 AT 10:30 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTER:

Appointment by the City Council

- **Preconsidered M.** Communication from the Richmond County Democratic County Committee recommending the name of Michael J. Ryan to the Council, regarding his appointment to the New York City Board of Elections pursuant to § 3-204 of the *New York State Election Law*. Should the Council appoint Mr. Ryan, he will serve for the remainder of a four-year term that expires on December 31, 2012.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney
City Clerk, Clerk of the Council

m19-25

CITY PLANNING COMMISSION

PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, March 24, 2010, commencing at 10:00 A.M.

BOROUGH OF THE BRONX No. 1 BRONX RIVER ART CENTER

CD 6 C 100083 HAX
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 1087 East Tremont Avenue (Block 3141, part of Lot 1), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the rehabilitation of an existing four-story community facility building.

No. 2 CROTONA TERRACE REZONING

CD 3 C 080157 ZMX
IN THE MATTER OF an application submitted by CBC Associates and the South Bronx Overall Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. changing from a C8-3 District to an R7-1 District property bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard; and
2. establishing within the proposed R7-1 District a C2-4 District bounded by East 176th Street, Boston Road, East 175th Street, and Southern Boulevard;

as shown on a diagram (for illustrative purposes only) dated January 4, 2010, and subject to the conditions of CEQR Declaration E-243.

BOROUGH OF MANHATTAN No. 3 102 GREENE STREET

CD 2 C 080260 ZSM
IN THE MATTER OF an application submitted by 102 Green Street Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the bulk regulations of Section 43-17 (Special Provisions for Joint Living-Work Quarters for Artists in M1-5A and M1-5B Districts) to allow the enlargement of a building containing Joint Living Work Quarters for Artists; and
2. the use regulations of Sections 42-14D(1)(a) to allow Joint Living Work Quarters for Artists in the proposed enlargement portions of a building not in existence on or prior to December 15, 1961;

in connection with the proposed 2-story and penthouse enlargement of an existing 3-story building on property located at 102 Greene Street (Block 499, Lot 6), in an M1-5A District, within the SoHo-Cast Iron Historic District. Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

BOROUGH OF QUEENS Nos. 4 & 5 ASTORIA REZONING AND TEXT AMENDMENT No. 4

CD 1 C 100199 ZMQ
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6b, 9a, 9b and 9c:

1. eliminating from an existing R5 District a C1-2 District bounded by:
 - a. 29th Street, a line 150 northeasterly of Ditmars Boulevard, 31st Street, 21st Avenue, 32nd Street, a line 150 feet northeasterly of Ditmars Boulevard, 37th Street, a line 150 feet southwesterly of Ditmars Boulevard, 33rd Street, a line 225 feet southwesterly of Ditmars Boulevard, a line 163 feet northwesterly of 33rd Street, a line 275 feet northeasterly of 23rd Avenue, a line 116 feet northwesterly of 33rd Street, a line 150 feet northeasterly of 23rd Avenue, 33rd Street, a centerline of the New York Connecting Railroad Right-of-Way, a line 163 feet northwesterly of 33rd Street, 23rd Avenue, 26th Street, a line 150 feet northeasterly of 23rd Avenue, a line midway between 29th Street and 31st Street, and a line 150 feet southwesterly of Ditmars Boulevard;
 - b. 21st Street, a line midway between 23rd Terrace and 24th Avenue, 23rd Street, a line 150 feet northeasterly of 24th Avenue, 24th Street, and 24th Avenue;
 - c. 27th Street, a line 150 feet northeasterly of 24th Avenue, 31st Street, and 24th Avenue;
 - d. 31st Street, a line 240 feet northeasterly of 24th Road, a line 100 feet southeasterly of 31st Street, 24th Road, 32nd Street, and Astoria Boulevard (northerly portion); and
 - e. 23rd Street, a line 150 feet northeasterly of Astoria Boulevard, Crescent Street, and Astoria Boulevard;
2. eliminating from an existing R6 District a C1-2 District bounded by:
 - a. Crescent Street, a line 150 feet northeasterly of Astoria Boulevard, 29th Street, Hoyt Avenue South, 31st Street, Astoria Boulevard, 32nd Street, a line 150 feet southwesterly of Astoria Boulevard, 28th Street, and Astoria Boulevard;
 - b. Crescent Street, a line 150 feet northeasterly of 30th Avenue, 30th Street, Newtown Avenue, 31st Street, a line 150 feet northeasterly of 30th Avenue, 38th Street, 30th Avenue, a line midway between 38th Street and Steinway Street, a line 250 feet southwesterly of 30th Avenue, 38th Street, a line 150 feet southwesterly of 30th Avenue, 29th Street, and a line midway between 30th Road and 30th Avenue;
 - c. 33rd Street, a line 150 feet northeasterly of 31st Avenue, 35th Street, and a line 150 feet southwesterly of 31st Avenue;
 - d. 37th Street, a line 150 feet northeasterly of 31st Avenue, a line midway between 38th Street and Steinway Street, and a

- line 150 feet southwesterly of 31st Avenue; and
- e. 21st Street, 31st Drive, 23rd Street, and Broadway;
3. eliminating from an existing R6B District a C1-2 District bounded by 30th Road, 14th Street, 30th Drive, a line 100 feet southeasterly of 14th Street, 31st Avenue, and a line 100 feet northwesterly of 14th Street;
4. eliminating from an existing R5 District a C1-3 District bounded by:
- a. 21st Street, a line 150 feet northeasterly of 21st Avenue, 24th Street, and a line 100 feet northeasterly of 21st Avenue; and
- b. 19th Street, a line 100 feet southwesterly of 21st Avenue, a line 100 feet southeasterly of 21st Street, and a line 150 feet southwesterly of 21st Avenue;
5. eliminating from an existing R5 District a C1-4 District bounded by 24th Avenue, 31st Street, a line 100 feet southwesterly of 24th Avenue, and a line 200 feet northwesterly of 31st Street;
6. eliminating from an existing R6B District a C1-4 District bounded by 30th Street, a line 100 feet northeasterly of Broadway, 31st Street, Broadway, 32nd Street, a line 100 feet northeasterly of Broadway, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of Broadway;
7. eliminating from an existing R5 District a C2-2 District bounded by:
- a. 20th Avenue, a line midway between Steinway Street and 41st Street, 21st Avenue, a line midway between 38th Street and Steinway Street, a line 150 feet southwesterly of 20th Avenue, and a line midway between 37th Street and 38th Street;
- b. 37th Street, a line 150 feet northeasterly of Ditmars Boulevard, 41st Street, and a line 150 feet southwesterly of Ditmars Boulevard;
- c. 23rd Avenue, 32nd Street, 23rd Road, a line midway between 29th Street and 31st Street, a line 150 feet southwesterly of 23rd Avenue, and 26th Street;
- d. 23rd Avenue, Steinway Street, a centerline of the New York Connecting Railroad right-of-way, 41st Street, Astoria Boulevard (northerly portion), and a line midway between 38th Street and Steinway Street; and
- e. Astoria Boulevard (southerly portion), 41st Street, a line 150 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between Steinway Street and 41st Street, a line 150 feet northeasterly of 28th Street, 41st Street, 28th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and Steinway Street;
8. eliminating from an existing R6 District a C2-2 District bounded by:
- a. Crescent Street, Astoria Boulevard, 28th Street, a line 150 feet southwesterly of Astoria Boulevard, a line 100 feet northwesterly of 28th Street, and a line 200 feet northeasterly of Newton Avenue;
- b. 33rd Street, Astoria Boulevard (southerly portion), 35th Street, and a line 150 feet southwesterly of Astoria Boulevard (northerly portion);
- c. 36th Street, Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 38th Street and Steinway Street, and a line 150 feet southwesterly of Astoria Boulevard (southerly portion);
- d. 38th Street, a line 200 feet northeasterly of 28th Avenue, a line midway between 38th Street and Steinway Street, and 28th Avenue;
- e. 38th Street, a line 150 feet northeasterly of 30th Avenue, a line midway between 38th Street and Steinway Street, and 30th Avenue; and
- f. 31st Street, a line 235 feet northeasterly of Broadway, 32nd Street, and a line 150 feet northeasterly of Broadway;
9. eliminating from an existing R6A District a C2-2 District bounded by a line 150 feet southeasterly of 8th Street, a line 100 feet northeasterly and northerly of Astoria Boulevard, 12th Street, 30th Avenue, Main Avenue, and Astoria Boulevard;
10. eliminating from an existing R6B District a C2-2 District bounded by:
- a. 31st Street, a line 150 feet northeasterly of Broadway, 32nd Street, and Broadway; and
- b. 12th Street, a line 100 feet northerly of Astoria Boulevard, 18th Street, 27th Avenue, 18th Street, 26th Road, line 150 feet northeasterly of 27th Avenue, a line 100 feet northwesterly of 21st Street, 28th Avenue, 14th Street, and 29th Avenue;
11. eliminating from an existing R7A District a C2-2 District bounded by Vernon Boulevard, a line 100 feet northeasterly of Broadway, 21st Street, and Broadway;
12. eliminating from an existing R7B District a C2-2 District bounded by a line midway between 21st Street and 22nd Street, a line 150 feet northeasterly of Astoria Boulevard, 23rd Street, 27th Road, a line 100 feet southeasterly of 21st Street, and Newtown Avenue;
13. eliminating from an existing R7X District a C2-2 District bounded:
- a. by a line 100 feet northwesterly of 21st Street, a line 150 feet northeasterly of 27th Avenue, 21st Street, a line 330 feet northeasterly of Astoria Boulevard, a line midway between 21st Street and 22nd Street, Newtown Avenue, a line 100 feet southeasterly of 21st Street, and 28th Avenue; and
- b. 31st Road, 21st Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 21st Street;
14. eliminating from an existing R6 District a C2-4 District bounded by:
- a. 30th Drive, 31st Street, a line 300 feet northeasterly of 31st Avenue, a line midway between 31st Street and 32nd Street, 31st Avenue, and a line midway between 30th Street and 31st Street; and
- b. a line 150 feet southwesterly of Astoria Boulevard, 31st Street, Newtown Avenue, and a line midway between 30th Street and 31st Street;
15. changing from an R5 District to an R4 District property bounded by 20th Avenue, a line midway between 37th Street and 38th Street, a line 250 feet southwesterly of 20th Avenue, 38th Street, a line 75 feet northeasterly of 20th Road, and 33rd Street;
16. changing from an R4 District to an R4-1 District property bounded by 30th Avenue, a line 100 feet northwesterly of 21st Street, 30th Road, and a line 100 feet southeasterly of 14th Street;
17. changing from an R5 District to an R4-1 District property bounded by 33rd Street, a line 75 feet northeasterly of 20th Road, 38th Street, 20th Road, 37th Street, a line 100 feet northeasterly of 21st Avenue, a line midway between 33rd Street and 35th Street, and 20th Road;
18. changing from an R6 District to an R4B District property bounded by a line 100 feet southwesterly of 30th Avenue, a line midway between 36th Street and 37th Street, a line 400 feet southwesterly of 30th Avenue, and a line midway between 35th Street and 36th Street;
19. changing from an R6B District to an R5 District property bounded by a line 100 feet southwesterly of Astoria Park South, a line midway between 14th Place and 18th Street and its southwesterly prolongation, a line perpendicular to the southeasterly street line of 14th Street distant 80 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of 27th Avenue and the southeasterly street line of 14th Street, a line 100 feet southeasterly of 14th Street, 26th Avenue, and a line midway between 14th Street and 14th Place;
20. changing from an R5 District to an R5B District property bounded by:
- a. 20th Avenue, a line of midway between 28th Street and 29th Street, a line 100 feet southwesterly of 20th Avenue, a line 175 feet northwesterly of 31st Street, 21st Avenue, 29th Street, a line 100 feet southwesterly of 21st Avenue, a line 175 feet northwesterly of 31st Street, a line 100 feet northeasterly of Ditmars Boulevard, a line midway between 27th Street and 28th Street, a line 100 feet southwesterly of 21st Avenue, a line midway between 24th Street and Crescent Street, a line 100 feet northeasterly of Ditmars Boulevard, Crescent Street, a line 100 feet southwesterly of Ditmars Boulevard, a line 125 feet northwesterly of 31st Street, a line 100 feet northeasterly of 23rd Avenue, 26th Street, a line 100 feet southwesterly of 23rd Avenue, a line midway between 28th Street and 29th Street, a line 100 feet northeasterly of 24th Avenue, 21st Street, 23rd Terrace, 19th Street, 22nd Road, a line 100 feet southeasterly of 19th Street, Ditmars Boulevard, 21st Street, a line midway between Ditmars Boulevard and 21st Drive, Shore Boulevard, a line midway between 21st Road and 21st Avenue, 21st Street, a line 100 feet northeasterly of 21st Avenue, 23rd Street, 21st Avenue, 28th Street, a line 200 feet northeasterly of 21st Avenue, and a line midway between Crescent Street and 26th Street;
- b. 31st Street, 20th Road, the northeasterly centerline prolongation of 32nd Street, a line 100 feet southwesterly of 20th Avenue, 33rd Street, 20th Road, a line midway between 33rd Street and 35th Street, a line 100 feet northeasterly of 21st Avenue, 37th Street, 20th Road, 38th Street, a line 250 feet southwesterly of 20th Avenue, a line midway between 37th Street and 38th Street, a line 80 feet southwesterly of 20th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of Ditmars Boulevard, 35th Street, 21st Avenue, 33rd Street, a line 100 feet northeasterly of Ditmars Boulevard, 32nd Street, and 21st Avenue;
- c. 33rd Street, a line 100 feet southwesterly of Ditmars Boulevard, a line midway between 38th Street and Steinway Street, and a line 100 feet northeasterly of 23rd Avenue;
- d. a line 100 feet southwesterly of 23rd Avenue, a line midway between 38th Street and Steinway Street, Astoria Boulevard (southerly portion), Hoyt Avenue South, a line 80 feet southeasterly of 31st Street, a line 130 feet southwesterly of 24th Avenue, 32nd Street, 24th Avenue, and a line 90 feet southeasterly of 31st Street;
- e. 24th Avenue, 23rd Street, a line 100 feet southwesterly of 24th Avenue, a line midway between 26th Street and 27th Street and its southwesterly prolongation, Hoyt Avenue South, 21st Street, Hoyt Avenue North, and 19th Street;
- f. a line midway between 21st Street and 22nd Street and its northeasterly prolongation, a line midway between Hoyt Avenue South and 25th Road, 23rd Street, a line 100 feet southwesterly of Hoyt Avenue South, a line 200 feet northwesterly of Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, 23rd Street, a line perpendicular to the northwesterly street line of 23rd Street distant 310 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the northwesterly street line of 23rd Street, 22nd Street, and a line perpendicular to the southeasterly street line of 21st Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the southeasterly street line of 21st Street ;
- g. a line 100 feet southwesterly of 27th Avenue, 14th Street, 27th Avenue, a line 200 feet northeasterly of 14th Street, a line 100 feet northwesterly of Astoria Boulevard, a line midway between 28th Avenue and Astoria Boulevard, and a line 300 feet southeasterly of 8th Street;
- h. 12th Street, a line 150 feet southwesterly of 30th Avenue, a line 100 feet northwesterly of 14th Street, a line 100 feet northeasterly of 31st Avenue, 12th Street, 30th Drive, a line 100 feet easterly of Vernon Boulevard, and 30th Road;
- i. a line 100 feet southwesterly of 31st Avenue, a line 100 feet northwesterly of 14th Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 12th Street;
- j. a line midway between 31st Avenue and 31st Road, a line 100 feet northwesterly of 21st Street, a line 100 feet northeasterly of Broadway, and a line 100 feet southeasterly of 14th Street; and
- k. 27th Road, 23rd Street, a line midway between 28th Avenue and 29th Avenue, a line 100 feet northwesterly of Crescent Street, 29th Avenue, 23rd Street, 30th Avenue, 21st Street, 28th Avenue, and a line 100 feet southeasterly of 21st Street;
21. changing from an R6 District to an R5B District property bounded by:
- a. a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 37th Street and 38th Street, a line 670 feet northeasterly of

- 28th Avenue, and a line midway between 36th Street and 37th Street;
- b. a line 100 feet southwesterly of 28th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 30th Avenue, and a line midway between 35th Street and 36th Street; and
- c. a line 100 feet southwesterly of 30th Avenue, a line midway between 37th Street and 38th Street, a line 100 feet northeasterly of 31st Avenue, 35th Street, a line 300 feet northeasterly of 31st Avenue, a line midway between 34th Street and 35th Street, a line 100 feet southwesterly of 30th Avenue, a line midway between 35th Street and 36th Street, a line 400 feet southwesterly of 30th Avenue, and a line midway between 36th Street and 37th Street;
22. changing from an R5 District to an R5D District property bounded by:
- a. Shore Boulevard, a line midway between Ditmars Boulevard and 21st Drive, 21st Street, Ditmars Boulevard, a line 100 feet southeasterly of 19th Street, 22nd Road, 19th Street, and Ditmars Boulevard;
- b. a line 100 feet southwesterly of 21st Avenue, a line midway between 27th Street and 28th Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 125 feet northwesterly of 31st Street, a line 100 feet southwesterly of Ditmars Boulevard, Crescent Street, a line 100 feet northeasterly of Ditmars Boulevard, and a line midway between 24th Street and Crescent Street;
- c. a line 100 feet northeasterly of 23rd Avenue, a line 125 feet northwesterly of 31st Street, a line 100 feet northeasterly of 23rd Road, a line 100 feet northwesterly of 31st Street, 24th Avenue, a line midway between 29th Street and 31st Street, a northeasterly, northwesterly, and southwesterly boundary lines of a playground, the southwesterly prolongation of a line midway between 29th Street and 31st Street, Hoyt Avenue South, a line midway between 26th Street and 27th Street and its southwesterly prolongation, a line 100 feet southwesterly of 24th Avenue, 23rd Street, 24th Avenue, 21st Street, a line 100 feet northeasterly of 24th Avenue, a line midway between 28th Street and 29th Street, a line 100 feet southwesterly of 23rd Avenue, and 26th Street;
- d. 20th Avenue, a line midway between Steinway Street and 41st Street, Astoria Boulevard (southerly portion), a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 23rd Avenue, 32nd Street, 23rd Avenue, 33rd Street, a line 100 feet northeasterly of 23rd Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of Ditmars Boulevard, 33rd Street, Ditmars Boulevard, 35th Street, a line 100 feet northeasterly of Ditmars Boulevard, a line midway between 38th Street and Steinway Street, a line 80 feet southwesterly of 20th Avenue, and a line midway between 37th Street and 38th Street; and
- e. a line 100 feet southwesterly of Hoyt Avenue South, Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, and a line 200 feet northwesterly of Crescent Street;
23. changing from an R6 District to an R5D District property bounded by a line 100 feet southwesterly of Hoyt Avenue South, a line 100 feet northwesterly of 27th Street, a line 100 feet northeasterly of Astoria Boulevard, and Crescent Street;
24. changing from an R5 District to an R6A District property bounded by:
- a. a line 100 feet northeasterly of Astoria Boulevard, Crescent Street, 30th Avenue, 23rd Street, 29th Avenue, a line 100 feet northwesterly of Crescent Street, a line midway between 28th Avenue and 29th Avenue, and 23rd Street;
- b. 21st Avenue, 32nd Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 175 feet northwesterly of 31st Street, a line 100 feet southwesterly of 21st Street, and 29th Street; and
- c. 21st Avenue, 35th Street, Ditmars Boulevard, and 33rd Street;
25. changing from an R6 District to an R6A District property bounded by:
- a. a line 100 feet northeasterly of Newtown Avenue, 30th Street, a line 100 feet southwesterly of 30th Avenue, a line midway between 30th Street and 31st Street, 30th Drive, a line midway between 29th Street and 30th Street, a line 150 feet northeasterly of Broadway, a line 100 feet northwesterly of Crescent Street, a line midway between 31st Avenue and 31st Road, a line 100 feet southeasterly of 21st Street, a line 150 feet southwesterly of 30th Drive, a line 100 feet northwesterly of Crescent Street, a line 100 feet southwesterly of 30th Avenue, a line 100 feet southeasterly of 21st Street, 30th Avenue, Crescent Street, 30th Road, a line 200 feet northwesterly of 29th Street, 30th Avenue, Crescent Street, a line 100 feet northeasterly of 30th Avenue, 29th Street, a line 100 feet southwesterly of Newtown Avenue, and Crescent Street;
- b. 32nd Street, a line 100 feet northeasterly of 28th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 28th Avenue, a line midway between 35th Street and 36th Street, a line 100 feet northeasterly of 30th Avenue, 33rd Street, and 28th Avenue;
- c. a line 100 feet southwesterly of 30th Avenue, a line midway between 34th Street and 35th Street, a line 300 feet northeasterly of 31st Avenue, 35th Street, a line 100 feet northwesterly of 31st Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 31st Avenue, a line midway between 31st Street and 32nd Street, a line 100 feet northeasterly of 31st Avenue, 33rd Street, a line 400 feet northeasterly of 31st Avenue, and a line midway between 33rd Street and 34th Street; and
- d. Crescent Street, a line 100 feet northeasterly of Astoria Boulevard, 29th Street, Astoria Boulevard, 29th Street, and a line 100 feet southwesterly of Astoria Boulevard;
26. changing from an R6B District to an R6A District property bounded by 21st Street, Broadway, 23rd Street, a line 150 feet northeasterly of Broadway, a line midway between 29th Street and 30th Street, a line 100 feet northeasterly of Broadway, 30th Street, and a line 100 feet southwesterly of Broadway;
27. changing from an R5 District to an R6B District property bounded by Hoyt Avenue South, Crescent Street, a line 100 feet southwesterly of Hoyt Avenue South, 23rd Street, a line midway between Hoyt Avenue South and 25th Road, a line midway between 21st Street and 22nd Street and its northeasterly prolongation, a line perpendicular to the southeasterly street line of 21st Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Astoria Boulevard and the southeasterly street line of 21st Street, and 21st Street;
28. changing from an R6 District to an R6B District property bounded by:
- a. Hoyt Avenue South, 27th Street, a line 100 feet northeasterly of Astoria Boulevard, a line 100 feet northwesterly of 27th Street, a line 100 feet southwesterly of Hoyt Avenue South, and Crescent Street;
- b. Crescent Street, a line 100 feet southwesterly of Astoria Boulevard, a line midway between 30th Street and 31st Street, and a line 100 feet northeasterly of Newtown Avenue;
- c. Crescent Street, a line 100 feet southwesterly of Newtown Avenue, 29th Street, and a line 100 feet northeasterly of 30th Avenue;
- d. a line 100 feet southwesterly of 30th Avenue, a line 100 feet northwesterly of Crescent Street, a line 150 feet southwesterly of 30th Drive, and a line 100 feet southeasterly of 21st Street;
- e. a line midway between 31st Avenue and 31st Road, a line 100 feet northwesterly of Crescent Street, a line 150 feet northeasterly of Broadway, 23rd Street, Broadway, and a line 100 feet southeasterly of 21st Street;
- f. a line 100 feet southwesterly of Astoria Boulevard (southerly portion), 35th Street, Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 28th Avenue, 32nd Street, 28th Avenue, 33rd Street, a line 100 feet northeasterly of Newtown Avenue, a line 75 feet southeasterly of 31st Street, 28th Avenue, and a line midway between 31st Street and 32nd Street, and excluding property bounded by a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 37th Street and 38th Street, a line 670 feet northeasterly of 28th Avenue, and a line midway between 36th Street and 37th Street;
- g. a line 100 feet southwesterly of 30th Avenue, a line midway between 33rd Street and 34th Street, a line 400 feet northeasterly of 31st Avenue, 33rd Street, a line 100 feet northeasterly of 31st Avenue, and a line 90 feet southeasterly of 31st Street;
- h. 30th Drive, a line midway between 30th Street and 31st Street, a line 150 feet northeasterly of Broadway, and a line midway between 29th Street and 30th Street;
- i. a line 100 feet southwesterly of 31st Avenue, a line midway between 38th Street and Steinway Street, a line 150 feet northeasterly of Broadway, 32nd Street, a line 235 feet northeasterly of Broadway, and a line 90 feet southeasterly of 31st Street; and
- j. a line 100 feet southwesterly of 30th Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet northeasterly of 31st Street, and a line midway between 37th Street and 38th Street;
29. changing from an R5 District to an R7A District property bounded by 28th Avenue, 21st Street, 30th Avenue, and a line 100 feet northwesterly of 21st Street;
30. changing from an R6 District to an R7A District property bounded by:
- a. Vernon Boulevard, the southwesterly centerline prolongation of Welling Court, a line 100 feet easterly of Vernon Boulevard, 30th Drive, a line 100 feet northwesterly of 12th Street, and a line 100 feet northeasterly of Broadway; and
- b. 30th Avenue, a line 100 feet southeasterly of 21st Street, Broadway, 21st Street, 31st Road, and a line 100 feet northwesterly of 21st Street;
31. changing from an R5 District to a C4-2A District property bounded by:
- a. a line 100 feet northeasterly of Ditmars Boulevard, 33rd Street, the centerline of the New York Connecting Railroad right-of-way, and a line 125 feet northwesterly of 31st Street; and
- b. a line 100 feet southeasterly of Astoria Boulevard (southerly portion), Steinway Street, Astoria Boulevard (southerly portion), a line midway between Steinway Street and 41st Street, 28th Avenue, and a line midway between 38th Street and Steinway Street;
32. changing from an R6 District to a C4-2A District property bounded by:
- a. 30th Street, a line 75 feet northeasterly of 30th Avenue, the northeasterly centerline prolongation of 32nd Street, a line 100 feet northeasterly of Newton Avenue, a line 100 feet northeasterly of 30th Avenue, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of 30th Avenue; and
- b. a line midway between 31st Street and 32nd Street, a line 235 feet northeasterly of Broadway, 32nd Street, and a line 150 feet northeasterly of Broadway;
33. changing from an R6B District to a C4-2A District property bounded by a line 90 feet southeasterly of 31st Street, a line 150 feet northeasterly of Broadway, 32nd Street, a line 100 feet northeasterly of Broadway, a line midway between 38th Street and Steinway Street, and a line 100 feet southwesterly of Broadway;
34. changing from an R5 District to a C4-3 District property bounded by the centerline of the New York Connecting Railroad right-of-way, 33rd Street, 23rd Avenue, 32nd Street, a line 100 feet southwesterly of 23rd Avenue, a line 90 feet southeasterly of 31st Street, 24th Avenue, 32nd Street, a line 130 feet southwesterly of 24th Avenue, a line 80 feet southeasterly of 31st Street and its southwesterly prolongation, Hoyt Avenue South, the southwesterly prolongation of a line midway between 29th Street and 31st Street; a southwesterly, southeasterly and northeasterly boundary line of a playground, a line midway between 29th Street and 31st Street, 24th Avenue, a

- line 100 feet northwesterly of 31st Street, a line 100 feet northeasterly of 23rd Road, and a line 125 feet northwesterly of 31st Street;
35. changing from an R6 District to a C4-3 District property bounded by:
- a line 100 feet southwesterly of 30th Avenue, a line 90 feet southeasterly of 31st Street, a line 150 feet northeasterly of Broadway, and a line midway between 30th Street and 31st Street; and
 - Hoyt Avenue South, Astoria Boulevard (southerly portion), 35th Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), a line midway between 31st Street and 32nd Street, 28th Avenue, a line 75 feet southeasterly of 31st Street, a line 100 feet northeasterly of Newtown Avenue, a line midway between 30th Street and 31st Street, a line 100 feet southwesterly of Astoria Boulevard, and 29th Street;
36. changing from an R6B District to a C4-3 District property bounded by 30th Street, a line 100 feet northeasterly of Broadway, a line midway between 30th Street and 31st Street, a line 150 feet northeasterly of Broadway, a line 90 feet southeasterly of 31st Street, and a line 100 feet southwesterly of Broadway;
37. changing from an R6 District to a C4-4A District property bounded by 30th Street, a line 100 feet northeasterly of Newton Avenue, 32nd Street and its northeasterly centerline prolongation, and a line 75 feet northeasterly of 30th Avenue;
38. establishing within an existing R5 District a C1-3 District bounded by:
- 21st Avenue, 21st Street, a line 100 feet southwesterly of 21st Avenue, and 19th Street; and
 - 3rd Street, a line 100 feet northeasterly of 21st Avenue, 24th Street, and 21st Avenue;
39. establishing within a proposed R5B District a C1-3 District bounded by:
- 31st Street, a line 100 feet northeasterly of 21st Avenue, 32nd Street, and 21st Avenue; and
 - 21st Street, a line 100 feet northeasterly of 21st Avenue, 23rd Street, 21st Avenue, a line 100 feet southeasterly of 21st Street, and a line 100 feet southwesterly of 21st Avenue;
40. establishing within a proposed R5D District a C1-3 District bounded by:
- a line 200 feet northwesterly of 21st Street, a line midway between 21st Drive and Ditmars Boulevard, 21st Street, and Ditmars Boulevard;
 - 19th Street, Ditmars Boulevard, a line 100 feet southeasterly of 19th Street, and a line 100 feet southwesterly of Ditmars Boulevard;
 - 28th Street, a line 100 feet northeasterly of Ditmars Boulevard, a line 125 feet northwesterly of 31st Street, and a line 100 feet southwesterly of Ditmars Boulevard;
 - 35th Street, a line 100 feet northeasterly of Ditmars Boulevard, 37th Street, a line 100 feet southwesterly of Ditmars Boulevard, 33rd Street, and Ditmars Boulevard;
 - 26th Street, a line 100 feet northeasterly of 23rd Avenue, a line 125 feet northwesterly of 31st Street, and a line 100 feet southwesterly of 23rd Avenue;
 - 21st Street, a line 100 feet northeasterly of 24th Avenue, 24th Street, and 24th Avenue; and
 - 27th Street, a line 100 feet northeasterly of 24th Avenue, a line 100 feet northwesterly of 31st Street, and 24th Avenue;
41. establishing within an existing R6 District a C1-3 District bounded by 30th Avenue, a line 200 feet northwesterly of 29th Street, a line 100 feet southwesterly of 30th Avenue, and Crescent Street;
42. establishing within an existing R6A District a C1-3 District bounded by a line 100 feet northeasterly of 21st Avenue, 31st Street, 21st Avenue, and a line 175 feet northwesterly of 31st Street;
43. establishing within a proposed R6A District a C1-3 District bounded by:
- 23rd Street, a line 100 feet northeasterly of Astoria Boulevard, 29th Street, a line 100 feet southwesterly of Astoria Boulevard, 28th Street, and Astoria Boulevard;
- a line 100 feet northeasterly of 31st Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 31st Avenue, 37th Street, 31st Avenue, 35th Street, a line 100 feet southwesterly of 31st Avenue, and a line midway between 31st Street and 32nd Street;
 - 21st Avenue, 32nd Street, a line 100 feet northeasterly of Ditmars Boulevard, 31st Street, a line 100 feet southwesterly of 21st Avenue, and a line 100 feet northwesterly of 31st Street; and
 - 33rd Street, a line 100 feet northeasterly of Ditmars Boulevard, 35th Street, and Ditmars Boulevard;
 - 27th Street, a line 100 feet northeasterly of Astoria Boulevard, 29th Street, a line 100 feet southwesterly of Astoria Boulevard, 28th Street, and Astoria Boulevard;
 - Crescent Street, a line 100 feet northeasterly of 30th Avenue, 30th Street, a line 100 feet southwesterly of 30th Avenue, a line 200 feet northwesterly of 29th Street, and 30th Avenue;
44. establishing within an existing R6B District a C1-3 District bounded by:
- 18th Street, a line midway between 25th Road and Astoria Park South, a line 100 feet southeasterly of 18th Street, and a line perpendicular to the southeasterly street line of 18th Street distant 100 feet southwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 25th Road and the southeasterly street line of 18th Street;
 - a line midway between 14th Place and 18th Street and its southwesterly prolongation, a line 100 feet northeasterly of 26th Avenue, a line 100 feet southeasterly of 18th Street, 26th Avenue, 18th Street, and a line 100 feet southwesterly of 26th Avenue;
 - the southwesterly prolongation of a line midway between 14th Place and 18th Street, a line 200 feet north easterly of 27th Avenue, 18th Street, a line perpendicular to the southeasterly street line of 18th Street distant 100 feet northeasterly (as measured along the street line) from the point of intersection of the northerly boundary line of 26th Road and the southeasterly street line of 18th Street, a line 100 feet southeasterly of 18th Street, 26th Road, 18th Street, and a line 100 feet northeasterly of 27th Avenue; and
 - 30th Road, 14th Street, 30th Drive, a line 100 feet southeasterly of 14th Street, 31st Avenue, and a line 100 feet northwesterly of 14th Street;
45. establishing within a proposed R6B District a C1-3 District bounded by 31st Drive, 23rd Street, Broadway, and a line 100 feet southeasterly of 21st Street;
46. establishing within a proposed R7A District a C1-3 District bounded by:
- Vernon Boulevard, the southwesterly centerline prolongation of Welling Court, a line 100 feet southeasterly of Vernon Boulevard, and a line 100 feet northeasterly of Broadway; and
 - 31st Drive, a line 100 feet southeasterly of 21st Street, Broadway, and 21st Street;
47. establishing within a proposed R6A District a C1-4 District bounded by:
- a line 100 feet southeasterly of 23rd Street, a line 100 feet northeasterly of Broadway, a line 150 feet northwesterly of Crescent Street, a line 100 feet southwesterly of Broadway, 23rd Street, and Broadway; and
 - Broadway, a line 100 feet northwesterly of 23rd Street, a line 100 feet southwesterly of Broadway, and a line 100 feet southeasterly of 21st Street;
48. establishing within an existing R5 District a C2-3 District bounded by:
- 20th Avenue, 33rd Street, a line 100 feet southwesterly of 20th Avenue, the northeasterly centerline prolongation of 32nd Street, 20th Road, 31st Street, a line 100 feet southwesterly of 20th Avenue, and a line midway between 28th Street and 29th Street;
- a line midway between Steinway Street and 41st Street, a line 100 feet northeasterly of Ditmars Boulevard, 41st Street, and a line 100 feet southwesterly of Ditmars Boulevard;
 - a line midway between Steinway Street and 41st Street, the centerline of the New York Connecting Railroad right-of-way, 41st Street, and Astoria Boulevard (northerly portion); and
 - a line midway between Steinway Street and 41st Street, Astoria Boulevard (southerly portion), 41st Street, and a line 100 feet southwesterly of Astoria Boulevard (southerly portion);
49. establishing within a proposed R5D District a C2-3 District bounded by:
- 20th Avenue, a line midway between Steinway Street and 41st Street, 21st Avenue, a line midway between 38th Street and Steinway Street, a line 100 feet southwesterly of 20th Avenue, and a line midway between 37th Street and 38th Street;
 - 37th Street, a line 100 feet northeasterly of Ditmars Boulevard, Steinway Street, a line 150 feet northeasterly of Ditmars Boulevard, a line midway between Steinway Street and 41st Street, a northeasterly boundary line of a park and its northwesterly prolongation, Steinway Street, and a line 100 feet southwesterly of Ditmars Boulevard; and
 - 23rd Avenue, Steinway Street, the centerline of the New York Connecting Railroad right-of-way, a line midway between Steinway Street and 41st Street, Astoria Boulevard (northerly portion), and a line midway between 38th Street and Steinway Street;
50. establishing within an existing R6A District a C2-3 District bounded by 12th Street, 30th Avenue, Main Avenue, Astoria Boulevard, a line 150 feet southeasterly of 8th Street, a line midway between 28th Avenue and Astoria Boulevard, and a line 100 feet northerly of Astoria Boulevard;
51. establishing within a proposed R6A District a C2-3 District bounded by Crescent Street, Astoria Boulevard, 28th Street, and a line 100 feet southwesterly of Astoria Boulevard;
52. establishing within an existing R6B District a C2-3 District bounded by 12th Street, a line 100 feet northerly of Astoria Boulevard, 18th Street, a line 100 feet northeasterly of 27th Avenue, a line 100 feet northwesterly of 21st Street, 28th Avenue, 14th Street, and 29th Avenue;
53. establishing within a proposed R6B District a C2-3 District bounded by:
- Crescent Street, a line 100 feet southwesterly of Astoria Boulevard, a line 100 feet northwesterly of 28th Street, and a line 200 feet northeasterly of Newtown Avenue;
 - Astoria Boulevard (southerly portion), Steinway Street, a line 100 feet southwesterly of Astoria Boulevard (southerly portion), and 36th Street; and
 - 38th Street, a line 100 feet southwesterly of 30th Avenue, a line midway between 38th Street and Steinway Street, and a line 275 feet southwesterly of 30th Avenue;
54. establishing within an existing R7A District a C2-3 District bounded by Vernon Boulevard, a line 100 feet northeasterly of Broadway, 21st Street, and Broadway;
55. establishing within a proposed R7A District a C2-3 District bounded by 28th Avenue, 21st Street, 30th Avenue, a line 100 feet southeasterly of 21st Street, 31st Drive, 21st Street, 31st Road, and a line 100 feet northwesterly of 21st Street;
56. establishing within an existing R7B District a C2-3 District bounded by a line midway between 21st Street and 22nd Street, a line 100 feet northeasterly of Astoria Boulevard, 23rd Street, 27th Road, a line 100 feet southeasterly of 21st Street, and Newtown Avenue;
57. establishing within an existing R7X District a C2-3 District bounded by:
- 31st Road, 21st Street, a line 100 feet northeasterly of Broadway, and a line 100 feet northwesterly of 21st Street; and
 - a line 100 feet northwesterly of 21st Street, a line 100 feet northeasterly of 27th Avenue, 21st Street, a line

perpendicular to the southeasterly street line of 21st Street distant 330 feet northeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of 21st Street and the northeasterly street line of Astoria Boulevard, Astoria Boulevard, a line midway between 21st Street and 22nd Street, Newtown Avenue, a line 100 feet southeasterly of 21st Street, and 28th Avenue;

Borough of Queens, Community District 1, as shown on a diagram (for illustrative purposes only) dated January 25, 2010 and subject to the conditions of CEQR Declaration 245.

No. 5

CD 1 **N 100200 ZRQ**
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), Section 23-144, and Appendix F (Inclusionary Housing Designated Areas), inclusive, relating to the extension of the Inclusionary Housing Program to proposed R7A districts.

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

Article 2
Residence District Regulations

Chapter 3
Bulk Regulations for Residential Buildings in Residence Districts

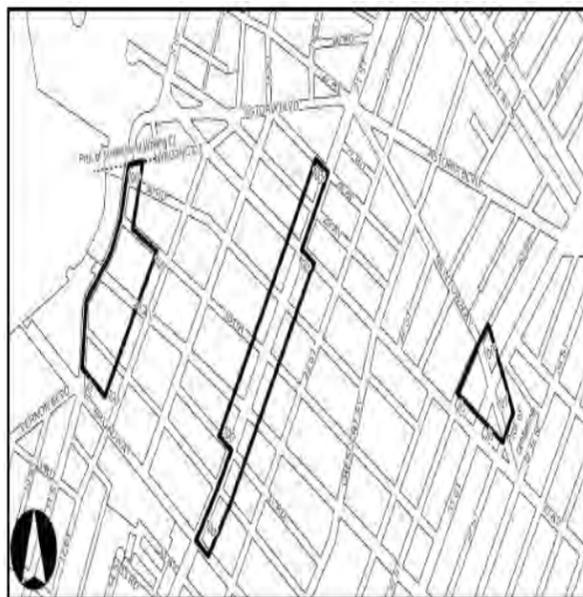
* * *

23-144
In designated areas where the Inclusionary Housing Program is applicable
 In #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.

Community District	Zoning District
Community District 1, Bronx	R6A R7-2 R7A R7X R8A
Community District 4, Bronx	R8A R9D
Community District 1, Brooklyn	R6 R6A R6B R7A R7-3
Community District 2, Brooklyn	R7A R8A R9A
Community District 3, Brooklyn	R7D
Community District 6, Brooklyn	R7-2
Community District 7, Brooklyn	R7A R8A
Community District 14, Brooklyn	R7A
Community District 3, Manhattan	R7A R8A R9A
Community District 6, Manhattan	R10
Community District 7, Manhattan	R9A
Community District 1, Queens	R7A
Community District 2, Queens	R7X

APPENIX F
Inclusionary Housing Designated Areas
 * * *

Queens
Queens Community District 1
 In the R7A Districts within the areas shown on the following Map 1:
 Map 1 – (2/24/10)



Portion of Community District 1, Queens

No. 6
55TH ROAD

CD 2 **C 070109 MMQ**
IN THE MATTER OF an application submitted by Robinson Brothers, Inc., pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 55th Road between 43rd Street and 44th Street;
- the delineation of a sewer easement; and
- the adjustment of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 4989, dated December 24, 2007, and signed by the Borough President.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

m11-24

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF THE BRONX

COMMUNITY BOARD NO. 04 - Tuesday, March 23, 2010 at 6:00 P.M., Bronx Lebanon Hospital, 1650 Grand Concourse, (Murray Cohen Auditorium), Bronx, NY

C050001 MMX

IN THE MATTER OF an submitted by Roc-Sedgwick, LLC and the Trust under the Will of Robert S. Olnick pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 of the New York City Administrative Code for an amendment to the City Map; including authorization for any acquisition or disposition of real property related thereto.

m19-23

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, March 31, 2010. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 125 Broad Condominium to continue to maintain and use a conduit and pipes under and across Broad Street, north of South Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- (b)
- For the period July 1, 2010 to June 30, 2011 - \$14,528
- For the period July 1, 2011 to June 30, 2012 - \$14,951
- For the period July 1, 2012 to June 30, 2013 - \$15,374
- For the period July 1, 2013 to June 30, 2014 - \$15,797
- For the period July 1, 2014 to June 30, 2015 - \$16,220
- For the period July 1, 2015 to June 30, 2016 - \$16,643
- For the period July 1, 2016 to June 30, 2017 - \$17,066
- For the period July 1, 2017 to June 30, 2018 - \$17,489
- For the period July 1, 2018 to June 30, 2019 - \$17,912
- For the period July 1, 2019 to June 30, 2020 - \$18,335

the maintenance of a security deposit in the sum of \$18,400, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing Rockwell Avenue Homeowners Association, Inc. to construct, maintain and use a force main together with a manholes, under, along and across Rockwell Avenue, northwest of Virginia Avenue, in the Borough of Staten Island. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Date of Approval to June 30, 2010 - \$4,578/annum

- For the period July 1, 2010 to June 30, 2011 - \$4,716
- For the period July 1, 2011 to June 30, 2012 - \$4,854
- For the period July 1, 2012 to June 30, 2013 - \$4,992
- For the period July 1, 2013 to June 30, 2014 - \$5,130
- For the period July 1, 2014 to June 30, 2015 - \$5,268
- For the period July 1, 2015 to June 30, 2016 - \$5,406
- For the period July 1, 2016 to June 30, 2017 - \$5,544
- For the period July 1, 2017 to June 30, 2018 - \$5,682
- For the period July 1, 2018 to June 30, 2019 - \$5,820
- For the period July 1, 2019 to June 30, 2020 - \$5,958

the maintenance of a security deposit in the sum of \$6,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing The Mount Morris Park West Condominium to continue to maintain and use stoops and fenced-in areas on the west sidewalk of Mount Morris Park West, north of West 120th Street, and on the north sidewalk of West 120th Street, west of Mount Morris Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2010 to June 30, 2020 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2010 to June 30, 2020 - \$225/annum.

the maintenance of a security deposit in the sum of \$8,964.00 and the filing of an insurance policy in the minimum amount

of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing 277 First LLC to construct, maintain and use a planted area on the northeast sidewalk of 1st Street, between Forth and Fifth Avenues, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

From the date of Approval by the Mayor - \$273/annum.

the maintenance of a security deposit in the sum of \$4,000 and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing Rutledge Estates LLC to construct, maintain and use manholes in the south sidewalk of Rutledge Street, east of Wythe Avenue, and in the east sidewalk of Wythe Avenue, south of Rutledge Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

- From the Date of Approval to June 30, 2010 - \$477/annum
- For the period July 1, 2010 to June 30, 2011 - \$491
- For the period July 1, 2011 to June 30, 2012 - \$505
- For the period July 1, 2012 to June 30, 2013 - \$519
- For the period July 1, 2013 to June 30, 2014 - \$533
- For the period July 1, 2014 to June 30, 2015 - \$547
- For the period July 1, 2015 to June 30, 2016 - \$561
- For the period July 1, 2016 to June 30, 2017 - \$575
- For the period July 1, 2017 to June 30, 2018 - \$589
- For the period July 1, 2018 to June 30, 2019 - \$603
- For the period July 1, 2019 to June 30, 2020 - \$617

the maintenance of a security deposit in the sum of \$1,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

m12-31

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 10001 - T

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on WEDNESDAY, APRIL 14, 2010 (SALE NUMBER 10001-T). Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our web site, on the Friday prior to the sale date at:
<http://www.nyc.gov/autoauction> or
<http://www.nyc.gov/autoauctions>

Terms and Conditions of Sale can also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

m18-a14

■ SALE BY SEALED BID

SALE OF: 50,000 LBS. OF UNCLEAN BRASS WATER METERS.

S.P.#: 10018 **DUE:** April 1, 2010

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.
 DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007.
 For sales proposal contact Gladys Genoves-McCauley (718) 417-2156.

m19-a1

HOUSING PRESERVATION & DEVELOPMENT

■ NOTICE

Pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter, notice is hereby given that the Department of Housing Preservation and Development ("HPD") of the City of New York ("City") has proposed the sale of the following City-owned property (collectively, "Disposition Area") in the Borough of Brooklyn:

Address	Block/Lot
45 Clermont Avenue	2033/2 (f/k/a p/o Lot 1)
130 Flushing Avenue	2033/3 (f/k/a p/o Lot 1)
146 Flushing Avenue	2033/4 (f/k/a p/o Lot 1)
20 Vanderbilt Avenue	2033/5 (f/k/a p/o Lot 1)
23 Clermont Avenue	2033/6 (f/k/a p/o Lot 1)

HPD has also proposed the granting, for the benefit of the Disposition Areas, light, air, egress, utility and drainage easements that will encumber the adjacent City-owned property located on Block 2033, p/o Lots 2, 3, 4, 5, 6 (f/k/a p/o Lot 1) (collectively, "Easements").

Under the proposed project, the City will sell the Disposition Area for the nominal price of one dollar per tax lot and will grant the Easements to Navy Brig LLC ("Sponsor") pursuant to Article 16 of the General Municipal Law. The Sponsor will construct an 8-story multifamily building consisting of approximately 101 units, two 12-story multifamily buildings consisting of an aggregate of approximately 213 units along with commercial and community facility space, 23 one-to three-family homes, and approximately 29,313 square feet of common open space.

For a period of thirty (30) years following completion of construction, the portions of the land Debt that encumbers residential rental buildings, the commercial space, and the community facility space will be repayable out of resale or refinancing profits. At the discretion of HPD, the mortgages securing that portion of the Land Debt will provide either that the remaining balance, if any, will be repayable, or that the remaining balance, if any, may be forgivable.

For a period of fifteen (15) years following completion of construction, the portion of the Land Debt that encumbers any income and price restricted 1-3 family homes in the project will be repayable out of resale or refinancing profits and will evaporate over fifteen (15) years of owner occupancy in accordance with a formula determined by HPD.

For a period of fifteen (15) years following completion of construction, the portion of the Land Debt that encumbers the cooperative portion of the project will be repayable out of resale or refinancing profits from the sale of income and price restricted cooperative units and will evaporate over fifteen (15) years of owner occupancy in accordance with a formula determined by HPD.

For a period of fifteen (15) years following completion of construction, the portion of the Land Debt that encumbers any income and price restricted condominium units in the project will be repayable out of resale or refinancing profits from the sale of income and price restricted condominium units and will evaporate over fifteen (15) years of owner occupancy in accordance with a formula determined by HPD.

The appraisal and the proposed Land Disposition Agreement and Project Summary are available for public examination at the office of HPD, 100 Gold Street, Room 5-A4, New York, New York on business days during business hours.

PLEASE TAKE NOTICE that a public hearing will be held on April 28, 2010 at Second Floor Conference Room, 22 Reade Street, Manhattan at 10:00 A.M., or as soon thereafter as the matter may be reached on the calendar, at which time and place those wishing to be heard will be given an opportunity to be heard concerning the proposed sale of the Disposition Area and granting of the Easements pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter.

Individuals requesting sign language interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, Room 915, New York, New York 10007, (212) 788-7490, no later than five (5) business days prior to the public hearing. TDD users should call Verizon relay services.

Pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter, notice is hereby given that the Department of Housing Preservation and Development ("HPD") of the City of New York ("City") has proposed the sale of the following City-owned property (collectively, "Disposition Area") in the Borough of Brooklyn:

Address	Block/Lot
42 Vanderbilt Avenue	2033/1 (f/k/a p/o Lot 1)

HPD has also proposed that the City grant, for the benefit of the Disposition Area, a light, air and projection easement that will encumber adjacent City-owned property located on Block 2033, p/o Lot 2 (f/k/a p/o Lot 1) and egress, utility and drainage easements that will encumber adjacent City-owned property located on Block 2033, p/o Lots 2,3,4,5,6 (f/k/a p/o Lot 1) (collectively, "Easements").

Under the Supportive Housing Loan Program, HPD funds the rehabilitation or new construction of buildings which provide supportive housing for the homeless, people with special needs, and other persons of low income. HPD works with the Department of Homeless Services, the Department of Health and Mental Hygiene, the Human Resources Administration's HIV/AIDS Services Administration, and other public agencies to ensure that the completed projects receive appropriate building security and social services.

HPD has designated Navy Green-PACC Housing Development Fund Company, Inc. ("Sponsor") as qualified and eligible to purchase and redevelop the Disposition Area under the Supportive Housing Loan Program. HPD proposes to sell the Disposition Area to the Sponsor at the nominal price of One Dollar per tax lot and grant the Easements pursuant to Article 16 of the General Municipal Law. The Sponsor will deliver a note and mortgage for the appraised value of the Disposition Area, which will be payable only if the Sponsor violates the City's restrictions on the post-sale development, use, occupancy, and operation of the property. The Sponsor will then construct a new building on the Disposition Area. The completed project will provide 97 units for occupancy by homeless and low income persons, plus one unit for a superintendent.

The appraisal and the proposed Land Disposition Agreement and Project Summary are available for public examination at the office of HPD, 100 Gold Street, Room 5-A4, New York, New York on business days during business hours.

PLEASE TAKE NOTICE that a public hearing will be held on April 28, 2010 at Second Floor Conference Room, 22 Reade Street, Manhattan at 10:00 A.M., or as soon thereafter as the

matter may be reached on the calendar, at which time and place those wishing to be heard will be given an opportunity to be heard concerning the proposed sale of the Disposition Area and granting of the Easements pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter.

Individuals requesting sign language interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, Room 915, New York, New York 10007, (212) 788-7490, no later than seven (7) business days prior to the public hearing. TDD users should call Verizon relay services.

POLICE

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

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES (All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31



"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."

CHIEF MEDICAL EXAMINER

CONTRACTS

■ INTENT TO AWARD

Services (Other Than Human Services)

MAINTENANCE, REPAIR AND DISASSEMBLY OF SIDEWALK SHEDS – Negotiated Acquisition – PIN# 81611ME0009 – DUE 03-29-10 AT 3:00 P.M. – The OCME is requesting to utilize the Negotiated Acquisition procurement method to award a new contract to Nav-Tech Construction to obtain maintenance and repair services, as needed, for the sidewalk shed during the next 36 month period. The contract term shall be from July 1, 2010 to June 30, 2013 and will contain one one-year option to renew from July 1, 2014 to June 30, 2015. It is imperative that the structure remain in place and be maintained in good working order to ensure the public safety in the area surrounding this facility.

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.
Office of Chief Medical Examiner, 421 East 26th Street 10th Floor, New York, NY 10016. Althea Samuels (212) 323-1730.

m23

CITYWIDE ADMINISTRATIVE SERVICES

CONTRACTS

■ SOLICITATIONS

Services (Other Than Human Services)

UNEMPLOYMENT INSURANCE TRACKING SYSTEM – Sole Source – Available only from a single source - PIN# 856100000350 – DUE 04-05-10 AT 5:00 P.M. – The

Department of Citywide Administrative Services intends to enter into a sole source negotiation for an Unemployment Insurance Case Tracking System to track unemployment insurance claims filed against the City's account for the Division of Citywide Personnel Services with TALX Corporation. Any firm which believes that it can also provide this service is invited to express an interest by letter to: DCAS, Office of Contracts, 18th Floor North, One Centre Street, New York, NY 10007. Erkan Solak, Deputy Agency Contracting Officer, (212) 669-3530, or email: esolak@dcas.nyc.gov

m18-24

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

EDUCATION

DIVISION OF CONTRACTS AND PURCHASING

■ SOLICITATIONS

Human/Client Service

DEPARTMENT-WIDE AUDITING SERVICES

Competitive Sealed Bids – PIN# R0828040 – DUE 04-15-10 AT 5:00 P.M. – The New York City Department of Education (NYCDOE) invites proposals from audit firms and consulting firms for internal audit and consulting services to assist the NYCDOE's Office of Auditor General ("OAG") in carrying out its internal audit function. This RFP seeks proposals for co-sourcing assistance with the planning and execution of the statutorily mandated annual fiscal performance and fraud, waste and mismanagement audits of schools. In addition to conducting state mandated school audits, OAG performs audits and other related consulting services within the Department. The successful proposer will be expected to provide or assist OAG in extending these services to other divisions within the Department, such as, performing internal audit and quality assurance work around compliance and reporting requirements of the American Recovery and Reinvestment Act. If you cannot download this RFP, please send an e-mail to VendorHotline@schools.nyc.gov with the RFP number and title in the subject. For all questions related to this RFP, please send an e-mail to PSimms@schools.nyc.gov with the RFP's number and title in the subject line of your e-mail.

A pre-proposal conference will be held on March 31st, 2010, at 11:30 A.M., located at Conference Room 1201, 65 Court St., Brooklyn, NY 11201.

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.
Department of Education, 65 Court Street, Room 1201 Brooklyn, NY 11201. Vendor Hotline (718) 935-2300.

m23

PROFESSIONAL DEVELOPMENT FOR INSTRUCTIONAL TECHNOLOGY SERVICES – Competitive Sealed Bids – PIN# R0812040 – DUE 04-20-10 AT 5:00 P.M. – These professional development programs

will include workshops that highlight curriculum enrichment in computer based mentoring programs and in one or more components:

- Component 1: Professional Development Workshops
- Component 2: Professional Development through Curriculum Enrichment
- Component 3: Professional Development through Mentoring Programs

The purpose of this Pre-Qualified Solicitation (PQS) is to establish a coterie of vendors capable of providing workshops and seminars that enhance content knowledge in the field of instructional technology for DOE educators K-12.

Organizations may offer a variety of methodologies and practices including hands on activities, simulations and case studies. If you cannot download this bid, please send an e-mail to VendorHotline@schools.nyc.gov with the bid number and title in the subject line of your e-mail. For all questions related to this bid, please send an e-mail to xcerda@schools.nyc.gov with the bid number and title in the subject line of your e-mail.

THIS SOLICITATION IS OPEN INDEFINITELY, HOWEVER, TO ENSURE THAT SERVICES ARE AVAILABLE FOR THE SPRING 2011-12 SCHOOL YEAR, YOU MUST SUBMIT YOUR COMPANY'S PROPOSAL NO LATER THAN: April 20th, 2010 by 5:00 P.M. There will be a pre-proposal conference on April 6th from 3:00 P.M. - 5:00 P.M. at St. Francis College, 182 Remsen Street, Maroney Theater, 7th Floor, Brooklyn, NY 11201.

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.
Department of Education, 65 Court Street, Room 1201 Brooklyn, NY 11201. Vendor Hotline (718) 935-2300.

m23

ENVIRONMENTAL PROTECTION

AWARDS

Construction / Construction Services

PRIMARY SLUDGE SYSTEMS RECONSTRUCTION WARDS ISLAND WPCP - HVAC – Competitive Sealed Bids – PIN# 82610WP01178 – AMT: \$583,400.00 – TO: Henick - Lane, Inc., 45-39 Davis Street, Long Island City, NY 10304. CONTRACT: WI-79A-H.

m23

FINANCIAL INFORMATION SERVICES AGENCY

INTENT TO AWARD

Services (Other Than Human Services)

PERPETUAL LICENSE AND MAINTENANCE OF CERTAIN SOFTWARE PRODUCTS – Sole Source – Available only from a single source - PIN# 12711CA00004 – DUE 03-29-10 AT 10:00 A.M. – The proposed contractor, Compuware Corporation, has been selected via a Sole Source Procurement, pursuant to Section 3-05 of the Procurement Policy Board Rules. The vendor will provide software maintenance services for the proprietary software Abend-Aid and File-Aid for a term of three years beginning from November 1, 2010 to October 31, 2013 with an option to renew for another three years. Abend-Aid analyzes the causes of program failures. It provides an analysis of program errors and its offers suggestions to resolve these errors. File-Aid is a data management tool that is used to manipulate mainframe files and databases. Any vendor qualified to provide these services now or in the future should contact Marisol Cintron at (212) 857-1540 or email mcintron@fisa.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.
Financial Information Services Agency, 450 West 33rd Street, 4th Floor, New York, NY 10001-2603.
Marisol Cintron (212) 857-1540.

m22-26

SOFTWARE MAINTENANCE – Sole Source – Available only from a single source - PIN# 12711EX00001 – DUE 03-24-10 AT 10:00 A.M. – The proposed contractor, Allen Systems Group, Inc., has been selected via a Sole Source Procurement, pursuant to Section 3-05 of the Procurement Policy Board Rules. The vendor will provide software maintenance services for the proprietary software ASG-TMON for CICS TS for z/OS for a term of three years beginning from July 1, 2010 to June 30, 2013, with a city option to renew for three years from July 1, 2013 to June 30, 2016. ASG-TMON is a CICS real time monitoring tool used to aid in problem diagnoses/resolution. Any vendor qualified to provide these services now or in the future should contact Susan Chee at (212) 857-1112 or email schee@fisa.nyc.gov no later than 3/24/10, 10:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Financial Information Services Agency, 450 West 33rd Street, 4th Floor, New York, NY 10001-2603.
Susan Chee (212) 857-1112.

m17-23

FIRE

SOLICITATIONS

Services (Other Than Human Services)

REFURBISH SEAGRAVE AERIAL AND TOWER LADDER ASSEMBLIES – Competitive Sealed Bids – PIN# 057100002164 – DUE 04-19-10 AT 4:00 P.M. –

Vendor Source ID#: 67248.

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.
Fire Department, 9 MetroTech Center, 5th Floor, Brooklyn NY 11201. Kristina LeGrand (718) 999-1234
legrandkm@fdny.nyc.gov

m23

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

SOLICITATIONS

Goods

FLOOR SCALES FOR LINEN DEPT. – Competitive Sealed Bids – PIN# 331-10-018 – DUE 04-07-10 AT 11:00 A.M. – For copy of bid fax request to Nadine at (718) 616-4614.

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.
Coney Island Hospital, Purchasing, 2601 Ocean Parkway, Room 1N45, Brooklyn, NY 11235. Nadine Patterson (718) 616-4271.

m23

MIRA OPHTHALMIC CRYO SYSTEM – Competitive Sealed Bids – PIN# ME10-421102R – DUE 03-31-10 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11203. Marissa Espinoza (718) 245-1876, marissa.espinoza@nychhc.org
The Support Office Building, Purchasing Department 591 Kingston Avenue, Room 251, Brooklyn, NY 11203.

m23

MAQUET P.M. KITS FOR SERVO-I 500H – Sole Source – Available only from a single source - PIN# 231-10-039SS – DUE 03-24-10 AT 10:00 A.M. – “The North Brooklyn Health Network” (NBHN) intends to enter into a sole source contract for Maquet P.M. Kits for the Servo-i 500H Ventilators with Maquet Inc., 1140 Route 22 East, Suite 202, Bridgewater, NJ 08807.

Any other supplier who is capable of providing the service/product for the NBHN may express their interest in doing so by writing to Abraham Caban, Procurement Analyst, 100 North Portland Avenue, Room C-32, Brooklyn, NY 11205 or abraham.caban@nychhc.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.
North Brooklyn Health Network, 100 North Portland Avenue, C-32, Brooklyn, NY 11205. Abraham Caban (718) 260-7593
abraham.caban@nychhc.org

m17-23

HEALTH AND MENTAL HYGIENE

INTENT TO AWARD

Goods

7500 FAST DX INSTRUMENT, LAPTOP – Sole Source – Available only from a single source - PIN# 10LB090301R0X00 – DUE 04-02-10 AT 3:00 P.M. – The NYC DOHMH intends to enter a Sole Source contract with Applied Biosystems, Inc., to provide Laptops that are pre-installed with software compatible with 7500 Fast Dx for H1N1 Influenza analysis. The term of the contract will be 04/01/10 to 03/31/11.

Any vendor that believes it can also provide these services for such procurement in the future is invited to indicate an expression of intent by letter to: Health and Mental Hygiene, 455 First Avenue, 12th Floor, New York, NY 10016.
Geri Bell (212) 447-2588, gbell@health.nyc.gov

m22-26

HEPATITIS TESTING KITS – Sole Source – Available only from a single source - PIN# 10LB097101R0X00 – DUE 04-02-10 AT 3:00 P.M. – The NYC DOHMH intends to enter a Sole Source contract with Abbott Laboratories, Inc. to provide AxSYM Anti HCV Hepatitis C and AxSYM AUSAB Hepatitis B Testing Kits. The term of this contract 03/10/10 to 3/09/11, with an option to renew for an additional 2 years.

Any vendor that believes it can also provide these services for such procurement in the future is invited to indicate an expression of intent by letter to: Health and Mental Hygiene, 455 First Avenue, 12th Floor, New York, NY 10016.
Geri Bell (212) 447-2588, gbell@health.nyc.gov

m22-26

AGENCY CHIEF CONTRACTING OFFICER

AWARDS

Services (Other Than Human Services)

BRAD H MONITOR – Negotiated Acquisition – Available only from a single source - PIN# 09PR157101R0X00 – AMT: \$1,500,330.00 – TO: Mental Health Association of New York City, Inc., 50 Broadway, 18th Floor, New York, NY 10012.

m23

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Human / Client Service

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

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.
Department of Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004.
Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j6-20

HOUSING AUTHORITY

SOLICITATIONS

Goods & Services

CORRECTION: MAINTENANCE PAINTING OF APARTMENTS/VARIOUS, MANHATTAN – Competitive Sealed Bids – RFQ# 26350 – DUE 04-13-10 AT 10:10 A.M. ● **CORRECTION: INSTALLATION AND REMOVAL OF VINYL COMPOSITION FLOOR TILE/MCKINLEY HOUSES, THE BRONX** – Competitive Sealed Bids – RFQ# 26352 – DUE 04-13-10 AT 10:35 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 90 Church Street, 12th Fl., New York, NY 10007. Wanda Mealing - Phone: (212) 306-6619.

m23

PURCHASING DIVISION

SOLICITATIONS

Goods

FURNISHING WELDING SUPPLIES – Competitive Sealed Bids – RFQ# 26359.1 AS – DUE 04-20-10 AT 10:35 A.M. ● **FURNISHING OVEN AND REFRIGERATORS PARTS** – Competitive Sealed Bids – RFQ# 26357 AS – DUE 04-20-10 AT 10:30 A.M. 2.2.6 IINE 1.6 BURNER FRONT LINCOLN BRASS ONLY, NO SUBS., FRIGIDAIRE #316039002.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 23-02 49th Avenue, 5th Floor Long Island City, NY 11101.
Atul Shah - phone: (718) 707-5450; fax (718) 707-5262; atul.shah@nycha.nyc.gov

m23

Goods & Services

FURNISH ELEVATOR WIRE ROPE – Competitive Sealed Bids – RFQ# 26367 JC – DUE 04-14-10 AT 10:40 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Housing Authority, 23-02 49th Avenue, 5th Floor SCOD Long Island City, NY 11101. Bid documents available via internet ONLY:
http://www.nyc.gov/html/nycha/html/businessgoods_materials.shtml Johnson Chu (718) 707-5430.

m23

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

AGENCY CHIEF CONTRACTING OFFICER

INTENT TO AWARD

Services (Other Than Human Services)

OPENGEO ENTERPRISE SUPPORT SERVICES – Sole Source – Available only from a single source - PIN# 85810SS00032 – DUE 03-30-10 AT 3:00 P.M. – DoITT intends to enter into negotiations with OpenGeo to provide OpenGeo Enterprise support services. Any firm which believes it can provide the required service for this procurement or in the future is invited to indicate via email to acco@doitt.nyc.gov by March 30, 2010.

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.
Department of Information Technology and Telecommunication, 75 Park Place, 9th Floor, New York, NY 10007. Vito Pulito (212) 788-6285.

m23-29

JUVENILE JUSTICE

■ SOLICITATIONS

Human/Client Service

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

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.
 Department of Juvenile Justice, 110 William Street
 14th Floor, New York, NY 10038.
 Chuma Uwechia (212) 442-7716, cuwechia@djj.

jy1-d16

PARKS AND RECREATION

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction/Construction Services

RECONSTRUCTION OF THE SITTING AREA AND SLOPE RETENTION - RECONSTRUCTION OF THE DRED SCOTT BIRD SANCTUARY – Competitive Sealed Bids – DUE 04-23-10 AT 10:30 A.M. – PIN# 8462010Q031C01 - Reconstruction of the sitting area PIN# 8462010X271C01 - Reconstruction of a bird sanctuary

In Windmuller Park, known as Contract #Q031-109M. In Grant Avenue Park, known as Contract #X271-108M. This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005. Vendor Source ID#: 67280, 67281.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Parks and Recreation, Olmsted Center, Room 64
 Flushing Meadows Corona Park, Flushing, NY 11368.
 Juan Alban - Phone: (718) 760-6771; Email:
 Juan.Alban@parks.nyc.gov

m23

REVENUE AND CONCESSIONS

■ SOLICITATIONS

Services (Other Than Human Services)

OPERATION OF FOOD SERVICE AT THE NEW AMSTERDAM PAVILION – Competitive Sealed Proposals – Specifications cannot be made sufficiently definite - PIN# M5-RM-SB – DUE 05-03-10 AT 5:00 P.M. At Peter Minuit Plaza, Battery Park, Manhattan.

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 Battery Conservancy
 1 New York Plaza, Concourse, New York, NY 10004.
 Pat Kirchner (212) 344-3491, pkirchner@thebattery.org

m16-29

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction/Construction Services

STAIRWAY AND EXITS/BLOWER ROOM CEILING – Competitive Sealed Bids – PIN# SCA10-006594-1 – DUE 04-13-10 AT 11:00 A.M. – PS 6 (Bronx). Project Range: \$1,520,000.00 to \$1,600,000.00. Non-refundable. Bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 School Construction Authority, Plans Room Window
 Room #1046, 30-30 Thomson Avenue, 1st Floor
 Long Island City, New York 11101. Anthony Largie
 (718) 752-5842, email: alargie@nysca.org

m23-29

FURNISH AND INSTALL NEW FLOORS – Competitive Sealed Bids – PIN# SCA10-13266D-1 – DUE 04-12-10 AT 10:30 A.M. – Non-refundable bid document charge: \$100, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 School Construction Authority, Plans Room Window
 Room #1046, 30-30 Thomson Avenue, 1st Floor
 Long Island City, New York 11101. Stacia Edwards
 (718) 752-5849.

m23-29

FLOOD ELIMINATION – Competitive Sealed Bids – PIN# SCA10-13236D-1 – DUE 04-08-10 AT 11:00 A.M. PS 173 (Queens). Project Range: \$1,100,000.00 to \$1,160,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only, make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the Authority.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 School Construction Authority, 30-30 Thomson Avenue
 Long Island City, NY 11101. Kevantae Idlett (718) 472-8360
 kidlett@nysca.org

m17-23

Services (Other Than Human Services)

MICROFILM AND BLOWBACKS – Competitive Sealed Bids – PIN# SCA-1007P – DUE 04-13-10 AT 11:00 A.M. NYC School Construction Authority (SCA) is requesting bids from qualified vendors to furnish services for Microfilm and Blowbacks. All vendors must be prequalified to receive a contract award with the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 School Construction Authority, 30-30 Thomson Avenue
 Long Island City, NY 11101. Anthony Largie (718) 752-5842.

m19-25

TRANSPORTATION

DIVISION OF FRANCHISES, CONCESSIONS AND CONSENTS

■ SOLICITATIONS

Services (Other Than Human Services)

FRANCHISE FOR EXPRESS BUS SERVICE – Request for Proposals – PIN# 84110MBAD507 – DUE 05-07-10 AT 2:00 P.M. – DOT's Office of Franchises, Concession and Consents is soliciting proposals for a non-exclusive franchise for unsubsidized bus lines providing common carrier express bus service to passengers along designated routes between the Borough of Manhattan and LaGuardia Airport and John F. Kennedy International Airport in the Borough of Queens and between those airports. The initial term of the Franchise Contract will be ten (10) years, followed by an optional renewal period of ten (10) years and a second optional renewal period of five (5) years. The renewals shall be exercised at the sole option of the Department of Transportation.

The Request for Proposals will be available online from: <http://www.nyc.gov/html/dot/html/about/rfpintro.shtml>. (Please press Ctrl plus click to follow the link or cut-and-paste or re-type the URL into your browser)

Hard copies may be obtained from Monday, March 22 through Thursday, May 6, 2010, from 9:00 A.M. to 3:00 P.M.

There will be a pre-proposal conference on Monday, April 12, 2010 at 2:00 P.M. at 55 Water St., N.Y., N.Y. Please contact the Authorized Department Contact for the room number. Attendees are asked to RSVP. Attendance by proposers is optional but strongly recommended.

All inquiries should refer to the Solicitation Number, should be submitted in writing and will be answered in writing. Fax Number: (212) 839-4834.

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.
 Department of Transportation, ACCO, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041.
 Owiso Makuku (212) 839-6550, franchises@dot.nyc.gov

m22-a2

DIVISION OF TRAFFIC

■ SOLICITATIONS

Services (Other Than Human Services)

CORRECTION: DELANCEY AND ESSEX STREET MUNICIPAL PARKING GARAGE – Competitive Sealed Bids – PIN# 84110MNTR439 – DUE 04-01-10 AT 11:00 A.M. – CORRECTION: Management and Operation of the Delancey and Essex Street Municipal Parking Garage. Vendor Source ID#: 66728.
● CORRECTION: BAYRIDGE MUNICIPAL PARKING GARAGE – Competitive Sealed Bids – PIN# 84110BKTR438 – DUE 03-25-10 AT 11:00 A.M. CORRECTION: Management and Operation of the Bayridge Municipal Parking Garage. Vendor Source ID#: 66728.

Contracts available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. A deposit of \$50.00 in the form of a certified check or money order made payable to New York City Department of Transportation is required to obtain Contract/Bid Documents. NO CASH ACCEPTED. Refund will be made only for Contract/Bid Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid documents must enter the building located on the south side of the Building facing the Vietnam Veterans Memorial. All visitors must go through the building's security screening process. Bidders should allow extra time and ensure that proper government issued photo identification (ii Drivers License, Passport, Identification card) is available upon request. Please ensure that your company's address, telephone and fax numbers are submitted by your company (or messenger service) when picking up

contract documents. For additional information please contact Sami Ghobrial at (718) 786-7114.

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.
 Department of Transportation, Contract Management Unit,
 Office of the Agency Chief Contracting Officer, 55 Water Street, Ground Floor, New York. Bid Window -
 Phone: (212) 839-9435.

m23

TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

■ SOLICITATIONS

Services (Other Than Human Services)

MAINTENANCE AND REPAIR OF HEATING, VENTILATION AND AIR CONDITIONING (HVAC) SYSTEMS – Competitive Sealed Bids – PIN# 10TD28600000 – DUE 04-21-10 AT 3:00 P.M. – Located at various Triborough Bridge and Tunnel Authority, New York City Transit and Staten Island Rapid Transit Operating Authority facilities.

A mandatory pre-bid conference is scheduled for 3/29/10 at 10:00 A.M. Reservations must be made by contacting Thomas Cisar, Contract Manager, at (646) 252-7057, no later than noon the preceding work day.

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.
 Triborough Bridge and Tunnel Authority, 3 Stone Street,
 Bid Suite, New York, NY 10004. Victoria Warren
 (646) 252-6101, vprocure@mtab.org

m23

AGENCY RULES

BUILDINGS

■ NOTICE

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of section 3616-03 to Title 1 of the Official Compilation of the Rules of the City of New York, regarding NFPA 14 amendment.

This rule was first published on February 2, 2010 and a public hearing thereon was held on March 10, 2010.

Dated: March 12, 2010 /s/ Robert D. LiMandri
 New York, New York Commissioner

Section 1. Subchapter Q of chapter 3600 of Title 1 of the Rules of the City of New York is amended by adding a new section 3616-03, to read as follows:

§3616-03 National Fire Protection Association ("NFPA") 14 amendment Relating to Hydrostatic Tests.

Pursuant to Section 28-103.19 of the New York City Administrative Code, NFPA 14, as modified by Section BC Q105 of the New York City Building Code, is hereby amended by adding a new section 11.4.1 to read as follows:

11.4.1* Delete and replace with the following:
 General. All new systems, including yard piping and fire department connections, shall be tested hydrostatically at not less than 20.7 bar (300 psi) of pressure for one (1) hour. For systems where the maximum system pressure exceeds 17.2 bar (250 psi), such systems shall be tested for one (1) hour at a minimum pressure of 3.5 bar (50 psi) above the maximum expected system pressure.

STATEMENT OF BASIS AND PURPOSE

This rule is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043 of the New York City Charter.

The rule amends the referenced standard NFPA 14, as identified in Chapter 35 of the Building Code and amended in Appendix Q of the Building Code. This rule promotes public safety with respect to fire protection systems by providing minimum standards for the proper testing of standpipe system components within buildings and benefits the public by requiring proven safety practices.

This rule specifically amends NFPA 14 to require a more stringent performance test than that required by the nationally recognized standard, as required by Local Law 63 of 2009.

Note that an asterisk (*) found within the foregoing rule, following the number or letter designating a paragraph,

indicates that explanatory material on the paragraph can be found in Annex A of NFPA 14.

m23

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to section 101-03 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding fees.

This rule was first published on February 2, 2010 and a public hearing thereon was held on March 10, 2010.

Dated: March 12, 2010 /s/ Robert D. LiMandri
New York, New York Commissioner

Section 101-03 of Title 1 of the Rules of the City of New York is amended as follows:

§101-03 Fees payable to the Department of Buildings. The department shall be authorized to charge the following fees:

Microfilming of applications for new buildings and alterations and associated documentation for certificates of occupancy, temporary certificates of occupancy and/or letters of completion, as required by rule of the commissioner.]	\$35]
Records management fee for applications for new buildings and alterations and associated documentation.	\$45 for one-, two- or three-family dwellings
	\$165 for all other types of buildings
● <u>Exception: Applications that are exempt from fees in accordance with section 28-112.1 of the administrative code</u>	

Boiler filings

● Affirmation of correction	\$30
● Filing extension	\$15
● Removal or disconnection	\$45
● Waiver of penalties	\$30

STATEMENT OF BASIS AND PURPOSE

The foregoing rule amendment is promulgated pursuant to the authority of the Commissioner of Buildings under Sections 643 and 1043(a) of the New York City Charter.

This rule implements the fee structure provided for in section 28-112.8 of the NYC Administrative Code by setting forth the fees which may be charged by the Department pursuant to that section.

This amendment makes corrections and additions to the fee table in order to bring the fees in line with current costs of records management, including scanning, imaging, off-site storage and microfilming.

This rule also establishes fees for various types of boiler filings that are required by rule.

m23

HEALTH AND MENTAL HYGIENE

BOARD OF HEALTH

■ **NOTICE**

NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 11 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 11 of the New York City Health Code (the “Health Code”) was published in the City Record on December 22, 2009, and a public hearing was held on February 4, 2010. No persons testified and no comments were received. At its meeting on March 16, 2010, the Board of Health adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the Health Code are promulgated pursuant to §§556, 558 and 1043 of the Charter. Section 556 of the Charter provides the Department with jurisdiction to regulate all matters affecting the health in the city of New York. Section 558(b) and (c) of the Charter empowers the Board of Health (the “Board”) to amend the Health Code and to include in the Health Code all matters to which the Department’s authority extends. Section 1043 of the Charter grants the Department rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

The Board of Health, at its meeting on September 17, 2008 adopted a resolution repealing and reenacting Article 11 of the New York City Health Code (Reportable Diseases and Conditions). The Department has requested that the Board of Health further amend § 11.15 (Control Measures; duty to exclude; exclusion orders) of Article 11 of the Health Code to remove the requirement that individuals who are enrollees or attendees under the age of six or staff members in contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children

under the age of six; or health care practitioners providing oral care who are diagnosed with *campylobacteriosis*, *salmonellosis* (other than typhoid) or *yersiniosis* be excluded until two negative stool samples, taken not less than 24 hours apart and no less than 48 hours after resolution of symptoms, are submitted to the Department.

The applicable exclusion provisions in §11.15 cause undue burden and economic hardship to families and health care practitioners where routine hygiene and rapid implementation of improved infection control practices are sufficient to prevent transmission of *campylobacteriosis*, *salmonellosis* (other than typhoid) and *yersiniosis*. For example, children with special needs, such as those with developmental delays or autism, may be needlessly deprived of educational therapy and the loss of workdays among health care practitioners will cause an undue burden in settings where there is a low risk of transmission. However, exclusion is warranted for those listed in §11.15(a) who contract gastrointestinal infections such as *Shigella*, hepatitis A, or *E. Coli* O157:H7 as the infectious dose for these pathogens is low and outbreaks associated with them in daycare settings are well documented in medical literature.

The Department will require that individuals diagnosed with *campylobacteriosis*, *salmonellosis* (other than typhoid) or *yersiniosis* who are enrollees or attendees under the age of six or staff members in contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or health care practitioners providing oral care to those diagnosed with these conditions be excluded only until they are asymptomatic, unless they are determined by the Department to represent a continuing risk to others. In addition, the exclusion requirements pertaining to food handlers will remain unchanged.

References:

Buchwald DS, Blaser MJ. A Review of Human Salmonellosis: II. Duration of Excretion Following Infection with Nontyphi *Salmonella*. *Reviews of Infectious Diseases* 1984;6:345-356.

Pickering LK, Bartlett AV, Woodward WE. Acute Infectious Diarrhea Among Children in Day Care: Epidemiology and Control. *Reviews of Infectious Diseases*; 1986;8:539-547.

Pickering LK, Baker CJ, Long SS, McMillan JA eds. Red Book 2006 Report of the Committee on Infectious Diseases. 27 ed. Elk Grove Village, IL. American Academy of Pediatrics, 2006 pp. 130-136.

Statement Pursuant to Charter § 1043

This proposal was not included in the Department’s regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:
Matter underlined is new
Matter to be deleted is indicated by [brackets].

RESOLVED, that §11.15(a) of Article 11 (Reportable Diseases and Conditions) of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, adopted by resolution on the seventeenth of September, two thousand eight, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§11.15 Control measures; duty to exclude; exclusion orders.

(a) Any individual required to be isolated pursuant to provisions of this Article, and certain cases, suspect cases, contacts and carriers, as indicated in this subdivision, shall be excluded by the operator, employer or person in charge of the applicable institution, facility or place as set forth in this subdivision.

(1) A case or carrier of the following diseases [listed in this paragraph] who is a food handler[; an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or a health care practitioner in a hospital or medical facility who provides oral care;] shall be excluded until two negative stool samples, taken not less than 24 hours apart and no less than 48 hours after resolution of symptoms, are submitted to the Department and until determined by the Department to no longer be a risk to others; provided that, if the [patient] individual has received antimicrobial therapy, the first stool sample shall be taken no less than 48 hours after the last dose:

- Campylobacteriosis
- Cholera
- E. coli* O157:H7 and other Shiga toxin producing
- Escherichia coli* (STEC) infections
- Salmonellosis (other than typhoid)
- Shigellosis
- Yersiniosis

(2) A case or carrier of the following diseases who is an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or a health care practitioner in a hospital or medical facility who provides oral care shall be excluded until two negative stool samples, taken not less than 24 hours apart and no less than 48 hours after resolution of symptoms, are submitted to the Department and until determined by the Department to no longer be a risk to others; provided that, if the individual has received antimicrobial therapy, the first stool sample shall be taken no less than 48 hours after the last dose:

- Cholera
- E. coli* O15:H7 and other Shiga toxin producing
- Escherichia coli* (STEC) infections
- Shigellosis

(3) A case or carrier of the following diseases who is an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or a health care practitioner who provides oral care, shall be excluded until the individual no longer has symptoms, unless the Department determines that there is a continuing risk to others:

- Campylobacteriosis
- Salmonellosis (other than typhoid)
- Yersiniosis

[(2)] (4) A case or carrier of the diseases listed in this paragraph who is a food handler; an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or a health care practitioner in a hospital or medical facility who provides oral care, shall be excluded until three negative stool samples, taken not less than 24 hours apart and no less than 48 hours after resolution of symptoms, are submitted to the Department and until determined by the Department to no longer be a risk to others; provided, however, that, if the [patient] individual has received antimicrobial therapy, the first stool sample shall be taken no less than 48 hours after the last dose:

- Amebiasis
- Cryptosporidiosis
- Giardiasis

[(3)] (5) A case or household contact of Hepatitis A who is a food handler; an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or a health care practitioner in a hospital or medical facility who provides oral care, shall be excluded until determined by the Department to no longer be a risk to others.

Notes:

Subdivision (a) of §11.15 was amended, and its paragraphs relettered, by resolution adopted on March 16, 2010 to reflect new exclusion requirements pertaining to a case or carrier of campylobacteriosis, salmonellosis (other than typhoid) and yersiniosis who is an enrollee or attendee under the age of six or staff member who has contact with children under the age of six in a school, day care facility, camp or other congregate care setting with children under the age of six; or a health care practitioner in a hospital or medical facility who provides oral care.

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NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 161 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 161 (Animals) of the New York City Health Code (the “Health Code”) was published in the City Record on December 22, 2009 and a public hearing was held on February 3, 2010. Testimony was heard from 15 individuals and 102 written comments were received. In response to comments received, changes were made in the proposed amendments. Those changes are indicated in the Statement of Basis and Purpose. At its meeting on March 16, 2010, the Board of Health adopted the following resolution.

STATUTORY AUTHORITY

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

Statement of Basis and Purpose

Introduction

As part of a comprehensive review of the Health Code, the DOHMH proposed that the Board of Health update various provisions of Article 161 of the Health Code to provide adequate legal tools for the Board and DOHMH to more effectively address the City’s current public health needs related to animals, and to better harmonize its provisions with other applicable law. The revisions reflect current law, policies and practices and update provisions regarding permits and licenses, dangerous dogs, shelter animals, pest management and stables for horses. Not all sections of the Article have been amended. The following changes have been made.

§ 161.01. Wild and other animals prohibited

The title of this section has been amended to add the term “other animals” to more correctly reflect its provisions, indicating that possession of certain animals other than “wild” animals is prohibited in the City.

Paragraph (4) of subdivision (a) is new, and adds to the places where wild animals may be kept, a veterinary or other health care facility that is providing care to such animals. Former paragraph (4), renumbered as paragraph (5) requires that a permit be obtained to exhibit and use animals whose possession or use would otherwise be prohibited; that animals for which there is a USDA approved rabies vaccine be vaccinated prior to use or exhibition of the animals; that a permit application be submitted by the user or exhibitor in advance of the proposed use; and that a fee may be imposed for such permit.

The following additions were made to the list of animals whose possession is prohibited in subdivision (b): in paragraph (2), the term “cross-breed” in addition to “hybrid or cross-breed offspring of a wild cat and domesticated or

other cat;" in paragraph (10), "turtles or tortoises with a carapace length of less than four (4) inches;" in paragraph (14), "nutria;" in paragraph (15) "pigs, including pot bellied pig, goats, cattle;" and a new paragraph (18) prohibited "sea mammals ... and other predatory marine and freshwater animals and fishes including, but not limited to, sharks and piranha."

In response to a petition to commence rule making, the Department examined reports of bee stings and found that such incidents are minimal. As a result paragraph (12) has been amended to allow New Yorkers to keep hives of non-aggressive honey bees. Although no permit is required, beekeepers must notify the Department, and use appropriate practices to avoid creating a nuisance. A definition of a beekeeping nuisance has been added to the definition of "animal nuisance" in §161.02.

§ 161.02. Definitions.

This section includes additional terms and updated definitions to harmonize with applicable law and to reflect current practice.

The existing terms, "shelter", "attack or guard dog" (eliminating the term "attack"), "boarding kennel", "stable", "grooming parlor", and "pet shop" have been updated to reflect modern usage and practice, "pet animal" has been removed, and the following terms and their definitions have been added:

"adoption"
 "animal behaviorist"
 "animal nuisances"
 "animal rescue group"
 "cat"
 "dangerous dog"
 "dog"
 "exposure to rabies"
 "hybrid or cross-breed"
 "lost, stray and homeless animals"
 "owner"
 "service dog"
 "severe injury"
 "small animal"
 "State Sanitary Code"

The addition of these terms and their definitions updates and brings the Article into greater conformity with its regulatory scope. In response to comments received, the definition of "dangerous dog" has been amended to eliminate the exemption for guard dogs, and the definition of "guard dog" has been amended to exclude police work dogs.

§ 161.04. Dog licenses.

Subdivision (a) now includes specifications that animal rescue groups are required to obtain a license for any dog harbored by them for longer than six months.

A new subdivision (c) requires animal rescue groups to provide an animal shelter from which they obtain animals with proof that owners of dogs adopted through their efforts have licensed such dogs.

Subdivision (d) has been added to include an additional tag for service dogs and to waive the fee for such tags, a Department practice consistent with dog licensing requirements in the rest of the State. Instead of requiring that individuals with disability produce proof of disability, this provision requires only proof that the animal has been trained to provide services needed by such persons and is more consistent with provisions of the Americans with Disabilities Act.

A new subdivision (e) allows for the sale of licenses in any manner not prohibited by law.

Current subdivision (c) (Enforcement) has been renumbered as subdivision (f). It was originally proposed that this subdivision be amended to authorize issuance of notices of violation for failure to comply by any peace officer. In response to comments, however, it has been clarified to reference only those special patrolmen and patrolwomen who have been delegated duties by their employer to enforce this provision.

§ 161.05. Dogs to be restrained.

Subdivision (c) has been amended to authorize any peace officer to issue a notice of violation for failure to comply with its requirements. As with §161.04, it was originally proposed that this subdivision be amended to authorize issuance of notices of violation for failure to comply by any peace officer. In response to comments, however, it has been clarified to reference only those special patrolmen and patrolwomen who have been delegated duties by their employer to enforce this provision.

§ 161.06. Dogs and cats to be vaccinated and treated prior to change in ownership.

This section has been amended to update the reference to rabies vaccination requirements in Article 11 of the Health Code.

§ 161.07. Dangerous dogs.

This section has been repealed and recodified in its entirety. As recodified, the section specifies procedures for addressing the perennial problem of dogs that are a danger because their owners are generally unable or unwilling to control them. The new section provides a hearing to any owner disagreeing with the Department's assessment of his or her dog, and specifies the length of time that a dog which has inflicted injuries can be kept in a shelter prior to that hearing. It also modernizes and adds control measures to those currently available to the Department in §161.07.

§ 161.09. Permits to keep certain animals.

This section has been updated and extensively revised. Subdivision (a) no longer requires that a pet shop that exclusively sells dogs and cats and is a pet dealer regulated by Article 26-A of the Agriculture and Markets Law, or successor law hold a permit issued by the Department. Similarly, subdivision (f) excludes such persons from holding a certificate in small animal holding. Current subdivision (c) has been deleted. Sales of live rabbits and poultry are regulated by the US Department of Agriculture and the State Department of Agriculture and Markets.

Current subdivisions (d) (e) (f) have been relettered but are substantively the same. The relettered subdivision (c) has been amended to allow the possession or use of cattle, swine, sheep or goats only at a zoo, farm exhibit, or other place in accordance with §161.01(a) of this Article. The relettered subdivision (g) requires that the owners of trained guard dogs have their dogs implanted with a microchip as a permanent identification, and that they supply the identification number to the Department. Paragraph (2) of this subdivision requires owners or other persons in control of any premises in which a trained guard dog is kept to post a durable sign or notice warning the public of the presence of such trained guard dog, rather than the Department providing the sign. Requirements for the content of the sign are listed, including the name and other contact information for the owner of the guard dog. Paragraph (3) requires that all persons who train, sell or rent guard dogs must post a durable sign or notice stating that a copy of this section shall be provided by the trainer, seller or renter of a guard dog to any person who uses such dogs, warning that all users shall comply with licensing, tagging, microchipping and signage requirements.

§ 161.11. Prevention of nuisances; cleaning.

Subdivision (b) has been amended to incorporate the definition of animal nuisance in §161.02.

Subdivision (c) has been amended to include reference to equipment required to maintain sanitary conditions.

§ 161.15. Keeping of small animals for sale, boarding, grooming, or training.

Subdivision (a) has been amended to clarify that animals to be sold or held for sale, or boarded, groomed or trained shall not be kept in any room in which a person lives and that only live food fish species from a source authorized by applicable law to supply such fish, or fish kept as pets in an ornamental aquarium, shall be sold or held for sale or kept, respectively, in the same place where food or drink is sold for human consumption.

Subdivision (e) has been added to require that a holder of a permit to operate a boarding kennel obtain proof from the dog's owner that any dog provided services is up to date on all vaccinations in accordance with §17-366 of the Administrative Code. The owner shall maintain such proof on the premises, and shall provide such records for inspection to the Department upon request.

§ 161.17. Small animals kept for sale, shelters, kennels and training establishments; physical facilities and maintenance.

This section has been amended to update references to Article 131 (Buildings) and Article 151 (Pest Prevention and Management) of this Code.

§ 161.19. Keeping of livestock, live poultry and rabbits.

The title of this section has been amended to add the term "livestock."

Subdivision (a) has been amended to prohibit keeping a live rooster, duck, goose or turkey in the City of New York except in a slaughterhouse inspected by or on behalf of the US Department of Agriculture and the State Department of Agriculture and Markets or other places in accordance with §161.01 (a).

Subdivision (b) has been amended to reference applicable law and this Article's definition of animal nuisances.

Subdivision (c) contains provisions of current §161.09 (c).

§ 161.21. Yarding of horses, cattle, swine, sheep and goats.

This section has been repealed as outdated.

§161.23 Stables for horses; physical facilities and maintenance; and rabies vaccination.

The Department originally proposed that this section be renumbered as §161.21 and recodified. As proposed, the new section would have included general requirements for horse stables that are required to hold a permit pursuant to §161.09, including horse stables used in rental horse businesses regulated by Chapter 4 of the Title 24 of the Rules of the City of New York. At the same time, the Department had proposed that Chapter 4 be amended to include rules applicable to stables maintained by rental horse businesses. The proposed requirements reflected the recommendations of the Advisory Board established pursuant to §17-331 of the Administrative Code and standards of the State Department of Agriculture and Markets Horse Health Assurance Program. However, after the notices of intention to amend both Article 161 and Chapter 4 were published for public comment, the Department learned that the City Council was considering bills to amend the Administrative Code provisions applicable to rental horse businesses. The Department believes that any new law amending the Administrative Code will be likely to affect the both the rules in Chapter 4 and the provisions of Article 161 for management of stables. Accordingly, the Department has withdrawn the amendments affecting stables in Article 161, and will request the Board to consider amending this section after the Administrative Code is amended. The only new provision in this section is a requirement that all horses in the City be currently immunized against rabies. The section also changes the reference to Article 135 of the Health Code, which was recently repealed, to Article 131.

§ 161.23 Sterilization of shelter animals.

This section is new and addresses obligations for sterilization of shelter animals. Since 2002, Administrative Code §17-804 has required that dogs and cats released from an animal shelter must be spayed or neutered. The Administrative Code is silent regarding pre-adoption release of animals to animal rescue groups. Since 2002, the Mayor's Alliance for NYC's Animals, Inc., has actively promoted formal agreements with such groups, enabling them to take animals from shelters. These agreements relieve the City's shelters of overcrowding, and reduce pressures to euthanize adoptable animals. The groups hold dogs and cats until their adoption by permanent owners. This new Health Code provision would require shelters to sterilize dogs and cats before they are released to an animal rescue group, when practicable. It establishes an obligation for the animal rescue groups to maintain proof of

sterilization of animals released to adopters, if the animals are not already sterilized. It also establishes procedures for management of cases whereby owners of animals being released from a shelter who object to sterilization of their dogs and cats may post a bond and take the animal out of the shelter, pending the owner's litigation of the matter, and establishes a spay neuter fund with the proceeds of forfeited bonds in the event that the owner does not timely commence litigation or does not prevail in court. Sums collected from forfeited bonds would be dedicated to cover the costs of free or subsidized spay and neuter services for dogs and cats.

§161.25 Modification by the Commissioner.

This section is new and would authorize the Commissioner in specific instances to modify the application of provisions of this Article.

The resolution is as follows.

Matter deleted is [bracketed].

Matter that is new is underlined.

Resolved, that subdivisions (a) and (b) of §161.01 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby are, amended, to be printed, together with explanatory notes, to read as follows:

§161.01. Wild and other animals prohibited.

(a) No person shall sell or give to another person, possess, harbor, [or]keep, or yard wild or other animals identified in [subsection (b) of] this section or in regulations promulgated by the Commissioner pursuant to [subsection] subdivision (e) of this section other than in:

(1) A zoological park or aquarium operated by the Department of Parks, by the Wildlife Conservation Society, or by the Staten Island Zoological Society; or

(2) A laboratory operated pursuant to §504 of the Public Health Law; or

(3) A circus or native wildlife rehabilitator licensed by federal or state agencies; or

(4) A veterinary hospital or other veterinary or medical facility where veterinary care is provided for such animals; or

[(4) A place which has received the approval of the Department to exhibit or use such animals, and which has protective devices to prevent such animal from escaping or injuring the public. The Department may impose reasonable conditions and time limits on the granting of such approval.]

(5) A place that exhibits, uses or displays such animals, including, but not limited to, a rodeo, petting zoo, farm museum, school or similar institution, film, television, photographic or other production, or for commercial or other purposes, in accordance with a permit issued by the Commissioner. The Commissioner may impose reasonable conditions and time limits on such exhibitions, usages or displays when issuing such permits, including a condition that the place where animals are exhibited, used or displayed have protective devices to preventing animals from escaping or injuring the public.

(A) An application for a permit to exhibit, use or display animals shall be submitted to the Department at least five (5) business days prior to such exhibition, use or display by the person or entity that proposes to exhibit, use or display such animals.

(B) Any animal of a species for which a rabies vaccine licensed and approved by the USDA is available shall be currently vaccinated against rabies in accordance with the vaccine manufacturer's instructions sufficiently in advance of any permit being issued for its exhibition, use or display, so that such vaccine shall be effective at the time of the animal's exhibition, use or display.

(C) The Department may impose a fee to cover its costs in issuing such permits.

(b) For the purposes of this Code, a wild animal[s] are] is deemed to be any animal[s] which [are] is naturally inclined to do harm and capable of inflicting harm upon human beings and all such animals are hereby prohibited pursuant to [subsection] subdivision (a) of this section. Such animals shall also include: (i) any animals specified by the Commissioner in regulations promulgated pursuant to this section; (ii) any native or exotic wildlife whose possession or sale is prohibited because they are designated as protected or endangered pursuant to any federal, state or local law, regulation, or rule; and (iii) any of the following animals:

(1) All dogs other than domesticated dogs (*Canis familiaris*), including, but not limited to, wolf, fox, coyote, hyaena, dingo, jackal, dhole, fennec, raccoon dog, zorro, bush dog, aardwolf, cape hunting dog and any hybrid or cross-breed offspring of a wild dog and domesticated dog.

(2) All cats other than domesticated cats (*Felis catus*), including, but not limited to, lion, tiger, leopard, ocelot, jaguar, puma, panther, mountain lion, cheetah, wild cat, cougar, bobcat, lynx, serval, caracal, jaguarundi, margay and any hybrid or cross-breed offspring of a wild cat and domesticated or other cat.

* * *

(10) Reptiles (*Reptilia*). All Helodermatidae (gila monster and Mexican beaded lizard); all front-fanged venomous snakes, even if devenomized, including, but not limited to, all Viperidae (viper, pit viper), all Elapidae (cobra, mamba, krait, coral snake), all Atractaspididae (African burrowing asp), all Hydrophiidae (sea snake), all Laticaudidae (sea krait); all venomous, mid-or rear-fanged, Duvernoy-glanded members of the family Colubridae, even if devenomized; any member, or hybrid offspring of the family Boidae, including, but not limited to, the common or green anaconda and yellow anaconda; any member of the family Pythonidae, including, but not limited to, the African rock python, Indian or Burmese python, Amethystine or scrub python; any member of the family Varanidae, including the white throated monitor, Bosc's or African savannah monitor, Komodo monitor or dragon, Nile monitor, crocodile monitor, water monitor, Bornean earless monitor; any member of the family Iguanidae, including the green or common iguana; any member of the family teiidae, including, but not limited to, the golden, common, or black and white tegu; all members of the family Chelydridae, including snapping turtle and

alligator snapping turtle; all turtles and tortoises with a carapace length of less than four (4) inches; and all members of the order Crocodylia, including, but not limited to, alligator, caiman and crocodile.

* * *

(12) All venomous insects, including, but not limited to, [bee,] bees other than non-aggressive honey bees (*Apis mellifera*), hornet and wasp. Persons keeping honey bees shall file a notice with the Department, on a form provided or approved by the Department, containing the beekeeper's name, address, telephone, e-mail and fax numbers, emergency contact information, and location of the hive, and they shall notify the Department within ten business days of any changes to such information. Beekeepers shall adhere to appropriate beekeeping practices including maintaining bee colonies in moveable-frame hives that are kept in sound and usable condition; providing a constant and adequate water source; locating hives so that the movement of bees does not become an animal nuisance, as defined in §161.02 of this Article; and shall be able to respond immediately to control bee swarms and to remediate nuisance conditions.

* * *

(14) All large rodents (*Rodentia*), including, but not limited to, gopher, muskrat, nutria, paca, woodchuck, marmot, beaver, prairie dog, capybara, sewellel, viscacha, porcupine and hutia.

(15) All even-toed ungulates (*Artiodactyla*) including, but not limited to, deer, antelope, sheep, pigs, including pot bellied pigs, goats, cattle, giraffe and hippopotamus. Such prohibition shall not affect persons who keep livestock in accordance with applicable law.

* * *

(18) Sea mammals (*Cetacea*, *Pinnipedia* and *Sirenia*), including, but not limited to, dolphin, whale, seal, sea lion and walrus, and any other predatory marine and freshwater animals and fishes including, but not limited to, sharks and piranhas.

Notes:
Subdivision (a) of §161.01 was amended by resolution adopted on March 16, 2010, adding a new paragraph (4) and renumbering former paragraph (4) as paragraph (5), to add to the places where wild animals may be kept a veterinary or other health care facility that is providing care to such animals. Former paragraph (4), now renumbered as paragraph (5) specifies requirements for obtaining a permit to exhibit and use otherwise prohibited animals, and requires rabies vaccination for such animals.
Subdivision (b) of §161.01 was amended by resolution adopted on March 16, 2010, adding to the animals prohibited in the City of New York the following: in paragraph (2), cross-breed offspring of wild and domesticated cats; in paragraph (10), turtles or tortoises with a carapace length of less than four (4) inches; in paragraph (14), nutria; in paragraph (15) pigs, including pot bellied pig, goats and cattle; and in paragraph (18) adding other predatory marine animals and fishes including, but not limited to, sharks and piranha.
Paragraph (12) was amended to allow beekeeping.

Resolved, that §161.02 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby are, amended, to be printed, together with explanatory notes, to read as follows:

§161.02. Definitions. When used in this article[,], the following terms shall have the following meaning:
Adoption means the delivery to any natural person eighteen years of age or older, for the limited purpose of harboring as a pet, a homeless, lost, stray, abandoned, seized, surrendered, or unwanted animal.
Animal behaviorist means a person certified as an applied animal behaviorist or veterinary behaviorist by the Animal Behaviorist Society or other person with qualifications acceptable to the Department, who works with pets and their owners to modify animal behavior, provide socialization training for animals and their owners, and assesses or diagnoses behavioral pathology in animals.
Animal nuisances shall include, but not be limited to, animal feces, urine, blood, body parts, carcasses, vomitus and pervasive odors; animals that carry or are ill with contagious diseases communicable to persons or other animals; and dangerous dogs. A beekeeping nuisance shall mean conditions that include, but not be limited to, aggressive or objectionable bee behaviors, hive placement or bee movement that interferes with pedestrian traffic or persons residing on or adjacent to the hive premises; and overcrowded, deceased or abandoned hives.
Animal rescue group shall mean a not-for-profit organization, group or unincorporated entity that accepts unwanted dogs or cats from an animal shelter or other place and attempts to find homes for, and promote adoption of, such animals by the general public.

[(a)] Animal [Shelter] shelter or shelter for homeless animals means a not-for-profit facility holding a permit in accordance with §161.09 of this Article where homeless, lost, stray, abandoned, seized, surrendered or unwanted animals are received, harbored, maintained [or] and made available for adoption to the general public, redemption by their owners or other lawful disposition, and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other organization devoted to the welfare, protection or humane treatment of animals.

[(d)] Boarding kennel[,] business[,], or establishment means a facility other than an animal shelter where animals not owned by the proprietor are sheltered, harbored, maintained, groomed, exercised, fed, or watered in return for a fee.
Cat means a domesticated animal of the species *Felis catus* kept as a pet, except for any animal that is a hybrid or cross-breed of such species whose possession is prohibited in New York City pursuant to §161.01 of this Article.
Dangerous dog means a dog which menaces, threatens, attacks or bites a person or persons, or which kills or inflicts physical injury upon any persons, when such persons are peacefully conducting themselves in any place where they may lawfully be, and any dog owned or harbored for the purpose of dog fighting. A Department record of a bite report made pursuant to §11.03 or of a dog bite or other injury made

by a police officer shall be prima facie evidence that a dog is dangerous.

Dog means a domesticated animal of the species *Canis familiaris* kept as a pet, but does not mean any other animal that is a hybrid or cross-breed of such species whose possession is prohibited in New York City pursuant to §161.01 of this Article.

Exposure to rabies means a bite or non-bite penetration of the skin; or contamination of an open wound, abrasion, scratch or mucous membrane with saliva or other potentially infectious material from an animal subject to rabies.

[(c)] Grooming parlor, salon, business, or establishment means a facility where animals are presented by their owners for bathing, dipping, clipping, combing, or cleaning for the purpose of improvement of the animal's appearance and or well-being in return for a fee[.] and establishments which provide facilities for owners to groom their own pets.

[(h)] Attack or guard dog | Guard dog means a dog which is trained or used for personal protection, area protection, and/or the apprehension or warding off of an individual by means of barking, threatening gestures, biting, or restraining by the use of its teeth. Guard dog shall not include a police work dog as defined in Agriculture and Markets Law §108 (18), or successor provision.

Hybrid or cross-breed shall mean the offspring produced by two animals of different breeds, varieties or species.
Lost, stray and homeless animals. For the purpose of determining applicability of the Animal Shelters and Sterilization Act, §§17-801 *et seq.* of the Administrative Code, lost, stray and homeless animals shall mean any animals owned or formerly owned by residents of the City of New York, or animals whose owners are unknown, that are brought into or accepted by any New York City animal shelter by any person for any reason other than for the purpose of evaluation by an animal behaviorist pursuant to a request of the Department or order of the Commissioner.
Owner means any person who owns, harbors, possesses, adopts, cares for or keeps an animal.

[(g)] Pet animal or small animal means any bird, mammal, reptile, amphibian, fish, arthropod or other invertebrates kept as a pet for exhibit, work, companionship, or protection by a person, possession or which is not prohibited by the Commissioner or any Federal, State or local laws, rules, regulations.]

[(b)] Pet shop means a facility other than an animal shelter where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. A pet shop shall not mean a pet dealer exclusively selling dogs and cats that is subject to Article 26-A of the Agriculture and Markets Law. However, a pet shop where animals other than, or in addition to, dogs and cats are sold shall hold a pet shop permit issued by the Commissioner and shall comply with all other applicable provisions of this Code and other applicable law.

Service dog shall mean a dog that has been individually trained to perform tasks for persons with a disability, as defined in Executive Law §292 or successor law, including, but not limited to, providing guidance for persons who are blind, alerting persons who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other tasks.

Severe injury, with respect to an injury inflicted by a dog, means any physical injury inflicted by such dog upon a person that causes at least a broken bone or a disfiguring laceration requiring either multiple stitches or cosmetic surgery.

Small animal means a companion animal such as a dog, cat, fish, bird, rabbit, reptile, gerbil, hamster or other animal whose possession is not prohibited by §161.01 of this Article.

[(f)] Stable for horses means a [rental, boarding, racing, or private facility] building where one or more horses are housed and/or maintained.

State Sanitary Code shall mean Chapter 1 of Title 10 of the Codes, Rules and Regulations of the State of New York, or successor rules.

[(e)] Training establishment for small animals means a facility where small animals, whether or not belonging to the owner or employee of such facility, are trained for any purpose in return for a fee.

Notes: Section 161.02 was amended by resolution adopted on March 16, 2010 to add definitions for terms used in Article 161.

Resolved, that §161.04 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, amended, to be printed, together with explanatory notes, to read as follows:

§161.04. Dog licenses.

(a) License required. A dog license obtained in accordance with Chapter 115 of the New York State laws of 1894, as amended, shall be issued by the Department to every person who owns, possesses, keeps, harbors, adopts, purchases, or cares for a dog in New York City for each dog owned, possessed or controlled by such person, except that an animal shelter shall not be required to obtain a license for any dog kept by such shelter and an animal rescue group shall not be required to obtain a license for any dog harbored by such group for less than six months.

(b) License tag required in public. Every person who owns, possesses or controls a dog shall not permit it to be in any public place, or in any open or unfenced area abutting on a public place, unless the dog has a collar about its neck with a currently valid metal tag attached thereto bearing the number of the license obtained for such dog in accordance with Chapter 115 of the Laws of 1894 of the State of New York, as amended or [§§109 and 112 of the Agriculture and Markets Law.] subdivision (c) of this section.

(c) Animal rescue groups. Animal rescue groups shall provide an animal shelter from which they obtain dogs or cats with proof acceptable to such shelter that the persons adopting dogs through their efforts have purchased licenses for such dogs.

(d) Service dogs. Owners of licensed dogs may request an additional tag from the Department indicating that the dog is trained to perform a task to assist a person with a disability, without paying an additional fee for such tag. An application

for such tag shall be accompanied by a written statement from a trainer whose education, experience and training are acceptable to the Department, stating that such dog has been specifically trained to perform a task or tasks for the person applying for the tag.

(e) Sales of licenses authorized. Licenses may be sold by the Department in any manner that is not prohibited by law. The Department may authorize other persons to sell such licenses, upon such terms and conditions as it deems necessary to promote the sales of licenses. The Department may accept license applications and sell licenses electronically, and may impose a surcharge to cover the actual additional costs of selling licenses electronically, if any, including costs imposed by credit card issuers.

[(c)] (f) Enforcement. Notices of violation for failure to comply with this section may be issued by any authorized employee, officer or agent of the Department, [or of] the Department[s] of Sanitation, [and] the Department of Parks and Recreation, or successor agencies, or by special patrolmen or patrolwomen who have been delegated such duties by their employers.

Notes: §161.04 was amended on March 16, 2010 to clarify that dogs released by a shelter to an animal rescue group prior to permanent adoption do not need to be licensed; to authorize issuance of licenses for service dogs without a fee; to authorize sales of dog licenses in any manner; and to authorize certain special patrolmen and patrolwomen to issue notices of violation for failure to comply with its provisions.

Resolved, that subdivision (c) of §161.05 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby are, amended, to be printed, together with explanatory notes, to read as follows:

§161.05. Dogs to be restrained.

* * *

(c) Notices of violation for failure to comply with subdivision (a) of this section may be issued by any authorized employee, officer or agent of the Department, [or of] the Department of Sanitation, [or] the Department of Parks and Recreation, or successor agencies, or by special patrolmen or patrolwomen who have been delegated such duties by their employers.
Notes: Subdivision (c) was amended on March 16, 2010 to authorize issuance of notices of violation for violation of subdivision (a) this section by certain special patrolmen or patrolwomen.

Resolved, that §161.06 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, amended, to be printed, together with explanatory notes, to read as follows:

§161.06. Dogs and cats to be vaccinated and treated prior to change in ownership.

No person shall offer for sale, sell or give away any dog or cat unless such animal has been vaccinated against rabies in accordance with [§11.65 of the] §11.29 of this Code, and treated for parasites or certified in writing by a duly licensed veterinarian to have been tested and found to be free of parasites.

Notes: §161.06 was amended on March 16, 2010 to reflect the change in numbering of the rabies vaccination requirements in Article 11 of the Health Code.

Resolved, that §161.07 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, repealed and recodified, to be printed together with explanatory notes, to read as follows:

§161.07. Dangerous dogs.

(a) Policy and scope. When the Department receives a report of a dangerous dog, the Department may, in any case where it deems it necessary, investigate the circumstances giving rise to the report and, if the Department determines that the dog is a dangerous dog, it may take any action authorized by applicable law, including this Code, that it deems necessary to protect the public health and safety.

(b) Dogs brought into a shelter. When a dangerous dog is brought into an animal shelter, or when a dog held in an animal shelter injures a person, the operator of the shelter shall, no later than the first business day after the dog is admitted to the shelter or after the dog in the shelter injures a person, report the injury to the Department. The shelter shall obtain from the person owning or presenting the dog, and the report shall, to the extent that the shelter operator has such information, include a description of the circumstances in which injury was caused by the dog; the names, addresses and other contact information for the injured person(s), the dog's owner, and any witnesses to the incident; the types of injuries inflicted by the dog; and any other information required by the Department. The shelter operator shall thereafter immediately provide the Department with any additional information received about the incident.

(c) Rabies observation period. Any dog that is brought to a shelter after causing an injury to a person or that is involved in any incident that creates a possible exposure to rabies shall be held by the shelter for ten days, over which time such dog shall be observed by a veterinarian to determine whether it has developed signs and symptoms of rabies.

(1) A dog held for rabies observation that is subsequently involved in any other incident potentially exposing any person or animal at the shelter to rabies shall, commencing on the date of the most recent incident, be held by the shelter for an additional ten days to be observed for signs and symptoms of rabies.

(2) If a licensed veterinarian determines that a dog has signs or symptoms consistent with rabies, the dog shall be humanely euthanized and its remains shall be tested for rabies.

(3) The Department may authorize release of a dog to its owner before the expiration of the ten days rabies observation period if the Department determines that the dog is not a dangerous dog, and the owner agrees to continue to observe

the dog for signs and symptoms of rabies over the remainder of the observation period and to make daily reports of his or her observations to the Department in accordance with §11.27 (e) of this Code.

(d) Determination of a dangerous dog.

(1) Evaluation of a dog in a shelter. The Department shall make a preliminary determination as to whether any dog being held in a shelter after causing injury to a person is a dangerous dog. In making such determination, the Department shall consider the circumstances of the incident resulting in the dog's placement in the shelter, the nature and severity of the injuries reportedly inflicted by the dog, and the dog's prior history of biting and/or causing injury. When deemed necessary by the Department, an assessment by an animal behaviorist may also be considered.

(2) If dog is determined to be dangerous. If the Department determines that a dog being held at a shelter is dangerous, it shall notify the owner of the dog of such determination in writing, prior to expiration of the ten day rabies observation period. The notification shall include the Department's recommendations for the disposition of the dog, including any control measures authorized by subdivision (g) of this section that the Department deems necessary as conditions for the owner's continued possession of the dog.

(3) If a dog is not determined to be dangerous. If the Department determines that a dog being held at a shelter is not dangerous, it shall notify the shelter that the dog may be returned to its owner at the end of the rabies observation period, provided the dog has been vaccinated against rabies, licensed, and surgically sterilized in accordance with applicable law.

(4) Other disposition. A dog surrendered to a shelter by its owner for any reason shall be made available for adoption or humanely euthanized, in accordance with applicable law. However, a dog that is surrendered by its owner as a dangerous dog or a dog trained for dog fighting shall not be made available for adoption by any person unless the shelter operator has completed a behavioral evaluation of the dog showing that the dog is not a dangerous dog, provided the results of the evaluation to the Department, and the Department has approved the release of the dog for adoption.

(e) Dogs that are not brought to a shelter. If the Department receives a report that a dog not being held by a shelter to be observed for symptoms and signs of rabies is dangerous, the Department may order the dog's owner to make the dog available for examination by an animal behaviorist, or may order any other control measures authorized by subdivision (g) of this section for protection of public health and safety.

(1) Place of examination. The Department may arrange for the examination to be conducted at a shelter or other place where the Department determines the public will be adequately protected. If a dog is brought by its owner to a shelter for examination pursuant to this section, the dog shall not be deemed a homeless or abandoned dog, and the shelter shall not be required to surgically sterilize the dog prior to releasing it to its owner. However, such dog shall not be released unless it is currently vaccinated against rabies in accordance with Health Code §11.29, and has been licensed in accordance with §161.04 of this Article.

(2) Failure to present dog for examination. If an owner fails to comply with an order of the Department to make his or her dog available for examination by an animal behaviorist, the owner's failure to comply with such order shall be evidence in any hearing commenced by the Department that the dog is dangerous and that its owner is perpetuating a nuisance in violation of §3.07 of this Code.

(f) Hearings.

(1) Owner objections. The Department shall notify the owner of a dog of its preliminary determination that the dog is dangerous and of any control measures authorized by subdivision (g) of this section that it deems necessary to protect public health and safety. If the owner does not agree with the Department's preliminary determination or that the proposed control measures are necessary, the Department shall serve the owner with a petition and notice of hearing to show cause at a hearing to be held at the City's Office of Administrative Trials and Hearings (OATH) why the dog should not be found to be a dangerous dog and why conditions should not be imposed on the dog and owner to protect the public's health and safety.

(2) Scheduling hearings.

(A) An OATH hearing shall be scheduled by the Department for a date and time that is no more than twenty days after the petition is mailed to the owner, and the petition and notice of hearing shall be mailed to owner no later than fifteen days after the dog's entry into the shelter, unless the owner of the dog and the Department agree to a later date. If the last dates for mailing and scheduling a hearing fall on a Saturday, Sunday or City holiday, the date of mailing the petition and scheduling the hearing shall be the next business day.

(B) Such time periods shall not apply when the owner's identity and address are not known when a dog is first admitted to a shelter. In such cases, when the Department subsequently learns the owner's identity and address, and if the time for reclaiming a dog from a shelter has not expired, the time period to schedule a hearing set forth in paragraph (2) above shall start to run on the date the Department learns the owner's identity and address.

(3) Severe injuries. A dog that has caused a severe injury to any person, or a dog that the Department determines, based on the circumstances that prompted the Department's investigation, was prevented from inflicting severe injury by the action of a third party or other circumstance, shall continue to be held in a shelter until and unless the Commissioner has received a report and recommendation of an OATH administrative law judge finding that the dog is not a dangerous dog.

(4) Other injuries. A dog that does not meet the criteria in paragraph (3) above, may remain with its owner or, if held in a shelter, shall be returned to its owner, at the completion of the rabies observation period, to remain with its owner pending an OATH hearing.

(5) Abandonment. If an owner of a dog that is preliminarily determined to be dangerous and that is being held at a shelter fails to appear at an OATH hearing and is found in default, or if the identity or address of a dog's owner is

unknown, such dog shall be deemed abandoned and shall be disposed of in accordance with applicable law.

(g) Control measures authorized. The Commissioner may order any action deemed necessary to control a dangerous dog and prevent injuries to persons, including, but not limited to, ordering that a dangerous dog be:

(1) Surrendered for the purpose of humane euthanasia;

(2) Permanently removed from the City;

(3) Muzzled whenever it is in a public place or in any open or unfenced area abutting on a public place;

(4) Evaluated, at the owners' expense, by an animal behaviorist to determine whether the animal and any persons handling the animal may be trained in the safe management of the animal, and be trained when indicated;

(5) Spayed or neutered, if the owner does not maintain proof satisfactory to the Department that the animal was previously altered;

(6) Microchipped to enable identification of the dog if it inflicts further injury; or

(7) Confined in a place where there are sufficient barriers between the dog and passersby lawfully on public streets and areas abutting the owner's property.

(h) Guard dogs. Any dog owned, kept, engaged in or trained to attack persons that is not currently registered with the Department as a guard dog pursuant to §161.09(g) shall be deemed to be a dangerous dog and shall be surrendered to the Department, upon the request of the Department, by the person who owns, possesses or controls it, for the purpose of performing an examination and for such other disposition as the Department may order in accordance with this section.

(i) Dogs kept for dog fighting. Any dog owned, kept, engaged in or trained for dog fighting, or any dog owned, kept or trained to attack persons and not properly registered as a guard dog pursuant to §161.09 (g), shall be deemed to be a dangerous dog and shall be surrendered to the Department by the person who owns, possesses or controls it, for the purpose of performing an examination and for such other disposition as the Department may order in accordance with subdivision (g) of this section.

(j) Dangerous dogs presumed to be a nuisance. When the Department determines that a dog is dangerous in accordance with this section, it shall be presumed that the owner or other person who harbored the dog trained, caused or permitted the dog to be dangerous, so as to establish a prima facie maintenance of a nuisance in violation of §3.09 of this Code.

(k) Impoundment. A dog that is in a public area and that is menacing persons, or a dog that has caused a severe injury to a person, or a dangerous dog owned by a person who has violated an order of the Commissioner issued pursuant to this section, may be impounded by the Department or by a police or other peace officer, or killed by a police or other peace officer, if capture is dangerous.

(l) Disclosure of medical information. In addition to submitting the reports of animal bites required by Article 11 of this Code, upon receipt of a written request from the Department, a medical or other health care provider shall forward to the Department copies of medical records concerning diagnosis and treatment of bites or other injuries to persons that were inflicted by, or resulted from attacks by dogs or other animals.

(m) Public information relating to dangerous dogs.

(1) Copies of records and reports maintained by the Department concerning dangerous dogs may be made available in accordance with the Public Officers Law, provided that, if the persons injured who are the subjects of such records are not the persons requesting such reports, such reports shall be redacted of all identifying information about the subjects, complainants and person(s) injured or menaced.

(2) Information about injuries caused by dangerous dogs contained in medical and other records obtained by the Department may be disclosed in the course of OATH proceedings to owners of dogs, their attorneys, and to administrative law judges at OATH if such information is relevant to a determination as to whether a dog is dangerous or has caused severe injury to a person. Such information shall not be further disclosed without authorization of the person to whom the records pertain except when disclosure may be necessary in further proceedings related to the OATH matter.

Notes: §161.07 was repealed and recodified on March 16, 2010, updating its provisions and clarifying procedures for addressing the serious public health problems presented by dangerous dogs.

Resolved, that §161.09 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, amended, to be printed together with explanatory notes, to read as follows:

§161.09. Permits to keep certain animals.

(a) Permit required.

(1) No person shall operate a pet shop, grooming parlor, boarding kennel or training establishment for small animals whose possession is not prohibited by §161.01 of this Article, without a permit issued by the Commissioner except that a pet shop that exclusively sells dogs and cats and is regulated by Article 26-A of the Agriculture and Markets Law, or successor law, shall not require a permit issued by the Commissioner.

(2) Workers' compensation and disability benefits insurance. No permit required by this Article shall be issued to any person unless such person produces proof satisfactory to the Department that policies for workers' compensation insurance and disability benefits have been secured in accordance with Workers' Compensation Law §56, or successor statute.

(b) Animal shelter. No person shall construct or operate a shelter for homeless animals without a permit issued by the Commissioner.

(c) No person shall sell or keep for sale live rabbits or live poultry, including chickens, geese, ducks or other fowl, without a permit issued by the Commissioner. Such permit shall not include the right to slaughter rabbits or poultry for sale as food for human consumption for which a permit must

be obtained pursuant to Article 93. A permit shall not be issued for the sale or keeping for sale of live roosters, ducks, geese or turkeys in the built-up portions of the City. A permit shall not be issued for the sale or keeping for sale of live rabbits or poultry on the same lot as a multiple dwelling as defined in section 4 of the Multiple Dwelling Law or, unless the consent of the occupants is obtained, on the same lot as a two-family home. A permit shall not be issued unless the coops or runways are more than 25 feet from an inhabited building other than a one-family home occupied by the applicant and unless the applicant submits to the Department the written consent of the owner of the lot on which the poultry or rabbits are to be kept.]

[(d)] (c) Keeping and yarding of cattle, swine, sheep and goats prohibited. Except [on premises abutting upon a slaughter house,] as provided in §161.01(a) of this Article, no person shall [yard horses or] keep or yard cattle, swine, sheep or goats, [without a permit issued by the Commissioner. Such permit shall be issued only for unimproved areas of the borough of Richmond used for farming purposes.]

[(e)] (d) Permits for horse stables required. No person shall maintain or operate a stable for horses without a permit issued by the Commissioner except that no permit shall be required where a natural person or family owns a horse stable solely for housing and maintaining horses owned and used by the person or family for its exclusive recreational, non-commercial purposes.

[(f)] (e) Selling of certain animals prohibited. No person shall engage in the business of or hold herself or himself out as engaging in the business of importing, or selling, or offering for sale any animal of a species [which is wild, ferocious, fierce, dangerous, or naturally inclined to do harm or any venomous snake] whose possession is prohibited pursuant to §161.01 of this Article and no person shall operate a [snake farm engaged in the] facility for the preparation or manufacturing of snake or arachnid anti-venom without a permit issued by the Commissioner.

[(g)] (f) Small animal handling course required. No person who is charged with the supervision of a pet shop or business for the sale or offer for sale of dogs, cats or other small animals, or the boarding or grooming of small animals, or animal training, or similar type of operations, shall engage or be employed in such capacity unless he or she obtains a certificate indicating the successful completion of a course, acceptable to the Department, in the care and handling of such animals. Such certificate shall not be required for persons who are pet dealers who exclusively sell dogs and cats, in accordance with Article 26-A of the Agriculture and Markets Law.

[(h)] (1) Such certificate shall be placed in a clean, transparent cover or frame and displayed on the premises where the holder thereof is so engaged or employed in such a manner as to be clearly visible to the public. It shall be available for inspection at all times by the Department. No person shall mutilate, obstruct or tear down such certificate.

[(i)] (2) The holder of such certificate shall successfully complete a refresher course in the care and handling of such animals when deemed necessary by the Department. The Department may require the holder of such certificate to complete a refresher course acceptable to the Department when the Department finds continuing violations of the Code, or when a zoonotic outbreak implicates animals cared for, treated or held in the establishment she or he supervises, or when the Department requires such course to acquaint him or her with current developments in animal care and handling principles.

[(j)] (3) The Department may conduct such courses or approve courses conducted by educational institutions. Persons electing to enroll in such courses conducted by the Department may be charged a reasonable enrollment fee to defray all or part of the costs incurred by the Department in their administration.

[(k)](g) Guard dogs. No person shall own a trained guard [or attack] dog for use within the City unless she or he has licensed and registered such animal with the Department. Any case of loss, theft or transfer of ownership of a trained guard [or attack] dog shall be reported by the owner to the Department within five (5) days of any such loss, theft or transfer. The Department may charge a reasonable fee to defray all or part of the cost incurred by the Department in the administration of this [subsection] subdivision.

[(l)] (1) Microchipping required. The owner of a trained guard [or attack] dog shall have such dog implanted with a microchip as a permanent identification, and supply the identification number to the Department, and provide and see to it that such animal wears at all times a tag issued by the Department. Such tag shall have printed or stamped thereon, in clear and legible type, the words: "GUARD DOG" [or "ATTACK DOG"]. Such tag shall be suspended at least three quarters of an inch and not more than one and one half inches from a collar worn by such animal. Lost, stolen or damaged tags shall be reported to the Department and may be replaced by the Department at reasonable cost.

[(m) All] (2) Signs to be posted. Owners or other persons in control of any premises in which a trained guard [or attack] dog is kept shall [be provided with] post a durable sign or notice, printed in clear and legible type [and conspicuously displayed], warning the public of the presence of such trained guard [or attack] dog. The sign shall include the name and other contact information for the owner of the guard dog. [All establishments used in the business of training, selling or renting]

(3) Notice required. All persons who train, sell or rent guard [or attack] dogs shall [be provided with] post a durable sign or notice, printed in clear and legible type [and conspicuously displayed, advising the patrons or consumers of the requirements set forth in] stating that a copy of this section [applicable to the use of such animals in the City, and the person engaged in such business shall provide a written copy of such notice to each of his or her patrons or consumers in a form deemed suitable by the Department] shall be provided by the trainer, seller or renter of a guard dog to any person who uses such dogs, warning that all users shall comply with licensing, tagging, microchipping and signage requirements.

Notes: §161.09 was amended on March 16, 2010, relettering several provisions. Subdivision (c) was repealed and

subdivision (d) was relettered as subdivision (c), and now prohibits keeping or yarding livestock except as provided in §161.01 (a) of this Article. Subdivision (e) was relettered as subdivision (d). Subdivision (f) was relettered as subdivision (e), and is substantially the same, but adds a requirement for a permit for production of arachnid anti-venom to the permit already required for production of snake anti-venom. Subdivision (h) has been relettered as subdivision (g); subdivision (i) is now paragraph (1); and subdivision (j) is now paragraph (2) of subdivision (g), regulating guard dogs and now requires microchipping, signage and notice requirements for owners of such dogs. The term "attack dog" has been deleted since the Department no longer licenses attack dogs.

Resolved, that §161.11 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, amended, to be printed, together with explanatory notes, to read as follows:

§161.11. Prevention of nuisances; cleaning.

(a) A permit required by §161.09 shall not be issued unless the applicant proves to the satisfaction of the Commissioner that the place for which the application is made does not constitute a nuisance because of its proximity to a residential, business, commercial or public building, and that the place will be maintained so as not to become a nuisance. (b) The owner, lessee or person in charge of any place where animals are kept pursuant to a permit required by §161.09, shall take all measures necessary for [insect and rodent control] integrated pest management of insect, rodent and other vermin required by Article 151 of this Code, and shall conduct such place so as not to create an animal nuisance [by reason of the noise of the animals, the escape of offensive odors, or the maintenance of any condition dangerous or prejudicial to public health] as defined in this Article. (c) Every place where animals are kept pursuant to a permit required by §161.09 shall be equipped with and shall [have] maintain supplies of implements and materials, such as brooms, hoses, hose connections, vacuum cleaners where dusty conditions are found, covered metal receptacles, brushes, disinfectants and detergents, as may be required to maintain sanitary conditions. Such places shall have regularly assigned personnel to maintain sanitary conditions.

Notes: This section was amended on March 16, 2010 to update its provisions.

Resolved, that subdivision (a) be amended, and a new subdivision (e) be added to §161.15 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, to be printed, together with explanatory notes, to read as follows:

§161.15. Keeping of small animals for sale, boarding, grooming, or training.

(a) [Dogs, cats, birds or other small animals shall not] No animals shall be sold or held for sale, or boarded, groomed or trained in a room in which a person lives. [Such] No aquatic animals, as defined in Article 81 of this Code, except live food fish species from a source authorized by applicable law to supply such fish or live fish in an ornamental aquarium, shall [not] be sold or held for sale or kept in the same place where food or drink is sold for human consumption [unless necessary precautions are taken to prevent contamination of the food or drink and the creation of a nuisance].

(e) A holder of a permit to operate a boarding kennel shall require proof from the owner of each dog provided services that such dog is currently actively vaccinated against rabies, distemper, adenovirus, parainfluenza, parvovirus and Bordetella, shall maintain such proof on the premises, and shall provide such records for inspection to the Department upon request.

Note: Subdivision (a) was amended on March 16, 2010 to clarify prohibitions on keeping small animals and fish in food service establishments, and a new subdivision (e) was added to require immunizations for dogs provided services in boarding kennels.

Resolved, that §161.17 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, amended, to be printed, together with explanatory notes, to read as follows:

§161.17. Small animals kept for sale, shelters, kennels and training establishments; physical facilities and maintenance.

A place issued a permit pursuant to §161.09 of this Article where small animals are kept for sale, a shelter for homeless animals or a kennel or other place where animals are boarded or trained shall meet the requirements of [Article 135 governing walls, floors, ventilation, lighting and plumbing] Articles 131 and 151 of this Code for maintenance of the physical facilities and eliminating conditions conducive to pests. An individual cage shall be provided for the use of each dog or cat three months of age or over except when isolation in a separate cage is medically contraindicated or, as specified in individual cases, animals are caged together for a humane reason. A veterinarian shall provide a written statement and such documentation as the Department may require indicating the reason why more than one animal should be caged together. Such documentation shall be maintained on the premises and be available for inspection. The floors, walls, implements and cages in such place shall be kept clean and in good repair. Cages shall be disinfected when necessary. Nothing in this Code shall prohibit the establishment of canine or feline congregate socialization or play areas in boarding facilities regulated by this Code provided that animals allowed in such areas are certified by a veterinarian as vaccinated against rabies and free of other diseases transmissible to humans or other animals.

Notes: This section was amended on March 16, 2010 to update references to other Health Code articles and to apply to cats the provisions allowing for congregate play and

socialization afforded to dogs in boarding facilities

Resolved, that §161.19 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, amended, to be printed, together with explanatory notes, to read as follows:

§161.19. Keeping of livestock, live poultry and rabbits.

(a) No person shall keep a live rooster, duck, goose or turkey in [a built-up portion of] the City of New York except (1) in a slaughterhouse authorized by federal or state law that is subject to inspection by the New York State Department of Agriculture and Markets or the United States Department of Agriculture, or (2) as authorized by §161.01 (a) of this Article. (b) A person who [holds a permit] is authorized by applicable law to keep for sale or sell livestock, live rabbits or poultry shall keep [them in coops and runways and prevent them from being at large. Coops shall be whitewashed or otherwise treated in a manner approved by the Department at least once a year and at such other times as the Department may direct in order to keep them clean. Coops, runways] the premises in which such animals are held and slaughtered and the surrounding areas [shall be kept] clean and free of animal nuisances. (c) Live rabbit and poultry markets. Live rabbits and poultry intended for sale shall not be kept on the same premises as a multiple dwelling as defined in section 4 of the Multiple Dwelling Law, or other residence. Coops or runways of live rabbit and poultry markets shall be located at least 25 feet away from any building.

Notes: This section was amended on March 16, 2010 to modernize provisions related to keeping livestock, poultry and rabbits in the City.

Resolved, that §161.21 (Yarding of horses, cattle, swine, sheep and goats) of Article 161 of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be and the same hereby is repealed, and that §161.23 (Stables for horses; physical facilities and maintenance) be amended to be renumbered as §161.21; that subdivision (a) of §161.21 be amended; and that a new subdivision (i) be added, to be printed together with explanatory notes, to read as follows:

[§161.23] §161.21 Stables for horses; physical facilities and maintenance; and rabies vaccination.

(a) A stable for horses shall meet the requirements in Article [135] 131 of this Code governing walls, floors, ventilation, lighting and plumbing and shall have rodent proofing when required by the Department because of evidence of rat infestation. The Department, under such appropriate conditions as it may require, may allow a stable for racing horses to have in the stalls an impacted earth floor with straw, hay or similar material used for bedding.

(i) All horses owned, boarded, used or brought into the City of New York for any purpose shall have an annual rabies vaccination. Every person who owns or maintains a stable for horses shall maintain records of rabies vaccinations and make such records available to officers, agents and employees of the Department for examination upon request. Requirements for rabies vaccination for horses shall apply to all horses housed or brought into any stable in the City of New York regardless of whether the stable is required to hold a permit issued pursuant to this Article.

Notes: Section §161.21 (Yarding of horses, cattle, swine, sheep and goats) was repealed as obsolete; §161.23 (Stables for horses; physical facilities and maintenance) was renumbered as §161.21; subdivision (a) of §161.23, as renumbered, was amended to update a reference to Article 131 of this Code; and a new subdivision (i) was adopted on March 16, 2010, to require that all horses in New York City have annual rabies vaccinations.

Resolved, that Article 161 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, amended by adding a new §161.23, to be printed together with explanatory notes, to read as follows:

§161.23 Sterilization of shelter animals.

(a) Sterilization required. No animal shall be released from an animal shelter for adoption by or return to a resident of the city of New York without first being spayed or neutered, except if the animal is exempt from sterilization pursuant to §17-804 of the Administrative Code.

(b) Release to animal rescue groups. Whenever practicable, animals shall not be released by a shelter to an animal rescue group without first being spayed or neutered when such animal is being taken by the animal rescue group to assist in its adoption by others, except if, in the judgment of the shelter veterinarian, the health of the animal would be compromised by sterilization surgery at the time of release to the rescue group. No dog may be released by an animal rescue group to a person who resides in the City of New York unless the dog is sterilized and licensed pursuant to §161.04 of this Article.

(c) Objections to sterilization. Any resident of the City of New York seeking to redeem an animal from a shelter and objecting to its sterilization may bring a cause of action in a court of competent jurisdiction seeking a declaration that such animal need not be sterilized.

(1) Upon delivery to the shelter operator of a bond in the amount of \$20,000, the animal shall be returned to its owner.

(2) The bond amount shall be returned to the owner at the conclusion of the litigation, if the owner prevails in such litigation.

(3) The bond shall be forfeited if

(A) No cause of action is commenced within three months of the release of the animal to its owner, or

(B) The owner does not prevail in such litigation, and the animal either is (i) not returned to the shelter for sterilization or (ii) verifiable proof of sterilization is not submitted to the shelter.

(4) Spay neuter fund established. Sums collected from

forfeited bonds shall be transmitted by the shelter operator to the Fund for Public Health in New York, Inc., or other not for profit agency approved by the Department, and placed in an animal spay neuter fund to be established by such fund or other agency. Expenditures of such collected sums shall be authorized by the Department to pay for free or low-cost animal sterilization services.

Notes: This section was adopted on March 16, 2010 to clarify sterilization requirements for dogs and cats released from a shelter subject to provisions of Administrative Code §17-804. It provides for procedures allowing owners who object to sterilization to remove the animals from the shelter without sterilization, and requiring such persons to post a bond that would be forfeited if the owners failed to prevail in a court challenge, or failed to challenge the sterilization requirement in court. Sums collected from forfeited bonds would be dedicated to cover the costs of free or subsidized spay and neuter services for dogs and cats.

Resolved, that Article 161 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, amended by adding a new §161.25, to be printed together with explanatory notes, to read as follows:

§161.25 Modification by the Commissioner.

When the strict application of any provision of this article presents practical difficulties or unusual hardship, the Commissioner in a specific instance may modify the application of such provision consistent with the general purpose of this article and upon such conditions as, in his or her opinion are necessary to protect public health.

Notes: This section was adopted on March 16, 2010 to authorize the Commissioner or designee to modify provisions of this Article as necessary.

Resolved, that the Schedule of Section Headings in Article 161 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, amended to be printed together with explanatory notes, to read as follows:

**ARTICLE 161
ANIMALS**

§161.01 Wild and other animals prohibited.

* * * *

§161.07 [Vicious or dangerous animals.] Dangerous dogs.

* * * *

§161.19. Keeping of livestock, live poultry and rabbits.

[§161.21 Yarding of horses, cattle, swine, sheep and goats.]

§161.21 Stables for horses; physical facilities and maintenance; and rabies vaccination.

§161.23 Sterilization of shelter animals.

§161.25 Modification by the Commissioner.

Notes: The Schedule of Section Headings was amended by resolution on March 16, 2010 to reflect the repeal of §161.21, renumbering of §161.23 as §161.21, and its amendment; the addition of new §§161.23 and 161.25; and amendments to the titles of §§161.01 and 161.19.

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**NOTICE OF ADOPTION OF AMENDMENTS TO
ARTICLE 81 OF THE NEW YORK CITY HEALTH CODE**

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 81 (Food Preparation and Food Establishments) of the New York City Health Code (the "Health Code") and notice of public hearing was published in the City Record on December 22, 2009 and a public hearing was held on February 5, 2010. Eighteen persons testified and 30 written comments were submitted. At its meeting on March 16, 2010 the Board of Health adopted the following resolution.

STATUTORY AUTHORITY

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

STATEMENT OF BASIS AND PURPOSE

Background

The Department is charged with preventing and controlling disease, including food borne illness. Food service establishments, including restaurants, are an important source of food for New York City residents. An estimated one third of daily caloric intake comes from foods purchased and prepared outside the home, and this proportion is increasing.¹ Maintaining safe food service establishments is therefore a core public health function.

The Department enforces provisions of the Health Code, the State Sanitary Code, Public Health Law and other applicable laws relating to food served directly to consumers throughout the City. This includes regulation of food that is commercially prepared and sold by food service establishments (establishments or FSEs), a broad category that includes restaurants. The Department issues permits to and inspects all New York City food service establishments, as defined in §81.03(o) and (v) of the Health Code.

Sanitary inspections cover a range of specific practices, including the manner in which food is received and stored,

processed, and the temperatures at which food is cooked, held, and reheated. These inspections are unannounced, and are conducted by Public Health Sanitarians who are trained public health professionals with college degrees and backgrounds in the sciences. Additionally, the Health Code requires that a food service establishment have a supervisor with a Food Protection Course certificate present during all hours of operation.

More than a quarter of restaurants in New York City have sufficiently serious or numerous violations of the Health Code on initial inspections to require a reinspection. These rates have fluctuated between about 20 and 30% over the past five years. Food service establishment inspections are scored in accordance with Chapter 23 of Title 24 of the Rules of the City of New York (RCNY). In the past fiscal year (FY09), nearly 11,000 inspections, about 27% of all inspections, resulted in scores exceeding 27 points, requiring reinspection. In the same year, there were more than 1,500 restaurants closed by the Department as a result of serious, repeated violations or imminent health hazards found on sanitary inspections. Department analysis of New York State Department of Health hospital discharge data indicates that hospitalization rates for food-borne illness in New York City rose over the past ten years. Informing consumers at point-of-entry about food sanitation inspection results by means of a grading system would provide an additional incentive beyond fines to FSEs to improve their food handling practices. Over time this should lead to improved compliance with Health Code and State Sanitary Code food safety requirements.

The goals of a sanitary inspection grading system are to:

1. communicate risks to the public to enable informed public choice about where to dine;
2. improve compliance by food service establishments; and
3. reduce, over time, restaurant-attributable food-borne illness.

Information helps consumers compare options and make informed decisions

Food establishment grading information provided at the time of restaurant selection would enable New Yorkers concerned with food hygiene and sanitary practices to consider the practices of the establishments where they may choose to eat. Currently, a summary of inspection findings are available on the Department's website and copies of complete inspection reports are available on request from the Department. The Department's website lists point totals from inspection findings, with greater numbers of points indicative of more violations. As an educational tool, the current system is limited in important ways. First, though New Yorkers across full educational and economic spectra dine out, websites are disproportionately used by more educated and affluent residents. Second, the ability of consumers to use inspection scores in decision-making depends on checking scores on-line in advance for many. Third, the presentation of inspection scores, the higher the score, the worse the performance, is for many counter-intuitive.

This amendment to Article 81 which establishes point-of-entry posted letter grading addresses each of these fundamental limitations. It will enable point-of-entry viewing of scores; it equalizes access to inspection results; it normalizes scoring into a categorical letter grade that comports with a far more common approach to communicating performance; and it categorizes scores into grades that are easily understood but remain tied to historical distinctions in scoring.

Sanitary inspection grades that are conspicuously posted at FSEs enable consumers to make choices about where to eat based on their degree of confidence in the restaurants' food safety inspection results. A 2001 survey of 2,000 Los Angeles County residents found that 84% of respondents had heard of the grading system and 77% of respondents noticed posted grades always or most of the time. The survey also found that 65% of respondents were influenced in their selection of food facilities by letter grades always or most of the time. Of respondents who dined out, only 3% responded that they would eat at "C" restaurants, and 25% would eat at a "B" restaurant, whereas 88% would eat at an "A" restaurant always or most of the time. Three-quarters of respondents identified the Los Angeles County Department of Public Health as being the sponsor of the grading system, making it the most widely recognized program within the Department of Public Health and confirming people's association of the grades with health and hygiene.

Posting of sanitary grades at restaurants is associated with improvements, over time, in restaurants' compliance with sanitary codes.

Many restaurants recognize their duty to operate their establishments in a safe and sanitary manner. Currently, external incentives for restaurants' compliance with the Health Code consist principally of the avoidance of fines and the threat of closure. While appropriate, these incentives are insufficient to compel routine compliance for a substantial number of restaurants. Evidence from other jurisdictions that have implemented restaurant grading suggests that the adoption of mandatory grade posting leads to significant improvements in food safety and sanitary practices in restaurants. Though Georgia, South Carolina and North Carolina have adopted letter grading, Los Angeles County's grading system was first adopted in 1998 and is the most formally evaluated program in the United States. In 1998, when grading was first adopted in Los Angeles, just 40% of restaurants scored an A. By 2002, 82% received A grades and that percentage has held steady.

Restaurants contribute to food-borne illnesses and restaurant grading has been associated with a decline in food-borne illness.

Today more people eat out and they eat out more often, elevating the importance of food hygiene in restaurants. In

1970, Americans spent 26% of their food dollars on foods prepared outside their homes; by 2006 they spent almost half (48%).² Nationally, it is estimated that about half of all food-borne illness outbreaks are associated with dining in restaurants. By applying national estimates of food-borne illness and the percentage of those cases that are attributable to dining out, the Department estimates that each year more than 5,000 people are hospitalized and about 10,000 visit hospital emergency departments for food-borne illnesses that are likely attributable to restaurant dining in New York City. Thousands of cases of diarrhea each day are attributable to restaurant dining.³

In other jurisdictions, adoption of restaurant grading has been associated with declines in food-borne illnesses. Although the association is not proven, one study compared trends in food-borne illness hospitalizations in Los Angeles compared to California jurisdictions that had not adopted grading. That study found a 20% decline in hospitalizations for food-borne illnesses associated with the adoption of the posting of sanitary grades in food service establishments.⁴

Accordingly, the Board has repealed current §81.51 (Examination of most recent inspection report by patron or customer; posting sign) and adopted a new §81.51 to authorize the Department to develop a system for grading inspection results and to require posting of grades by certain food service establishments. Food establishments that are not be covered by the new provision include primary and secondary school and hospital-operated cafeterias, correctional facilities, charitable organizational feeding programs, membership organization food service establishments, temporary food service establishments, mobile vendors and mobile vending commissaries. The provision requires posting of "A" (the highest) grades immediately by FSEs that receive fewer than 14 points on an initial sanitary inspection. Immediate posting is not required for FSEs receiving scores of 14 or more points. These FSEs will be reinspected, receiving an opportunity to decrease their scores on a compliance inspection, and will then be required to post grade placards reflecting compliance inspection scores, after the notices of violation issued on the compliance inspection are adjudicated at the Administrative Tribunal.

Mandating restaurant grading information for restaurants is feasible, informs consumer choice and is likely to improve restaurants' compliance with Health Code requirements and reduce the burden of food-borne illness in New York City.

The resolution is as follows:

Matter that is deleted is in brackets []; matter that is underlined is new.

Resolved, that §81.51 of Article 81 of the New York City Health Code, found in Title 24 of the Rules of the City of New York be, and the same hereby is, repealed and recodified, to be printed together with explanatory notes, to read as follows:

§ 81.51 Grading of inspection results and posting of grades by certain food service establishments.

(a) Grading. The Department shall establish and implement a system for grading and classifying inspection results for food service establishments using letters to identify and represent an establishment's degree of compliance with the provisions of this Code, the State Sanitary Code and other applicable laws that require such establishments to operate in a sanitary manner so as to protect public health. The letter "A" shall be the grade representing the highest degree of compliance with such laws. Subject to the provisions of this section, the Department shall provide each operating establishment that it inspects with a letter grade card indicating the establishment's inspection grade, except that no letter grade card shall be provided when the Department orders an establishment closed after an inspection.

(b) Posting. Upon receipt, and except as provided in subdivisions (c) and (e), an establishment shall conspicuously post a letter grade card so that it is visible to the general public and to patrons prior to entering the establishment. The letter grade card shall not be defaced, marred, camouflaged or hidden from public view.

(c) Issuance of grade card.

(1) "A" grades. For any establishment receiving an "A" grade, the Department shall provide the establishment with a letter grade card at the conclusion of the inspection where such grade is determined. The grade card shall be posted immediately.

(2) Other grades. For any food service establishment receiving a grade lower than an "A," the Department shall advise the establishment of its inspection grade and the findings upon which it was based. The Department shall conduct a subsequent inspection of the establishment no sooner than seven (7) days after the first inspection. At the conclusion of the second inspection, the Department shall provide the establishment with a letter grade card indicating the inspection grade that the establishment received on that inspection.

(d) Adjudications. After any notice of violation ("NOV") issued at an inspection at which a letter grade card was provided to a food service establishment is heard and determined by the Administrative Tribunal established by Article 7 of this Code, the Department shall re-grade the inspection results taking into account only the violations alleged in the NOV that were either admitted by the establishment or sustained by a hearing examiner. If re-grading changes the inspection grade, the Department shall issue the food service establishment a new letter grade card that the establishment shall immediately post instead of or in place of the letter grade card provided by the Department at the conclusion of the inspection resulting in the issuance of the NOV.

(e) When posting may be deferred.

(1) Any food service establishment receiving a grade lower than an "A" at a second inspection conducted pursuant to subdivision (c) of this section may defer posting the letter grade card provided by the Department at the conclusion of

that inspection until the hearing date scheduled by the Department. If an establishment chooses to defer posting this letter grade card, the establishment shall remove any letter grade card that is currently posted, and instead post a sign provided by the Department advising the public that the establishment's inspection result is under review and that the results of the inspection can be obtained from the Department.

(2) If an establishment does not appear at the Administrative Tribunal on the date scheduled for hearing the NOV referred to in subdivision (d), the establishment shall immediately post the letter grade card issued by the Department at the second inspection conducted pursuant to subdivision (c). If the establishment appears at the Administrative Tribunal on the scheduled date, but the hearing is unable to proceed for any reason, or if the establishment makes a timely request for an adjournment and such adjournment is granted, the establishment may continue to defer posting the letter grade card until the adjourned hearing date. In no event shall an establishment defer posting its letter grade card after the adjourned hearing date if the establishment is not able to proceed on such date. (f) Scope and applicability. This section shall not apply to mobile food vending units, mobile food vending commissaries, temporary food service establishments, food service establishments operated in or by primary and secondary schools, hospital-operated cafeterias, correctional facilities, or charitable organizations, including soup kitchens or other prepared food distribution programs, nor to food service establishments operated by not for profit membership organizations for service to their members only. (g) No effect on other enforcement. Nothing in this section shall affect the Department's authority to take any other action necessary to protect the public health or to enforce the provisions of this Code or any other law or rule applicable to operation of a food service establishment.

Notes: Section 81.51 was repealed and recodified by resolution adopted on March 16, 2010, requiring the Department to institute a letter grading system for certain food service establishments. Former §81.51 required posting a sign indicating where inspection reports may be obtained. Since inspection results are now posted on the Department's website, and may be obtained from the Department on request under the Freedom of Information Law, this signage is no longer necessary.

Resolved, that the Table of Section Headings in Article 81 (Food Preparation and Food Establishments) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

ARTICLE 81 FOOD PREPARATION AND FOOD ESTABLISHMENTS

§81.01 Scope.
* * * * *

§81.50 Calorie labeling.
§81.51 [Examination of most recent inspection report by patron or customer; posting sign.] Grading of inspection results and posting of grades by certain food service establishments.

Notes: The Table of Section Headings was amended by resolution on March 16, 2010 when §81.51 (Examination of most recent inspection report by patron or customer; posting sign) was repealed and a new §81.51 authorizing the Department to develop a letter grading system for food service establishments was added.

¹ Guthrie JF, Lin BH, Frazao E. Role of food prepared away from home in the American diet, 1977-78 versus 1994-96: changes and consequences. *Society for Nutrition Education* 2002; 34:140-150.

² National Restaurant Association (NRA). *Industry at a Glance*. 2005.

³ Mead, PS, Slutsker, L, Dietz, V, McCaig, LF, Bresee, JS, Shapiro, C, Griffin, PM, Tauxe, RV. Food-related Illness and Death in the United States. *Emerging Infectious Diseases*: 5(5)

⁴ Ten Year Anniversary of Restaurant Grading Program. *County of Los Angeles Public Health*. January 28, 2008.

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NOTICE OF INTENTION TO AMEND ARTICLE 11 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 11 of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 2:00 P.M. to 4:00 P.M. ON WEDNESDAY, APRIL 28, 2010 IN THE THIRD FLOOR BOARDROOM, ROOM 330, AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. TUESDAY, APRIL 27, 2010. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013;

(212) 788-5010 BY APRIL 14, 2010.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 2:00 P.M. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., WEDNESDAY, APRIL 28, 2010. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED. COMMENTS RECEIVED AFTER APRIL 28, 2010 WILL BE CONSIDERED TO THE EXTENT POSSIBLE.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>

STATUTORY AUTHORITY

These amendments to the New York City Health Code (the "Health Code") are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene (the "Department") with jurisdiction to regulate all matters affecting the health in the city of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the Department rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

The Board of Health, at its meeting on September 17, 2008 adopted a resolution repealing and reenacting Article 11 of the Health Code (Reportable Diseases and Conditions). The provisions relating to tuberculosis control were renumbered, but were otherwise unchanged. The Department now requests that the Board amend § 11.21 (Tuberculosis; reporting, examination, exclusion, removal and detention) of Article 11 of the Health Code to add provisions to §11.21 (a) requiring that attending physicians who treat newly diagnosed cases of tuberculosis (TB) and persons in charge of hospitals where newly diagnosed cases of TB are treated submit proposed treatment plans to the Department for review, and that physicians and persons in charge of hospitals reporting infectious TB cases obtain consultation and the consent of the Department prior to discharging such cases from inpatient care.

Under the New York Public Health Law (PHL), the Health Code and the State Sanitary Code, the Department has the duty in New York City of investigating cases, ascertaining sources of infection, seeking out contacts, and taking other steps to reduce morbidity and mortality from TB and other communicable diseases. Article 22 of the PHL imposes specific TB control duties upon physicians and, in the absence of an attending physician, upon the local health officer, i.e., in the City of New York, the Commissioner or designee. The physician or local health officer has a duty to take proper precautions and provide for the safety of all individuals occupying the same house or apartment of a TB patient. PHL §2222 (1). Physicians are required by State law to report the recovery of a TB patient to the "proper health officer." PHL §2225. The State Sanitary Code requires the local health officer, upon receiving a report of a TB case, to "take such further measures as may be indicated ...if such a person has been reported to him previously by a physician as one suffering from pulmonary tuberculosis, the State or local health officer concerned shall ascertain promptly whether such physician is maintaining proper sanitary supervision." 10 NYCRR §2.7 (a). State Department of Health rules authorizing State aid and reimbursement for care of TB cases and suspect cases define the "local health officer" as the individual responsible for providing or securing tuberculosis care and treatment pursuant to Public Health Law §2202 (1) and make this person responsible for providing or securing health care services needed for all cases and suspects. 10 NYCRR §§43-1.1 (e) and 43-1.2. Providers of health care services to TB patients are already required to submit initial and monthly written progress reports detailing care provided to TB patients, and to follow "prevailing standards of care" in the services they provide. 10 NYCRR §§ 43-1.4 and 43-1.6. However, no State law or rule currently requires that the local health officer review TB cases' treatment plans or infectious TB cases' hospital discharge plans.

The Department has been successful in reducing the incidence of TB in New York City, from 1,140 newly reported cases in 2003, when amended Health Code §11.47 (the predecessor of §11.21) became effective, to 760 in 2009.

The steady decline in the incidence of TB may have unintended negative effects on TB control in that TB expertise will become more scarce as practitioners try to manage an increasingly rare disease. In New York City, approximately 50% of TB patients are treated—partly or completely—in the private sector.

Numerous studies around the world have shown that private practitioners tend to deviate from recommended TB management practices and guidelines, and this tendency seems to be directly related to how many TB patients a practitioner sees in his or her practice: the fewer patients one sees, the more likely one is to deviate from accepted standards of care. In TB care such deviations include not using sputum culture to monitor treatment response and prescribing inappropriate drug regimens, often with incorrect combinations and inaccurate doses for the wrong duration. Without a framework for oversight, these deviations can have deleterious public health effects for TB control. Treatment failure often leads to drug resistance, which decreases the chances for cure and greatly increases treatment costs through prolonged hospitalizations, and may increase the risk of transmission of the disease to others. Successful treatment of tuberculosis is a societal imperative as well as a benefit to an individual's health. The Department, through the Bureau of Tuberculosis Control ("the Bureau"), should be able to influence and guide TB care practices so that those practices more closely conform to accepted standards. The Bureau's ability to influence practices is likely to be enhanced if the government's role in TB care were more clearly defined and strengthened through this proposed amendment to the Health Code. On-going communication between the private practitioners and the Bureau beyond the initial reporting of a case would be greatly enhanced if practitioners provided the Department with a written plan of management for TB patients soon after TB is diagnosed, ideally within two months of TB diagnosis (treatment for TB lasts a minimum of six months). A Health Code provision would require communication between the providers and the Department beyond case reporting. Relying on practitioners' good faith to share information with the Department has always been suboptimal. Since the private medical sector varies considerably in terms of size and composition of the practice, level of organization, types of services delivered, and socioeconomic groups served, a regulatory approach would be the most consistent and fair way of ensuring compliance among practitioners.

Availability of such a treatment plan to the Bureau would strengthen the Bureau's ability to provide support for activities that are integral to TB control but that are generally not carried out by private providers. These activities include locating TB patients who do not keep physical examination or directly observed therapy (DOT) appointments, application of legal action for persistently non-compliant/non-adherent, infectious TB patients, and provision of DOT, the standard of care for TB. Having treatment plans for all TB patients would also help the Bureau better plan and allocate resources for each TB case in the face of a shrinking TB public health workforce.

New York City would not be the first jurisdiction to take this approach. Colorado and Connecticut require approval of treatment plans before a patient is discharged from the hospital, and except for California, have a requirement for the TB treatment plan to be approved by public health authorities. 6 CCR 1009-1(I); Conn. Gen. Stat. §§ 19a-265(7)(b). Virginia requires the treating physician to develop a detailed treatment plan for a TB patient and submit the treatment plan to the Health Department upon request. Virginia Code § 32.1-50.1(B); 12 Virginia Admin. Code § 5-90-225. Oklahoma authorizes the state health commissioner to review TB treatment regimens for persons with confirmed or suspected active TB, make recommendations for change, and establish length of therapy. Oklahoma Admin. Code § 310:521-3-3. Completion of TB therapy occurs when therapy has been taken for an adequate length of time, as determined by the Commissioner. Oklahoma Admin. Code § 310:521-3-4. Consultation with the TB control officer must be established and maintained during the treatment regimen. Oklahoma Admin. Code § 317:30-5-1159. California law provides that health care facilities may not discharge suspected or confirmed TB patients until prescribing a written treatment plan and notifying local health officers. California Health & Safety Code §§ 121361(e), 121365(b).

Statement Pursuant to Charter § 1043

This proposal was not included in the Department's regulatory agenda because the need for the amendment became known after publication of the regulatory agenda.

The amendment is as follows:
Matter underlined is new
Matter to be deleted is indicated by [brackets].

RESOLVED, that §11.21 of Article 11 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§11.21 Tuberculosis; reporting, examination, exclusion, removal and detention.

(a) Reports; treatment plan review; approval of hospital discharges; and contact examination.

(1) Reports. A physician who attends a case of active tuberculosis, or the person in charge of a hospital, dispensary or clinic giving out-patient treatment to such a case, shall report to the Department at such times that the Department requires. The report shall state whether the case is still under treatment, the address of the case, the telephone contact number(s) of the case, the stage, clinical status and treatment of the disease and the dates and results of sputum and X-ray examinations and any other information required by the Department.

(2) Submission of treatment plans for review. The physician who attends a person for whom treatment for newly diagnosed active tuberculosis is being initiated, or the person in charge of a hospital or other health care facility where such newly diagnosed case is or will be receiving treatment for active tuberculosis shall submit to the Department for review the treatment plan proposed for such case within two months of initiation of treatment. The plan shall be submitted in writing on a form provided or approved by the

Department and shall include the name of the medical provider who has assumed responsibility for treatment of the patient, names and duration of prescribed anti-tuberculosis drugs, anticipated date of treatment completion, and a plan for promoting adherence to the prescribed treatment.

(3) Report required when treatment ceases. The physician who attends the case or the person in charge of a hospital, dispensary or clinic giving out-patient care to such a case shall report promptly to the Department when the case ceases to receive treatment and the reason for the cessation of treatment.

(4) Department approval of hospital discharge of infectious cases. The physician who attends a case of infectious tuberculosis in a hospital or the person in charge of a hospital or other health care facility where such case has been admitted shall notify the Department in writing on a form provided or approved by the Department and shall consult with the Department at least 72 hours before discharge of such case from in-patient care, and shall discharge such patients only after the Department has determined that discharge of such person will not endanger the public health. The Department shall make its discharge determination and respond to the attending physician or the person in charge of a hospital or other health care facility within one business day from the date of the consultation.

(b) Contacts. A physician who attends a case of active tuberculosis shall examine or cause all household contacts to be examined or shall refer them to the Department for examination. The physician shall promptly notify the Department of such referral. When required by the Department, non-household contacts and household contacts not examined by a physician shall submit to examination by the Department. An examination required by this section shall include such tests as may be necessary to diagnose the presence of tuberculosis, including but not limited to tuberculin tests, serologic tests for tuberculosis infection, and where indicated, laboratory examinations, and x-rays. If any suspicious abnormality is found, steps satisfactory to the Department shall be taken to refer the person promptly to a physician or appropriate medical facility for further investigation and, if necessary, treatment. Contacts shall be re-examined at such times and in such manner as the Department may require. When requested by the Department, a physician shall report the results of any examination of a contact.

(c) Exclusion. A person with active tuberculosis that is infectious shall be excluded from attendance at the workplace or school. Such person may also be excluded from such other premises or facilities as the Department determines cannot be maintained in a manner adequate to protect others against spread of the disease.

Notes: Subdivision (a) of §11.21 was amended, and subdivisions (b) and (c) were provided with subtitles, by resolution adopted on XXX to reflect new requirements pertaining to management of newly diagnosed cases of active tuberculosis and discharge from hospital of cases of active infectious tuberculosis.

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NOTICE OF INTENTION TO AMEND ARTICLE 81 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 81 of the New York City Health Code (the "Health Code").

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE (THE "DEPARTMENT") WILL HOLD A PUBLIC HEARING ON THE PROPOSAL ON MONDAY, APRIL 26, 2010 FROM 2:00 P.M. TO 4:00 P.M. IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY 5:00 P.M. FRIDAY, APRIL 23, 2010. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY APRIL 12, 2010. REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 2:00 P.M. APRIL 26, 2010. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAIL TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, BY E-MAIL TO RESOLUTIONCOMMENTS@HEALTH.NYC.GOV OR ONLINE (WITHOUT ATTACHMENTS) AT <http://www.nyc.gov/html/doh/html/notice/notice.shtml> ON OR BEFORE 5:00 P.M., MONDAY, APRIL 26, 2010. ATTACHMENTS TO ONLINE COMMENTS MUST BE MAILED OR FAXED. COMMENTS RECEIVED AFTER APRIL 26, 2010 WILL BE CONSIDERED TO THE EXTENT POSSIBLE.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY

TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT'S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO

<http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

STATUTORY AUTHORITY

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

STATEMENT OF BASIS AND PURPOSE

The Department of Health and Mental Hygiene (the "Department") enforces provisions of the New York City Health Code ("Health Code") and other applicable law intended to protect the wholesomeness of food served directly to the consumer throughout the City, including food that is commercially prepared, and sold, served or distributed by food service establishments ("FSEs"), a broad category that includes restaurants, caterers (non-retail food processing establishments), mobile food vending units, and mechanical food dispensing devices. This proposal would add a new §81.10 to Article 81 of the Health Code allowing use of time as a public health control for maintaining the wholesomeness of ready-to-eat potentially hazardous foods.

Currently, Health Code §81.09 generally requires that all potentially hazardous foods be kept at temperatures below 41 degrees Fahrenheit, or above 140 degrees Fahrenheit, to retard the growth of pathogens, except during time needed for preparation. However, there are several prepared foods, including, most commonly, sushi rice, for which food service establishments most frequently request that the Department modify applicable Health Code temperature holding requirements, since such temperature requirements apparently adversely affect the palatability of such foods.

The Department proposes that the Board of Health amend Article 81 to establish a procedure for allowing certain potentially hazardous foods to be held at room temperature, by using time alone as public health control. The proposal also includes amending the definition of potentially hazardous food to include a reference to temperature control for safety (TCS), adds new potentially hazardous foods to the existing list, and defines a violation of the new use of time as a public health procedure as a violation of §81.09. The amended definition of potentially hazardous/temperature control for safety foods (PHF/TCS) considers whether or not time and temperature control is to be maintained to ensure the safety of the food product. This new definition takes into account pH, high water activity (A_w) and pH interaction, in determining whether or not a food will require temperature control to limit pathogen growth or toxin formation.

Recently, local and state regulatory authorities and the Centers for Disease Control and Prevention have identified an increase in the number of food borne outbreaks associated with foods that were typically considered not to be potentially hazardous¹. These foods include cooked vegetables, tomatoes, lettuce and spinach. Some melons and vegetables that have moderate pH and high A_w may be considered hazardous because of environmental conditions at the places where they are grown or they may be rendered hazardous by how they are processed. The amended definition of "potentially hazardous foods" would include foods of plant origin that have been cooked, cut melons, sliced raw tomatoes, and raw bean or seed sprouts. *Salmonella* can enter fruits and vegetables through roots, flowers, small cracks in the skin, the stem scar, or the plant itself.² The new Health Code definition is consistent with §1-202.10 of the USFDA 2009 *Model Food Code* ("Food Code"), and is consistent with current provisions of Subpart 14 of the Sanitary Code. The definition includes a provision that a food does not need temperature control when a food service establishment operator can demonstrate that the combined effect of A_w and pH is such as to render the food non potentially hazardous. In such cases, the Department will be guided by evidence from either a certified laboratory test or published scientific research.

Food Code §3-501.19 provides that ready to eat potentially hazardous food ("RTE PHF") may be held without temperature control for up to four hours, at which time it must be consumed, or after which it must be discarded. The *Food Code* also contains guidelines enabling establishments to hold foods taken from required cold holding temperatures for up to six hours, providing that the temperature of the individual food items do not exceed 70 degrees Fahrenheit (21 degrees Celsius). The New York State Department of Health has also published guidelines enabling use of time as a sole public health control.

If an establishment wishes to hold food following removal from temperature control for up to four hours, the food will have to be labeled with the initial temperature, the time it was removed from temperature control, and a time four hours following that, which will be the time at which food may last be consumed, and after which must be discarded. If an establishment wishes to hold food following removal from cold temperature control for up to six hours, an additional requirement will be imposed that the food's temperature be monitored every two hours, and be recorded on the food's label. In such cases, the label will also note the time at which it was removed from cold control, and a time six hours following that, which will be the time at which food may last

be consumed, and after which must be discarded. The labels would provide documentation that temperatures of cold RTE PHF have not been allowed to exceed 70 degrees Fahrenheit (21 degrees Celsius). This additional public health control is documentation that the holding time and temperature of such food does not exceed the growth periods for *L. monocytogenes* and *C. perfringens*. All FSEs found out of compliance with these provisions will be cited for violation of Health Code §81.09, which defines hot and cold holding requirements for PHF at required temperatures.

The provision would also prohibit use of time as a sole public health control for certain foods, and certain places of sale and distribution. Time and temperature controls (§81.09) will continue to be required for sales of hot and cold foods at self-service salad bars or buffets; RTE PHF intended for takeout or delivery; mobile food vending; and street fairs. And because of their potential for rapid *Salmonella* growth, eggs cannot be held for extended periods at room temperature before service to certain highly susceptible, i.e., immunocompromised, persons, consistent with the FDA *Food Code*, and State guidance.

The Department is also requesting that the Board amend the definition of temporary food service establishment in §81.03 (ff) to conform to the new definition applicable to such establishments in the recently recodified Article 88 of the Code.

¹<http://www.fda.gov/Food/ScienceResearch/ResearchAreas/SafePracticesforFoodProcesses/ucm090977.h> Analysis and Evaluation of Preventive Control Measures for the Control and Reduction/Elimination of Microbial Hazards on Fresh and Fresh-Cut Produce, Chapter IV. Outbreaks Associated with Fresh and Fresh-Cut Produce. Incidence, Growth, and Survival of Pathogens in Fresh and Fresh-Cut Produce, September 30, 2001.

²<http://www.fda.gov/Food/ScienceResearch/ResearchAreas/SafePracticesforFoodProcesses/ucm094141.htm>. Evaluation and Definition of Potentially Hazardous Foods, Chapter 3. Factors that Influence Microbial Growth, September 30, 2001.

STATEMENT PURSUANT TO SECTION 1042 – REGULATORY AGENDA

The proposed amendment was not included in the Department's Regulatory Agenda because it resulted from a recent analysis by the Department.

The proposal is as follows:
Note-matter in brackets [] to be deleted
Matter underlined is new

RESOLVED, that subdivisions (y) and (ff) of §81.03 of Article 81 of the New York City Health Code be, and the same hereby are, amended, to be printed together with explanatory notes, as follows:

§81.03 Definitions.

* * *

(y) Potentially hazardous food (PHF) or temperature controlled for safety (TCS) food means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, crustacea and other aquatic animals, [cooked potato, cooked rice,] foods of plant origin that have been heat treated; garlic in oil mixtures that support the growth of Clostridium botulinum; leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxins formation; raw bean or seed sprouts; or other [ingredients] foods in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms, or growth of C. botulinum. The term does not include food with a water activity (a_w) value of 0.85 or less, or a hydrogen ion concentration (pH) level of 4.6 or below. A food may be deemed not potentially hazardous because of the combined effect of a_w and pH other than as specified above if supported by a food product assessment acceptable to the Department.

* * *

(ff) Temporary food service establishment means [any] a food service establishment as defined in Article 88 of this Code. [that operates at a fixed location for a temporary period of time, not to exceed 14 consecutive days, in connection with a single event or celebration such as a fair, carnival, circus, public exhibition, advertising campaign or business promotion, religious or fraternal organization function or transitory gathering.] Additional to the provisions of this Article, a temporary food service establishment shall be operated at all times in compliance with the provisions of Article 88 and all applicable provisions of this Code.

* * *

Notes: Subdivision (t) was amended by resolution adopted on XXX to incorporate the term "temperature controlled for safety" foods consistent with the 2009 FDA *Model Food Code*, and subdivision (ff) was amended to reflect the definition of a temporary food service establishment in Article 88 of the Code.

RESOLVED, that Article 81 of the New York City Health Code be, and the same hereby is, amended by adding a new §81.10, to be printed together with explanatory notes, as follows:

§81.10. Time as a Public Health Control.

(a) Use of time controls. Food service establishments may use time as the sole public health control, rather than using time in conjunction with temperature, for holding potentially hazardous ready-to-eat foods to be consumed on site, only in accordance with the provisions of this section. Such foods shall not be returned to temperature control at any time with the intent to extend their use.

(1) Food shall have an initial temperature of 41 degrees Fahrenheit (5 degrees Celsius) or less when removed from cold holding temperature control, or 140 degrees Fahrenheit

(60 degrees Celsius) when removed from hot holding temperature control.

(2) After cold holding. Foods taken from cold holding temperatures at or below 41 degrees Fahrenheit (5 degrees Celsius) may be kept for no more than four hours without any other controls. Foods taken from cold holding temperatures at or below 41 degrees Fahrenheit (5 degrees Celsius) may be kept for no more than six hours provided that the temperature of the food is recorded every two hours on the food's label and the food temperature does not reach 70 degrees Fahrenheit (21 degrees Celsius) within such time period.

(3) After hot holding. Foods taken out of hot holding temperatures at or above 140 degrees Fahrenheit (60 degrees Celsius) may be held at ambient temperatures for no more than four hours after removal from temperature control.

(4) Labeling. All foods removed from temperature control in accordance with this section shall be labeled as follows.

(A) Four hour holding. Food to be held following removal from hot or cold temperature control for up to four hours requires a label that lists the initial temperature, the time it was removed from temperature control, and a time, four hours thereafter, which will be the time when food may last be consumed, after which it shall be discarded.

(B) Six hour holding. Food to be held following removal from cold temperature control for up to six hours requires a label that shall list the initial temperature, the time it was removed from cold temperature control, and a time, six hours thereafter, which will be the time at which food may last be consumed, after which it shall be discarded. The label shall further record the time and temperature taken at a minimum of two hour intervals.

(C) Labels shall be kept until foods have been served or discarded.

(b) Limits on use of time as a public health control. Time shall not be used as the sole means of public health control, and §81.09 shall remain applicable to:

(1) Holding raw eggs prior to using such eggs in food prepared for (i) persons who may be at higher risk for food-borne illnesses, such as immunocompromised persons including residents or clients of senior centers, charitable feeding programs, adult day care programs, custodial care and health care facilities, and assisted living programs; (ii) infants and children in day care and pre-school programs; and (iii) pupils in primary and secondary schools.

(2) Preparation and holding of ready-to-eat potentially hazardous foods sold by or in (i) mobile food vending units; (ii) food vending machines; (iii) temporary food service establishments operating in accordance with Article 88 of this Code; (iv) self-service salad bars or buffets; or when intended for takeout or delivery.

(3) Preparation and holding of potentially hazardous foods consisting of: (i) aquatic animals, fish or molluscan shellfish and (ii) opened or packaged smoked or vacuum-packed food products.

Notes: Section 81.10 was added by resolution adopted on xxxx to authorize the use of time alone as a public health control instead of both time and temperature controls in holding certain potentially hazardous ready to eat foods.

RESOLVED, that the list of Section Headings in Article 81 of the New York City Health Code be, and the same hereby is, amended, to be printed together with explanatory notes, as follows:

ARTICLE 81 FOOD PREPARATION AND FOOD ESTABLISHMENTS

* * * §81.10 Time as a public health control

* * *

Notes: Section 81.10 was added by resolution adopted on XXXX to authorize the Department to approve use of time alone as a public health control instead of using both time and temperature controls in handling certain potentially hazardous ready-to-eat foods.

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NOTICE OF ADOPTION TO AMEND ARTICLE 207 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a Notice of Intention of the proposed amendment of Article 207 of the New York City Health Code (the "Health Code") was published in the City Record on December 22, 2009, and a public hearing was held on February 1, 2010. No written comments or testimony were received. At its meeting on March 16, 2010, the Board of Health adopted the following resolution.

STATUTORY AUTHORITY

These amendments to the New York City Health Code ("Health Code") are promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (the "Charter"). Section 556 of the Charter provides the Department of Health and Mental Hygiene ("DOHMH") with jurisdiction to regulate all matters affecting the health in the City of New York. Section 558(b) and (c) of the Charter empower the Board of Health (the "Board") to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043 of the Charter grants the DOHMH rulemaking powers.

STATEMENT OF BASIS AND PURPOSE

INTRODUCTION

As part of a comprehensive review of the Health Code to assess the efficacy of the articles in protecting the public's health, the DOHMH proposes that current Article 207, General Vital Statistics Provisions, be amended to assure that the revised provisions provide adequate legal tools to effectively address general public health matters and to reflect modern thought on public health. As part of the revision effort, obsolete provisions have been omitted and the standards set forth in revised Article 207 have been modernized to reflect current Department practice. Pursuant to this review and assessment of the Health Code, the Department proposes that the Board amend Article 207 as provided for below.

Section 207.01

Subdivision (a) was amended to make the provision more readable and to reflect gender neutrality. Subdivision (a) was also amended to provide for the amendment of the confidential medical report of death for deaths on or after January 1, 2010, as subdivision (a) of Section 205.07 now provides for inspection of the confidential medical report of death by specified persons on or after January 1, 2010. Subdivision (a) was further amended to restrict the category of guardian able to apply for a birth certificate amendment to the legal guardian, to distinguish from informal guardianships. The subdivision was further amended to remove the restriction that the person named on the certificate, if 18 years of age or over, can only apply for an amendment if such person's parents are dead, as this was a needless restriction. The subdivision was also amended to provide for amendments to the spontaneous termination of pregnancy certificate by the parents or surviving parent, and for amendments to the death certificate and confidential medical report of death by the person in control of disposition as defined in Article 205. This was to conform to Article 205 of this Code and the provisions of State Public Health Law §4201, which applies in the City.

Subdivision (b) was amended to remove the requirement to provide a certified copy of the certificate involved, as most amendments will require the payment of a fee instead of a certificate exchange. The amendment of a certificate of birth registration, which is issued without charge to all new mothers, is an exception. An original certificate of birth registration may be exchanged without charge for a new corrected certificate of birth registration if the application to amend is made by the person filing the original certificate within one year of the date of birth, as opposed to within a year of reporting the birth. These changes conform to the Department's current practice.

Subdivision (c) was amended to reflect gender neutrality and to provide for correcting omissions as well as the confidential medical report of death.

Subdivision (d) was added to define the term "vital record", as used within this Article and the other Articles of Title V.

Section 207.03

Subdivision (a) was amended to clarify that the corrections and amendments referred to in this section are to vital records, including certificates and confidential medical reports, and not certifications.

Subdivision (b) was amended to clarify that only the Office of Chief Medical Examiner may submit missing or updated information at any time, and that all other persons may only add missing information after one year following the date of event (instead of date of filing of certificate) upon approval of an application in the manner specified in §207.01. The subdivision was further amended to change the time period during which missing information may be added from within one year of the date of filing the certificate, to within one year of the date of birth, termination of pregnancy or death. These changes conform to the Department's current practice.

Section 207.05

Paragraph (1) of subdivision (a) was amended to conform to language in the acknowledgment of paternity form pursuant to New York State Public Health Law §4135-b.

Paragraph (3) of subdivision (a) was amended to update the reference to the Administrative Code.

Paragraph (4) of subdivision (a) was amended to conform to language in the acknowledgment of paternity form pursuant to New York State Public Health Law §4135-b.

Subdivision (b) was amended to provide for sealing documents physically or electronically, which is the case in digital or image storage systems.

Subdivision (c) was amended to make the provision more readable and to reflect gender neutrality. It was also amended to increase the period during which a new birth certificate may be filed when an application for amendment is submitted by the person filing the original certificate from three to twelve months from the date of birth, to be consistent with Department practice. The subdivision was further amended to replace "filed" with "submitted," which more clearly describes the function of an electronic system.

Section 207.07

This section was deleted as no longer necessary in light of contemporaneous changes to subdivisions 207.01(b), 207.05(c) and re-lettered 207.13(b). The section number, 207.07, is being held in reserve.

Section 207.11

This section was amended to include "vital" in the section

heading to clarify that this section is applicable to vital records or data. It has also been divided into subdivisions to make the section more readable.

Subdivision (a) was amended to conform the language to the related language as provided for in revised section 3.25 of the Health Code. It was also amended to specify conditions related to requests by governmental agencies, whether foreign or domestic, for certified copies, individually identifiable information or verifications. This would enable prevention or detection of fraud and inter-jurisdictional exchange of records or data that relate to residents of those jurisdictions or persons born in those jurisdictions if such information is necessary for a proper purpose. Such requests would be granted only if the Commissioner or the Commissioner's designee agree that the requested information is necessary for a proper purpose. Language related specifically to death information was deleted from subdivision (a) and added as a new subdivision (b).

Subdivision (b) was added to make the section more readable. It includes a person in control of disposition, instead of next of kin, as an entitled party, which is in conformance with §4201 of the New York State Public Health Law.

Subdivision (c) was added to specify the conditions under which researchers be granted access to unidentifiable vital records data or identifiable vital records information, and to strengthen the protections of vital records data.

Subdivision (d) was added to provide stricter requirements concerning the proof of the identity of the party requesting access to vital records to help prevent fraudulent obtainment and use of such information.

Section 207.13

Paragraph (1) of subdivision (a) was amended to provide for fees for searches and issuance of certificates of spontaneous termination of pregnancy. It was also amended to update the Health Code to reflect the \$15.00 fee for each search and issuance of a certified copy that has been in effect since 1990, in accordance with §4179 of the New York State Public Health Law.

Paragraph (3) of subdivision (a) was amended to add "electronic equivalent," to update the code to include electronic systems and to add the word "and."

Paragraph (4) of subdivision (a) was amended to delete the word "and."

Paragraph (5) of subdivision (a) was repealed as access to vital statistics indexes will no longer be allowed, to prevent the fraudulent use of the information provided in the indexes

Subdivision (b) was deleted as the Department no longer issues uncertified copies of certificates and confidential medical reports under the circumstances contemplated by the deleted language. The subdivisions following the subdivision were re-lettered.

Re-lettered subdivision (b) was reworded to improve clarity and to add spontaneous termination of pregnancy certificates.

Re-lettered subdivision (d) was amended to update the reference to New York State Civil Practice Law and Rules.

Re-lettered subdivision (e) was amended to specify that verifications of information contained on birth, spontaneous termination of pregnancy or death certificates may be issued without charge to an agency of the City or State of New York. It was further amended to permit the Department to issue such verifications for a negotiated and agreed-upon fee to other governmental agencies. This would enable the Department to participate in the electronic verification of vital event information with federal agencies for fraud prevention purposes.

Section 207.15

This section was amended to allow for other methods of preservation should such other methods be developed.

Section 207.17

This section amended to allow for other devices for completing certificates should such other devices be developed.

Section 207.19

This section was amended to delete the specific reference to the Department's Manhattan office.

The proposal is as follows:

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

RESOLVED, that the list of section headings and the Introductory Notes to Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

**ARTICLE 207
GENERAL VITAL STATISTICS PROVISIONS**

§207.07 **[Correction of records; copy of amended certificate to be issued.] Reserved.**

§207.11 **Inspection of vital records or data; transcripts.**

§207.13 **Fees for [searches and transcripts of records] vital statistics services.**

* * * *

Introductory Notes:

This article supplements the three articles dealing with the reporting of vital events, i.e., Articles 201, 203 and 205. It provides for the correction of vital records, inspection of records, fees for searches and transcripts of records and other general matters. In addition, it contains a provision for the reporting of vital events occurring on carriers, such as ships and airplanes, which terminate their voyage in this City.

As part of a comprehensive review of the Code to assess the efficacy of the articles in protecting the public's health, Article 207 was amended by resolution adopted on March 16, 2010 to provide adequate legal tools to effectively address general public health matters. As part of the revision effort, obsolete provisions, including § 207.07 (Correction of records; copy of amended certificate to be issued), were repealed and other provisions amended to reflect current Department practice.

RESOLVED, that §207.01 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.01 Correction of records; application and approval; accompanying documents.

(a) The Commissioner or [other personnel of the Department designated by him] the Commissioner's designee may approve the amendment of a birth, termination of pregnancy or death certificate, or of a confidential medical report of death for deaths occurring on or after January 1, 2010. Application shall be made on a form furnished by the Department. Application for amendment of a birth certificate shall be made by the parents or surviving parent, or by the legal guardian of the person whose birth certificate is to be corrected or by the person [himself] if [he] such person is 18 years of age or over [and his parents are dead]. Application for amendment of a spontaneous termination of pregnancy shall be made by the parents or surviving parent. Application for amendment of a death [or termination of pregnancy] certificate, or of a confidential medical report of death shall be made by the person in control of disposition as defined in Article 205 of this Code or by the person identified on the death certificate as providing the personal particulars pursuant to Article 205 of this Code [next of kin or, if there is no next of kin, by the persons authorized to arrange for burial or cremation of the remains].

(b) Every application shall be accompanied by supporting documentary evidence [and by a certified copy of the certificate involved]. An application for amendment of a birth certificate if made within one year of the date of [reporting of the] birth, may [, however,] be accompanied by a certificate of birth registration which, if the application is approved, shall be exchanged without charge for a new corrected certificate of birth registration except as provided in §207.13(5)(f) [instead of a certified copy of the birth certificate].

(c) No application shall be approved unless the Commissioner or [his] the Commissioner's designee is satisfied that the evidence submitted shows the true facts and that an error or omission was made at the time of preparing and filing of the certificate or confidential medical report of death, or that the name of a person named in a birth certificate has been changed pursuant to court order. (d) As used in this Title, "vital record" shall mean any certificate or confidential medical report required to be filed with the Department pursuant to this Title, whether written or electronic.

Notes:

This section was amended by resolution adopted on March 16, 2010.

Subdivision (a) was amended to make the provision more readable and to reflect gender neutrality. Subdivision (a) was also amended to provide for the amendment of the confidential medical report of death for deaths on or after January 1, 2010, as subdivision (a) of Section 205.07 now provides for inspection of the confidential medical report of death by specified persons on or after January 1, 2010. Subdivision (a) was further amended to restrict the category of guardian able to apply for a birth certificate amendment to the legal guardian, to distinguish from informal guardianships. The subdivision was further amended to remove the restriction that the person named on the certificate, if 18 years of age or over, can only apply for an amendment if such person's parents are dead, as this was a needless restriction. The subdivision was also amended to provide for amendments to the spontaneous termination of pregnancy certificate by the parents or surviving parent, and for amendments to the death certificate and confidential medical report of death by the person in control of disposition as defined in Article 205. This was to conform to Article 205 of this Code and the provisions of State Public Health Law §4201, which applies in the City.

Subdivision (b) was amended to remove the requirement to provide a certified copy of the certificate involved, as most amendments will require the payment of a fee instead of a certificate exchange. The amendment of a certificate of birth registration, which is issued without charge to all new mothers, is an exception. An original certificate of birth registration may be exchanged without charge for a new corrected certificate of birth registration if the application to amend is made by the person filing the original certificate within one year of the date of birth, as opposed to within a year of reporting the birth. These changes conform to the Department's current practice.

Subdivision (c) was amended to reflect gender neutrality and to provide for correcting omissions as well as the confidential medical report of death.

Subdivision (d) was added to define the term "vital record", as used within this Article and the other Articles of Title V.

RESOLVED, that §207.03 of Article 207 (General Vital

Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.03 Correction of records; method of amendment; adding missing information.

(a) Except as provided in § 207.05, when an application for amendment of a certificate is approved, a single line shall be drawn through the information subject to amendment, and the correct information shall be inserted immediately above it. The certificate shall be marked to show that it is amended, and the name of the person approving the amendment and the date thereof shall be noted on the certificate. When the name of a person is changed pursuant to court order, the new name shall be similarly inserted on the certificate together with a statement that the change of name is by court order and the date of the order. The Department may use an alternate method of recording corrections or other amendments to electronic vital records [records or forms]. The history of these electronic corrections or amendments shall be clearly recorded within the electronic certificate and confidential medical report [record or form] by the Department.

(b) Within one year following the date [filing] of a birth, termination of pregnancy or death certificate, any missing information may be added upon submission of the information on a form furnished by the Department by the person who filed the certificate; provided that the Office of Chief Medical Examiner may submit missing or updated information at any time [any person authorized to file an application for amendment pursuant to § 207.01]. Except for such submissions by the Office of Chief Medical Examiner, [A] after one year following the date of event [filing] of a certificate, however, missing information shall be added only upon approval of an application for amendment in the manner specified in § 207.01.

Notes:

This section was amended by resolution adopted on March 16, 2010.

Subdivision (a) was amended to clarify that the corrections and amendments referred to in this section are to vital records, including certificates and confidential medical reports, and not certifications.

Subdivision (b) was amended to clarify that only the Office of Chief Medical Examiner may submit missing or updated information at any time, and that all other persons may only add missing information after one year following the date of event upon approval of an application in the manner specified in §207.01. The subdivision was further amended to change the time period during which missing information may be added from within one year of the date of filing the certificate, to within one year of the date of birth, termination of pregnancy or death. These changes conform to the Department's current practice.

RESOLVED, that §207.05 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.05 Correction of records; filing of new birth certificates.

(a) A new birth certificate shall be filed when:

- (1) [Proof is submitted to the Department that the previously unmarried parents of a child have intermarried subsequent to the birth of such person] A father/parent's name is added upon submission of proof that the parents of a child were married at any time during the pregnancy or at the time of birth of such child; or,
- (2) Notification is received by the Department from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the parentage of the person; or,
- (3) Notification is received by the Department from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the adoption of the person. Every new birth certificate filed because of adoption shall bear a statement that it is filed pursuant to [§567-2.0(a)(3)] §17-167 of the Administrative Code; or,
- (4) [A putative father of a child consents under oath to the filing of a new birth certificate bearing his name as the father of the child born out of wedlock] The parents of a child have completed, signed and filed with the Department an acknowledgment of paternity form pursuant to New York State Public Health Law §4135-b; or,
- (5) The name of the person has been changed pursuant to court order and proof satisfactory to the Department has been submitted that such person has undergone convertive surgery.

(b) When a new birth certificate is filed pursuant to [subsection (a) of] this section, the original birth certificate, the application for a new birth certificate and supporting documents shall be placed under physical or electronic seal, and such seal shall not be broken except by order of a court of competent jurisdiction. Thereafter, when a certified copy is requested of the certificate of birth of the person for whom a new certificate has been filed pursuant to the provisions of this section, a copy of the new certificate of birth shall be issued, except when an order of a court of competent jurisdiction requires the issuance of a copy of the original certificate of birth.

(c) A new birth certificate may be filed when an application for amendment is submitted by a person required to file such certificate within twelve [three] months after the [report] date of birth, or when the Commissioner or [other personnel of the Department designated by him] the Commissioner's designee finds it desirable by reason of the nature and extent of the amendments. In such a case, the original certificate of birth registration may [shall] be [filed] submitted with the application for amendment.

Notes:

This section was amended by resolution adopted on March 16, 2010.

Paragraph (1) of subdivision (a) was amended to conform to language in the acknowledgment of paternity form pursuant to New York State Public Health Law §4135-b.

Paragraph (3) of subdivision (a) was amended to update the reference to the Administrative Code.

Paragraph (4) of subdivision (a) was amended to conform to language in the acknowledgment of paternity form pursuant to New York State Public Health Law §4135-b.

Subdivision (b) was amended to provide for sealing documents physically or electronically, which is the case in digital or image storage systems.

Subdivision (c) was amended to make the provision more readable and to reflect gender neutrality. It was also amended to increase the period during which a new birth certificate may be filed when an application for amendment is submitted by the person filing the original certificate from three to twelve months from the date of birth, to be consistent with Department practice. The subdivision was further amended to replace "filed" with "submitted," which more clearly describes the function of an electronic system.

RESOLVED, that §207.07 (Correction of records; copy of amended certificate to be issued) of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, repealed.

Notes:

This section was repealed on March 16, 2010 in light of contemporaneous changes made to other sections in this Article and is being held in reserve.

RESOLVED, that §207.11 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.11 Inspection of vital records or data; transcripts.

(a) Except as provided in §§ 201.07, 203.07 and 205.07, inspection of vital records or data filed with the Department pursuant to this Title may be made and transcripts of records may be obtained pursuant to the provisions of § 3.25 [3.27] of this Code and § 17-169 of the Administrative Code, respectively. [No paper, file, report, record or proceeding concerning a death shall, however, be open to inspection except to a person, or to his representative who shall be an agent or other person having a legal or fiduciary obligation to such person, who has a personal interest therein as a relative, next of kin, heir or beneficiary, of a deceased person to whom the records pertain, or to a person who has a vested right in property by reason of the death of the person to whom the records pertain, or who otherwise establishes that such inspection or transcript is necessary or required for a judicial or other proper purpose, or to prevent the misuse or misappropriation of City, state or federal governmental funds.] Requests by governmental agencies, whether foreign or domestic, for certified copies of birth and spontaneous termination of pregnancy records or for certifications of birth pursuant to § 17-169, or for any individually identifiable information contained in the Department's vital records maintained pursuant to this Title, or for verifications thereof, shall specify the official use to which the requested information will be put and why the information is necessary for a proper purpose. The request may be granted only if the Commissioner or the Commissioner's designee agree that the requested information is necessary for a proper purpose. Inspection of any vital records or data for the collection of information for sale or release to the public, or for other commercial or speculative purposes shall not be deemed a proper purpose. The Department may impose reasonable conditions as to the use and redisclosure of information, and may limit access to the minimum necessary to fulfill the purpose for which information is requested.

(b) No transcript, paper, file, report, record, or proceeding concerning a death shall, however, be open to inspection or copies thereof provided, except upon request, to persons or to their representatives, who are agents of, or who otherwise have a legal or fiduciary obligation to such persons; or who have a personal interest, as a relative, person in control of disposition, heir or beneficiary, of a deceased person to whom the records pertain; or who have a vested right in property by reason of the death of the person to whom the records pertain; or who otherwise establish that such records are necessary or required for a judicial or other proper purpose; or to prevent the misuse or misappropriation of City, state or federal governmental funds.

(c) Except as provided in §205.07 (a) of this Code, the Commissioner or the Commissioner's designee may grant access to unidentifiable line or cell vital records data or identifiable vital records information to qualified researchers for scientific purposes. Researchers shall submit a written request for access to such information to the Commissioner or the Commissioner's designee for review. The Commissioner or the Commissioner's designee may require such researcher to agree to conditions governing the possession and use of the data by the researcher. No person shall violate any term or condition of a written data use agreement filed with the Department upon which the Department or the Commissioner has relied to grant access to information or data.

(d) Proof satisfactory to the Department of the identity of the person making a request to inspect vital records or data such as a government issued identification record which may include a birth certificate, passport and other photographic identification, shall be provided to Department prior to inspection.

Notes:

This section was amended by resolution adopted on March 16, 2010.

This section was amended to include "vital" in the section heading to clarify that this section is applicable to vital records or data. It has also been divided into subdivisions to make the section more readable.

Subdivision (a) was amended to conform the language to the related language as provided for in revised section 3.25 of the Health Code. It was also amended to specify conditions related to requests by governmental agencies, whether foreign or domestic, for certified copies, individually identifiable information or verifications. This would enable prevention or detection of fraud and inter-jurisdictional exchange of records or data that relate to residents of those jurisdictions or persons born in those jurisdictions if such information is necessary for a proper purpose. Such requests would be granted only if the Commissioner or the Commissioner's designee agree that the requested information is necessary for a proper purpose. Language related specifically to death information was deleted from subdivision (a) and added as a new subdivision (b).

Subdivision (b) was added to make the section more readable. It includes a person in control of disposition, instead of next of kin, as an entitled party, which is in conformance with §4201 of the New York State Public Health Law.

Subdivision (c) was added to specify the conditions under which researchers be granted access to unidentifiable vital records data or identifiable vital records information, and to strengthen the protections of vital records data.

Subdivision (d) was added to provide stricter requirements concerning the proof of the identity of the party requesting access to vital records to help prevent fraudulent obtainment and use of such information.

RESOLVED, that §207.13 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.13 Fees for [searches and transcripts of records] vital statistics services.

(a) The Department shall charge fees for searches and transcripts as follows:

(1) For a search of two consecutive calendar years under one name and for issuance of a certified copy of a certificate of birth, death, or spontaneous termination of pregnancy, or a certification of birth or death, or a certification that the record cannot be found, the fee is \$15.00 for each copy in accordance with §4179 of the New York State Public Health Law.

(2) For each additional calendar year search, if applied for at the same time or within three months of the original request and if proof of payment for the basic search is submitted, the fee is \$1;

(3) For a certified copy of the reverse side of a death certificate, or its electronic equivalent, issued at the same time as a copy of the face of the certificate, the fee is \$2; and

(4) For a two calendar year search under one name for documents relating to transportation of human remains and the issuance of a certified copy of one side of a document, the fee is \$3 and for each certified copy of an additional side, the fee is \$1.50 [; and,

(5) For consulting indexes to vital statistics records, in accordance with the provisions of § 3.27(e), the fee is \$5 for each day or part thereof. The fee for consulting such indexes for one year is \$100, which shall enable the applicant to designate not more than two representatives to consult such indexes on his behalf.

(b) When the Board permits inspection or disclosure of information contained in a confidential medical report of birth, termination of pregnancy or death, fees shall be charged as follows:

(1) For a search of two consecutive calendar years under one name and for issuance of an uncertified copy of the certificate and confidential medical report, if found, the fee is \$2.50. For each additional year searched the fee is \$1.

(2) When the certificate number is furnished or search is made by the person or a representative of the person to whom approval has been granted, the fee for an uncertified copy of the certificate and confidential medical report is \$1.

(c)(b) Upon proper application by an authorized person, the Department shall exchange a certified copy of a birth or death certificate, or a certification that such a record cannot be found, for a certification of birth or death [and] if the record can then be found. Upon proper application by an authorized person, the Department shall exchange a certification of birth or death, or a certification that such a record or a spontaneous termination of pregnancy certificate cannot be found, for a certified copy of a birth, spontaneous termination of pregnancy or death certificate if the record can then be found. Such exchanges shall be made without charge[,] when application is made within three months of the issuance of the certification that a record cannot be found or of the certified copy or certification to be exchanged.

(d)(c) When application for searches and issuance of transcripts is made by any agency of the government of the United States, a voucher for future payment of required fees may be accepted by the Department instead of immediate payment of fees.

(e)(d) The Department shall make searches and issue certified copies, [or] transcripts, corrections or disposition permits without charge when:

(1) Requested for official purposes by any agency of the City or State or of any other political subdivision of the State; or,

(2) Requested pursuant to [§ 1384-n of the Civil Practice Act] the Civil Practice Law and Rules in connection with an application for benefits available from the Veterans Administration, if written proof of the application is first submitted; or,

(3) Requested in connection with applications for allowances for dependents of persons in the armed forces of the United States, in connection with an induction or enlistment into

any armed force of the United States, or in connection with an application for a veterans' bonus pursuant to any law of the State, if written proof of the application, induction or enlistment is first submitted; or,

(4) Requested by an officer of the New York Society for the Prevention of Cruelty to Children for use in court cases; or,

(5) The Commissioner or the person in charge of the office of the Department designated to receive vital records, for good cause, so directs.

[f](e) The Department may issue without charge verifications of information contained on birth, spontaneous termination of pregnancy or death certificates [records] filed with the Department when such information is provided and a verification is requested by an agency of the City[,], or State of New York [, the government of the United States, any state, territory or possession of the United States or any political subdivision thereof, the government of the District of Columbia, or by charitable or social welfare organizations or agencies]. The Department may issue such verifications for a negotiated and agreed-upon fee to other governmental agencies, whether foreign or domestic.

[g](f) The Department shall, effective January 1, 2010, charge an application fee of \$40.00 to correct or amend birth or death certificates as follows:

- (1) Adding a given name more than 60 days after birth
- (2) Correcting birth and death certificate errors and omissions made by family members and informants
- (3) Correcting hospital birth certificate errors and omissions after 12 months
- (4) Correcting funeral home errors
- (5) Correcting funeral home omissions filed after 12 months
- (6) Amending a birth certificate for an adoption
- (7) Amending a birth certificate for a person who has undergone convertive surgery
- (8) Re-submitting an application more than 1 year after rejection.

[h](g) The Department shall, effective January 1, 2010, charge a fee of \$40.00 for disposition permits issued pursuant to Article 205, except those for burials in the City cemetery.

Notes:

This section was amended by resolution adopted on March 16, 2010.

Paragraph (1) of subdivision (a) was amended to provide for fees for searches and issuance of certificates of spontaneous termination of pregnancy. It was also amended to update the Health Code to reflect the \$15.00 fee for each search and issuance of a certified copy that has been in effect since 1990, in accordance with §4179 of the New York State Public Health Law.

Paragraph (3) of subdivision (a) was amended to add "electronic equivalent," to update the code to include

electronic systems and to add the word "and."

Paragraph (4) of subdivision (a) was amended to delete the word "and."

Paragraph (5) of subdivision (a) was repealed as access to vital statistics indexes will no longer be allowed, to prevent the fraudulent use of the information provided in the indexes

Subdivision (b) was deleted as the Department no longer issues uncertified copies of certificates and confidential medical reports under the circumstances contemplated by the deleted language. The subdivisions following the subdivision were re-lettered.

Re-lettered subdivision (b) was reworded to improve clarity and to add spontaneous termination of pregnancy certificates.

Re-lettered subdivision (d) was amended to update the reference to New York State Civil Practice Law and Rules.

Re-lettered subdivision (e) was amended to specify that verifications of information contained on birth, spontaneous termination of pregnancy or death certificates may be issued without charge to an agency of the City or State of New York. It was further amended to permit the Department to issue such verifications for a negotiated and agreed-upon fee to other governmental agencies. This would enable the Department to participate in the electronic verification of vital event information with federal agencies for fraud prevention purposes.

RESOLVED, that §207.15 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.15 Preservation of records.

Registries of birth, termination of pregnancy or death, and permits required to be kept on file pursuant to § 205.21[5(b)], may be permanently preserved electronically, or through photostatic, microphotographic or microfilm copies, or such other preservation methods as may be approved by the department.

Notes:

This section was amended on March 16, 2010 to allow for other methods of records preservation if such methods are developed.

RESOLVED, that §207.17 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code,

found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.17 Certificates and reports; legibility and correctness.

Every certificate of birth, termination of pregnancy and death, and every confidential medical report which is not filed electronically in accordance with other provisions of this Code shall be filled out legibly on typewriter or other device acceptable to the Department or with permanent black ink and shall be properly signed. No certificate or report shall be accepted which is imperfectly filled out, or on which a felt-tipped type of pen has been used, or if it has been corrected, interlined or altered in any manner.

Notes:

This section was amended on March 16, 2010 to allow for other devices for completing certificates if such other devices are developed.

RESOLVED, that §207.19 of Article 207 (General Vital Statistics Provisions) of the New York City Health Code, found in Title 24 of the Rules of the City of New York, be, and the same hereby is, amended, to be printed together with explanatory notes to read as follows:

§ 207.19 Births, termination of pregnancy and deaths on buses, train, ships and airplanes.

When a birth, termination of pregnancy or death occurs on a bus, train, ship or airplane which terminates a voyage, trip or flight at a terminal in The City of New York, the person in charge or the owner of such bus, train, ship or airplane shall file with the Department a certificate of such birth, if the child is brought into the City, or a certificate of termination of pregnancy or death if the remains are brought into the City. A certificate of birth occurring on a ship or airplane during any voyage, trip or flight which terminates at a terminal in the Port of New York, but not in The City of New York, may be filed with the Department if the child is brought into the City. Certificates, on a form prescribed by the Board and furnished by the Department, shall be filed with [the Manhattan office of] the Department within 24 hours following the arrival of the bus, train, ship or airplane. Certificates shall contain such information as the Board may require, including the specific location or the latitude and longitude where such event took place and whether the event occurred on land, at sea, or in the air.

Notes:

This section was amended on March 16, 2010 to delete a reference to the Manhattan office of the Department as a place to file a certificate of birth.

SPECIAL MATERIALS

CHANGES IN PERSONNEL

DEPARTMENT OF FINANCE FOR PERIOD ENDING 02/05/10						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
WALTERS	DERRICK	10251	\$35285.0000	PROMOTED	NO	01/24/10
WILLIAMS	SIMONE R	10251	\$35285.0000	PROMOTED	NO	01/24/10
WOODSON-HARPER	DANIELLE	10251	\$35285.0000	PROMOTED	NO	01/24/10

DEPARTMENT OF TRANSPORTATION FOR PERIOD ENDING 02/05/10						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
ARTHURS	JAMES T	91925	\$341.8800	APPOINTED	YES	01/19/10
D'OTTAVIO III	WILLIAM J	92510	\$232.0000	APPOINTED	NO	10/20/09
DIAZ	STEVEN J	91717	\$343.0000	APPOINTED	NO	01/19/10
DOPPKE	RYAN	91522	\$61723.0000	APPOINTED	NO	01/19/10
ELSHAMY	HESHAM A	20215	\$82737.0000	RESIGNED	YES	01/24/10
FAURE	JOSEPH	91510	\$70926.0000	RETIRED	NO	01/29/10
FLETCHER	LAWRENCE	13621	\$67569.0000	RETIRED	NO	01/28/10
HANSON	ROBERT E	91352	\$69171.0000	DECEASED	NO	01/16/10
JAMIL	MAZHAR	20210	\$61114.0000	APPOINTED	NO	10/13/09
KAGAN	MARINA	20210	\$65934.0000	APPOINTED	NO	10/13/09
KIRSCHBAUM	MICHAEL A	90702	\$176.5600	APPOINTED	YES	02/11/07
KWAN	KWOK	20310	\$63394.0000	APPOINTED	NO	10/13/09
LEWIS-INCE	RONETTA	10251	\$19.3100	RESIGNED	NO	11/01/09
LODHI	TAJUL I	20210	\$61088.0000	APPOINTED	NO	10/13/09
MAJID	ABDUL	20210	\$56715.0000	APPOINTED	NO	10/13/09
MEHTA	JAYESH	20210	\$65698.0000	APPOINTED	NO	10/13/09
MILIN	DRAGO	91805	\$308.0000	RETIRED	YES	01/30/10
MURRAY	RYAN	40910	\$24.1100	APPOINTED	YES	01/24/10
NAHEEDY	CYRUS	91406	\$9.5700	APPOINTED	YES	01/19/10
O'HAIRE	KEVIN	91717	\$343.0000	APPOINTED	NO	01/19/10
SAMBALIS	PETER	34202	\$75600.0000	APPOINTED	NO	10/13/09
SOKOLOVSKY	VADIM	34202	\$79495.0000	APPOINTED	NO	10/13/09
TAYLOR	ERIC C	10251	\$35285.0000	RESIGNED	YES	01/24/10
VELAZQUEZ	JOSE C	92508	\$34681.0000	DISMISSED	NO	01/17/10
ZABIGAYLO	ANATOLIY	34202	\$66266.0000	APPOINTED	NO	10/13/09
ZHURAKHINSKAYA	MARIYA M	20210	\$56528.0000	APPOINTED	NO	10/13/09

DEPT OF PARKS & RECREATION FOR PERIOD ENDING 02/05/10						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
AGNELLO	LINDA S	1002C	\$75000.0000	PROMOTED	NO	01/17/10
ALLEN	BRITNEY	80633	\$9.2100	RESIGNED	YES	12/19/09
ALLWOOD	KERRYANN	80633	\$9.2100	RESIGNED	YES	12/31/09
ARGO	JUSTIN D	81106	\$44051.0000	PROMOTED	NO	01/17/10
BATTISTA	JEANNE M	1002C	\$64267.0000	PROMOTED	NO	01/17/10
BEAL	SIMONE	80633	\$9.2100	RESIGNED	YES	12/15/09
BEGUM	SHEKH S	80633	\$9.2100	RESIGNED	YES	12/22/09
BELLINGER	TRACZIE L	60421	\$18.0400	APPOINTED	YES	01/12/10
BELTRAN	NATHIA	1002C	\$53373.0000	PROMOTED	NO	01/17/10
BIRMINGHAM	HAROLD C	81106	\$44051.0000	PROMOTED	NO	01/17/10
BLACK	FELECIA	80633	\$9.2100	RESIGNED	YES	12/16/09
BLACKMAN	YOSANETH	80633	\$9.2100	RESIGNED	YES	12/18/09
BRADLEY	SHANTAY	80633	\$9.2100	RESIGNED	YES	12/22/09
BROWN	EILEEN A	1002C	\$58594.0000	PROMOTED	NO	01/17/10
BROWN	RENEE	80633	\$9.2100	APPOINTED	YES	01/19/10
CALDWELL	LISA	80633	\$9.2100	RESIGNED	YES	12/10/09

CANCEL	ANABEL	91406	\$14.9800	RESIGNED	YES	08/24/09
CARDE	CYNTHIA	80633	\$9.2100	RESIGNED	YES	12/24/09
CARDONA	MILAGROS	80633	\$9.2100	RESIGNED	YES	12/22/09
CARRION	MILES	80633	\$9.2100	RESIGNED	YES	12/31/09
CHAN	LO Y	30087	\$78000.0000	INCREASE	YES	01/24/10
CHERRY	GERMAINE	80633	\$9.2100	APPOINTED	YES	01/19/10
CHISHOLM	MARIAN	1002C	\$53373.0000	PROMOTED	NO	01/17/10
CHONILLO	ALBERTO	80633	\$9.2100	RESIGNED	YES	12/16/09
CLAUDIO	CAROLYN S	80633	\$9.2100	RESIGNED	YES	01/14/10
COLON	CARMEN	80633	\$9.2100	RESIGNED	YES	01/16/10
COLON	GUADALUP L	80633	\$9.2100	RESIGNED	YES	01/09/10
COOK	COBY	80633	\$9.2100	RESIGNED	YES	01/06/10
CORDOVA	GILBERTO	80633	\$9.2100	RESIGNED	YES	01/01/10
CORVALAN	PATRICIA A	06070	\$38265.0000	RESIGNED	YES	01/15/10
COTTE	BETHIA	80633	\$9.2100	RESIGNED	YES	01/10/10
CRUZ ORTIZ	GLARIMAR	80633	\$9.2100	RESIGNED	YES	12/27/09
CUMBERBATCH	JERAE	80633	\$9.2100	APPOINTED	YES	01/19/10
DALLOJACONO	KATHLEEN	10124	\$46271.0000	RETIRED	NO	01/23/10
DAVILA	FRANCISC	90641	\$13.4800	APPOINTED	YES	11/26/08
DAVIS	MICHELLE Y	80633	\$9.2100	RESIGNED	YES	12/25/09
DAVIS	MONESHA	80633	\$9.2100	RESIGNED	YES	11/05/09
DEBROW	TUIREAU D	80633	\$9.2100	APPOINTED	YES	01/19/10
DEJESUS	EDWIN	80633	\$9.2100	RESIGNED	YES	01/02/10
DEL VALLE	JESSICA	1002C	\$53373.0000	PROMOTED	NO	01/17/10
DESOUTER	EDWARD	92306	\$278.3200	INCREASE	YES	04/13/09
DIGIOVANNI	IRENE M	81106	\$44051.0000	PROMOTED	NO	01/17/10
DIGRAZIA	CATHERIN M	1002C	\$66032.0000	PROMOTED	NO	01/17/10
DOYLE PALISWIAT	JEANNE E	1002C	\$58739.0000	PROMOTED	NO	01/17/10
DUFFY	JUSTIN F	30087	\$67000.0000	APPOINTED	YES	01/27/10
DUNBAR	LAFAYETTE	80633	\$9.2100	RESIGNED	YES	12/30/09
DUSHAIN	DONALD	80633	\$9.2100	RESIGNED	YES	01/16/10
EASON	CHARLES	80633	\$9.2100	RESIGNED	YES	01/06/10
EDWARDS	STACEY	80633	\$9.2100	RESIGNED	YES	12/19/09
EDWARDS	YVETTE	80633	\$9.2100	RESIGNED	YES	01/20/10
ELNAHAL	CHAD	81106	\$44051.0000	PROMOTED	NO	01/17/10
FEBUS	MARIA E	1002C	\$70996.0000	PROMOTED	NO	01/17/10
FERNANDEZ	LIBERTAD	81106	\$44051.0000	PROMOTED	NO	01/17/10
FIGUERAS	TARA	80633	\$9.2100	RESIGNED	YES	12/30/09
FISHER	JEROME	81106	\$44051.0000	PROMOTED	NO	01/17/10
FLYNN	KELLIE K	80633	\$9.2100	RESIGNED	YES	12/16/09
FONTAINE	TRACEY	80633	\$9.2100	RESIGNED	YES	01/19/10
FORD	RAYMOND	80633	\$9.2100	RESIGNED	YES	01/04/10
GARCIA	EVELYN	80633	\$9.2100	RESIGNED	YES	01/06/10
GARCIA	ISIDORE	81106	\$44051.0000	PROMOTED	NO	01/17/10
GIBBS	SAKINA	80633	\$9.2100	RESIGNED	YES	12/23/09
GIBSON	LATISHA	80633	\$9.2100	RESIGNED	YES	12/28/09
GLEASON	DANIEL	81310	\$22.5300	APPOINTED	YES	01/12/10
GONZALEZ	FRANCES	80633	\$9.2100	RESIGNED	YES	01/10/10
GRANITTO	PHILIP	82991	\$121464.0000	INCREASE	YES	01/24/10
GRONEVELDT	TAMIKA M	80633	\$9.2100	RESIGNED	YES	01/09/10
GUEST	TARISHA	80633	\$9.2100	APPOINTED	YES	01/15/10
HARRIS	DAVID	90641	\$33986.0000	RETIRED	YES	01/28/10
HEINEMANN	ZHENESSE	56057	\$17.6900	APPOINTED	YES	01/11/10
HERNANDEZ	DANNY	81106	\$44051.0000	PROMOTED	NO	01/17/10
HOLMAN	JUANICE	60421	\$32963.0000	TERMINATED	NO	12/12/09
HOWE	DEBORAH L	30087	\$78000.0000	INCREASE	YES	01/24/10
JAMISON	LATOYA	80633	\$9.2100	RESIGNED	YES	12/25/09
JENKINS	VERONICA	80633	\$9.2100	RESIGNED	YES	11/21/09
JESSAMY-ZINGALE	DEBORAH H	1002C	\$53863.0000	PROMOTED	NO	01/17/10
JOHNSON	LILLIAN L	80633	\$9.2100	RESIGNED	YES	12/13/09
JOHNSON	SHAYNETT	80633	\$9.2100	RESIGNED	YES	01/06/10
JONES	MARY E	80633	\$9.2100	RESIGNED	YES	11/20/09
JONES	SHAREKA	80633	\$9.2100	RESIGNED	YES	12/04/09
JOSEPH	CHERYN	80633	\$9.2100	RESIGNED	YES	12/15/09
JOST	CASEY	06664	\$14.9000	APPOINTED	YES	01/13/10
KAO	JENNIFER	22122	\$68000.0000	INCREASE	YES	

READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

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.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>
- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application. If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE.... Date Intent to Negotiate Notice was published in CR
- OLB..... Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN..... Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS..... Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/**only one source
- RS..... Procurement from a Required Source/ST/FED
- NA..... Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE **Service Contract Extension/**insufficient time; necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.