



# THE CITY RECORD

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## TABLE OF CONTENTS

### PUBLIC HEARINGS AND MEETINGS

City Planning Commission . . . . .	5469
Community Boards . . . . .	5471
Board of Education Retirement System . . . . .	5471
Information Technology and Telecommunications . . . . .	5471
Landmarks Preservation Commission . . . . .	5472
Transportation . . . . .	5473

### PROPERTY DISPOSITION

Citywide Administrative Services . . . . .	5475
Environmental Protection . . . . .	5475
Housing Preservation and Development . . . . .	5475

### PROCUREMENT

Citywide Administrative Services . . . . .	5476
Administration . . . . .	5476
Comptroller . . . . .	5476
Asset Management . . . . .	5476
General Counsel . . . . .	5476
Education . . . . .	5477
Contracts and Purchasing . . . . .	5478
Environmental Protection . . . . .	5478
Agency Chief Contracting Office . . . . .	5479
Wastewater Treatment . . . . .	5479
Water Supply . . . . .	5479
Health and Mental Hygiene . . . . .	5479

Housing Authority . . . . .	5479
Procurement . . . . .	5479
Human Resources Administration . . . . .	5480
Information Technology and Telecommunications . . . . .	5480
Management and Budget . . . . .	5480
Law Department . . . . .	5481
Parks and Recreation . . . . .	5481
Police Department . . . . .	5481
Probation . . . . .	5481
Sanitation . . . . .	5481
School Construction Authority . . . . .	5481
Contract Administration . . . . .	5481

### CONTRACT AWARD HEARINGS

Administration for Children's Services . . . . .	5482
Environmental Protection . . . . .	5482
Parks and Recreation . . . . .	5483

### AGENCY RULES

Consumer and Worker Protection . . . . .	5483
Health and Mental Hygiene . . . . .	5490

### SPECIAL MATERIALS

Citywide Administrative Services . . . . .	5496
Office of Collective Bargaining . . . . .	5497
Design and Construction . . . . .	5497
Health and Mental Hygiene . . . . .	5499
Mayor's Office of Contract Services . . . . .	5499
Changes in Personnel . . . . .	5499

### LATE NOTICE

Office of the Mayor . . . . .	5500
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## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

### CITY PLANNING COMMISSION

#### ■ PUBLIC HEARINGS

The City Planning Commission will hold a public hearing accessible both in-person and remotely, via the teleconferencing application Zoom, at 10:00 A.M. Eastern Daylight Time, on Wednesday, November 9, 2022, regarding the calendar items listed below. The public hearing will be held in person in the NYC City Planning Commission Hearing



Room, Lower Concourse, 120 Broadway, New York, NY. Anyone attending the meeting in-person is encouraged to wear a mask.

The meeting will be live streamed through Department of City Planning's (DCP's) website and accessible from the following webpage, which contains specific instructions on how to observe and participate, as well as materials relating to the meeting: <https://www1.nyc.gov/site/nycengage/events/city-planning-public-meeting/413960/1>.

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

- 877 853 5247 US Toll-free
- 888 788 0099 US Toll-free
- 253 215 8782 US Toll Number
- 213 338 8477 US Toll Number

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

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

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

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

**BOROUGH OF THE BRONX**

**No. 1**

**BRUCKNER SITES REZONING CITY MAP CHANGE**

**CD 10**

**C 210301 MMX**

**IN THE MATTER OF** an application submitted by Throggs Neck Associates LLC, 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:

1. the elimination, discontinuance and closing of a portion of Meyers Street between East Tremont Avenue and Edison Avenue;
2. the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13146, dated June 24, 2022, and signed by the Borough President.

**BOROUGH OF BROOKLYN**

**Nos. 2 & 3**

**446-448 PARK AVENUE REZONING**

**No. 2**

**CD 3**

**C 210332 ZMK**

**IN THE MATTER OF** an application submitted by 446-448 Park Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-1 District to an M1-4/R6A District property bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue; and
2. establishing a Special Mixed Use District (MX-4) bounded by Park Avenue, a line midway between Franklin Avenue and Skillman Street, a line 80 feet southerly of Park Avenue, and a line 105 feet westerly of Franklin Avenue;

as shown on a diagram (for illustrative purposes only), dated July 11, 2022, and subject to the conditions of CEQR Declaration E-681.

**No. 3**

**CD 3**

**N 210333 ZRK**

**IN THE MATTER OF** an application submitted 446-448 Park Realty Corp., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

\* \* \*

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

\* \* \*

**BROOKLYN**

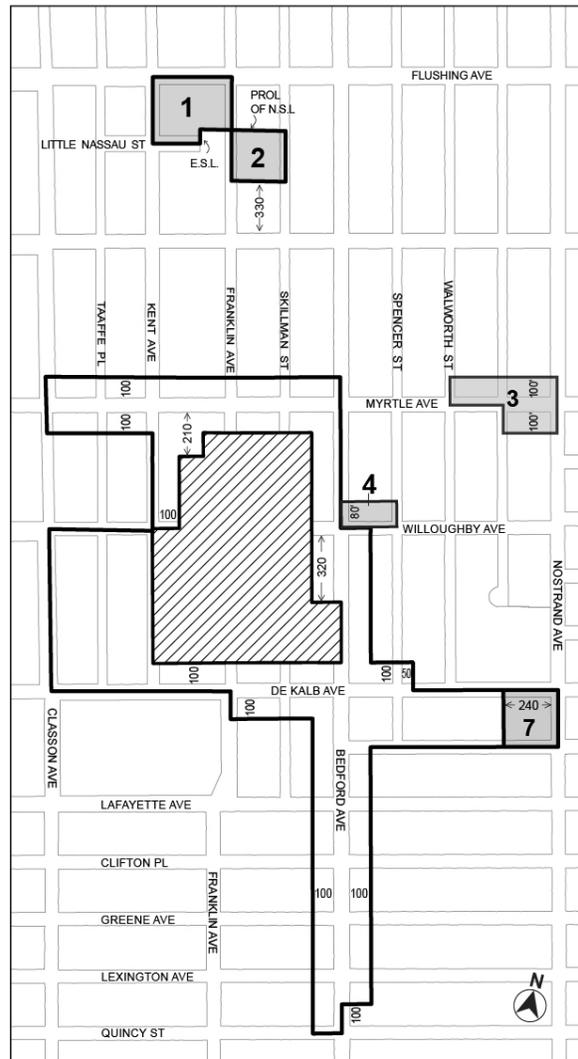
\* \* \*

**Brooklyn Community District 3**

\* \* \*

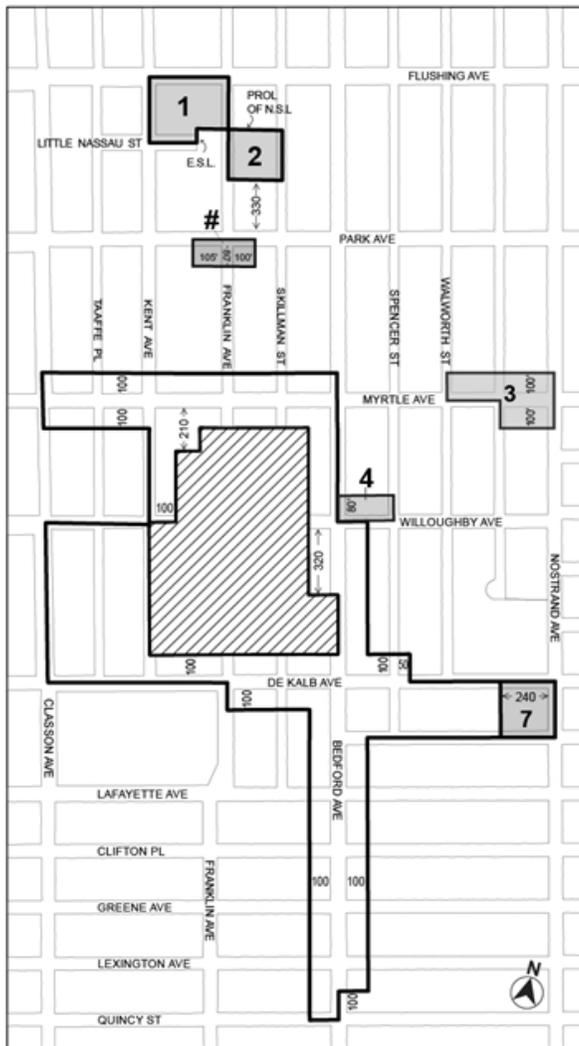
Map 3 – [date of adoption]

[EXISTING MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
  - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
  - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
  - Area 3 – 11/30/17 MIH Program Option 1
  - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
  - Area 7 – 11/10/21 MIH Program Option 2
-  Excluded Area

[PROPOSED MAP]



- Inclusionary Housing designated area
- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
  - Area 1 – 5/10/17 MIH Program Option 1, Option 2 and Workforce Option
  - Area 2 – 5/10/17 MIH Program Option 1 and Option 2
  - Area 3 – 11/30/17 MIH Program Option 1
  - Area 4 – 2/13/19 MIH Program Option 1 and Option 2
  - Area 7 – 11/10/21 MIH Program Option 2
  - Area # – [date of adoption] MIH Program Option 1 and Option 2
- Excluded Area

Portion of Community District 3, Brooklyn

\* \* \*

**BOROUGH OF MANHATTAN**  
**No. 4**  
**ACS HQ 110 WILLIAM STREET**

**CD 1** **N 230084 PXM**  
**IN THE MATTER OF** a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services and the Administration for Children’s Services, pursuant to Section 195 of the New York City Charter for the use of property, located at 110 William Street (Block 77, p/o Lot 8) (Administration for Children’s Services office), Borough of Manhattan, Community District 1.

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

Accessibility questions: (212) 720-3508, AccessibilityInfo@planning.nyc.gov, by: Wednesday, November 2, 2022, 5:00 P.M.



**COMMUNITY BOARDS**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that the following matter has been scheduled for Public Hearing by Community Board:

**BOROUGH OF BROOKLYN**

Community Board No. 10 - Thursday, November 17, 2022, at 7:00 P.M., Shore Hill Community Room, 9000 Shore Road, Brooklyn, NY 11209. The meeting will be livestreamed, to <https://www.youtube.com/channel/UCPueX4MsL5dhnFZ-wqDwvKw>.

Public Hearing regarding a Board of Standards and Appeals Special Permit application submitted by Shore Hill Housing Company, Inc., to reduce the existing parking requirement from 73 spaces to 56 spaces, at Shore Hill Housing, 9000 Shore Road, Brooklyn, in order to facilitate construction of a new building on the premises. The new building will be 90.33 feet high and would create an additional 137 affordable senior housing units.



n4-17

**BOARD OF EDUCATION RETIREMENT SYSTEM**

■ MEETING

The Board of Education Retirement System Board of Trustees Meeting, will be held, on Tuesday, November 15, 2022, from 4:00 P.M. - 6:00 P.M. via Webex. If you would like to attend this meeting, please contact BERS Executive Director, Sanford Rich, at [Srich4@bers.nyc.gov](mailto:Srich4@bers.nyc.gov)

n3-15

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

■ PUBLIC HEARINGS

**NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE (“FCRC”) REMOTE PUBLIC HEARING** to be held on November 7, 2022, at 2:30 P.M., via Microsoft Teams Dial-in relative to the following:

- 1) a proposed transaction whereby ZenFi Networks, LLC, holder of an information services franchise agreement with the City of New York, would be sold in its entirety to BAI US HoldCo LLC; 2) a proposed transaction whereby ZenFi Networks, LLC, holder of a mobile telecommunications franchise agreement with the City of New York, would be sold in its entirety to BAI US HoldCo LLC. The New York City Office of Technology and Innovation has reviewed the proposed transaction and the franchise agreements and has determined that City approval is required.

The public may also participate in the public hearing by calling the dial-in number below. Written testimony may be submitted in advance of the hearing electronically to, [fcrc@mocs.nyc.gov](mailto:fcrc@mocs.nyc.gov). All written testimony must be received by November 4, 2022. In addition, the public may also testify during the hearing in person or by calling the dial-in number. The dial-in information is below:

Dial-in #: +1 646-893-7101  
 Access Code: 357 245 058#  
 Press # on further prompts

A draft copy of the proposed organizational charts may be obtained at no cost any of the following ways:

- 1) Submitting a written request to OTI, at [franchiseopportunities@doitt.nyc.gov](https://franchiseopportunities@doitt.nyc.gov), from **October 17, 2022** through **November 7, 2022**.
- 2) Downloading from **October 17, 2022** through **November 7, 2022**, on OTI’s website. To download a draft copy of the proposed before and after organizational charts, visit [www1.nyc.gov/content/oti/pages/franchises](http://www1.nyc.gov/content/oti/pages/franchises).
- 3) by submitting a written request by mail to NYC Office of Technology & Innovation, 2 MetroTech Center, P-1 Level Mailroom. Written requests must be received by **October 24, 2022**. For mail-in request, please include your name, return address, and a request for a specific calendar item franchise agreement.

A transcript of the hearing will be posted on the FCRC website at: <https://www1.nyc.gov/site/mocs/reporting/agendas.page>.

For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via email, at [DisabilityAffairs@mocs.nyc.gov](mailto:DisabilityAffairs@mocs.nyc.gov), or via phone at (646) 872-0231. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

Accessibility questions: [DisabilityAffairs@mocs.nyc.gov](mailto:DisabilityAffairs@mocs.nyc.gov), (646) 872-0231, by: Monday, October 31, 2022, 5:00 P.M.



o17-n7

**NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") REMOTE PUBLIC HEARING** to be held on November 7, 2022, at 2:30 P.M. via Microsoft Teams Dial-in relative to the following:

#1) a proposed information services franchise agreement between the City and Silicon Harlem, LLC; #2) a proposed information services franchise agreement between the City and United Federal Data of New York, LLC; #3) a proposed information services franchise agreement between the City and Annex Fiber Inc.; and #4) a proposed information services franchise agreement between the City and Virtue Media Visions Network, LLC.

The proposed franchise agreements would grant nonexclusive franchises to construct, install, use, operate and/or maintain wire, cable, and/or optical fiber and associated equipment on, over, and under the inalienable property of the City for the provision of Information Services, as defined in the proposed franchise agreements. The proposed franchise agreements have a term lasting until Jun. 26, 2032, with an option, at the New York City Office of Technology & Innovation's ("OTI")/DoITT's sole discretion, for the Parties to extend the Agreement for up to a further five-year period. The compensation includes the following: \$0.19 per foot with an escalator, except that no fee shall be charged per foot of Installation Area of which construction was initiated and completed within the first five years of the term in one or more of the Boroughs of the Bronx, Brooklyn, Queens, Staten Island or Manhattan above 96<sup>th</sup> Street. There is a quarterly minimum fee due to the City.

The public may also participate in the public hearing by calling the dial-in number below. Written testimony may be submitted in advance of the hearing electronically to, [fcrc@mocs.nyc.gov](mailto:fcrc@mocs.nyc.gov). All written testimony must be received by November 4, 2022. In addition, the public may also testify by calling the dial-in number. The dial-in information is below:

Dial-in #: +1 646-893-7101  
Access Code: 357 245 058#  
Press # on further prompts

A draft copy of the proposed franchise agreements may be obtained at no cost any of the following ways:

- 1) Submitting a written request to OTI, at [franchiseopportunities@doitt.nyc.gov](mailto:franchiseopportunities@doitt.nyc.gov), from **October 17, 2022** through **November 7, 2022**.
- 2) Downloading from **October 17, 2022** through **November 7, 2022**, on OTI's website. To download a draft copy of the proposed franchise agreements, visit [www1.nyc.gov/content/oti/pages/franchises](http://www1.nyc.gov/content/oti/pages/franchises).
- 3) by submitting a written request by mail to NYC Office of Technology & Innovation, 2 MetroTech Center, P-1 Level Mailroom. Written requests must be received by **October 24, 2022**. For mail-in request, please include your name, return address, and a request for a specific calendar item franchise agreement.

A transcript of the hearing will be posted on the FCRC website at: <https://www1.nyc.gov/site/mocs/reporting/agendas.page>.

For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via email, at [DisabilityAffairs@mocs.nyc.gov](mailto:DisabilityAffairs@mocs.nyc.gov), or via phone at (646) 872-0231. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least five (5) business days in advance of the hearing to ensure availability.

Accessibility questions: [DisabilityAffairs@mocs.nyc.gov](mailto:DisabilityAffairs@mocs.nyc.gov), (646) 872-0231, by: Monday, October 31, 2022, 5:00 P.M.



o17-n7

## LANDMARKS PRESERVATION COMMISSION

### ■ NOTICE

**NOTICE IS HEREBY GIVEN** that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, November 15, 2022 at 9:30 A.M., the Landmarks Preservation Commission (LPC or agency), will hold a public hearing by teleconference with respect to the properties list below, and then followed by a public meeting.

The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Please note that the order and estimated times are subject to change. The teleconference will be by the Zoom app and will be live-streamed on the LPC's YouTube channel, [www.youtube.com/nyc/lpc](http://www.youtube.com/nyc/lpc). Members of the public should observe the meeting on the YouTube channel and may testify on particular matters by joining the meeting using either the Zoom app or by calling in from any phone. Specific instructions on how to observe and testify, including the meeting ID and password, and the call-in number, will be posted on the agency's website, under the "Hearings" tab, <https://www1.nyc.gov/site/lpc/hearings/hearings.page>, on the Monday before the public hearing. Any person requiring language assistance services or other reasonable accommodation in order to participate in the hearing or attend the meeting should contact the LPC by contacting Gregory Cala, Community and Intergovernmental Affairs Coordinator, at [gcala@lpc.nyc.gov](mailto:gcala@lpc.nyc.gov), or (212) 602-7254 at least five (5) business days before the hearing or meeting. Please note: Due to the City's response to COVID-19, this public hearing and meeting is subject to change and/or cancellation.

#### **39-21 46th Street - Sunnyside Gardens Historic District**

**LPC-23-01743** - Block 149 - Lot 34 - **Zoning:** R4

#### **CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style rowhouse, designed by Clarence Stein and Henry Wright and, built in 1925. Application is to install skylights.

#### **112-03 178th Street - Addisleigh Park Historic District**

**LPC-22-05842** - Block - Lot 28 - **Zoning:** R2

#### **CERTIFICATE OF APPROPRIATENESS**

A vacant lot. Application is to construct a freestanding house.

#### **144 Greenpoint Avenue - Greenpoint Historic District**

**LPC-22-07187** - Block 2563 - Lot 37 - **Zoning:** C4-3A

#### **CERTIFICATE OF APPROPRIATENESS**

An altered commercial building originally, designed by Wilson & Dasau and, built in 1898. Application is to demolish the building and construct a new building.

#### **158 Bergen Street - Boerum Hill Historic District**

**LPC-23-00726** - Block 386 - Lot 18 - **Zoning:** R6B

#### **CERTIFICATE OF APPROPRIATENESS**

An Italianate style rowhouse, built in 1856-1861. Application is to construct a rear yard addition.

#### **593A Vanderbilt Avenue - Prospect Heights Historic District**

**LPC-22-07418** - Block 1138 - Lot 5 - **Zoning:** R7A

#### **CERTIFICATE OF APPROPRIATENESS**

An Italianate style store and flats building, built in c. 1879. Application is to construct a freestanding restaurant pavilion in the rear yard.

#### **86 Marlborough Road - Ditmas Park Historic District**

**LPC-22-10814** - Block 5095 - Lot 28 - **Zoning:** R1-2

#### **CERTIFICATE OF APPROPRIATENESS**

A Colonial Revival style freestanding house, designed by Bertram P. Wiltberger and, built in 1899. Application is to install solar panels.

#### **10 South Street - Individual Landmark**

**LPC-23-02281** - Block 2 - Lot 2 - **Zoning:** C4-6, LM

#### **BINDING REPORT**

A Beaux-Arts style marine terminal building, designed by Walker & Morris and, built in 1906-09. Application is to legalize rooftop work, the construction of elevator bulkheads, and signage modifications performed in non-compliance with and/or without Landmarks Preservation Commission permit(s), and to construct pergolas and additional features at the roof.

#### **565 Broadway - SoHo-Cast Iron Historic District**

**LPC-21-05595** - Block 498 - Lot 5 - **Zoning:** M1-5/R9X

#### **CERTIFICATE OF APPROPRIATENESS**

An Italianate style store and lofts building, designed by John Kellum and, built in 1859-60. Application is to replace marble units with a substitute material.

#### **112 2nd Avenue - East Village/Lower East Side Historic District**

**LPC-23-02975** - Block 448 - Lot 5 - **Zoning:** R7A, R8B, C2-5

#### **CERTIFICATE OF APPROPRIATENESS**

A Gothic Revival style church building, designed by Samuel Burrage Reed and, built in 1891-1892. Application is to demolish the remaining façade and foundation after the building experienced a fire.

**159 East 53rd Street - Individual Landmark****LPC-22-06894** - Block 1308 - Lot 7501 - **Zoning:****CERTIFICATE OF APPROPRIATENESS**

A late 20th century Modern style mixed use complex, designed by Hugh A. Stubbins and, built in 1973-78. Application is to install signage.

**514 West End Avenue - Riverside - West End Historic District Extension I****LPC-23-00197** - Block 1232 - Lot 61 - **Zoning:** R10A**CERTIFICATE OF APPROPRIATENESS**

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

**800 Park Avenue - Upper East Side Historic District****LPC-22-09485** - Block 1389 - Lot 36 - **Zoning:** R10, P1**CERTIFICATE OF APPROPRIATENESS**

A Neo-Renaissance style apartment building, designed by Electus D. Litchfield &amp; Pliny Rogers and, built in 1925. Application is to establish a master plan governing the future installation of windows.

o31-n15

**NOTICE IS HEREBY GIVEN** that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections, 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, November 15, 2022, at 9:30 A.M. the Landmarks Preservation Commission (LPC or agency) will hold a public hearing by teleconference with respect to the properties list below, and then followed by a public meeting.

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**155-159 West 10th Street (aka 186-188 Waverly Place) - Julius' Bar Building****LP-2663** - Block 611 - Lot 30**ITEM PROPOSED FOR PUBLIC HEARING**

The proposed designation of a 19th-century former row house in Greenwich Village, which since 1930 has housed Julius' Bar, the scene of significant events in the history of the fight for LGBTQ+ rights.

**455 Southern Boulevard (aka 462 Wales Avenue) - Samuel Gompers Industrial High School (now Mott Haven Community, Health LP-2666**

- Block 2576 - Lot 26

**ITEM PROPOSED FOR PUBLIC HEARING**

The proposed designation of a vocational high school, designed in the Medieval Revival style by William H. Gompert, with modifications by Walter C. Martin and built in 1931-32.

o31-n15

**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 remotely commencing on Friday, November 18, 2022, at 2:00 P.M., via the WebEx platform and in person, on the following petitions for revocable consent.

**WebEx: Meeting Number (access code): 2631 923 1670****Meeting Password: MiasJvZw643****The hearing will be held in person at 55 Water Street, Bid Room, in the Borough of Manhattan. Masks are required to be worn to enter the building and during the hearing.**

**#1 IN THE MATTER OF** a proposed revocable consent authorizing 1 Madison Office Fee LLC and 11 Madison Avenue Owner LLC, to continue to maintain and use a tunnel, under and across East 24<sup>th</sup>

Street, east of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2021 to June 30, 2031 and provides among other terms and conditions for compensation payable to the City according to the following schedule:  
**R.P. # 174**

For the period July 1, 2021 to June 30, 2022 - \$ 5,174  
For the period July 1, 2022 to June 30, 2023 - \$ 5,295  
For the period July 1, 2023 to June 30, 2024 - \$33,596  
For the period July 1, 2024 to June 30, 2025 - \$55,168  
For the period July 1, 2025 to June 30, 2026 - \$56,173  
For the period July 1, 2026 to June 30, 2027 - \$57,178  
For the period July 1, 2027 to June 30, 2028 - \$58,183  
For the period July 1, 2028 to June 30, 2029 - \$59,188  
For the period July 1, 2029 to June 30, 2030 - \$60,193  
For the period July 1, 2030 to June 30, 2031 - \$61,198

with the maintenance of a security deposit in the sum of \$61,200 the insurance shall be in the amount of Five Million Dollars (\$5,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Five Million Dollars (\$5,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#2 IN THE MATTER OF** a proposed revocable consent authorizing BOP 101 Lincoln Avenue LLC and BOP 2401 Third Avenue LLC, to construct, maintain and use a telecommunication conduit under, across and along 3<sup>rd</sup> Avenue, in the Borough of the Bronx. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule:  
**R.P. # 2533**

From The Approval Date to June 30, 2023 - \$3,057/per annum  
For the period July 1, 2023 to June 30, 2024 - \$3,114  
For the period July 1, 2024 to June 30, 2025 - \$3,171  
For the period July 1, 2025 to June 30, 2026 - \$3,228  
For the period July 1, 2026 to June 30, 2027 - \$3,285  
For the period July 1, 2027 to June 30, 2028 - \$3,342  
For the period July 1, 2028 to June 30, 2029 - \$3,399  
For the period July 1, 2029 to June 30, 2030 - \$3,456  
For the period July 1, 2030 to June 30, 2031 - \$3,513  
For the period July 1, 2031 to June 30, 2032 - \$3,570  
For the period July 1, 2032 to June 30, 2033 - \$3,627

with the maintenance of a security deposit in the sum of \$10,000 the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#3 IN THE MATTER OF** a proposed revocable consent authorizing Matthew Miller and Deirdre Miller, to continue to maintain and use a fenced-in area on the south sidewalk of West 85<sup>th</sup> Street, between Central Park West and Columbus Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2021 to June 30, 2031 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 1765**

For the period July 1, 2021 to June 30, 2031 - \$25/per annum

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

**#4 IN THE MATTER OF** a proposed revocable consent authorizing NHPF Harbor Hill Housing Development Fund Corporation and RAHF IV Harbor Hill LP, to continue to maintain and use fenced-in planted areas on the east sidewalk of Second Avenue, north of 57<sup>th</sup> Street and on the north sidewalk of 57<sup>th</sup> Street, east of Second Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2016 to June 30, 2026 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 1559**

From July 1, 2016 to June 30, 2026 - \$1,870/per annum

with the maintenance of a security deposit in the sum of \$4,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#5 IN THE MATTER OF** a proposed revocable consent authorizing Selfhelp HPS North Housing Development Fund Company, INC and 52-03 Center LLC, to construct, maintain and use Flood Mitigation System under the south sidewalk of Borden Avenue, west of Second Street; and under the west sidewalk of Second Street, south of Borden

Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from Date of Approval by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2579**

In accordance with Title 34, Section 7-04(a)(37) of the Rules of the City of New York, the Grantee shall make one payment of \$2,000 for the period of the Approval Date to June 30, 2033.

with the maintenance of a security deposit in the sum of \$15,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#6 IN THE MATTER OF** a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York, to construct, maintain and use new telecommunication conduits on the west sidewalk of Claremont Avenue, between LaSalle Street and Tiemann Place, in the Borough of Manhattan. 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: **R.P. # 2589**

From the Approval Date to June 30, 2023 - \$6,055/per annum  
 For the period July 1, 2023 to June 30, 2024 - \$ 6,167  
 For the period July 1, 2024 to June 30, 2025 - \$ 6,279  
 For the period July 1, 2025 to June 30, 2026 - \$ 6,392  
 For the period July 1, 2026 to June 30, 2027 - \$ 6,504  
 For the period July 1, 2027 to June 30, 2028 - \$ 6,616  
 For the period July 1, 2028 to June 30, 2029 - \$ 6,728  
 For the period July 1, 2029 to June 30, 2030 - \$ 6,841  
 For the period July 1, 2030 to June 30, 2031 - \$ 6,953  
 For the period July 1, 2031 to June 30, 2032 - \$ 7,065  
 For the period July 1, 2032 to June 30, 2033 - \$ 7,178

with the maintenance of a security deposit in the sum of \$7,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#7 IN THE MATTER OF** a proposed revocable consent authorizing Caroline H. Van Scheltinga, to construct, maintain and use a fenced-in area, including planters and steps on the south sidewalk of West 83<sup>rd</sup> Street, between Columbus Avenue and Central Park West, in the Borough of Manhattan. 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: **R.P. # 2582**

From the Approval Date to June 30, 2032 - \$25/per annum

with the maintenance of a security deposit in the sum of \$6,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#8 IN THE MATTER OF** a proposed revocable consent authorizing Lenox and Pennamont Housing Development Fund Corporation, to construct, maintain and use a stoop and fenced-in area, including accessible wheelchair lift on the east sidewalk of St. Nicholas Avenue, between West 120<sup>th</sup> Street and West 121<sup>st</sup> Street, in the Borough of Manhattan. 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: **R.P. # 2599**

From the Approval Date to June 30, 2023 - \$4,500/per annum  
 For the period July 1, 2023 to June 30, 2024 - \$ 4,584  
 For the period July 1, 2024 to June 30, 2025 - \$ 4,668  
 For the period July 1, 2025 to June 30, 2026 - \$ 4,752  
 For the period July 1, 2026 to June 30, 2027 - \$ 4,836  
 For the period July 1, 2027 to June 30, 2028 - \$ 4,920  
 For the period July 1, 2028 to June 30, 2029 - \$ 5,004  
 For the period July 1, 2029 to June 30, 2030 - \$ 5,088  
 For the period July 1, 2030 to June 30, 2031 - \$ 5,172  
 For the period July 1, 2032 to June 30, 2033 - \$ 5,340

with the maintenance of a security deposit in the sum of \$12,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#9 IN THE MATTER OF** a proposed revocable consent authorizing MKAP LLC, to construct, maintain and use a snowmelt system on the north sidewalk of East 70<sup>th</sup> Street, between 3<sup>rd</sup> Avenue and Lexington

Avenue, in the Borough of Manhattan. 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: **R.P. # 2598**

From the Approval Date to June 30, 2032 - \$25/per annum

with the maintenance of a security deposit in the sum of \$25,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#10 IN THE MATTER OF** a proposed revocable consent authorizing Sophia Condominium, to construct, maintain and use a fenced-in area on the west sidewalk of Roebing Street, between North 8<sup>th</sup> Street and North 9<sup>th</sup> Street, 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: **R.P. # 2596**

From the Approval Date to June 30, 2023 - \$1,500/per annum  
 For the period July 1, 2023 to June 30, 2024 - \$ 1,528  
 For the period July 1, 2024 to June 30, 2025 - \$ 1,556  
 For the period July 1, 2025 to June 30, 2026 - \$ 1,584  
 For the period July 1, 2026 to June 30, 2027 - \$ 1,612  
 For the period July 1, 2027 to June 30, 2028 - \$ 1,640  
 For the period July 1, 2028 to June 30, 2029 - \$ 1,668  
 For the period July 1, 2029 to June 30, 2030 - \$ 1,696  
 For the period July 1, 2030 to June 30, 2031 - \$ 1,724  
 For the period July 1, 2031 to June 30, 2032 - \$ 1,752  
 For the period July 1, 2032 to June 30, 2033 - \$ 1,780

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

**#11 IN THE MATTER OF** a proposed revocable consent authorizing West Farm Estates Company LP, to construct, maintain and use a new accessible ramp on the east sidewalk of West Farms Road, between Freeman Street and Boone Avenue, in the Borough of the Bronx. 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: **R.P. # 2597**

From the Approval Date to June 30, 2032 - \$25/per annum

with the maintenance of a security deposit in the sum of \$10,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#12 IN THE MATTER OF** a proposed revocable consent authorizing 1228 Madison Development Lessee LLC, to construct, maintain and use a snowmelt system in the west sidewalk of Madison Avenue, between East 88<sup>th</sup> Street and East 89<sup>th</sup> Street, in the Borough of Manhattan. 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: **R.P. # 2582**

From the Approval Date to June 30, 2023 - \$2,865/per annum  
 For the period July 1, 2023 to June 30, 2024 - \$2,918  
 For the period July 1, 2024 to June 30, 2025 - \$2,971  
 For the period July 1, 2025 to June 30, 2026 - \$3,024  
 For the period July 1, 2026 to June 30, 2027 - \$3,077  
 For the period July 1, 2027 to June 30, 2028 - \$3,130  
 For the period July 1, 2028 to June 30, 2029 - \$3,183  
 For the period July 1, 2029 to June 30, 2030 - \$3,236  
 For the period July 1, 2030 to June 30, 2031 - \$3,289  
 For the period July 1, 2031 to June 30, 2032 - \$3,342  
 For the period July 1, 2032 to June 30, 2033 - \$3,395

with the maintenance of a security deposit in the sum of \$3,500 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#13 IN THE MATTER OF** a proposed revocable consent authorizing Chilmark Realty, Inc., to continue to maintain and use benches on the south sidewalk of Spring Street, west of Crosby Street, in the Borough of Manhattan. 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: **R.P. # 1740**

For the period from July 1, 2020 – June 30, 2030 - \$1,200/per annum.

with the maintenance of a security deposit in the sum of \$1,200 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#14 IN THE MATTER OF** a proposed revocable consent authorizing Second and 103 LLC, to construct, maintain and use Flood Mitigation System under the east sidewalk of Second Avenue between 102<sup>nd</sup> and 103<sup>rd</sup> Streets; and under the south sidewalk of 103<sup>rd</sup> Street, east of Second Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2578**

In accordance with Title 34, Section 7-04(a)(37) of the Rules of the City of New York, the Grantee shall make one payment of \$2,000 for the period of the Approval Date to June 30, 2033.

with the maintenance of a security deposit in the sum of \$9,198 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

**#15 IN THE MATTER OF** a proposed revocable consent authorizing Tayseer Razik, to continue to maintain and use a retaining wall and a stoop on the east sidewalk of 193<sup>rd</sup> Street, north of 47<sup>th</sup> Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2105**

For the period from July 1, 2019 to June 30, 2029 - \$100/per annum.

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

**#16 IN THE MATTER OF** a proposed revocable consent authorizing The Frick Collection, to construct, maintain and use an accessibility ramp with stairs on the south sidewalk of East 71<sup>st</sup> Street east of Park Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2575**

From the Approval Date to June 30, 2033 – \$25/per annum.

with the maintenance of a security deposit in the sum of \$25,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations

**o27-n18**

## PROPERTY DISPOSITION

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

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

## CITYWIDE ADMINISTRATIVE SERVICES

### SALE

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

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

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

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

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

**jy29-j17**

## ENVIRONMENTAL PROTECTION

### NOTICE

Forest Management Project # 5182  
“Neversink Flats”

### NOTICE OF PROJECT AVAILABILITY

**Description:** *Bid solicitation for the Sale of Timber and Firewood in the Town of Neversink, NY.* The City of New York will sell approximately 155,000 board feet (International ¼” Rule) of sawtimber and 191 cords of hardwood & softwood cordwood through Forest Management Project ID #5182. The products included in this sale are on NYCDEP land located below the Neversink Reservoir Dam in Neversink, NY.

**Availability of Bid Information:** Detailed bid solicitation information is available by contacting Jamie Overton, DEP Forester, at **845-334-7883** (office) **646-256-7037** (cell) or via email at [joverton@dep.nyc.gov](mailto:joverton@dep.nyc.gov).

**Show Dates:** Prospective bidders should attend one of the public showings to receive the bid package, which is necessary to submit a valid bid. The bid package can also be obtained from the DEP Forester with prior arrangement. The showings will be held on **Monday, November 7, 2022 at 1:00 P.M.** and **Wednesday, November 9, 2022 at 9:00 A.M.** Please RSVP by phone or email if you plan to attend.

**Directions:** Showing attendees should park and gather at the gated entrance below the Neversink Reservoir Dam off BWS Road/Sullivan County Route 105A in Neversink, 41°48’57.9”N 74°38’11.1”W.

### Required Contractor Qualification:

1. The Contractor must maintain the required Workers Compensation and Disability Benefits Coverage.
2. The Contractor shall furnish and maintain a Commercial General Liability Insurance Policy.
3. The Contractor must have demonstrated experience, ability, and equipment to assure removal of timber under the terms of the agreement.

**Bid Due Date:** All bid proposals must be received by Jamie Overton, **NO LATER THAN Tuesday, November 22, 2022, at 3:00 P.M., local time.**

- By Mail: Jamie Overton  
P.O. Box 358  
Grahamsville, NY 12740
- In-person: Jamie Overton  
16 Little Hollow Road  
Grahamsville, NY 12740

**Opening of Bids:** Sealed bids will be publicly opened at the DEP Office, 16 Little Hollow Road, Grahamsville, NY on **Wednesday, November 23, 2022, at 9:00 A.M., local time.** The projected date for awarding the bid is on or about Wednesday, December 14, 2022.

**o26-n7**

## HOUSING PRESERVATION AND DEVELOPMENT

### PUBLIC HEARINGS

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

**j5-d30**

# PROCUREMENT

## “Compete To Win” More Contracts!

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

- Win More Contracts, at [nyc.gov/competetowin](http://nyc.gov/competetowin)

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

### HHS ACCELERATOR PREQUALIFICATION

To respond to human services Requests for Proposals (RFPs), in accordance with Section 3-16 of the Procurement Policy Board Rules of the City of New York (“PPB Rules”), vendors must first complete and submit an electronic HHS Accelerator Prequalification Application using the City’s PASSPort system. The PASSPort system is a web-based system maintained by the City of New York for use by its Mayoral Agencies to manage procurement. Important business information collected in the Prequalification Application is required every three years. Documents related to annual corporate filings must be submitted on an annual basis to remain eligible to compete. Prequalification applications will be reviewed to validate compliance with corporate filings and organizational capacity. Approved organizations will be eligible to compete and would submit electronic proposals through the PASSPort system. The PASSPort Public Portal, which lists all RFPs, including HHS RFPs that require HHS Accelerator Prequalification, may be viewed, at [https://passport.cityofnewyork.us/page.aspx/en/rfp/request\\_browse\\_public](https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public). All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding. For additional information about HHS Accelerator Prequalification and PASSPort, including background materials, user guides and video tutorials, please visit <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>.

### CITYWIDE ADMINISTRATIVE SERVICES

#### ■ AWARD

#### Construction Related Services

**PW322PLAN: CONSTRUCTION AND TECHNICAL SERVICES AT 345 ADAMS STREET, BROOKLYN, NY 11201 AND 210 JORALEMON STREET, BROOKLYN, NY 11201** - Renewal - PIN# 85620P8154KXLR001 - AMT: \$305,393.00 - TO: STV Construction Inc., 225 Park Avenue South, New York, NY 10003.

☛ n4

#### Goods

**AGILENT SPECTROMETERS - INTERGOV - OCME** - Intergovernmental Purchase - PIN# 81623O0002001 - AMT: \$1,334,015.76 - TO: Agilent Technologies Inc., 2850 Centreville Road, Wilmington, DE 19808.

NYS OGS Contract # PC 67240. Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, via email at: [Customer.Services@ogs.ny.gov](mailto:Customer.Services@ogs.ny.gov), or by phone at: (518) 474-6717.

☛ n4

**TRUCK, 3-4 CUBIC YARD WITH DUMP BODY - DPR** - Competitive Sealed Bids - PIN# 85723B0002001 - AMT: \$1,571,506.40 - TO: Gabrielle Truck Sales, Ltd, 153- 20 South Conduit Avenue, Jamaica, NY 11434.

☛ n4

### ADMINISTRATION

#### ■ SOLICITATION

#### Goods

**OVERHEAD DOOR REPLACEMENT PARTS** - Competitive Sealed Bids - PIN# 85723B0042 - Due 12-6-22 at 10:30 A.M.

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

[https://passport.cityofnewyork.us/page.aspx/en/rfp/request\\_browse\\_public](https://passport.cityofnewyork.us/page.aspx/en/rfp/request_browse_public)

If there are any issues with PASSPort, contact MOCS via the following link:

<https://mocssupport.atlassian.net/servicedesk/customer/portal/8>

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, Bid Room, New York, NY 10007. Benny Zhong (212) 386-0472; [bzhong@dcas.nyc.gov](mailto:bzhong@dcas.nyc.gov)

☛ n4

### COMPTROLLER

#### ASSET MANAGEMENT

#### ■ INTENT TO AWARD

#### Goods and Services

#### SECURITY CLASS ACTIONS CONSULTING SERVICES

- Negotiated Acquisition - Available only from a single source - PIN# 015-158-167-00-ZC - Due 11-18-22 at 3:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules, the New York City Comptroller Office (the “Comptroller’s Office”), acting on behalf of the New York City Retirement Systems, is seeking to extend the existing Security Class Actions Consulting Services Agreement with Institutional Shareholder Services Inc. (“ISS”), from July 1, 2022 to June 30, 2024. The Consultant provides Security Class Action Services.

Vendors that are interested in expressing interest in similar procurements in the future, may contact Sheri Surujbali, at [ssurujb@comptroller.nyc.gov](mailto:ssurujb@comptroller.nyc.gov).

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

Comptroller, 1 Centre Street, 8th Floor, New York, NY 10007. Bibi Sheri Surujbali (212) 669-3619; [ssurujb@comptroller.nyc.gov](mailto:ssurujb@comptroller.nyc.gov)

n1-7

### GENERAL COUNSEL

#### ■ INTENT TO AWARD

#### Services (other than human services)

#### PRIVATE MARKET’S REAL ESTATE INVESTMENT COUNSEL POOL

- Negotiated Acquisition - Specifications cannot be made sufficiently definite - PIN# 01523OGC65995-NAE3 - Due 11-21-22 at 5:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules (“Negotiated Acquisition Extension”), the New York City Comptroller’s Office, acting on behalf of the New York City Retirement Systems, intends to extend private markets real estate investments counsel services with the firms listed below, from February 1, 2023, to January 31, 2024. Amount: \$500,000, Firm: Day Pitney LLP, Address: 605 Third Avenue, 31st Floor, New York, NY 10158-1803.

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

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

Comptroller, 1 Centre Street, Room 701, New York, NY 10007. Pratibha Prabhu (212) 669-7383; pprabhu@comptroller.nyc.gov

☛ n4-14

**PRIVATE MARKETS REAL ESTATE INVESTMENT COUNSEL POOL** - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 01523OGC60000-NAE3 - Due 11-21-22 at 5:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules ("Negotiated Acquisition Extension"), the New York City Comptroller's Office, acting on behalf of the New York City Retirement Systems, intends to extend private markets real estate investments counsel services with the firms listed below, from February 1, 2023, to January 31, 2024. Amount: \$500,000, Firm: Seward & Kissell, Address: One Battery Park Plaza, New York, NY 10004.

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

Comptroller, 1 Centre Street, Room 701, New York, NY 10007. Pratibha Prabhu (212) 669-7383; pprabhu@comptroller.nyc.gov

☛ n4-14

**PRIVATE MARKETS REAL ESTATE INVESTMENT COUNSEL POOL** - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 01523OGC65998-NAE3 - Due 11-21-22 at 5:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules ("Negotiated Acquisition Extension"), the New York City Comptroller's Office, acting on behalf of the New York City Retirement Systems, intends to extend private markets real estate investments counsel services with the firms listed below, from February 1, 2023, to January 31, 2024. Amount: \$500,000, Firm: Pillsbury Winthrop Shaw Pittman LLP, Address: 31 West 52nd Street, New York, NY 10019.

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

Comptroller, 1 Centre Street, Room 701, New York, NY 10007. Pratibha Prabhu (212) 669-7383; pprabhu@comptroller.nyc.gov

☛ n4-14

**PRIVATE MARKETS REAL ESTATE INVESTMENT COUNSEL POOL** - Negotiated Acquisition - Specifications cannot be made sufficiently definite PIN# 01523OGC65994-NAE3 - Due 11-21-22 at 5:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules ("Negotiated Acquisition Extension"), the New York City Comptroller's Office, acting on behalf of the New York City Retirement Systems, intends to extend private markets real estate investments counsel services with the firms listed below, from February 1, 2023, to January 31, 2024. Amount: \$500,000, Firm: Cox Castle & Nicholson LLP, Address: 2029 Century Park East, Suite 2100, Los Angeles, CA 90067-3284.

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

Comptroller, 1 Centre Street, Room 701, New York, NY 10007. Pratibha Prabhu (212) 669-7383; pprabhu@comptroller.nyc.gov

☛ n4-14

**PRIVATE MARKETS REAL ESTATE COUNSEL POOL** - Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 01523OGC65999-NAE3 - Due 11-21-22 at 5:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules ("Negotiated Acquisition Extension"), the New York City Comptroller's Office, acting on behalf of the New York City Retirement Systems, intends to extend private markets real estate investments counsel services with the firms listed below, from February 1, 2023, to January 31, 2024. Amount: \$500,000, Firm: Reinhart Boerner Van Deuren SC, 1000 North Water Street, Suite 1700, Milwaukee, WI 53202.

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

Comptroller, 1 Centre Street, Room 701, New York, NY 10007. Pratibha Prabhu (212) 669-7383; pprabhu@comptroller.nyc.gov

☛ n4-14

**PRIVATE MARKETS REAL ESTATE INVESTMENT COUNSEL POOL** - Negotiated Acquisition - PIN# 01523OGC65997-NAE3 - Due 11-21-22 at 5:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules ("Negotiated Acquisition Extension"), the New York City Comptroller's Office, acting on behalf of the New York City Retirement Systems, intends to extend private markets real estate investments counsel services with the firms listed below, from February 1, 2023, to January 31, 2024. Amount: \$500,000, Firm: Morgan, Lewis & Beckius LLP, Address: 1701 Market Street, Philadelphia, PA 19103.

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

Comptroller, 1 Centre Street, Room 701, New York, NY 10007. Pratibha Prabhu (212) 669-7383; pprabhu@comptroller.nyc.gov

☛ n4-14

**PRIVATE MARKETS REAL ESTATE INVESTMENT COUNSEL POOL** - Negotiated Acquisition - Judgment required in evaluating proposals PIN# 01523OGC65996-NAE3 - Due 11-21-22 at 5:00 P.M.

In accordance with Section 3-04(b)(2)(iii) of the New York City Procurement Policy Board Rules ("Negotiated Acquisition Extension"), the New York City Comptroller's Office, acting on behalf of the New York City Retirement Systems, intends to extend private markets real estate investments counsel services with the firms listed below, from February 1, 2023, to January 31, 2024. Amount: \$500,000, Firm: Foster Garvey PC, Address: 1111 Third Avenue, Suite 3400, Seattle, WA 98101.

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

Comptroller, 1 Centre Street, Room 701, New York, NY 10007. Pratibha Prabhu (212) 669-7383; pprabhu@comptroller.nyc.gov

☛ n4-14

## EDUCATION

### ■ AWARD

#### Human Services/Client Services

**UPK-BTF-49727** - Competitive Sealed Proposals/Pre-Qualified List - PIN# 04022P0673171 - AMT: \$2,555,268.00 - TO: PNW Enterprises LLC, 15 West 36th Street, 9th Floor, New York, NY 10018.

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

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

☛ n4

**UPK-BTF-49644** - Competitive Sealed Proposals/Pre-Qualified List - PIN# 04022P0673057 - AMT: \$2,422,300.00 - TO: Eladias Kids Parent LLC, 264 Flatbush Avenue, 2nd Floor, Brooklyn, NY 11217.

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

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

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**R1395 - UPK FOR ALL** - Competitive Sealed Proposals/Pre-Qualified List - PIN# 04022P0673064 - AMT: \$2,868,904.00 - TO: Yash Child Care Corp, 1012 Bay Ridge Avenue, Brooklyn, NY 11219-6009.

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

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

☛ n4

**R1395 - UPK FOR ALL** - Competitive Sealed Proposals/Pre-Qualified List - PIN#04022P0673114 - AMT: \$3,283,200.00 - TO: Laurelton Child Care Inc, 141-19 224th Street, Laurelton, NY 11413.

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

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

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**R1395 - 3K FOR ALL** - Competitive Sealed Proposals/Pre-Qualified List - PIN#04022P0673039 - AMT: \$1,031,104.00 - TO: Naz Little Angels Group Daycare LLC, 25519 147th Drive, Rosedale, NY 11422.

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

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

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**CONTRACTS AND PURCHASING**

**SOLICITATION**

*Goods and Services*

**JOB ORDER CONTRACT FOR ELECTRICAL ENERGY EFFICIENCY PROJECTS** - Competitive Sealed Bids - PIN#B5688040 - Due 1-12-23 at 4:00 P.M.

Please note that bids are due via electronic mail, to DCPSubmissions@schools.nyc.gov.

To download, please go to, <https://infohub.nyced.org/resources/vendors/open-doe-solicitations/request-for-bids>. If you cannot download, send an email, to [vendorhotline@schools.nyc.gov](mailto:vendorhotline@schools.nyc.gov), with the RFB number and title in the subject line.

For all questions related to this RFB, please email, [krodrig7@schools.nyc.gov](mailto:krodrig7@schools.nyc.gov), with the RFB number and title in the subject line of your email.

**Description:** The Contractor shall provide all labor, material and supervision necessary for electrical energy efficiency projects at DOE schools and administrative buildings.

There will be a MANDATORY Pre-Bid Conference on Thursday, December 1, 2022, at 11:30 A.M., on Microsoft Teams Live. The link to the virtual Pre-Bid Conference scheduled is, [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZjYzNzg4MjAtMTY1Yi00ZjE4LThiN2UtYTBmODE4YTY2OGU1%40thread.v2/0?context=%7B%22Tid%22%3A%2218492cb7-ef45-4561-8571-0c42e5f7ac07%22%2C%22Oid%22%3A%2283b11c53-b184-4f12-84b3-d6645af42e8a%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjYzNzg4MjAtMTY1Yi00ZjE4LThiN2UtYTBmODE4YTY2OGU1%40thread.v2/0?context=%7B%22Tid%22%3A%2218492cb7-ef45-4561-8571-0c42e5f7ac07%22%2C%22Oid%22%3A%2283b11c53-b184-4f12-84b3-d6645af42e8a%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a).

We recommend that proposers download the free Microsoft Teams Application on their computer and/or mobile device to participate in the Teams Live Event in advance of the conference and attendees should plan to log in 5 minutes prior to the conference start time.

**For electronic bid submissions, please note the following procedures:** Bid submissions must be sent via electronic mail (“The Bid Submission Email”), to DCPSubmissions@schools.nyc.gov (the “Bid Submission Email Address”). Bid Submissions sent to any other email address will be disregarded. The subject line of your Bid Submission Email must include the solicitation number and the name of the submitting vendor (e.g. B5688 – Enter Company Name). Please attach the completed Request for Bids and the Bid Blank documents to the Bid Submission Email as separate files. Please name the bid blank attachment “Bid Blank” and the completed Request for Bids attachment “RFB.”

If the files accompanying your bid submission are too large to be transmitted as email attachments, please include in the first line of your Bid Submission Email, a link to a Microsoft OneDrive folder containing all of your bid-related documents. Please note that if you are using OneDrive, do not attach any documents to the Bid Submission Email. Further, please include a separate folder within your OneDrive folder which includes the separate bid blank file. Please name this folder and the bid blank file “Bid Blank.” The name of your OneDrive folder must match the subject line of your bid submission, and your OneDrive folder must not contain any files unrelated to the Bid Submission.

**Guidance for first-time Microsoft One-Drive Users:** Microsoft OneDrive (“OneDrive”) is a file hosting and synchronization service operated by Microsoft as part of its web version of Microsoft Office. OneDrive allows users to grant access to files which are too large to transmit via electronic mail to other users. If you do not have Office 365, please take

the following steps to gain access to a free version of OneDrive so that you can upload those bid submission documents which are too large to transmit via electronic mail: 1. Conduct an internet search for “Microsoft OneDrive;” 2. Navigate to the official Microsoft website and sign up for a free account; 3. Once you have created a folder for the solicitation whose name matches the subject line of your Bid Submission Email, upload the documents relevant to your bid submission in this folder. 4. Create a share link for this folder; 5. Be sure to check your share settings so that anyone receiving the link that you create will be able to open the link and access the files. If your share link permissions are restricted (e.g. to only your organization in Office 365), the DOE will not be able to view your solicitation documents. It is your responsibility to ensure that the link(s) you provide allows the DOE to view, download and/or open your documents; and 6. Include the link which you have created as the first line of your Bid Submission Email. The Bid opening will be conducted virtually via Microsoft Teams on Friday, January 13, 2023, from 11:00 A.M. to 12:00 P.M. Bidders who have submitted their Bid Submission Email by the Bid Submission Deadline will receive a reply to their Bid Submission Email with a link to be able to view a livestream of the Bid opening online. If you do not receive a confirmation email of the DOE’s receipt of your electronic bid submission, please email: Gabriel Soriano, at [GSorian@schools.nyc.gov](mailto:GSorian@schools.nyc.gov).

**For hard copy (paper) bid submissions, please follow the below instructions:** Further to prior instructions regarding submissions of bids. In addition to electronic submission via email, Bidders may choose to hand deliver their bid packages to NYC DOE, at any time prior to the Bid Due Date/Time. If you plan to submit a paper bid, you must provide notice by e-mailing [DCPSubmissions@schools.nyc.gov](mailto:DCPSubmissions@schools.nyc.gov), including “Paper Submission Request for Solicitation # B5688” in the subject line, at least three (3) business days in advance of the anticipated date and time and place you or your agent plan to arrive at 65 Court Street, Brooklyn, NY 11201, Room 1201, to drop off your bid. Bidders should include in their notification email the name of the person who will be delivering the bid or advise that the Bid Package will be arriving by messenger. Bidders who fail to provide advance notification of intent to hand-deliver a bid risk not having anyone to receive the bid. Fed Ex, UPS, USPS or other common deliveries services will not be accepted.

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

**BID OPENS VIRTUALLY ON JANUARY 13, 2023, AT 11:00 A.M. PLEASE SEE VIRTUAL LINK BELOW:**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZmYwYzYzOGNzktMjhINS00MGxLThiM2UtMmJjNGZiNTk0YjM4%40thread.v2/0?context=%7B%22Tid%22%3A%2218492cb7-ef45-4561-8571-0c42e5f7ac07%22%2C%22Oid%22%3A%22233f73cb2-8a8c-4d65-8f37-5256f643d9ed%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmYwYzYzOGNzktMjhINS00MGxLThiM2UtMmJjNGZiNTk0YjM4%40thread.v2/0?context=%7B%22Tid%22%3A%2218492cb7-ef45-4561-8571-0c42e5f7ac07%22%2C%22Oid%22%3A%22233f73cb2-8a8c-4d65-8f37-5256f643d9ed%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a)

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

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

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

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**ENVIRONMENTAL PROTECTION**

**AWARD**

*Services (other than human services)*

**BWT-NYWEA UTILITY MEMBERSHIP 2021-2022** - Other - PIN#82623U0001001 - AMT: \$20,807.00 - TO: New York Water Environment Associates, 525 Plum Street, Suite 102, Syracuse, NY 13204.

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**AGENCY CHIEF CONTRACTING OFFICE****■ SOLICITATION***Construction Related Services*

**CONSTRUCTION MANAGEMENT SERVICES FOR THE RECONSTRUCTION OF THE ASHOKAN HEADWORKS AND CONSTRUCTION OF THE ASHOKAN STORAGE BUILDING** - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN#82623P0015 - Due 12-15-22 at 4:00 P.M.

This Request for Proposal ("RFx"), is being released through PASSPort, New York City's online procurement portal. Responses to this RFx should be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal at, <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>, and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the RFx, insert the EPIN 82623P0015 into the Keywords search field. Anyone requiring assistance from the MOCS Service Desk should use their Inquiry Submission Form: <https://mocssupport.atlassian.net/service/customer/portal/8/group/29/create/157>.

Pre-Proposal Conference Thursday, November 17, 2022, at 11:00 A.M. Join the meeting by link or call 347-921-5612. Phone Conference ID: 663 118 11#. Find link in Pre-Proposal Conference Link Document in Documents Tab in PASSPort.

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

*Environmental Protection, 59-17 Junction Boulevard, 17th Floor, Flushing, NY 11373. Vanessa Soto (718) 595-4648; vsoto@dep.nyc.gov*

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**WASTEWATER TREATMENT****■ SOLICITATION***Services (other than human services)*

**82622B0054-BWT-1532-VFD MAINTENANCE AND REPAIR OF LOW VOLTAGE VARIABLE FREQUENCY DRIVES (NORTH REGION)**. - Competitive Sealed Bids - PIN#82622B0054 - Due 12-2-22 at 10:00 A.M.

BWT-1532-VFD: This Contract 1532-VFD is necessary in order to maintain and repair the Variable Frequency Drives at various DEP facilities in the North Region. This contract will ensure that the Variable Frequency Drives operate reliably and efficiently. Without the service and repair contract, the Variable Frequency Drives are vulnerable to unexpected breakdowns which impact the facilities' daily operation.

This Competitive Sealed Bid ("RFx"), is being released through PASSPort, New York City's online procurement portal. Responses to this RFx should be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal at, <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>, and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the RFx, insert the EPIN 82622B0054 into the Keywords search field. If you need assistance submitting a response, please contact, [help@mocs.nyc.gov](mailto:help@mocs.nyc.gov).

Pre-Bid conference location -Microsoft TEAMS call in (audio only) +1 347-921-5612,,730317675# To join via Microsoft teams video please go to Passport link in attachments and download "Notice to bidders". Virtual NY 11373. Mandatory: no Date/Time - 2022-11-10 10:00:00.

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**82622B0032-BWT-1533-VFD MAINTENANCE AND REPAIR OF LOW VOLTAGE VARIABLE FREQUENCY DRIVES (SOUTH REGION)** - Competitive Sealed Bids - PIN#82622B0032 - Due 12-2-22 at 10:00 A.M.

BWT-1533-VFD: This Contract 1533-VFD is necessary in order to maintain and repair the Variable Frequency Drives at various DEP facilities in the South Region. This contract will ensure that the Variable Frequency Drives operate reliably and efficiently. Without the service and repair contract, the Variable Frequency Drives are vulnerable to unexpected breakdowns which impact the facilities' daily operation.

This Competitive Sealed Bid ("RFx"), is being released through PASSPort, New York City's online procurement portal. Responses to this RFx should be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal at, <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page>, and click on the "Search Funding Opportunities in PASSPort" blue box. This will take

you to the Public Portal of all procurements in the PASSPort system. To quickly locate the RFx, insert the EPIN 82622B0032 into the Keywords search field. If you need assistance submitting a response, please contact, [help@mocs.nyc.gov](mailto:help@mocs.nyc.gov).

Pre-Bid Conference location -Microsoft TEAMS call in (audio only) +1 347-921-5612,,Phone Conference ID: 730317675# To join via Microsoft teams video, please go to Passport link in attachments and download "Notice to bidders". Virtual NY 11373 Mandatory: no Date/Time - 2022-11-10 10:00:00.

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**WATER SUPPLY****■ SOLICITATION***Construction/Construction Services*

**82621B0088-BWS-JOC-17H-1 - BWS JOCS - UPSTATE - HVAC - REGION 1** - Competitive Sealed Bids - PIN#82621B0088 - Due 12-6-22 at 10:00 A.M.

BWS-JOC-17H-1 - BWS JOCS - Upstate - HVAC - Region 1

This Competitive Sealed Bid ("RFx"), is being released through PASSPort, New York City's online procurement portal. Responses to this RFx should be submitted via PASSPort. To access the solicitation, vendors should visit the PASSPort Public Portal at, <https://www1.nyc.gov/site/mocs/systems/about-go-to-passport.page> and click on the "Search Funding Opportunities in PASSPort" blue box. This will take you to the Public Portal of all procurements in the PASSPort system. To quickly locate the RFx, insert the EPIN 82621B0088 into the Keywords search field. If you need assistance submitting a response, please contact, [help@mocs.nyc.gov](mailto:help@mocs.nyc.gov).

On the Response Due Date, at 10:00 A.M., please be advised that you will be required to submit a PAPER copy of the Bid Submission Form and the Bid Security to NYC Department of Environmental Protection, 96-05 Horace Harding Expressway, 1st Floor Low Rise, Flushing, NY 11373.

Pre-Bid conference location -Microsoft Teams call in (audio only) +1 347-921-5612,,Phone Conference ID: 675359381#. To join via Microsoft teams video please go to Passport link in attachments and download "Notice to bidders". Virtual NY 11373. Mandatory: no Date/Time - 2022-11-15 11:00:00.

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**HEALTH AND MENTAL HYGIENE****■ AWARD***Human Services/Client Services*

**HUMAN POPULATION CENSUS SERVICES** - BP/City Council Discretionary - PIN#81618L0144001 - AMT: \$113,136.00 - TO: Shield of David Inc, 144-61 Roosevelt Avenue, Flushing, NY 11354.

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**HOUSING AUTHORITY****PROCUREMENT****■ SOLICITATION***Goods*

**SMD\_MATERIALS\_STRUCTURAL GLASS** - Competitive Sealed Bids - PIN# 400969 - Due 11-22-22 at 10:00 A.M.

The Provision of SMD\_MATERIALS\_STRUCTURAL GLASS Contract Term: Two (2) Years with Three (3) Automatic One-Year Renewal Options Bidding: In the event that NYCHA receives one response or no responses to an RFQ on or before the Bid submission deadline, the bid close date and time shall be extended for an additional one (1) week. The quantities provided are estimates based on current usage and the New York City Housing Authority may order less or more depending on our needs. All price adjustable RFQ'S are fixed for one year after award date. Awarded vendors are entitled to one price increase per year that is includes with manufacture supporting documentation justifying the requested line-item price increase. Proposed Bid Pricing must INCLUDED shipping charges and all related logistic costs for all line items.

A non-mandatory Proposers' Conference ("Proposers' Conference") will be hosted online via Microsoft Teams, on November 10, 2022, at 11:00 A.M. Proposer's Conference Meeting Information: Conference ID: 248 126 853 521# Passcode- p5n8ZN. Although attendance is not mandatory at the Proposers' Conference, it is strongly recommended that all interested Proposers attend. Proposers who wish to attend

must RSVP by email to NYCHA's Coordinator, by no later than November 8, 2022, at 4:00 P.M. NYCHA additionally recommends that Proposers email questions in advance of the Proposers' Conference to NYCHA's Coordinator, by no later than 11:00 A.M., on November 8, 2022. Questions submitted in writing must include the firm name and the name, title, address, telephone number and email address of the individual to whom responses to the Proposer's questions should be given. Proposers will be permitted to ask additional questions at the Proposers' Conference. All questions and answers will be provided to all firms that received a copy of this RFQ.

**DROP SHIP ACROSS THE FIVE BOROUGHES: INCLUDES ALL DEVELOPMENTS, WAREHOUSES, AND STOREROOMS.** Please complete and sign all required forms and return with bid.

Note: In response to the COVID-19 outbreak, we are accepting only electronic bids submitted online via iSupplier. Paper bids will not be accepted or considered. Please contact NYCHA Procurement, at procurement@nycha.nyc.gov, for assistance. Please note: NYCHA reserves the right to make award by line or by class as indicated. Samples: Samples may be required for submission within 10 days of request by NYCHA. Failure to comply may result in a bid being deemed non-responsive. Alternates/Equals: NYCHA accepts equal items for review and consideration prior to approval. ARO: The Awarded bidder/vendor agrees to have structural glass readily available for delivery within 15 days after receipt of order on an "as needed basis" during the duration of the contract period.

NYCHA MWBE Program - All NYCHA vendors are required to participate in the Authority's MWBE, if a vendor is unable to meet the MBE and WBE goals set forth in the solicitation bidder/proposer/consultant/contractor must submit a request for waiver. Failure to complete the utilization plan or waiver form will deem your bid non-responsive. If applying for a MWBE Utilization Plan Waiver all vendors must submit the MWBE Utilization Waiver Form to the identified NYCHA buyer seven (7) days before the bid close date. Vendors are required to complete and submit at least ONE of the following by the corresponding due date, these documents are attached to this RFQ: o MWBE Utilization Plan - At Time of Bid, or o Waiver of MWBE Utilization Plan - At least Seven Days (7) prior to bid date.

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

Housing Authority, 90 Church Street, 6th Floor, New York, NY 10007. Chenezza Graham-Ramirez (212) 306-4684; Chenezza.Graham-Ramirez@nycha.nyc.gov



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**HUMAN RESOURCES ADMINISTRATION**

**AWARD**

Goods

**ON CALL RECORDING SERVICES FOR IVRS (INTERACTIVE VOICE RESPONSE SYSTEM)** - Renewal - PIN# 06920B8155KXLR001 - AMT: \$1,886,700.00 - TO: M & C Associates LLC, 700 Veterans Memorial Highway, Suite 335, Hauppauge, NY 11788-2985.

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Services (other than human services)

**ADMINISTRATIVE FUNCTIONS - OBERIA D. DEMPSEY MULTI SERVICE CENTER** - Competitive Sealed Proposals/ Pre-Qualified List - PIN#06922P0041002 - AMT: \$1.00 - TO: West Harlem Group Assistance Inc, 1652 Amsterdam Avenue, New York, NY 10031-6166.

The primary responsibilities of the Multi Service Center Sponsor, include the coordination of comprehensive services, and a full range of administrative functions geared to insure smooth day to day functioning of the MSC. The MSC contract is a "zero" dollar contract and there are no costs associated with this contract.

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**INTENT TO AWARD**

Services (other than human services)

**06923Y0156-EVERYACTION VPB CONNECT, SUPPORT AND COORDINATION SERVICES** - Request for Information - PIN#06923Y0156 - Due 11-7-22 at 3:00 P.M.

Department of Social Services Information Technology Services is requesting a Sole Source Contract with PruTech Solutions, Inc for the Purchase of EveryAction VPB Connect, Support & Coordination

Services in the amount of \$117,700.00 for the service period of 6/1/2021 to 5/31/22. The Mayor's Public Engagement Unit (PEU), need to procure EveryAction's new feature, Virtual Phone Bank Connect (VPB Connect), which would allow staff and volunteers to "click-to-dial" phone numbers from within their internet browser on a computer, phone or tablet, without having to manually dial them. In addition to increasing speed and reach, VPB Connect routes calls through a common caller ID number with a local area code, which helps centralize a system for call-backs as well as helps to authenticate our calls and allow us to better advise New Yorkers against scams. Contrary to VAN's predictive dialer feature VPB Connect can be used to dial cellphones, landlines and use the Open Virtual Phone Book interface which is best suited for PEU's phone outreach and familiar to PEU's staff and volunteers. This is a sole source because Prutech is the only authorized reseller of EveryAction VPB Connect, Support and Coordination Services. If you have any questions, please email "frazierjac@dss.nyc.gov" with the subject line " 06923Y0156-Prutech Solutions, Inc. - Purchase of EveryAction VPB Connect, Support and Coordination Services". Please indicate your interest by responding, to the RFI EPIN: 06923Y0156 in PASSPort.

o31-n4

**INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS**

**MANAGEMENT AND BUDGET**

**SOLICITATION**

Goods

**RED HAT ENTERPRISE REHL LICENSE** - Innovative Procurement - Testing or experimentation is required - PIN# 85823Y0393 - Due 11-25-22 at 2:00 P.M.

The City has implemented its M/WBE program in an effort to remedy the documented disparity in utilization of certain groups of vendors as compared to their willingness and ability to do business with the City. As an additional tool which will allow the City to utilize more M/WBEs in a more efficient way, this method will aid the City in its goal of decreasing and ultimately eliminating this documented disparity against such groups. The current PPB Rules only allow for MWBE noncompetitive small purchases to be made up to and including \$500,000. This method operationalizes the recent New York State law (Chapter 569 of the Laws of 2022) that amended the NYC Charter § 311 and gives agencies the specific authority granted under such legislation to make such purchases up to and including \$1,000,000. By removing competition for these procurements, it will allow agencies to provide a variety of important services to New Yorkers in a faster and more efficient way. Finally, this new noncompetitive small purchase will increase the number of procurements that are going to M/WBEs, especially those under-utilized M/WBEs, and further the effectiveness of the program.

The innovative procurement method to be used for these M/WBE purchases will vary in a number of respects from the procedure otherwise applicable pursuant to the PPB Rules, including but not limited to, PPB Rule § 3-08(c)(1)(iv). As with other noncompetitive purchases, changes to and/or renewals of purchases pursuant to this method must not bring the total value of the procurement to an amount greater than the M/WBE discretionary buying threshold amount. Key elements of the M/WBE purchase method include the following:

No competition will be required for the procurement of goods, services, and construction to City-certified M/WBEs within this limit, except that in making such purchases, agency contracting officers should obtain price or rate quotations from at least three City-certified M/WBE vendors capable of providing goods, services, or construction needed. If, after exercising reasonable efforts, the agency has not received three responses, they may proceed with the award. Documentation of such purchases must identify the vendor the item was purchased from, the item purchased, and the amount paid.

Determinations required, pursuant to PPB Rule § 2-01, presolicitation review including public notices of solicitation and the presolicitation review reports pursuant to PPB Rule § 2-02, and recommendations for awards pursuant to PPB Rule § 2-09 will not be required. Agencies should consider any issues that may affect the responsibility of a vendor before issuing an award pursuant to PPB Rule § 2-08.

After a vendor has been selected, the contracting officer must issue a contract, as appropriate, to the successful bidder or offeror. The procurement file must include at a minimum all of the requirements of PPB Rule § 3-08(e)(1)-(7), (12) and (14), in addition to the dollar amount of the contract. As with small purchases pursuant to PPB Rule § 3-08, vendor protests per PPB Rule § 2-10 will not be permitted. Performance evaluations pursuant to PPB Rule § 4-01 shall not be required except in cases of deficient performance.

Pursuant to PPB Rule § 3-12(e), a notice of award must be provided for each purchase made. Agencies may also utilize this innovative procurement method to amend M/WBE noncompetitive small purchases made pursuant to PPB Rule § 3-08(c)(1)(iv) to above \$500,000 and up to and including \$1,000,000.

The proposed method will be evaluated to determine whether it is in the City's best interest to be codified and used within the PPB rules. Under this proposed method, the agency will be soliciting for Red Hat Enterprise REHL Licenses. At this time, OTI would like to give this opportunity to accept comments and expressions of interest on this proposed method. Comments and expressions of interest may be emailed to, John Gioia at Jgioia@oti.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.

Information Technology and Telecommunications, 15 MetroTech Center, 18th Floor, Brooklyn, NY 11201. John Gioia (718) 403-8503; Jgioia@oti.nyc.gov

o31-n4

**LAW DEPARTMENT**

■ AWARD

*Services (other than human services)*

**REVIEW DOE SYSTEMS RELATED TO IMPARTIAL HEARINGS**

- Negotiated Acquisition - Other - PIN#02522N0023001 - AMT: \$275,800.00 - TO: Thru Consulting LLC, 11 Loantaka Terrace, Madison, NJ 07940.

This is highly specialized work that Thru Consulting (Thru), is uniquely qualified to perform. This work is needed to broker a settlement. Thru will be evaluating some causes for delay including DOE's administration of the resolution process and settlement process applicable to the DPC's at issue. The procurement is in the matter of M. J.S by PNG M.E. et al. v. Department of Education, NYC et al. (PIN 22522X001451 (LM # 2020-010211GL).

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**PARKS AND RECREATION**

■ AWARD

*Construction Related Services*

**BLOCK PRUNING IN BROOKLYN** - Renewal - PIN# 84620B8404KXLR001 - AMT: \$2,527,379.00 - TO: Dragonetti Brothers Land Scaping Nursery & Florist, 9715 Avenue L, Brooklyn, NY 11236.

The work to be performed under this contract includes furnishing all labor, materials, travel time, equipment, and all other work incidental thereto necessary or required to provide the block pruning of trees in the Borough of Brooklyn, for the City of New York Parks & Recreation ("Agency").

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*Construction/Construction Services*

**X367-120M CONSTRUCTION OF DAVIDSON PARK** - Competitive Sealed Bids - PIN#84621B0096001 - AMT: \$3,007,890.13 - TO: PMY Construction Corp., 124 Park Avenue, Lyndhurst, NJ 07071.

X367-120M-Davidson Park Construction, located at 1801 Davidson Avenue, between West 176th Street and West 177th Street, in the Borough of The Bronx.

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*Goods*

**ONLINE SUBSCRIPTION FEE FOR FORESTRY STAFF** - Other - PIN#84623U0005001 - AMT: \$23,158.90 - TO: Black Rock Forest Consortium, 65 Reservoir Road, Cornwall, NY 12518-2135.

Annual Subscription Services Fees for Parks and Recreation online educational tool from July 1, 2022 to June 30, 2023.

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*Services (other than human services)*

**TREE AND STUMP REMOVALS IN BK AND SI** - Competitive Sealed Bids - PIN#84622B0045001 - AMT: \$6,887,670.00 - TO:

Dragonetti Brothers Land Scaping Nursery & Florist, 9715 Avenue L, Brooklyn, NY 11236.

The work to be performed under this contract includes furnishing all labor materials, travel time, equipment and all other work incidental thereto necessary or required for the removal and disposal of dead, poor conditioned, diseased or structural unsound street trees and stumps in the boroughs of Brooklyn and Staten Island in the City of New York for the City of New York Parks & Recreation ("Agency").

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**POLICE DEPARTMENT**

■ AWARD

*Goods*

**THE PORT GRANT AWARDED DUE TO BOOMING EXPANSION NYC FERRY** - Sole Source - Other - PIN#05622S0008001 - AMT: \$459,012.34 - TO: Safe Boats International LLC, 8800 SW Barney White Road, Bremerton, WA 98312.

31 Foot Full Cabin Vessel, to join the fleet of the NYPD's Harbor Unit.

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**PROBATION**

■ AWARD

*Services (other than human services)*

**COMMUNITY VIOLENCE PREVENTION TRAINING** - Negotiated Acquisition - Other - PIN# 78122N0005001 - AMT: \$221,325.00 - TO: Roca Inc., 101 Park Street, Chelsea, MA 02150.

Contract has been awarded, pursuant to Section 3-04(b)(2)(i)(D) and 3-04(b)(2)(ii) of the NYC Procurement Policy Board Rules, to provide the Community Violence Prevention Training from 8/14/22 - 8/15/23. Notice of Intent was previously published from 7/27/22 to 8/2/22.

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**SANITATION**

■ AWARD

*Construction/Construction Services*

**STABILIZATION OF NORTH AND SOUTH GABLE WALLS AT DSNY Q1** - Competitive Sealed Bids - PIN#82721B0006001 - AMT: \$727,663.00 - TO: Innovative Construction & Management Co Inc, 86-16 Queens Boulevard, Suite 207, Elmhurst, NY 11373.

Located at 34-28 21th Street, Astoria, Queens, NY 11106.

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**SCHOOL CONSTRUCTION AUTHORITY**

**CONTRACT ADMINISTRATION**

■ SOLICITATION

*Construction Related Services*

**NEW CAPABILITY PROJECT/DIGITAL EXPERIENCE PLATFORM** - Request for Qualifications - PIN# 23-000XXRJT - Due 11-18-22 at 2:00 P.M.

The New York City School Construction Authority ("SCA"), has approximately 1300 staff, and 3,000 + external partners accessing our systems. The SCA is seeking a qualified developer/designer ("Consultant") to redesign the SCA's existing Digital Experience Platform (<https://www.nycsca.org>). The Digital Experience Platform must be designed and organized in a manner that follows modern web standards in design, security, ADA WCAG 2.0 AA, and functionality with a focus on providing information and services to the SCA's client users. The Digital Experience Platform must also have a user-friendly backend that can be easily operated by employees with non-technical backgrounds. The SCA aims to implement best practices and technologies, revise the information architecture, and improve content strategy and visual design.

This RFQEI seeks responses from consultants and associated products which would serve the needs of the SCA. We believe that there are

many consultants that can satisfy our needs in regard to a platform. The ideal respondent has a proven track record on creating Business to Business and Government to Consultant websites.

The Consultant must have experience creating client-driven information architecture and graphic design that facilitates the SCA's engagement with its audience. The SCA website should be designed to meet the needs of companies seeking to do business with the SCA, vendors currently engaged with SCA contracts, and the general public. The Consultant must provide all labor, equipment, and expertise to efficiently review, evaluate, and produce multiple website designs for evaluation. The Consultant must have experience designing and/or redesigning websites, with special consideration for Consultants who have done so for public organizations or construction related firms.

The SCA also requires self-service portals for external users such as design firms, contractors, and the general public. The Consultant will guide the SCA through a needs/requirements analysis to identify and evaluate all possible design options and elements. Functional elements of the Digital Experience Platform must include:

1. Promotion of communication tools such as web posts, event calendars, and links to SCA social media (Twitter, Instagram, YouTube etc...) through robust integration.
2. Analytics integration that provides information on traffic analysis reporting capabilities and available metrics for user/system response times such as number of visitors, page views, and frequently visited pages
3. Security features to prevent website hacking or defacement
4. Third party integration

Other features that the Digital Experience Platform may require are listed in the Appendix at the end of the document.

Below are examples of the types of interactions customers currently have with our website. It is not comprehensive, and Consultants should explain how they would expand upon the user stories below to ensure our website serves all of our potential customers.

1. A design consultant, Construction Company, or other vendor is interested in potentially working with the SCA. The website should explain how to work with us, how to get prequalified, how to bid on our work, and what the benefits are to working with us.
2. A vendor has been awarded a contract and wants to know about the specifications and requirements to working with us and how to get paid.
3. A member of the public or elected official is interested in finding out about the work going on in their school district.
4. A member of the public is interested in becoming an SCA employee.
5. A member of the Minority-Owned Business, Women-Owned Business, or Locally Based Enterprise community wants to find out the benefits of being certified by the SCA and what special programs we run for them. The SCA has a variety of bespoke systems and COTS applications that will need to integrate with this solution. MS Active Directory integration - is our user access management tool, Vendor Access System, and APIs.

Submission: Please provide a written proposal with the following sections:

1. A letter of your interest in working with the School Construction Authority to provide a solution.
2. The firm's contact information
3. Please fill out the embedded spreadsheet with your answers to the queries.
4. All services, functions, and features the firm offers related to website design/redesign.
5. The firm's qualifications for the project including key personnel
6. A summary of firm's recent experience with similar projects including timeline, payment method (hourly rates, lump sum, etc.) and total cost
7. Examples of existing designs/redesigns e.g., web links, before and after shots, etc.
8. If awarded, please explain how this project will be integrated into the firm's present workload
9. Describe a government client engagement if any
10. Describe your experience partnering with Minority owned, Women owned or local New York City enterprises to deliver your product or services.
11. Described how your product and services are licensed

The SCA is implementing a two-step procurement process. Our initial step is asking prospective consultants to demonstrate certain

qualifications in response to this RFQEI. Thereafter the SCA will evaluate procurement methods available and move towards consultant selection. The SCA may choose to short list respondents to this RFQEI to provide a live demonstration of your solution. Although proposing firms need not be pre-qualified by the SCA at the time of bid, each firm must be pre-qualified prior to contract award.

Interested firms should respond via email submitting their qualifications and expression of interest.

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, June Thompson (718) 752-5229; [jthompson@nycsca.org](mailto:jthompson@nycsca.org)

n2-17

## CONTRACT AWARD HEARINGS

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



## ADMINISTRATION FOR CHILDREN'S SERVICES

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held on Monday, November 14, 2022 commencing at 10:00 A.M. on the following contract:

**IN THE MATTER OF** one (1) proposed contract between the Administration for Children's Services and HR Control Solutions, located at 12 Hardwood Drive, Jackson NJ 08527, EPIN: 06823W0014001, in the amount of \$250,000. The proposed contract is for Screening/Interview HR Management Consultant Services with a term of January 1, 2023 to December 31, 2023.

The proposed contractor has been selected by means of the M/WBE Small Purchase procurement method, pursuant to Section 3-08 (c)(1) (iv) of the Procurement Policy Board Rules.

In order to access the Public Hearing or to testify, please join the public hearing WebEx call by calling 1-646-992-2010 (New York), 1-408-418-9388 (outside of NY), Meeting ID: 2339 157 9015, no later than 9:50 am on the date of the hearing. If you require further accommodations, please contact Michael Walker at [Michael.Walker2@acs.nyc.gov](mailto:Michael.Walker2@acs.nyc.gov), no later than three business days before the hearing date.

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## ENVIRONMENTAL PROTECTION

### ■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held at the Department of Environmental Protection Offices, 59-17 Junction Boulevard, Flushing, NY 11373 on November 17, 2022 commencing at 10:00 A.M. on the following:

**IN THE MATTER OF** a proposed contract between the Department of Environmental Protection and Eckenfelder Engineering PC dba Brown and Caldwell Associates, 1350 Broadway, Rm 2000, New York, New York 10018 for HP-239A DES: Prelim Design Services & DSDC for Reconstruction of Sludge Handling Equipment at Hunts Point Wastewater Resource Recovery Facility. The Contract term shall be 2,920 consecutive calendar days from the date of the written notice to proceed. The Contract amount shall be \$36,339,025.19—Location: Borough of the Bronx: EPIN: 82622P0002.

This contract was selected by Competitive Sealed Proposal pursuant to Section 3-03 of the PPB Rules.

**IN THE MATTER OF** a proposed contract between the Department of Environmental Protection and Ulster County Community College, 491 Cottekill Road, Stoneridge, New York 12484 for SWP-109: Environmental Internship Program. The Contract term shall be 1460 consecutive calendar days with an option to renew for 4 years from the date of the written notice to proceed. The Contract amount shall be \$737,610.00—Location: NYC Watershed Region-Ulster County: EPIN: 82623T0004.

This contract was selected by Contract with Another Government pursuant to Section 1-02(f)(1) of the PPB Rules.

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if DEP does not receive, by November 9, 2022, from any individual a written request to speak at this hearing, then DEP need not conduct this hearing. Written notice should be sent to Ms. Jeanne Schreiber, NYCDEP, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373 or via email to jschreiber@dep.nyc.gov

Note: Individuals requesting Sign Language Interpreters should contact Ms. Jeanne Schreiber, Office of the ACCO, 59-17 Junction Boulevard, 17<sup>th</sup> Floor, Flushing, New York 11373, (718) 595-3456, no later than FIVE (5) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING.



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**PARKS AND RECREATION**

■ PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that a Contract Public Hearing will be held on November 18, 2022 at 2:00 P.M. The Public Hearing will be held via Zoom.

**IN THE MATTER OF** a proposed Purchase Order/Contract between the New York City Department of Parks and Recreation and Taj Associates USA Inc. 335 Clinton Avenue Staten Island, NY 10305, for Q316-120M Captain Dermody Triangle Reconstruction. The amount of this Purchase Order/Contract is \$451,004.00. The term shall be 365 consecutive calendar days from the Order to Work Notice. CB 11, Queens E-PIN 84623W0011001.

The Vendor has been selected by M/WBE Noncompetitive Small Purchase Method, pursuant to Section 3-08 (c)(1)(iv) of the Procurement Policy Board Rules. In order to access the Public Hearing and testify, please join our Zoom Virtual Meeting link. <https://us02web.zoom.us/j/2290435542?pwd=VFovbDl6UTVFNXl3ZGxPYUVsQU5kZz09> Meeting ID: 229 043 5542 Passcode: 763351

Pursuant to Section 2-11(c)(3) of the Procurement Policy Board Rules, if Parks does not receive, by November 11, 2022, from any individual a written request to speak at this hearing, then Parks need not conduct this hearing. Requests should be made to Charlene Dawson via email at Charlene.Dawson@parks.nyc.gov

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**CONSUMER AND WORKER PROTECTION**

■ NOTICE

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

**What are we proposing?** The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend its rules relating to debt collectors.

**When and where is the hearing?** DCWP will hold a public hearing on the proposed rule. The public hearing will take place at 11:00am on Monday, December 5. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial 646-893-7101
  - o Meeting ID: 214 275 313 417
  - o Passcode: FLVcGc
- To participate in the public hearing via videoconference, please follow the online link: [https://teams.microsoft.com/registration/x2\\_1MoFfIk6pWxXaZIE77wPgVnkwMwUkqnyO28hSWZzg.UWNLEqQRkkmQAhvngWBsKA.I\\_NLX5oU90WkaVVtArsU0w.mfRnitIIPUCeOAHSUPgdCQ.Nab9SLtpjEyyVACWbG1\\_uA?mode=read&tenantId=32f56fc7-5f81-4e22-a95b-15da66513bef&webinarRing=gcc](https://teams.microsoft.com/registration/x2_1MoFfIk6pWxXaZIE77wPgVnkwMwUkqnyO28hSWZzg.UWNLEqQRkkmQAhvngWBsKA.I_NLX5oU90WkaVVtArsU0w.mfRnitIIPUCeOAHSUPgdCQ.Nab9SLtpjEyyVACWbG1_uA?mode=read&tenantId=32f56fc7-5f81-4e22-a95b-15da66513bef&webinarRing=gcc)
  - o Meeting ID: 214 275 313 417
  - o Passcode: FLVcGc

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

- **Website.** You can submit comments to DCWP through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [Rulecomments@dca.nyc.gov](mailto:Rulecomments@dca.nyc.gov).
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling (212) 436-0396. You can also sign up on the phone or videoconference before the hearing begins at 11:00am on Monday, December 5. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes. You must submit any comments to the proposed rule on or before Monday, December 5.

**What if I need assistance to participate in the hearing?** You must tell DCWP’s External Affairs division if you need a reasonable accommodation of a disability at the hearing, such as a sign language interpreter. You may tell us by telephone at (212) 436-0396 or by email at [Rulecomments@dca.nyc.gov](mailto:Rulecomments@dca.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by Monday, November 28.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, all comments received by DCWP on the proposed rule will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

**What authorizes DCWP to make this rule?** Sections 1043 and 2203(f) of the New York City Charter and Sections 20-104(b), 20-493(a), and 20-702 of the New York City Administrative Code authorize the Department to make this proposed rule. This proposed rule was not included in the Department’s regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

**Where can I find DCWP’s rules?** The Department’s rules are in Title 6 of the Rules of the City of New York.

**What laws govern the rulemaking process?** DCWP must meet the requirements of Section 1043 of the Charter when promulgating or changing rules. This notice is made according to the requirements of Section 1043 of the Charter.

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

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend its rules relating to debt collectors.

In June of 2020, the Department added new rules requiring debt collectors to inform consumers about whether certain language access services are available and to retain records relating to language access services. After these rule changes took effect, the industry provided additional questions and feedback to the Department. In response, the Department is now proposing these amendments.

The Department is also proposing to update its debt collection rules due to changes in federal regulations. In late 2020, the U.S. Consumer Financial Protection Bureau (“CFPB”) promulgated two new debt collection rules updating the Fair Debt Collection Practices Act of 1977. The CFPB’s new debt collection rules address current industry collection practices, the changing forms of communication, unfair and deceptive practices, and the problems facing consumers today at a national level. These proposed amendments would adopt similar protections as those provided to consumers at the federal and state levels, and include provisions based on the Department’s insight from its regulation of the debt industry for decades, as it pertains to NYC consumers.

Specifically, this proposed rule includes the following provisions:

- Section 2-191 requires written notice to consumers that the statute of limitations on certain debt has expired. These proposed amendments would strengthen the disclosure to inform consumers that it is illegal for a business to sue the consumer on a time-barred debt. (Section 1).

- Section 2-193(c) requires a debt collection agency to maintain an annual report identifying, by language, certain actions taken by the agency in a language other than English. Because the report is organized by language, the contents of the report need not be limited to actions taken in a language other than English. The Department is proposing to amend the subdivision so that it applies to actions taken in any language. Section 2-193 also requires debt collection agencies to maintain other records. These proposed amendments would extend the requirements to cover all records showing compliance with relevant laws and rules as well as monthly logs documenting certain consumer interactions. (Section 2).
- The Department is proposing to add various definitions to Section 5-76 of its rules. These amendments would provide guidance and clarity to the industry on new requirements in Section 5-77. (Sections 3 and 4).
- The Department is proposing minor edits to Section 5-77 to increase clarity. These edits include additional guidance on how debt collection agencies must provide information about the Department's website and post information on their own websites. (Section 5).
- The Department is also proposing more substantive edits to Section 5-77. These amendments would clarify what information debt collectors must provide consumers at the outset of debt collection communications; place limits on the frequency of debt collection communications; require debt collectors to disclose the existence of a debt to consumers before reporting information about the debt to a credit reporting agency; and clarify how debt collectors may employ modern communication technologies in compliance with the law, including voicemails, email, text messages, and social media. (Section 5).

Sections 1043 and 2203(f) of the New York City Charter, and Sections 20-104(b), 20-493(a), and 20-702 of the New York City Administrative Code authorize the Department to make these proposed amendments.

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

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

### **Proposed Rule Amendments**

Section 1. Section 2-191 of Subchapter S of Chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

#### **§ 2-191. Disclosure of Consumer's Legal Rights Regarding Effect of Statute of Limitations on Debt Payment.**

(a) The information about the consumer's legal rights, which a debt collection agency is required to provide the consumer pursuant to § 20-493.2(b) of the Administrative Code, [shall] must be included clearly and conspicuously in every permitted communication for each debt that the debt collection agency is seeking to collect that is beyond the applicable statute of limitations, and [shall be] must state as follows:

"WE ARE REQUIRED BY LAW TO GIVE YOU THE FOLLOWING INFORMATION ABOUT THIS DEBT. [The legal time limit (statute of limitations) for suing you to collect this debt has expired. However, if somebody sues you anyway to try to make you pay this debt, court rules REQUIRE YOU to tell the court that the statute of limitations has expired to prevent the creditor from obtaining a judgment. Even though the statute of limitations has expired, you may CHOOSE to make payments. However, BE AWARE: if you make a payment, the creditor's right to sue you to make you pay the entire debt may START AGAIN.]"

- 1. The law limits how long a consumer can be sued for a debt. The time for suing you to collect this debt has EXPIRED. This means: THIS DEBT IS NOT ENFORCEABLE IN COURT.**
- 2. It is a violation of federal law to sue or threaten to sue to collect time-barred debt (or debt that is beyond the Statute of Limitations).**
- 3. If you would like to learn more about your legal rights and options, you can consult an attorney or a legal aid organization."**

(b) When such information is delivered in writing, the required statement provided in subdivision (a) of this section [shall] must be included, for each debt that is beyond the applicable statute of limitations, in at least 12 point type that is set off in a sharply contrasting color from all other type on the permitted communication, and [shall] must be placed adjacent to the identifying information about the amount claimed to be due or owed on such debt.

(c) A debt collection agency must maintain reasonable procedures for determining whether the statute of limitations applicable to a debt or alleged debt it is collecting or attempting to collect has expired.

§ 2. Section 2-193 of Subchapter S of Chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

#### **§ 2-193. Records to be Maintained by Debt Collection Agency.**

(a) Unless otherwise prohibited by federal, state or local law, a debt collection agency [shall] must maintain a separate file for each debt that the debt collection agency attempts to collect from each New York City consumer, in a manner that is searchable or retrievable by the name, address and zip code of the consumer, and by the creditor who originated the debt the agency is seeking to collect. The debt collection agency [shall] must maintain in each debt file the following records to document its collection activities with respect to each consumer:

- (1) A copy of all communications and attempted communications or exchanges with the consumer.
- (2) A record of each payment received from the consumer that states the date of receipt, the method of payment and the debt to which the payment was applied.
- (3) A copy of the debt payment schedule and/or settlement agreement reached with the consumer to pay the debt.
- (4) With regard to any debt that the debt collection agency has purchased, a record of the name and address of the entity from which the debt collection agency purchased the debt, the date of the purchase and the amount of the debt at the time of such purchase.

(5) Any other records that are evidence of compliance or noncompliance with subchapter 30 of chapter 2 of title 20 of the Administrative Code and any rule promulgated thereunder, and of part 6 of subchapter A of chapter 5 of title 6 of the Rules of the City of New York.

(6) A log of all communications, attempted communications or exchanges by any medium between a debt collection agency and a consumer in connection with the collection of a debt; for each communication, attempted communication or exchange, the log must identify the date, time and duration, the method of communication, the names and contact information of the persons involved in the communication and a contemporaneous summary of the communication.

(b) A debt collection agency [shall] must maintain the following records to document its collection activities with respect to all New York City consumers from whom it seeks to collect a debt:

- (1) [A monthly log of all calls made to consumers, listing the date, time and duration of each call, the number called and the name of the person reached during the call] Monthly logs of the following:
  - (i) all complaints filed by New York City consumers against the debt collection agency, including those filed with the agency directly or with any not-for-profit entity or governmental agency, identifying the date, the consumer's name and account information, the source of the complaint, a summary of the consumer's complaint, the debt collection agency's response to the complaint, if any, and the current status of the complaint;
  - (ii) all disputes or requests for verification made by New York City consumers, identifying the consumer's name and account information, the date of the dispute or request for verification, and the date and type of response, if any, sent by the debt collection agency; and
  - (iii) all cease and desist requests made by New York City consumers, identifying the consumer's name and account information, the date of the request, and the date and purpose of any further contacts by the debt collection agency after receipt of the request from the consumer.

(2) Recordings of [complete conversations] all telephone communications with all NYC consumers or with a randomly selected sample of at least 5% of all calls made or received by the debt collection agency [and a copy of contemporaneous notes of all conversations with consumers]. The method used for randomly selecting the recorded calls [shall] must be [included in the file where the tape recordings are] maintained by the agency and a record in each consumer's account must identify the calls recorded. If an agency elects to record a randomly selected sample of at least 5% of all calls made or received by the agency, it must maintain a log of the total number of calls made or received on a monthly basis and the total number of such calls recorded.

(3) A record of all cases filed in court to collect a debt. Such record [shall] must include, for each case filed, the name of the consumer, the identity of the originating creditor, the amount claimed to be due, the civil court index number and the court and county where the case is filed, the date the case was filed, the name of the process server who served process on the consumer, the date, location and method of service of process, the affidavit of service that was filed and the disposition for each case filed. Such record [shall] must be filed in a manner that is searchable or retrievable by the name, address and zip code of the consumer and the creditors who originated the debts that the debt collection agency is seeking to collect.

(4) The original copy of each contract with a process server for the service of process, and copies of all documents involving traverse hearings relating to cases filed by or on behalf of the debt collection

agency. Such records should be filed in a manner that is searchable by the name of the process server.

(5) A record indicating the language preference of the consumer, except where the debt collector is not aware of such preference despite reasonable attempts to obtain it.

(6) A record indicating which medium(s) of electronic communication are permitted or not permitted by each consumer and, if known, the consumer's preferred medium of communication in connection with the collection of a debt.

(7) A record of all debt furnished to a consumer reporting agency, including the date the debt collection agency notified the consumer about the debt before furnishing it and the period of time it waited to receive a notice of undeliverability.

(8) A record of any unverified debt notice issued or received by the debt collection agency, including any unverified debt notice received from the consumer.

(c) A debt collection agency [shall] must maintain the following records relating to its operations and practices:

(1) A copy of all actions, proceedings or investigations by government agencies that resulted in the revocation or suspension of a license, the imposition of fines or restitution, a voluntary settlement, a court order, a criminal guilty plea or a conviction.

(2) A copy of all policies, training manuals and guides for employees or agents that direct, describe, suggest or promote how a collector is to interact with consumers in the course of seeking to collect a debt.

(3) An annual report, in a form made publicly available on the Department's website, identifying, by language, (i) the number of consumer accounts on which an employee collected or attempted to collect a debt owed or due or asserted to be owed or due [in a language other than English]; and (ii) the number of employees that collected or attempted to collect on such accounts [in a language other than English].

(4) A copy of all policies addressing the collection of time-barred debts.

(5) A copy of all policies addressing the verification of debts.

(6) A copy of all policies addressing the furnishing of consumer debt to credit reporting bureaus.

(d) The records required to be maintained pursuant to this section [shall] must be retained for [six years from the date the record was created by the debt collection agency, a document was obtained or received by the debt collection agency, a document was filed in a court action by the debt collection agency, or a training manual or employee guide was superseded, except that recordings of conversations with consumers shall be retained for one year after the date of the last conversation recorded on each completed recording tape] the following periods of time:

(1) For records required to be maintained pursuant to subdivisions (a) and (b) of this section, excluding recordings of conversations with consumers, until three years after the agency's last collection activity on the debt.

(2) For recordings of conversations with consumers, until three years after the date of the call.

(3) For records required to be maintained pursuant to subdivision (c) of this section, until six years from the date the record was created.

§ 3. Section 5-76 of Part 6 of Subchapter A of Chapter 5 of Title 6 of the Rules of the City of New York is amended by adding the following definitions in alphabetical order:

Attempted communication. The term "attempted communication" means any act to initiate a communication or other contact about a debt with any person through any medium, including by soliciting a response from such person. An act to initiate a communication or other contact about a debt is an attempted communication regardless of whether the attempt, if successful, would be a communication that conveys information regarding a debt directly or indirectly to any person. A limited-content message is an attempted communication.

Clear and conspicuous. The term "clear and conspicuous" means readily understandable. In the case of written and electronic record disclosures, a clear and conspicuous statement, representation or element being disclosed is of such location, size, color and contrast to be readily noticeable and legible to consumers. In the case of oral disclosures, a clear and conspicuous disclosure is given at a volume and speed sufficient for a consumer to hear and comprehend it. In any clear and conspicuous disclosure, any required modifications, explanations or clarifications to other information are presented in close proximity to the information being modified, in a manner so as to be readily noticed and understood.

Electronic communication. The term "electronic communication" means communication by electronic means, rather than oral communication in person or by telephone or hard copy communication by mail.

Electronic record. The term "electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

Language access services. The term "language access services" means any service made available by a debt collector to consumers in a language other than English. Language access services include, but are not limited to, the use of:

- (1) collection letters using a language other than English;
- (2) customer service representatives who collect or attempt to collect debt in a language other than English;
- (3) a translation service for the collector's website or for written communications; and
- (4) a service that interprets phone conversations in real time.

Limited-content message. The term "limited-content message" means an attempt to communicate with a consumer by leaving a voicemail message that includes all of the following content, that may include other content allowed by federal law, and that includes no other content:

- (1) A business name for the debt collector that does not indicate that the debt collector is in the debt collection business;
- (2) A request that the consumer reply to the message;
- (3) The name of the natural person whom the consumer can contact to reply to the debt collector; and
- (4) A call-back telephone number that is answered by a natural person.

§ 4. The definitions for "Communication" and "Debt collector" in Section 5-76 of Part 6 of Subchapter A of Chapter 5 of Title 6 of the Rules of the City of New York are amended to read as follows:

Communication. The term "communication" means the conveying of information regarding a debt directly or indirectly to any person through any medium, including by electronic means. The term communication excludes a limited-content message.

Debt collector. The term "debt collector" means [an individual who, as part of his or her job, regularly collects or seeks to collect a debt owed or due or alleged to be owed or due] any person engaged in any business the principal purpose of which is the collection of any debts or who regularly collects, or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due to another person. The term does not include:

- (1) any officer or employee of the United States, any State or any political subdivision of any State to the extent that collecting or attempting to collect any debt owed is in the performance of [his or her] their official duties;
- (2) any person while engaged in performing an action required by law or regulation, or required by law or regulation in order to institute or pursue a legal remedy;
- (3) any individual employed by a nonprofit organization which, at the request of consumers, performs bona fide consumer credit counseling and assists consumers in the liquidation of their debts by receiving payments from such consumers and distributing such amounts to creditors; [or]
- (4) any individual employed by a utility regulated under the provisions of the Public Service Law, to the extent that New York Public Service Law or any regulation promulgated thereunder is inconsistent with this part; or

(5) any person while performing the activity of serving or attempting to serve legal process on any other person in connection with the judicial enforcement of any debt, or serving, filing or conveying formal legal pleadings, discovery requests, judgments or other documents pursuant to the applicable rules of civil procedure, where such person is not a party, or providing legal representation to a party, to the action.

Where a provision of this part limits the number of times an action may be taken by the debt collector, or establishes as a prerequisite to taking an action that the debt collector has received or done something, or prohibits an action if the debt collector has knowledge of or reason to know something, the term "debt collector" includes any debt collector employed by the same employer.

§ 5. Section 5-77 of Part 6 of Subchapter A of Chapter 5 of Title 6 of the Rules of the City of New York is amended to read as follows:

#### § 5-77. Unconscionable and Deceptive Trade Practices.

It is an unconscionable and deceptive trade practice for a debt collector to attempt to collect a debt owed, due, or asserted to be owed or due except in accordance with the following rules:

(a) *Acquisition of location information.* Any debt collector communicating with any person other than the consumer for the purpose of acquiring location information about the consumer in order to collect a debt, after the institution of debt collection procedures shall must:

(1) identify [himself or herself] themselves, state that [he or she is] they are confirming or correcting location information about the consumer and identify [his or her employer] the debt collector on whose behalf they are communicating when that identification connotes debt collection only if expressly requested;

(2) not state or imply that such consumer owes any debt;

(3) not communicate more than once, unless requested to do so by such person or unless the debt collector reasonably believes that the earlier response of such person is erroneous or incomplete and that such person now has correct or complete location information, in which case the debt collector may communicate one additional time; for the purposes of this paragraph (3), the debt collector need not count as a communication returned unopened mail, an undelivered email message, or a message left with a party other than the person the debt collector is attempting to reach in order to acquire location information about the consumer, as long as the message is limited to a telephone number, the name of the debt collector and a request that the person sought telephone the debt collector;

(4) not use any language or symbol on any envelope or in the contents of any communication effected by the mail or a delivery service that indicates that the debt collector is in the debt collection business or that the communication relates to the collection of a debt; provided that a debt collector may use [his or her] their business name or the name of a department within [his or her] their organization as long as any name used does not connote debt collection; and

(5) if the debt collector knows the consumer is represented by an attorney with regard to the subject debt and if the debt collector has knowledge of the attorney's name and address or can readily ascertain such attorney's name and address, not communicate with any person other than that attorney for the purpose of acquiring location information about the consumer unless the attorney fails to provide the consumer's location within a reasonable period of time after a request for the consumer's location from the debt collector and:

(i) informs the debt collector that [he or she] the attorney is not authorized to accept process for the consumer; or

(ii) fails to respond to the debt collector's inquiry about the attorney's authority to accept process within a reasonable period of time after the inquiry.

[The employer of a debt collector may not be held liable in any action brought under § 5-77(a)(3) or (5) if the employer shows by a preponderance of the evidence that the violation was not intentional and resulted despite the maintenance of procedures reasonably adapted to avoid any such violation.]

(b) *Communication in connection with debt collection.* A debt collector, in connection with the collection of a debt, [shall] must not:

(1) [After institution of debt collection procedures, without] Without the prior written consent of the consumer given directly to the debt collector [after the institution of debt collection procedures], or without permission of a court of competent jurisdiction, [communicate with the consumer in connection with the collection of any debt;] engage in any of the following conduct:

(i) communicate or attempt to communicate with the consumer at any unusual time or place known, or which should be known, to be inconvenient to the consumer. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating or attempting to communicate with a consumer is after 8 o'clock ante meridian and before 9 o'clock post meridian time at the consumer's location;

(ii) except for any communication which is required by law, communicate or attempt to communicate directly with the consumer if the debt collector knows the consumer is represented by an attorney with respect to such debt and if the debt collector has knowledge of the attorney's name and address or can readily ascertain such attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the debt collector or unless the attorney consents to direct communication with the consumer[, except any communication which is required by law or chosen from among alternatives of which one is required by law is not hereby prohibited];

(iii) communicate or attempt to communicate with the consumer at the consumer's place of employment [if] unless the debt collector knows [or has reason to know] that the consumer's employer or supervisor [prohibits] permits the consumer [from receiving] to receive such a communication; or

(iv) [with excessive frequency. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that more

than twice during a seven-calendar-day period is excessively frequent. In making its calculation, the debt collector need not include any communication between a consumer and the debt collector which is in response to an oral or written communication from the consumer, or returned unopened mail, or a message left with a party other than one who is responsible for the debt as long as the message is limited to a telephone number, the name of the debt collector and a request that one who is responsible for the debt telephone the debt collector; or any communication which is required by law or chosen from among alternatives of which one is required by law] communicate or attempt to communicate, including by leaving limited-content messages, with the consumer with excessive frequency.

(A) Excessive frequency means communication or attempted communication, by any medium, more than three times during a seven-consecutive-calendar-day period, or once within such period after having had an exchange with the consumer in any medium in connection with the collection of such debt.

(B) The date of the first day of such a seven-consecutive-calendar-day period is the day of the first such communication, attempted communication or exchange. In making its calculations, the debt collector need not include any communication, attempted communication or exchange between a consumer and the debt collector which is initiated by or at the request of a consumer or in response to a communication from the consumer, or any communication which is required by law.

[The employer of a debt collector may not be held liable in any action brought under 6 RCNY § 5-77(b)(1)(ii)-(iv) if the employer shows by a preponderance of the evidence that the violation was not intentional and resulted despite maintenance of procedures reasonably adapted to avoid any such violation]

For the purpose of paragraph (1) of this subdivision, the term "consumer" includes the consumer's parent (if the consumer is a minor), guardian, executor, administrator, or spouse (unless the debt collector knows or should know that the consumer is legally separated from or no longer living with their spouse).

(2) [In order to collect a debt, and except as provided by 6 RCNY § 5-77(a)] Except if otherwise permitted by law, communicate about a debt with any person other than the consumer who is obligated or allegedly obligated to pay the debt, [his or her] the consumer's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, a debt collector to whom [or to whose employer] the debt has been assigned for collection[, a creditor who assigned the debt for collection,] or the attorney of that debt collector[, or the attorney for that debt collector's employer,] without the prior written consent of the consumer or their attorney given directly to the debt collector [after the institution of debt collection procedures, or without the prior written consent of the consumer's attorney], or without the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy.

(3) Communicate with any person other than [the consumer's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, a debt collector to whom or to whose employer the debt has been assigned for collection, a creditor who assigned the debt for collection, or the attorney of that debt collector or the attorney for that debt collector's employer] those persons enumerated in paragraph (2) of this subdivision in a manner which would violate any provision of [this part] paragraph (1) of this subdivision if such person were a consumer.

(4) [After institution of debt collection procedures, communicate] Communicate with a consumer with respect to a debt if the consumer has notified the debt collector [in writing] that the consumer wishes the debt collector to cease further communication with the consumer with respect to that debt, except [that] for any communication which is required by law [or chosen from among alternatives of which one is required by law is not hereby prohibited]. The debt collector shall have a reasonable period of time following receipt by the debt collector of the notification to comply with a consumer's request[, except that any debt collector who knows or has reason to know of the consumer's notification and who causes further communication shall have violated this provision]. The debt collector may, however:

(i) communicate with the consumer once in writing or by electronic means:

(A) to advise the consumer that the debt collector's further efforts are being terminated; or[;]

(B) [to notify the consumer that the debt collector or creditor may invoke specified remedies which are ordinarily invoked by such debt collector or;

(C) where applicable] to the extent such notice was not previously provided, to notify the consumer that the debt collector or creditor intends to invoke a specific remedy if that is a remedy [he is] they are legally entitled to invoke and if [he] they actually [intends] intend to invoke it; and

(ii) respond to each subsequent [oral or written] communication from the consumer.

(5) [For the purpose of 6 RCNY § 5-77(b)(1)-(4), the term "consumer" includes the consumer's parent (if the consumer is a minor), guardian, executor, administrator, spouse (unless the debt collector knows or has reason to know that the consumer is legally separated from or no longer living with his or her spouse), or an individual authorized by the consumer to make purchases against the account which is the subject of the collection efforts. A request that the debt collector cease further communication, provided for under 6 RCNY § 5-77(b)(4), if made by the consumer's spouse or an individual authorized by the consumer to make purchases against the account, only affects the debt collector's ability to communicate further with the person making the request] Contact a consumer by electronic communication unless the debt collector satisfies the following requirements:

(i) A debt collector must provide a written validation notice to the consumer pursuant to subdivision (f) prior to contacting a consumer by electronic communication. A debt collector may only use a specific email address, text message number, or specific electronic medium of communication if:

(A) the debt collector obtains consent from the consumer to use such email address, text message number, or medium of communication to communicate about the debt, or

(B) the consumer used such email address, text message number or medium of communication to communicate with the debt collector about a debt within the past 60 days and has not since opted out of communications to that email address, text message number or medium of communication or opted out of all electronic communications generally.

(ii) A debt collector who sends any disclosures required by this subchapter electronically must do so in a manner that is reasonably expected to provide actual notice, and in a form that the consumer may keep and access later.

(iii) The debt collector must include in every electronic mail communication to the consumer a clear and conspicuous statement describing a reasonable and simple method by which the consumer can opt-out of further electronic communications or attempts to communicate by the debt collector. The debt collector may not require, directly or indirectly, that the consumer, in order to opt-out, pay any fee to the debt collector or provide any information other than the consumer's opt-out preferences and the email address or text message number subject to the opt-out request.

(6) Communicate with a consumer by sending an electronic message to an email address or a text message number that the debt collector knows or should know is provided to the consumer by the consumer's employer.

(7) Communicate with a consumer on a social media platform, unless the debt collector obtains consent from the consumer to communicate on the social media platform and the communication is not viewable by the general public or the consumer's social media contacts.

(8) Communicate with a consumer through a medium that the consumer has requested that the debt collector not use to communicate with the consumer.

(9) Communicate or attempt to communicate with a consumer to collect a debt for which the debt collector knows or should know that the consumer was issued an unverified debt notice pursuant to subdivision (f).

(c) *Harassment or abuse.* A debt collector, in connection with the collection of a debt, shall not engage in conduct the natural consequence of which is to harass, oppress or abuse any person in connection with a debt. Such conduct includes:

(1) the use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person;

(2) the use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader;

(3) the advertisement for sale of any debt to coerce payment of the debt;

(4) causing a telephone to ring or produce an alert or other sound, or engaging any person [in] by any communication medium, including but not limited to telephone conversation, repeatedly or continuously with intent to annoy, abuse, or harass any person [at the called number] contacted by the debt collector;

(5) the publication of a list of consumers who allegedly refuse to pay debts, except to another employee of the debt collector's employer or to a consumer reporting agency or to persons meeting the requirements of 15 USC § 1681a(f) or 15 USC § 1681b(3); or

(6) except [as provided by 6 RCNY § 5-77(a), the placement of telephone calls without meaningful disclosure of the caller's identity] where expressly permitted by federal, state, or local law, communicating with a consumer without disclosing the debt collector's identity.

(d) *False or misleading representations.* A debt collector, in connection with the collection of a debt, shall not make any false, deceptive, or misleading representation. Such representations include:

(1) the false representation or implication that the debt collector is vouched for, bonded by, or affiliated with the United States or any State, including the use of any badge, uniform or facsimile thereof;

(2) the false representation or implication that any individual is an attorney or is employed by a law office or a legal department or unit, or any communication is from an attorney, a law office or a legal department or unit, or that an attorney conducted a meaningful review of the consumer's debt account;

(3) the representation or implication that nonpayment of any debt will result in the arrest or imprisonment of any person or the seizure, garnishment, attachment, or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to pursue such action;

(4) the threat to take any action that cannot legally be taken or that is not intended to be taken;

(5) the false representation or implication that a sale, referral, or other transfer of any interest in a debt shall cause the consumer to:

(i) lose any claim or defense to payment of the debt; or

(ii) become subject to any practice prohibited by this part;

(6) the false representation [of] or implication made in order to disgrace the consumer that the consumer committed any crime or other conduct;

(7) the false representation or implication that accounts have been turned over to innocent purchasers for value;

(8) the false representation or implication that documents are legal process;

(9) the false representation or implication that documents are not legal process forms or do not require action by the consumer;

(10) the false representation or implication that a debt collector operates or is employed by a consumer reporting agency as defined by 15 U.S.C. § 1681a(f);

(11) the use or distribution of any written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court, official, or agency of the United States or any State, or which creates a false impression as to its source, authorization, or approval;

(12) the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer;

(13) the use of any business, company, or organization name other than the true name of the debt collector's business, company, or organization, unless the general public knows the debt collector's business, company or organization by another name and to use the true name would be confusing;

(14) [after institution of debt collection procedures,] the false representation of the character, amount or legal status of any debt, or any services rendered or compensation which may be lawfully received by any debt collector for the collection of a debt[, except that the employer of a debt collector may not be held liable in any action brought under this provision if the employer shows by a preponderance of the evidence that the violation was not intentional and occurred despite the maintenance of procedures reasonably adapted to avoid any such violation];

(15) except [as otherwise provided under 6 RCNY § 5-77(a) and except for any communication which is required by law or chosen from among alternatives of which one is required by law] for limited-content messages and where otherwise expressly permitted by federal, state, or local law, the failure to disclose clearly and conspicuously in all communications made to collect a debt [or to obtain information about a consumer,] that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose;

(16) the use of any [name that is not the debt collector's actual name; provided that a debt collector may use a name other than his actual name if he or she uses only that name in communications with respect to a debt and if the debt collector's employer has the name on file so that the true identity of the debt collector can be ascertained] assumed name; provided that an individual debt collector may use an assumed name when communicating or attempting to communicate with a consumer about a debt if that collector uses the assumed name consistently and is the only person using that assumed name, and the assumed name is on file so that the true identity of the collector can be ascertained;

(17) any conduct proscribed by New York General Business Law §§ 601(1), (3), (5), (7), (8), or (9);

(18) the false, inaccurate, or partial translation of any communication [when the debt collector provides translation services]; [or]

(19) after the institution of debt collection procedures, the false representation or omission of a consumer's language preference when returning, selling or referring for debt collection litigation any consumer account, where the debt collector [is aware] knows or should know of such preference; or

(20) except where expressly permitted by federal, state, or local law, the failure to disclose clearly and conspicuously in all telephone communications in connection with the collection of a debt where the communication is recorded by the debt collector that the communication is being recorded and the recording may be used in connection with the collection of the debt.

(e) *Unfair practices.* A debt collector may not use any unfair or unconscionable means to collect or attempt to collect a debt. Such conduct includes:

(1) the collection of any amount (including any interest, fee, charge, or expense incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt or permitted by law;

(2) the solicitation or use by a debt collector of any postdated check or other postdated payment instrument for the purpose of threatening or instituting criminal prosecution;

(3) causing charges to be made to any person for communications by misrepresentation of the true purpose of the communication. Such charges include collect telephone calls and [telegram] text message or mobile phone data fees;

(4) taking or threatening to take any nonjudicial action to effect dispossession or disablement of property if:

(i) there is no present right to possession of the property claimed as collateral;

(ii) there is no present intention to take possession of the property; or

(iii) the property is exempt by law from such dispossession or disablement;

(5) after institution of debt collection procedures, when communicating with a consumer by [use of the mails] mail or [telegram] a delivery service, using any language or symbol other than the debt collector's address on any envelope, or using any language or symbol that indicates the debt collector is in the debt collection business or that the communication relates to the collection of a debt on a postcard, except that a debt collector may use [his or her] their business name or the name of a department within [his or her] their organization as long as any name used does not connote debt collection;

(6) after institution of debt collection procedures, [communicating with a consumer regarding a debt without identifying himself or herself and his or her employer or communicating in writing with a consumer regarding a debt without identifying himself or herself by name and address and in accordance with 6 RCNY § 5-77(e)(5)] except where expressly permitted by federal, state, or local law, communicating with a consumer without disclosing the debt collector's name; [or]

(7) after institution of debt collection procedures, if a consumer owes multiple debts of which any one or portion of one is disputed, and the consumer makes a single payment with respect to such debts:

(i) applying a payment to a disputed portion of any debt; or

(ii) unless otherwise provided by law or contract, failing to apply such payments in accordance with the consumer's instructions accompanying payment[. If payment is made by mail, the consumer's instructions must be written. Any communication by a creditor made pursuant to 6 RCNY § 5-77(e)(7)(ii) shall not be deemed communication for the purpose of 6 RCNY § 5-77(b)(1)(iv). The employer of a debt collector may not be held liable in any action brought under 6 RCNY § 5-77(e)(7) if the employer shows by a preponderance of the evidence that the violation was not intentional and resulted despite maintenance of procedures reasonably adapted to avoid any such violation];

(8) engaging in any conduct prohibited by New York General Business Law §§ 601(2) or (4); [or]

(9) after institution of debt collection procedures, collecting or attempting to collect a debt without [first requesting and] recording the language preference of such consumer, except where the debt collector is not aware of such preference despite reasonable attempts to obtain it;

(10) furnishing to a credit reporting agency, as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. § 1681a(f)), information about a debt before the debt collector:

(i) notifies the consumer, by mail, telephone, or in person, about the debt, including the current amount of the debt and the business name of the debt collector, and informs the consumer that:

(A) the debt may be reported to a credit reporting agency; and

(B) New York City consumers can obtain information about their rights on the New York City Department of Consumer and Worker Protection's website at [www.dcwpc.nyc.gov](http://www.dcwpc.nyc.gov); or

(ii) sends the consumer a validation notice pursuant to subdivision (f) of this section that states the debt may be reported to a credit reporting agency.

If the debt collector elects to notify a consumer about a debt pursuant to subparagraph (i) of paragraph (10) of this subdivision by mail, they must wait no less than 14 consecutive days after they place the notice in the mail, to receive a notice of undeliverability. During the waiting period, the debt collector must permit receipt of, and monitor for, notifications of undeliverability from communications providers. If the debt collector receives such a notification during the waiting period, the debt collector must not furnish information about the debt to a credit reporting agency until the debt collector otherwise satisfies subparagraph (i) of paragraph (10) of this subdivision.

This subdivision does not apply to a debt collector's furnishing of information about a debt to a nationwide specialty credit reporting agency that compiles and maintains information on a consumer's check writing history, as described in section 603(x)(3) of the Fair Credit Reporting Act (15 U.S.C. § 1681a(x)(3));

(11) selling, transferring, or placing for collection or with an attorney or law firm to sue a consumer to recover any debt where the debt collector knows or should know that the debt has been paid or settled or discharged in bankruptcy, except a debt collector may transfer a debt to the debt's owner or to a previous owner of the debt if:

(i) the transfer is authorized under the terms of the original contract between the debt collector and the debt's owner or previous owner, as a result of a merger, acquisition, purchase and assumption transaction, or as a transfer of substantially all of the debt collector's assets; and

(ii) the debt collector also transfers all information pertaining to whether the debt has been paid or settled or discharged in bankruptcy obtained during the time the debt was assigned to the debt collector for collection;

(12) selling, transferring, or placing for collection or with an attorney or law firm to sue a consumer to recover any debt where the debt collector knows or should know that the time to sue on the debt has expired, without including a clear and conspicuous notice to the recipient of the debt that the statute of limitations on such debt has expired; or

(13) selling, transferring, or placing for collection or with an attorney or law firm to sue a consumer to recover any debt for which the debt collector was unable to provide written verification of the debt, despite having received a dispute or request for verification of the debt from the consumer, without including a clear and conspicuous notice to the recipient of the debt that the debt was not verified and a copy of the "unable to verify notice" sent to the consumer pursuant to subdivision (f) of this section.

(f) *Validation of debts.*

(1) [Upon acceleration of the unpaid balance of the debt or demand for the full balance due, the following validation procedures shall be followed by debt collectors who are creditors or who are employed by creditors as defined by 15 U.S.C. § 1602(f) (Truth in Lending Act) but who are not required to comply with 15 U.S.C. § 1637(a)(8) (Fair Credit Billing Act) and who do not provide consumers with an opportunity to dispute the debt which is substantially the same as that outlined in 15 U.S.C. § 1637(a)(8) and regulations promulgated thereunder: Within five days of any further attempt by the creditor itself to collect the debt, it shall send the customer a written notice containing:

(i) the amount of the debt;

(ii) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed valid by the debt collector;

(iii) a statement that, if the consumer notifies the debt collector in writing within the thirty-day period at the address designated by the debt collector in the notice, that the debt, or any portion thereof is disputed, the debt collector shall either:

(A) make appropriate corrections in the account and transmit to the consumer notification of such corrections and an explanation of any change and, if the consumer so requests, copies of documentary evidence of the consumer's indebtedness; or

(B) send a written explanation or clarification to the consumer, after having conducted an investigation, setting forth to the extent applicable the reason why the creditor believes the account of the consumer was correctly shown in the written notice required by 6 RCNY § 5-77(f)(1) and, upon the consumer's request, provide copies of documentary evidence of the consumer's indebtedness. In the case of a billing error where the consumer alleges that the creditor's billing statement reflects goods not delivered in accordance with the agreement made at the time of the transaction, a creditor may not construe such amount to be correctly shown unless it determines that such goods were actually delivered, mailed, or otherwise sent to

the consumer and provides the consumer with a statement of such determination.

(iv) if the debt collector is not the original creditor, a statement that, upon the consumer's written request within the thirty-day period, sent to the address designated by the debt collector in the notice, the debt collector will provide the consumer with the name and address of the original creditor;

(v) an address to which the consumer should send any writing which disputes the validity of the debt or any portion thereof or any writing requesting the name and address of the original creditor.

(2) Validation notice. Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector [who is not a creditor and not employed by a creditor shall] must, unless the following information [is] was contained in an initial written communication, or the consumer [has] paid the debt, send the consumer a written notice by mail or a delivery service containing, in a clear and conspicuous manner:

(i) [the amount of the debt] all information required by federal or state law;

(ii) [the name of the creditor to whom the debt is owed] the license number of the debt collection agency assigned to the licensee by the New York City Department of Consumer and Worker Protection, if applicable;

(iii) [a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector] the name of a natural person for the consumer to contact;

(iv) a [statement that if the consumer notifies the debt collector in writing within the thirty-day period at the address designated by the debt collector in the notice that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector] telephone number that is answered by such natural person;

(v) [a] the following statement [that, upon the consumer's written request within the thirty-day period sent to the address designated by the debt collector in the notice, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor];

**Important Additional Consumer Rights under New York City Law:**

I. You may contact a debt collector at any time, and by any means, during the collection of a debt to dispute or request verification of the debt.

II. The debt collector must:

- (1) Provide you verification of the debt in response to your first dispute or request for verification, within 30 days of receiving such dispute or request, and stop collecting until it provides this information in writing to you; or
- (2) Provide you a notice in writing stating that it was unable to verify the debt within 30 days of receiving a dispute or a request, and stop collecting on the debt;

(vi) [an address to which the consumer should send any writing which disputes the validity of the debt or any portion thereof or any writing requesting the name and address of the original creditor];

(vii) a statement informing the consumer of any language access services available[, including whether the consumer may obtain from the debt collector a translation of any communication into a language other than English]; and

[(viii)] (vii) a statement that a translation and description of commonly-used debt collection terms is available in multiple languages on the Department's website, [[www.nyc.gov/dca](http://www.nyc.gov/dca)] [www.nyc.gov/dcwp](http://www.nyc.gov/dcwp).

The information required under subdivisions (ii) through (vii) may be included on the reverse side of a written validation notice if the debt collector includes them together under a heading entitled, "Important Additional Rights under New York City Law" and includes a clear and conspicuous statement on the front of the validation notice referring to the disclosures. If included on the reverse side of the validation notice, the information must be positioned in a manner so it is conspicuous, even after a consumer tears off any response portion of the notice.

(2) Translated Notices. If a debt collector offers consumers validation notices in a language other than English, and a consumer requests a notice in such language, the debt collector must provide a translated notice to the consumer in the language requested within 30 days of such request, and the notice must be completely and accurately translated into such language. A debt collector is not required to provide the translated validation notice required by this paragraph to the consumer more than once during the period that the debt collector

owns or has the right to collect the debt. If the consumer disputes the debt or requests verification of the debt in the same language as the translated validation notice, the verification letter or unable to verify notice sent by the debt collector must also be translated in the language requested by the consumer.

(3) [If, pursuant to 6 RCNY §§ 5-77(f)(1) or 5-77(f)(2) of this Regulation the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall not attempt to collect the amount in dispute until the debt collector obtains and mails to the consumer verification of the debt or a copy of the judgment or the name and address of the original creditor. The debt collector shall maintain for one year from the date the notice was mailed, records containing documentation of the date such notice was mailed, the date the response, if any, was received and any action taken following such response] Validation Period. The validation period extends for 30 consecutive days from the date a consumer receives or is assumed to receive a validation notice. For purposes of determining the validation period, the debt collector may assume that a consumer received the validation notice five days (excluding Saturdays, Sundays and legal public holidays identified in 5 U.S.C. § 6103(a)) after the debt collector sent it.

(4) [The failure of a consumer to dispute the validity of a debt under 6 RCNY § 5-77(f) shall not be construed by any court as an admission of liability by the consumer] Overshadowing of rights to dispute or request original-creditor information. During the validation period, a debt collector must not engage in any collection activities or communications that overshadow or are inconsistent with the disclosure of the consumer's rights to dispute the debt and to request the name and address of the original creditor.

(5) Verification. A debt collector must provide a consumer verification of a debt or provide an "unverified debt notice" within 30 days of receiving a dispute or a request for verification of the debt. The consumer may dispute the debt, or make such verification request orally or in writing, or electronically if the debt collector permits electronic communications, at any time during the period in which the debt collector owns or has the right to collect the debt. The debt collector must treat a first dispute by the consumer as a request for verification of the debt, unless the debt collector has already provided the consumer the verification information required in this section. The debt collector must cease collection of the debt until such written verification has been provided to the consumer. A debt collector is not required to verify a debt pursuant to this section more than once during the period that the debt collector owns or has the right to collect the debt; provided, however, that the debt collector must send any such verification documents to the consumer one additional time upon request by the consumer. A debt collector must provide such verification to the consumer in writing by mail or delivery service unless the consumer has consented to receive electronic communications in compliance with § 5-77(b)(5). Verification of a debt must include:

(i) a copy of the debt document issued by the originating creditor or an original written confirmation evidencing the transaction resulting in the indebtedness to the originating creditor, including the signed contract or signed application that created the debt or, if no signed contract or application exists, a copy of a document provided to the alleged debtor while the account was active, demonstrating that the debt was incurred by the consumer. For a revolving credit account, the charge-off account statement, the most recent monthly statement recording a purchase transaction, payment or balance transfer shall be deemed sufficient to satisfy this requirement. Computer documents or electronic evidence created or generated after default on the indebtedness shall not qualify as such confirmation;

(ii) to the extent not already provided in the validation notice, the written documentation itemizing the principal balance of the debt that remains or is claimed or alleged to remain due and all other charges that are due or claimed or alleged to be due, including a copy of the final statement of account issued by the originating creditor and a document itemizing: (1) the total amount remaining due on the total principal balance of the indebtedness to the originating creditor and (2) each additional charge or fee claimed or alleged to be due that separately (i) lists the total for each charge or fee and the date that each charge or fee was incurred; and (ii) identifies and describes the basis of the consumer's obligation to pay it;

(iii) a statement describing the complete chain of title from the original creditor to the present creditor, including the date of each assignment, sale, and transfer; and

(iv) records reflecting the amount and date of any prior settlement agreement reached in connection with the debt.

(6) Unverified Debt Notice. If a debt collector cannot provide a consumer with verification of a debt in response to a dispute or request for verification, the debt collector must respond in writing to the consumer within 30 days of receiving the dispute or a request for verification that the debt collector is unable to verify the debt and will stop collecting on the debt, and provide the reason that the debt could not be verified.

(7) Originating Creditor. A debt collector must provide the consumer the address of the originating creditor of a debt within 30 days of receiving a request from the consumer for such address. The consumer may make such request orally or in writing, or electronically if the debt collector permits, at any time during the period in which the debt collector owns or has the right to collect the debt. After receiving such request, the debt collector must cease collection of the debt until such address has been provided to the consumer. A debt collector is not required to provide this information more than once during the period that the debt collector owns or has the right to collect the debt.

(8) Electronic Communications. If a debt collector delivers a validation notice to a consumer electronically, the debt collector must do so in accordance with § 5-77(b)(5) and the notice must include the debt collector's website, email address, and information on how the consumer can dispute the debt, seek verification of the debt, or request original-creditor information electronically.

(g) Liability. The employer of a debt collector is liable for the debt collector's violation of 6 RCNY § 5-77. A debt collector who is employed by another to collect or attempt to collect debts shall not be held liable for violation of 6 RCNY § 5-77) Reserved.

(h) Public Websites. Any debt collector that utilizes, maintains, or refers consumers to a website accessible to the public that relates to debts for which debt collection procedures have been instituted must clearly and conspicuously disclose, on the homepage of such website or on a page directly accessible from a hyperlink on the homepage labeled "NYC Rules on Language Services", the following disclosures:

(1) a statement informing the consumer of any language access services available[, including whether the consumer may obtain from the debt collector a translation of any communication into a language other than English]; and

(2) a statement that a translation and description of commonly-used debt collection terms is available in multiple languages on the Department's website, [www.nyc.gov/dca] www.nyc.gov/dcwp.

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

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

**RULE TITLE:** Amendment of Rules Governing Language Access Services Provided by Debt Collectors

**REFERENCE NUMBER:** 2020 RG 111

**RULEMAKING AGENCY:** Department of Consumer and Worker Protection

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

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

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: October 13, 2022

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

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

**RULE TITLE:** Amendment of Rules Governing Language Access Services Provided by Debt Collectors

**REFERENCE NUMBER:** DCWP-1

**RULEMAKING AGENCY:** Department of Consumer and Worker Protection

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

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

October 13, 2022  
Date

Accessibility questions: Charlie Driver, cdriver@dcwp.nyc.gov, by: Monday, November 28, 2022, 12:00 P.M.



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**HEALTH AND MENTAL HYGIENE**

**NOTICE**

**BOARD OF HEALTH**

**Notice of Public Hearing and Opportunity to Comment on Proposed Amendment to Provisions of Article 207 of the New York City Health Code**

**What are we proposing?** The New York City Department of Health and Mental Hygiene ("Department" or "DOHMH") is proposing that the Board of Health ("Board") amend Article 207 of the New York City Health Code ("Health Code") to allow an application for correction of a birth certificate to be made on behalf of a minor by the government agency responsible for the custody and care of the minor.

**When and where is the hearing?** The New York City Department of Health and Mental Hygiene will hold a public hearing on the proposed rule. The public hearing will take place at 10:00AM to 12:00PM on Tuesday, December 6, 2022. The hearing will be conducted by video conference accessible via internet or telephone:

- **Internet.** To participate in the public hearing, enter to register at this Webex URL: <https://nycdohmh.webex.com/nycdohmh/j.php?MTID=m354d5a9ab5daeeb3e958ec94d920d9d6> If prompted to provide an event number or password, please enter the following: Webinar number: **2346 166 4151**, Password: **egMa9PqZK68** (34629779 from phones)
- **Phone:** For access, dial: **(646) 992-2010** or **(408) 418-9388**; then please enter the following Access code: **234 616 64151**.

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

- **Website:** You can submit comments to the Department through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email:** You can email written comments to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov)
- **Mail:** You can mail written comments to: New York City Department of Health and Mental Hygiene Gotham Center, 42-09 28th Street, 14th Floor, CN 30 Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to the Department at 347-396-6087.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or by emailing [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov) before the hearing begins at 10AM on Tuesday, December 6, 2022. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign up in advance. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Written comments must be received on or before December 6, 2022, at 5:00 pm.

**What if I need assistance to participate in the hearing?**

You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078 or by emailing [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov). Advance notice is

requested to allow sufficient time to arrange the accommodation. Please tell us by November 22, 2022.

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

**What authorizes the Department to make this amendment?** Section 558(b) and (c) of the Charter empower the Board to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 558(c) of the Charter authorizes the Board to include in the Health Code provisions related to maintaining a registry of births and deaths. Section 556(c)(1) of the Charter authorizes the Department to supervise and control the registration of births and deaths. Section 1043(a) of the Charter grants rulemaking powers to the Department. The Department did not include the proposed amendment in its regulatory agenda for this fiscal year because it did not contemplate this amendment at the time.

**Where can I find the Department's rules?** The Department's rules and the Health Code are located in Title 24 of the Rules of the City of New York.

**What laws govern the rulemaking process?** The Department must satisfy the requirements of Section 1043 of the Charter when adding or amending rules. This notice is made according to the requirements of Section 1043(b) of the Charter.

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

Section 207.01 of the Health Code allows the Department to correct or amend birth certificates of minors upon application of their parents, surviving parent, or legal guardians in limited instances. Pursuant to Section 207.01, all applications must be accompanied by supporting documentation and no application may be approved unless the Department 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 birth or that the name of a person named in a birth certificate has been changed pursuant to court order. New corrected birth certificates are issued when the change is made within one year of birth.

This seemingly simple process for a name change does not work for the roughly 75 to 80 child welfare cases a year where parental rights have not been terminated and a child has been placed in the care and custody of the Administration for Children's Services (ACS), such as when a child has been placed in foster care. Currently, Section 207.01 does not allow ACS or any other social services agency to apply for a name change in these circumstances. The need for a birth certificate correction is most pressing when a placeholder such as "Baby Boy," "Girl," or "No Name Given," is on a birth certificate, because without an actual first name, it is difficult to establish the child's identity for services, including Social Security and Medicaid coverage. Social services agencies must therefore obtain a court order to permit the Department to correct a birth certificate, which adds time and expense to an already lengthy process of placing children in foster care families, while also delaying the children's access to social services.

To address this issue, the Department proposes to amend Section 207.01(a) to allow a government agency—ACS in New York City, the Office of Children and Family Services in the rest of New York State, and social services agencies of other states and localities—to apply for corrections to a birth certificate, on behalf of a child, when a court has granted care and custody of that child to the agency. With this amendment, the needs of children entering the foster care system will more readily and seamlessly be met.

The proposed amendment is as follows:

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

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

**RESOLVED**, that subdivision (a) of section 207.01 of Article 207 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended to read as follows:

- (a) The Commissioner or the Commissioner's designee may approve the amendment of a birth, termination of pregnancy or death certificate, or of a confidential medical report of birth, spontaneous termination of pregnancy or death. Application shall be made on a form furnished by the Department. Application for amendment of a birth certificate [shall] may be made only by the person whose birth certificate is to be corrected if such person is 18 years of age or over, or by the parents or surviving parent of a child that is deceased, [or] by the legal guardian of the person whose birth certificate is to be corrected, or by an agency in accordance with

subdivision (e) of this section [or by the person] if such person is under 18 years of age [or over]. Application for amendment of a spontaneous termination of pregnancy shall be made by the parents or surviving parent. Application for amendment of a death 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.

**RESOLVED**, that a new subdivision (e) be added to section 207.01 of Article 207 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, to read as follows:

- (e) When a court of competent jurisdiction has remanded or placed a child to the care and custody of the Administration for Children's Services or an authorized government social services agency outside of the City of New York responsible for the welfare of a child, as determined by the department, such agency may make an application for correction of a first name when none or a placeholder was provided on the original birth certificate.

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

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

**RULE TITLE: Amendment of Rules Governing Birth Certificates (Health Code Article 207)**

**REFERENCE NUMBER: DOHMH-126**

**RULEMAKING AGENCY: Department of Health and Mental Hygiene**

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

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

October 13, 2022  
Date

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

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

**RULE TITLE: Amendment of Rules Governing Birth Certificates (Health Code Article 207)**

**REFERENCE NUMBER: 2022 RG 083**

**RULEMAKING AGENCY: Department of Health and Mental Hygiene**

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

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

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: October 13, 2022

**BOARD OF HEALTH**  
**Notice of Adoption of Amendments**  
**to Articles 11 and 173 of the New York City Health Code**

At the July 21, 2022 meeting of the New York City Board of Health (“Board”), the Department of Health and Mental Hygiene (“Department”) presented a notice of intention (“NOI”) to amend Articles 11 and 173 of the New York City Health Code (“Health Code”). The Board approved the NOI as presented for publication. In compliance with section 1043(b) of the New York City Charter (“the Charter”) and pursuant to the authority granted to the Board by section 558 of the Charter, the NOI was published in the New York City Record on July 29, 2022. A public hearing was held on August 29, 2022; no one testified at the hearing. Two written comments were received, one in favor of the proposed amendments and one opposed. After consideration of the comments, for the reasons noted below, no changes have been made to the proposed amendments. At its meeting on October 25, 2022, the Board adopted the following resolutions.

**Statement of Basis and Purpose**

New York City has been on the forefront of action to protect New Yorkers from lead paint hazards since 1960. In response to lead poisoning prevention provisions recently enacted by the City Council, as well as to formally adopt the Department’s high standards of public health practice, the Board has amended Article 173 of the Health Code twice in the past three years. In 2019, the Board adopted significant new safeguards for children that, among other things, lowered the childhood blood lead level requiring mandatory Department investigations and the lead dust action level.<sup>1</sup> And in 2021, the Board amended Article 173 to make explicit that the Department’s investigations in response to reports of children with elevated blood lead levels (“EBLLs”) include inspection of any location where the child regularly spends significant time, to clarify that the Department has the authority to order abatement or remediation of lead-based paint and dust in locations occupied by children under age 18, and to extend the unsafe lead paint hazard standard to childcare programs attended by a child with an EBLL.<sup>2</sup>

Among the recent amendments to the Administrative Code on lead poisoning prevention was the enactment of section 17-912, regarding setting the childhood blood lead reference value (“reference value”) at 5 micrograms per deciliter (mcg/dL) as the action level for Department investigations.<sup>3</sup> This reference value was based on the 97.5<sup>th</sup> percentile of the blood lead distribution in U.S. children aged 1–5 years from National Health and Nutrition Examination Survey (NHANES) data, and identifies children with higher levels of lead in their blood compared to most children. Anticipating that the reference value would continue to decline as fewer children are exposed to lead hazards, Administrative Code section 17-912(a) requires the Department to either adopt any new reference value as its action level whenever the federal Centers for Disease Control and Prevention (“CDC”) defines a lower blood lead reference level, or submit a report to the Mayor and Speaker of the City Council detailing the reasons the new reference value should not be adopted as the threshold for investigations.

In October 2021, the CDC lowered the reference value in children to 3.5 mcg/dL.<sup>4</sup> To continue advancing protections for children from lead exposure, the Board is amending Article 173 to lower the blood lead level for mandatory Department investigations to 3.5 mcg/dL, and amending Article 11 to adopt 3.5 mcg/dL as the level for mandated reporting and inclusion in the Children’s Blood Lead Registry. These amendments also respond to a petition to the Board submitted pursuant to Health Code Article 9 asking for such a change.

In addition, the NYC Department of Housing Preservation and Development (HPD) has adopted regulations described by Administrative Code section 27-2056.2(7)(b) to redefine “lead-based paint” as that containing a lead content of 0.5 milligrams per square centimeter (mg/cm<sup>2</sup>) or greater.<sup>5</sup> The HPD regulations also now presume that, based on the technical specifications of the XRF machines, an inconclusive XRF result at 0.5 mg/cm<sup>2</sup> indicates the presence of lead paint at this level, unless shown otherwise by laboratory analysis. With this adoption, the Health Code definition of “unsafe lead paint” at 0.5 mg/cm<sup>2</sup>, which had been adopted to enable the Department to order abatement of non-intact paint at this lower level until HPD was able to adopt the more protective standard, is no longer needed. The Board therefore is repealing the definitions of “unsafe lead paint” and “unsafe lead paint hazard” from Health Code section 173.14(b) and amending the definition of “lead-based paint” to provide for this new lower standard. The now-outdated portions of

the definition of “lead-based paint” that refer to Administrative Code section 27-2056.2(7)(b) are being deleted. All references to “unsafe lead paint” and “unsafe lead paint hazards” are also being removed from the Health Code because there is also no longer a need for them. Some of these amendments were not noted in the proposed NOI as an administrative oversight, but are included here to ensure consistency throughout Article 173.

The Board received two comments related to these proposed changes. One commentor was supportive of lowering the reference level to 3.5 mcg/dL. The second commentor opposed this change because the reference level is “not health-based and is not a regulatory standard.” The new reference level is population-based, as noted above, and it is true that the CDC has not mandated it as the threshold for intervention nationally. There is no identified threshold or safe level of lead in blood, however, and the Board’s goal is to continually reduce blood lead concentrations of the city’s children. Further, as noted above, Administrative Code section 17-912 requires the Board to consider a lower blood reference level when the CDC lowers the federal reference value, which occurred in October 2021. For these reasons, no changes have been made to the Health Code amendments concerning lowering reference level. The second commentor also opposed redefining “lead-based paint” as that containing a lead content of 0.5 mg/cm<sup>2</sup> or greater. No changes to the amendments were made based on this comment.

**Statutory Authority**

These amendments to the Health Code are promulgated pursuant to Sections 558 and 1043 of the New York City Charter. Section 558 empowers the Board to amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. Section 1043 grants the Department rulemaking authority.

The proposal is as follows:

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

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

**RESOLVED**, that subdivision (a) of section 11.03 of Article 11 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

**§ 11.03 Diseases and conditions of public health interest that are reportable.**

(a) Cases and carriers affected with any of the following diseases and conditions of public health interest, and persons who at the time of their death were apparently so affected, shall be reported to the Department as specified in this article:

\*\*\*

Blood lead level of [five] three and a half micrograms per deciliter or higher (see also section 11.09(a) of this Code)

\*\*\*

**RESOLVED**, that subdivision (a) of section 11.09 of Article 11 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

(a) In addition to the reports of blood lead levels made pursuant to 24 RCNY Health Code § 11.03, results of blood lead analyses that are less than [five] three and a half micrograms per deciliter for any resident of the City of New York shall be reported as follows:

- (1) Except as provided in Paragraph (2), clinical laboratories shall report blood lead test results that are less than [five] three and a half micrograms per deciliter to the Department.
- (2) A clinical laboratory that reports blood lead test results less than [five] three and a half micrograms per deciliter electronically to the New York State Department of Health shall not be required to make any additional report to the Department of such test results.
- (3) A person or entity who orders or performs blood lead tests but does not submit the specimen to a clinical laboratory for analysis shall report results of less than [five] three and a half micrograms per deciliter to the Department.

\*\*\*

**RESOLVED**, that paragraph (4) of subdivision (a) of section 173.13 of Article 173 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

- (4) *Investigations.* Whenever a report has been made to the Department of a child under 18 years of age with a blood lead level of [five (5)] three and a half (3.5) micrograms per deciliter or higher, the Department shall conduct such

1 New York City Record, June 19, 2019, at 3049 *et seq.*

2 New York City Record, September 28, 2021, at 6627 *et seq.*

3 Local Law No. 66 of 2019.

4 CDC, *Update of the Blood Lead Reference Value – United States, 2021*, MMWR, October 29, 2021, available online at <https://www.cdc.gov/mmwr/volumes/70/wr/mm7043a4.htm>.

5 New York City Record, October 13, 2021, at 6956 *et seq.*, *eff.* December 1, 2021.

investigation as may be necessary to identify potential sources of the elevated blood lead level, including but not limited to, an inspection of the dwelling unit where such child resides and any supplemental address of that child.

**RESOLVED**, that paragraphs (2) and (3) of subdivision (d) of section 173.13 of Article 173 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, are amended to read as follows:

- (2) *In the dwelling of a child with a blood lead level of [five (5) three and a half (3.5) micrograms per deciliter or greater.*  
When the Department finds that the interior of any dwelling of a child under 18 years of age with a blood lead level of [five (5)] three and a half (3.5) micrograms per deciliter or higher has a lead-based paint hazard because of its condition, location or accessibility to children, the Department shall order the abatement of any such condition in a manner and under such safety conditions as it may specify; in addition, until HPD adopts regulations described by paragraph (b) of subdivision (7) of section 27-2056.2 of the Administrative Code, the Department is authorized to order abatement when an unsafe lead paint hazard is present in such dwelling].
- (3) *Objections to Department orders.* An owner or other person to whom an order issued pursuant to this subdivision is directed shall notify the Department that he or she objects to such order no later than three (3) days after service of the order. In deciding whether objections to an order issued pursuant to 24 RCNY Health Code § 173.13(d)(2) have merit, the Department may rely on the results of its lead-based paint [or unsafe lead paint] sampling, provided such results are obtained in accordance with the methodology identified within the definitions of this Code and the Department has a reasonable belief that such reliance will be more protective of the health of a child with an elevated blood lead level.

**RESOLVED**, that section 173.14 of Article 173 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

**§ 173.14 Safety standards for lead-based [and unsafe lead] paint abatement and remediation, and work that disturbs lead-based [or unsafe lead] paint.**

**Table of Contents for § 173.14**

\* \* \*

- (a) *Purpose, scope and applicability.* This section establishes work practices and safety standards for (1) abatement and other reduction of lead-based [and unsafe lead paint] hazards; (2) other work that disturbs surfaces covered with lead-based paint, or paint of unknown lead content; and (3) the minimum qualifications of persons who conduct such activities, in premises where children younger than six years of age reside, receive child care services, or attend prekindergarten or kindergarten classes. This section is intended to reduce the exposure of such children to the lead-based [and unsafe lead] paint hazards associated with such work.
- (b) *Definitions.* When used in this Article, or in § 43.23 or § 47.63 of this Code, the following terms shall have the following meanings:

**Abatement.** “Abatement” shall mean any set of measures designed to permanently eliminate lead-based paint[, unsafe lead paint,] or lead-based paint hazards[, or unsafe lead paint hazards]. Abatement includes: (i) the removal of such hazards, the permanent enclosure or encapsulation of such paint, and the replacement of components or fixtures painted with such paint; and (ii) all preparation, cleanup, disposal and post-abatement clearance testing associated with such measures. Abatement shall not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based [or unsafe lead] paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint [or unsafe lead paint] hazards. Furthermore, abatement shall not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based [or unsafe lead] paint hazards.

\* \*\*

**Encapsulation** “Encapsulation” shall mean the application of a covering or coating that acts as a barrier between the lead-based [or unsafe lead] paint and the environment and that relies for its durability on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers and between the paint and the substrate. Encapsulation may be used as a method of abatement if it is designed and performed so as to be permanent. Only encapsulants approved by the New York State Department of Health, or by another federal or state agency or jurisdiction which the Department or HPD has designated as acceptable may be used for performing encapsulation.

**Enclosure.** “Enclosure” shall mean the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based [or unsafe lead] paint and the environment.

\*\*\*

**Lead-based paint.** “Lead-based paint” for the purpose of this Code, shall mean paint or other similar surface coating material containing lead in a concentration of [1.0 milligram] 0.5 milligrams per square centimeter (mg/cm<sup>2</sup>) or greater as determined by laboratory analysis, or by an x-ray fluorescence (XRF) analyzer[, except that, upon promulgation by HPD of the rule described by Paragraph (b) of subdivision (7) of section 27-2056.2 of Administrative Code, “lead-based paint” shall mean paint or other similar surface coating material containing 0.5 mg/cm<sup>2</sup> or greater as determined by laboratory analysis, or by XRF analyzer]. If an XRF analyzer is used, readings shall be corrected for substrate bias when necessary as specified by the Performance Characteristic Sheets (PCS) published by the United States Environmental Protection Agency (EPA) for the specific XRF instrument used. XRF readings shall be classified as positive, negative or inconclusive in accordance with the United States Department of Housing and Urban Development (HUD) “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing” (July 2012) or any successor guidelines issued by HUD, and the PCS published by the EPA and HUD for the specific XRF instrument used. XRF results which fall within the inconclusive zone, as determined by the PCS, shall be [confirmed by] classified as positive unless laboratory analysis of paint chips[,] show them to be negative. Reports of laboratory results shall be reported in mg/cm<sup>2</sup> and the measure of such laboratory analysis shall be definitive. If laboratory analysis is used to determine lead content, results shall be reported in mg/cm<sup>2</sup>. Where the surface area of a paint chip sample cannot be accurately measured or if an accurately measured paint chip sample cannot be removed, laboratory analysis may be reported in percent by weight. In such case, lead-based paint shall mean any paint or other similar surface coating material containing more than [0.5% of metallic lead, based on the non-volatile content of the paint or other similar surface coating material, except that, upon promulgation by HPD of the rule described by Paragraph (b) of Subdivision (7) of Section 27-2056.2 of the Administrative Code, lead-based paint shall mean paint or other similar surface-coating material containing more than] 0.25% of metallic lead, based on the non-volatile content of the paint or other similar surface-coating material. In the absence of a PCS for a specific XRF instrument or a particular function of such instrument, substrate correction, classification of XRF readings, and determinations of inconclusive readings shall be performed in accordance with the manufacturer’s instructions for the specific XRF instrument used.

\*\*\*

**Remediation.** “Remediation” shall mean the reduction or elimination of a lead-based [or unsafe lead] paint hazard through the wet scraping and repainting, removal, encapsulation, enclosure, or replacement of lead-based paint, or other method approved by the Department.

**Removal.** “Removal” shall mean a method of abatement that completely eliminates lead-based [or unsafe lead] paint from surfaces.

**Replacement.** “Replacement” shall mean a strategy or method of abatement that entails the removal of building components that have surfaces coated with lead-based [or unsafe lead] paint and the installation of new components free of lead-based or unsafe lead paint.

\*\*\*

**Supplemental address.** “Supplemental address” shall mean any location where a child with a blood lead level equal to or in excess of [five (5)] three and a half (3.5) micrograms per deciliter spends five (5) or more hours per week.

\*\*\*

**[Unsafe lead paint.** “Unsafe lead paint” for the purposes of this Code shall mean paint with a concentration of lead content equal to or greater than 0.5 mg/cm<sup>2</sup> and less than or equal to 0.9 mg/cm<sup>2</sup> or a metallic lead content of 0.25% or greater, as determined by laboratory analysis or by an XRF analyzer. XRF readings shall be classified as positive or negative in accordance with the manufacturer’s instructions and, in the absence of a PCS for a specific XRF instrument or a particular function of such instrument, substrate correction, classification of XRF readings, and determinations of inconclusive readings shall be performed in accordance with the manufacturer’s instructions for the specific XRF instrument used. If laboratory analysis is used to determine lead content, results shall be reported in milligrams of lead per square centimeter. Where the surface area of a paint chip sample cannot be accurately measured or if an accurately measured paint chip sample

cannot be removed, a laboratory analysis may be reported in percent by weight. In such cases, lead-based paint shall mean any paint or other similar surface-coating material containing more than 0.25% of metallic lead, based on the non-volatile content of the paint or other similar surface-coating material.

**Unsafe lead paint hazard.** “Unsafe lead paint hazard” shall mean any condition in a dwelling, dwelling unit, or, on or after October 17, 2022, any supplemental address of a child of applicable age that is regulated by 24 RCNY Health Code Article 43 or 24 RCNY Health Code Article 47, that causes exposure to lead from unsafe lead paint that is peeling or present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces that could result in adverse human health effects.]

\*\*\*

**Work.** “Work” shall mean any activity that disturbs paint in accordance with Article 14 of subchapter 2 of Title 27 of the Administrative Code or as otherwise ordered by the Department to remediate lead-based [or unsafe lead] paint hazards.

**Work area.** “Work area” shall mean that part of a building where lead-based paint[, unsafe lead paint,] or paint of unknown lead content is being disturbed.

- (c) *Administrative requirements.* [All administrative requirements of this subdivision that apply to lead-based paint or lead-based paint hazards shall also apply to unsafe lead paint and unsafe lead paint hazards, respectively.]

\*\*\*

- (d) *Work methods and occupant relocation.* [All administrative requirements of this subdivision that apply to lead-based paint or lead-based paint hazards shall also apply to unsafe lead paint and unsafe lead paint hazards, respectively.]

\*\*\*

- (e) *Occupant protection.* [All requirements of this subdivision that apply to lead-based paint or lead-based paint hazards shall also apply to unsafe lead paint and unsafe lead paint hazards, respectively.]

\*\*\*

- (f) *Investigation of unsafe lead work practices by the Department.*

\*\*\*

- (2) *Scope of authority.* Such inspection may include but not be limited to premises where abatement or remediation of lead-based paint[ or unsafe lead] hazards is being conducted, where any work which may disturb lead-based paint[, unsafe lead paint,] or paint of unknown lead content is being conducted, or which is the subject of a complaint to the Department pursuant to § 17-185 of the Administrative Code, and any areas affected by the emission or release of leaded dust or debris.

\*\*\*

- (g) *Declaration pursuant to Administrative Code § 17-145.* The existence of a lead-based paint condition[, unsafe lead paint condition,] or a lead-based paint hazard[, or unsafe lead paint hazard] pursuant to 24 RCNY Health Code § 173.13, or a failure to comply with this section is hereby declared to constitute a public nuisance and a condition dangerous to life and health, pursuant to § 17-145 of the Administrative Code. Every person obligated to comply with the provisions of this section or 24 RCNY Health Code § 173.13 is hereby ordered to abate or remediate such nuisance by complying with any order or direction issued by the Department.

• n4

### Background

The health risks of tanning are well known. Tans are caused by the skin's reaction to ultraviolet (UV) radiation, and any exposure to UV rays can lead to skin cancer and other diseases. The World Health Organization's International Agency for Research on Cancer found that indoor tanning devices cause carcinogenicity in humans and that the risk of melanoma increases by 75% when the use of tanning devices starts before 30 years of age. In addition, a study of adolescent indoor tanning practices between 1998 and 2004 found that over 60% of indoor tanners between the ages of 16 and 18 years old reported experiencing erythema, or burns, after indoor tanning sessions.

The earlier a person begins indoor tanning and the more frequently they tan, the greater their risk of developing skin cancer. Research has demonstrated a strong “dose response” relationship between melanoma risk and the total hours of indoor tanning over a person's lifetime.

*Proposed Increase of Minimum Age to Use Indoor Tanning Facility*  
Currently, Article 177 of the New York City Health Code (“Health Code”) prohibits indoor tanning facilities from serving minors under 17 years of age, but not minors who are 17 years of age or older. That is because until recently, New York State law precluded localities from prohibiting indoor tanning for 17-year-olds. (New York State law and regulations instead required parental consent for tanning by 17-year-olds.) With the complete support of the Department, however, New York State law and regulations were amended to prohibit indoor tanning of 17-year-olds, regardless of parental consent. The Department now amends Article 177 of the Health Code to reflect these changes from the State.

### Other Proposed Amendments

The Department also now amends Article 177's provisions relating to cleaning, sanitizing and disinfecting equipment and supplies used at tanning facilities, as well as to clarify operators' obligation to produce records of annual timer tests to the Department upon request and to allow records to be maintained in an electronic format. Moreover, the Department is now requiring operators of tanning facilities in New York City that maintain a website to post on such website a disclaimer describing the health risks of tanning.

Finally, the Department is amending Article 177 to increase the inspection fee for each UV radiation device from \$50 to \$200, as provided in section 72-1.5(b) of Title 10 of the New York Codes, Rules, and Regulations (“NYCRR”), and repealing the biennial registration license fee currently set forth in Article 5 of the Health Code. The required fee range is provided in 10 NYCRR § 72-1.4(a).

### Statutory Authority

These amendments are made pursuant to sections 556, 558 and 1043 of the New York City Charter. Section 556 of the Charter grants the Department jurisdiction to regulate all matters affecting health in the City of New York. 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 of the Charter grants rulemaking powers to the Department. Additionally, section 3554(3) of the New York State Public Health Law and regulations of the New York State Department of Health (“NYSDOH”) (located in 10 NYCRR §§ 72-1.1(e) and 72-1.2(b) and (c)) authorize NYSDOH to enable local jurisdictions to enact and enforce local regulations concerning tanning facilities.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

The amendments are as follows:

**RESOLVED**, that Article 177 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended to read as follows:

\*\*\*

### §177.03 Definitions.

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*“Disinfect”* means adequate antimicrobial treatment by a disinfectant capable of destroying pathogenic non-spore forming bacteria, viruses, fungi, parasites and protozoa on treated surfaces.

\*\*\*

*“Sanitize”* means adequate antimicrobial treatment by a disinfectant determined to be capable of [destroying] reducing the number of pathogenic [organisms] spore forming bacteria on treated surfaces.

\*\*\*

*“Tanning facility”* means any establishment located in New York City where one or more ultraviolet radiation devices are used, offered, or made available for use by any human being, [for which] whether or not a fee is charged[,] directly or indirectly.

### §177.05 General requirements.

- (a) [Except as provided for in subdivision (b) of this section, a] A tanning facility cannot be in operation unless the facility has been issued a permit by the Department.

## BOARD OF HEALTH

### Notice of Adoption of Amendments to Article 5 and Article 177 of the New York City Health Code

In accordance with section 1043 of the New York City Charter (“Charter”) and pursuant to the authority granted to the Board of Health (“Board”) by section 558 of the Charter, a notice of intention to amend Articles 5 and 177 of the New York City Health Code (“Health Code”) was published in the City Record on July 29, 2022 inviting the public to offer comments on these proposed amendments. The New York City Department of Health and Mental Hygiene (“Department”) held a public hearing on these proposed amendments on August 29, 2022. No one testified at the public hearing and no written comments were received. The Department made no changes to the proposed amendments and requested that the Board adopt the proposed amendments as published in the City Record. At its meeting on October 25, 2022, the Board of Health adopted the following resolutions.

#### Statement of Basis and Purpose

- (b) [A facility in possession of a State-issued permit on the effective date of this Article will be deemed in compliance with this section and must continue to operate in compliance with the terms of its State-issued permit. Upon the expiration of the facility's State-issued permit, the facility must apply to the Department for a permit as specified in this section. Upon the expiration of its State-issued permit, any such facility may not continue to operate unless it has been issued a permit by the Department.]
- (c) A facility's permit to operate must be conspicuously posted within the tanning facility. [Upon the effective date of this Article and until its State-issued license expires, a facility operating pursuant to a State-issued permit must conspicuously post such permit within the tanning facility.]
- [(d) (c) In addition to the [application] permit fee prescribed in [Article 5 of this Code] Section 72-1.4(a) of Title 10 of the New York Codes, Rules and Regulations ("NYCRR"), an application for a permit must also be accompanied by payment of an inspection fee, as authorized by 10 NYCRR § 72-1.5(b), in the amount of [\$50] \$200 for each ultraviolet radiation device at the tanning facility.

[(e) (d) \*\*\*

**§177.07 Enforcement.**

\*\*\*

- (c) Public health hazards. \*\*\*

(6) Failure to provide adequate sanitizing of tanning beds, tanning booths, pillows[,] or headrests; or inadequate disinfection of reusable protective eyewear;

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**§177.11 Operator responsibilities.**

\*\*\*

- (e) The operator must ensure that each patron using an ultraviolet radiation device possesses adequate protective eyewear; such protective eyewear must comply with 21 CFR § 1040.20(c)(4) or any successor regulation.

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- (g) If the operator maintains any web page that lists, advertises or otherwise displays the indoor tanning services available at a tanning facility, or any web page through which a prospective patron may reserve an indoor tanning service at a tanning facility, such web page must contain the following disclaimer message, which must be clearly displayed in minimum 10-size font of contrasting color:

UV radiation from indoor tanning devices can cause:

- Skin Cancer, including melanoma, the type of skin cancer responsible for the most deaths
- Eye burns that can cause intense pain and negatively affect vision
- Sunburn (discomfort, pain and tenderness on the skin)
- Early skin aging, such as wrinkles and age spots

**§177.13 Patron identification and[, ] acknowledgements[and consent].**

- (a) Patron identification and age verification.

\*\*\*

- (2) No one under [seventeen (17)] eighteen (18) years of age will be permitted to use an ultraviolet radiation device in a tanning facility. [Any patron who is seventeen (17) years of age must provide the operator with a paternal consent form as described in subdivision (b) of this section before being allowed to use an ultraviolet radiation device.]
- (3) The operator must conspicuously post a sign in or near the facility reception area that reads in prominent print:

**[IF YOU ARE UNDER THE AGE OF 17, YOU ARE PROHIBITED FROM TANNING. IF YOU ARE 17 YEARS OLD, YOU MUST HAVE YOUR PARENT OR LEGAL GUARDIAN SIGN A WRITTEN CONSENT FORM, IN FRONT OF A TANNING FACILITY OPERATOR, BEFORE YOU CAN TAN.]**

**PERSONS UNDER 18 YEARS OF AGE ARE PROHIBITED FROM USING UV RADIATION DEVICES. PERSONS 18 YEARS OF AGE OR OLDER MUST PROVIDE A DRIVER LICENSE OR OTHER PHOTO IDENTIFICATION ISSUED BY A GOVERNMENT OR EDUCATIONAL INSTITUTION BEFORE USING UV RADIATION DEVICES.**

- (b) Consent form required for patrons aged 17. The operator may not permit anyone who is seventeen (17) years of age to use an ultraviolet radiation device at the operator's tanning facility unless that person provides the operator with a written consent form prescribed by the State. The written consent form must:
  - (1) Be signed and dated by the person's parent or legal guardian in the presence of the operator or designated employee;
  - (2) Be signed and dated by the operator or designated employee;
  - (3) Indicate that by signing, the person's parent or legal guardian acknowledges that he or she has received and read the Health Risk Advisory, as described in subdivision (c) of this section, and the Statement of Acknowledgment, as described in subdivision (d) of this section; and
  - (4) Indicate that by signing, the parent or legal guardian acknowledges that the person has agreed to wear protective eyewear. The consent form expires twelve (12) months from the date it was signed. The original signed consent form must be retained by the facility for a period of twelve (12) months and may be retained off-premises, provided that an electronic image or copy of the original signed consent form is readily available to the owner, operator or employee responsible for the operation of the ultraviolet radiation device of such facility.]

[c] (b) Health Risk Advisory. \*\*\*

[d] (c) Statement of Acknowledgment. No patron may undergo ultraviolet radiation exposure at a tanning facility without reading and signing a Statement of Acknowledgment, in a form prescribed by the [State] Department, that meets the following requirements:

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**§177.15 Facilities and equipment.**

Each tanning facility must meet the following minimum requirements:

\*\*\*

- (d) Protective eyewear.
  - \*\*\*
  - (2) The protective eyewear that the operator provides, unless it is single-use disposable eyewear, must be cleaned and then disinfected after each use as specified in subdivision (e) of this section.
- (e) Sanitation. The operator must maintain all facilities in a sanitary condition. The facilities must meet the following minimum requirements:
  - (1) Ultraviolet radiation devices and protective eyewear must be cleaned [with an adequate disinfectant or sanitizer] and then sanitized after each use, according to the following minimum provisions:
    - \*\*\*
    - (iii) Linens and other cloth.
      - A. Pillows and headrests must be covered in an easily cleanable material and must be cleaned and then sanitized with an adequate disinfectant after each use; and
      - \*\*\*

**§177.17 Record keeping.**

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- (c) The operator must maintain records showing the results of annual timer tests as detailed in section 177.11(c) of this Article. The operator must maintain each record for a minimum of two (2) years, and such records must be kept on site and made available to the Department immediately upon request, subject to applicable law. If such records are maintained electronically, Department staff must be allowed to access such records while on-site, subject to applicable law.
- \*\*\*
- (e) Records required by this section may be stored by the operator in electronic format, provided that such format can, upon inspection of the facility or request by the Department, print or produce a file in portable document format (PDF) containing the individual records required by this section.
- \*\*\*

**RESOLVED**, that subdivision (a) of Section 5.07 of Article 5 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended by deleting the line beginning TANNING FACILITY: Permit to operate a tanning facility.

**SPECIAL MATERIALS**

**CITYWIDE ADMINISTRATIVE SERVICES**

■ NOTICE

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9060  
FUEL OIL AND KEROSENE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 10/31/2022
4287148	1	#2DULS	CITYWIDE BY TW	GLOBAL MONTELLO	-0.0902 GAL.	4.6349 GAL.
4287148	2	#2DULS	PICK-UP	GLOBAL MONTELLO	-0.0902 GAL.	4.5179 GAL.
4287148	3	#2DULS	CITYWIDE BY TW	GLOBAL MONTELLO	-0.0902 GAL.	4.6731 GAL.
4287148	4	#2DULS	PICK-UP	GLOBAL MONTELLO	-0.0902 GAL.	4.5561 GAL.
4287149	5	#2DULS	CITYWIDE BY TW	SPRAGUE	-0.0902 GAL.	4.9195 GAL.
4287149	6	#2DULS	CITYWIDE BY TW	SPRAGUE	-0.0902 GAL.	5.1325 GAL.
4287149	7	B100	CITYWIDE BY TW	SPRAGUE	0.2638 GAL.	7.5970 GAL.
4287149	8	#2DULS	PICK-UP	SPRAGUE	-0.0902 GAL.	4.7695 GAL.
4287149	9	#2DULS	PICK-UP	SPRAGUE	-0.0902 GAL.	4.9825 GAL.
4287149	10	B100	PICK-UP	SPRAGUE	0.2638 GAL.	7.4470 GAL.
4287149	11	#1DULS	CITYWIDE BY TW	SPRAGUE	0.2703 GAL.	5.6405 GAL.
4287149	12	B100	CITYWIDE BY TW	SPRAGUE	0.2638 GAL.	7.6210 GAL.
4287149	13	#1DULS	PICK-UP	SPRAGUE	0.2703 GAL.	5.4905 GAL.
4287149	14	B100	PICK-UP	SPRAGUE	0.2638 GAL.	7.4710 GAL.
4287149	15	#2DULS	BARGE DELIVERY	SPRAGUE	-0.0902 GAL.	4.6689 GAL.
4287149	16	#2DULS	BARGE DELIVERY	SPRAGUE	-0.0902 GAL.	4.7349 GAL.
4287149	17	#2DULSB50	CITYWIDE BY TW	SPRAGUE	-0.0902 GAL.	5.5437 GAL.
4287149	18	#2DULSB50	CITYWIDE BY TW	SPRAGUE	0.2638 GAL.	7.2112 GAL.
4287149	19	#2DULSB50	PICK-UP	SPRAGUE	-0.0902 GAL.	5.3937 GAL.
4287149	20	#2DULSB50	PICK-UP	SPRAGUE	0.2638 GAL.	7.0612 GAL.
4287126	1	JET	FLOYD BENNETT	SPRAGUE	0.2228 GAL.	5.4162 GAL.
Non-Winterized		Apr 1 - Oct 31				
4287149	#2DULSB5	95% ITEM 5.0	CITYWIDE BY TW	SPRAGUE	-0.0725 GAL.	5.0534 GAL.
4287149	#2DULSB10	5% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	-0.0548 GAL.	5.1872 GAL.
4287149	#2DULSB20	90% ITEM 5.0	CITYWIDE BY TW	SPRAGUE	-0.0194 GAL.	5.4550 GAL.
4287149	#2DULSB5	10% ITEM 7.0	PICK-UP	SPRAGUE	-0.0725 GAL.	4.9034 GAL.
4287149	#2DULSB10	80% ITEM 5.0	PICK-UP	SPRAGUE	-0.0548 GAL.	5.0373 GAL.
4287149	#2DULSB20	20% ITEM 7.0	PICK-UP	SPRAGUE	-0.0194 GAL.	5.3050 GAL.
4287149	#2DULSB50	95% ITEM 8.0	CITYWIDE BY TW	SPRAGUE	0.0868 GAL.	6.3774 GAL.
4287149	#2DULSB50	50% ITEM 17.0	PICK-UP	SPRAGUE	0.0868 GAL.	6.2274 GAL.
4287149	#2DULSB50	50% ITEM 18.0	PICK-UP	SPRAGUE	0.0868 GAL.	6.2274 GAL.
4287149	#2DULSB50	50% ITEM 19.0	PICK-UP	SPRAGUE	0.0868 GAL.	6.2274 GAL.
4287149	#2DULSB50	50% ITEM 20.0	PICK-UP	SPRAGUE	0.0868 GAL.	6.2274 GAL.
Winterized		Nov 1 - Mar 31				
4287149	#2DULSB5	95% ITEM 6.0	CITYWIDE BY TW	SPRAGUE	-0.0725 GAL.	5.2557 GAL.
4287149	#2DULSB10	5% ITEM 7.0	CITYWIDE BY TW	SPRAGUE	-0.0548 GAL.	5.3789 GAL.
4287149	#2DULSB20	90% ITEM 6.0	CITYWIDE BY TW	SPRAGUE	-0.0194 GAL.	5.6254 GAL.
4287149	#2DULSB5	10% ITEM 7.0	PICK-UP	SPRAGUE	-0.0725 GAL.	5.1057 GAL.
4287149	#2DULSB10	80% ITEM 6.0	PICK-UP	SPRAGUE	-0.0548 GAL.	5.2290 GAL.
4287149	#2DULSB20	20% ITEM 7.0	PICK-UP	SPRAGUE	-0.0194 GAL.	5.4754 GAL.
4287149	#2DULSB5	95% ITEM 9.0	PICK-UP	SPRAGUE	-0.0725 GAL.	5.1057 GAL.
4287149	#2DULSB10	5% ITEM 10.0	PICK-UP	SPRAGUE	-0.0548 GAL.	5.2290 GAL.
4287149	#2DULSB20	90% ITEM 9.0	PICK-UP	SPRAGUE	-0.0194 GAL.	5.4754 GAL.
4287149	#2DULSB20	10% ITEM 10.0	PICK-UP	SPRAGUE	-0.0194 GAL.	5.4754 GAL.
Non-Winterized/ Winterized		Year-Round				
4287149	#1DULSB20	80% ITEM 11.0	CITYWIDE BY TW	SPRAGUE	0.2690 GAL.	6.0366 GAL.
4287149	#1DULSB20	20% ITEM 12.0	PICK-UP	SPRAGUE	0.2690 GAL.	5.8866 GAL.
4287149	#1DULSB5	80% ITEM 13.0	CITYWIDE BY TW	SPRAGUE	0.2700 GAL.	5.7395 GAL.
4287149	#1DULSB5	20% ITEM 14.0	PICK-UP	SPRAGUE	0.2700 GAL.	5.5895 GAL.
4287149	#1DULSB5	95% ITEM 11.0	CITYWIDE BY TW	SPRAGUE	0.2700 GAL.	5.7395 GAL.
4287149	#1DULSB5	5% ITEM 12.0	PICK-UP	SPRAGUE	0.2700 GAL.	5.5895 GAL.
4287149	#1DULSB5	95% ITEM 13.0	CITYWIDE BY TW	SPRAGUE	0.2700 GAL.	5.7395 GAL.
4287149	#1DULSB5	5% ITEM 14.0	PICK-UP	SPRAGUE	0.2700 GAL.	5.5895 GAL.
4287030	1	#4B5	MANHATTAN	UNITED METRO	-0.0272 GAL.	3.9658 GAL.
4287030	2	#4B5	BRONX	UNITED METRO	-0.0272 GAL.	3.9858 GAL.

4287030	3	#4B5	BROOKLYN	UNITED METRO	-0.0272 GAL.	3.9258 GAL.
4287030	4	#4B5	QUEENS	UNITED METRO	-0.0272 GAL.	3.9558 GAL.
4287031	5	#4B5	RICHMOND	APPROVED OIL COMPANY	-0.0272 GAL.	4.1458 GAL.
4187014	1	#2B5	MANHATTAN	SPRAGUE	-0.0725 GAL.	4.7603 GAL.
4187014	3	#2B5	BRONX	SPRAGUE	-0.0725 GAL.	4.7123 GAL.
4187014	5	#2B5	BROOKLYN	SPRAGUE	-0.0725 GAL.	4.7253 GAL.
4187014	7	#2B5	QUEENS	SPRAGUE	-0.0725 GAL.	4.7333 GAL.
4187014	9	#2B5	STATEN ISLAND	SPRAGUE	-0.0725 GAL.	4.8123 GAL.
4187014	11	#2B10	CITYWIDE BY TW	SPRAGUE	-0.0548 GAL.	4.8182 GAL.
4187014	12	#2B20	CITYWIDE BY TW	SPRAGUE	-0.0194 GAL.	4.9884 GAL.
4187015	2	#2B5	MANHATTAN (RACK PICK-UP)	APPROVED OIL COMPANY	-0.0725 GAL.	4.5256 GAL.
4187015	4	#2B5	BRONX (RACK PICK-UP)	APPROVED OIL COMPANY	-0.0725 GAL.	4.5256 GAL.
4187015	6	#2B5	BROOKLYN (RACK PICK-UP)	APPROVED OIL COMPANY	-0.0725 GAL.	4.5256 GAL.
4187015	8	#2B5	QUEENS (RACK PICK-UP)	APPROVED OIL COMPANY	-0.0725 GAL.	4.5256 GAL.
4187015	10	#2B5	STATEN ISLAND (RACK PICK-UP)	APPROVED OIL COMPANY	-0.0725 GAL.	4.5256 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9061  
FUEL OIL, PRIME AND START**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 10/31/2022
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**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9062  
FUEL OIL AND REPAIRS**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 10/31/2022
20211200451	1	#2B5	All Boroughs (Pickup under delivery)	APPROVED OIL	-0.0725 GAL	4.9397 GAL.
20211200451	2	#4B5	All Boroughs (Pickup under delivery)	APPROVED OIL	-0.0272 GAL	4.2162 GAL.

**OFFICIAL FUEL PRICE (\$) SCHEDULE NO. 9063  
GASOLINE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE	DELIVERY	VENDOR	CHANGE (\$)	PRICE (\$) EFF. 10/31/2022
3787120	1.0	Reg UL	CITYWIDE BY TW	GLOBAL MONTELLO	0.2733 GAL	3.1041 GAL.
3787120	2.0	Prem UL	CITYWIDE BY TW	GLOBAL MONTELLO	0.3234 GAL	3.6631 GAL.
3787120	3.0	Reg UL	PICK-UP	GLOBAL MONTELLO	0.2733 GAL	3.0391 GAL.
3787120	4.0	Prem UL	PICK-UP	GLOBAL MONTELLO	0.3234 GAL	3.5981 GAL.
3787121	5.0	E85	CITYWIDE BY DELIVERY	UNITED METRO	0.1068 GAL	3.0418 GAL.
3787121	6.0	E70	CITYWIDE BY DELIVERY	UNITED METRO	0.1401 GAL	3.1493 GAL.

**NOTE:**

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

**REMINDER FOR ALL AGENCIES:**

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

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**OFFICE OF COLLECTIVE BARGAINING**

**NOTICE**

**NOTICE OF VOLUNTARY RECOGNITION**

Effective immediately, NYC Health + Hospitals has voluntarily recognized the New York State Nurses Association as the bargaining representative of the title described below, and the Staff Nurses bargaining unit has been amended as follows to reflect this addition:

**DATE OF FILING:** October 4, 2022 **DOCKET #:** VR-1701-22

**TITLE:** Nurse Educator, Levels I & II  
(Title Code Nos. 541110 and 541120)

**EMPLOYER:** NYC Health + Hospitals  
55 Water Street, 26th Floor  
New York, NY 10041

**BARGAINING REPRESENTATIVE:**  
New York State Nurses Association

131 West 33rd Street, 4th Floor  
New York, NY 10001

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**DESIGN AND CONSTRUCTION**

**NOTICE**

On behalf of all New York City agencies and entities subject to the New York City Procurement Policy Board (PPB) Rules, the New York City Department of Design and Construction ("DDC") hereby requests approval to use the Innovative Procurement method, pursuant to PPB Rule § 3-12, to procure the design and construction services, including any services incidental thereto, through the project delivery method commonly known as design-build for public work projects authorized pursuant to New York State law.

On July 2, 2018, the then-acting Chief Procurement Officer ("CCPO") approved DDC's request to use PPB Rule § 3-12 to procure design and construction services using the design-build project delivery methodology for project authorized under New York State law. Since

the approval, and as of the date of this request, DDC has registered eight (8) design-build agreements ("DBAs") and is currently in the process of procuring approximately 11 more design-build projects.

For the reasons listed below, DDC is requesting a new approval for use of PPB Rule § 3-12 to procure design and construction services using the design-build project delivery methodology for additional projects, including any projects authorized under the expanded design-build authority granted by the New York City Public Works Investment Act. This innovative method expands upon the contract administration component of design-build.

#### 1. The Nature and Requirements of the Procurement and Contract Administration Method being proposed

The innovative procurement method to be used for a design-build contract varies in a number of respects from the procedure otherwise applicable pursuant to the PPB Rules. The proposed innovative procurement process involves multiple steps and may result in multiple awards, including one award to the design-builder and additional awards, in the form of stipends agreements, to short-listed proposers.

##### Step (1): Request for Qualifications

The contracting agency develops a short list of qualified design-build entities through the issuance of a publicly advertised Request for Qualifications (RFQ). The RFQ includes a general description of the public work, the maximum number of responding entities to be included on the list, the selection criteria to be used and the relative weight of each criteria in generating the shortlist. The contracting agency evaluates and rates all responses to generate the short list of entities that may propose as outlined in Step (2).

##### Step (2): Request for Proposals

Once the short list is established, the contracting agency releases a Request for Proposals (RFP). The contracting agency may, at its discretion, solicit feedback from the short-listed entities to help finalize the scope or other language of the RFP. Only the short-listed entities will be permitted to submit a proposal in response to the RFP. The contracting agency will select the proposal that represents the best value to the City and may incorporate a quantitative factor to be used in evaluating bids or offers of firms that are certified as Minority-or Women-Owned Business Enterprises (M/WBEs) pursuant to Section 1304 of the New York City charter or article 15-A of the executive law.

The RFP sets forth the scope of work, and other requirements, as determined by the contracting agency, including separate goals for design and construction work under the DBA to be performed by M/WBEs. The RFP must specify the criteria to be used to evaluate the proposals and the relative weight of each evaluation factor. All proposals submitted shall be scored according to the criteria listed in the RFP and such final scores will be published on the contracting agency's website.

##### Award Phase

The RFP may result in multiple awards. There will be an award to the responsive and responsible design-builder that offers a proposal that is of the best value to the City for the design-build work. At the agency's discretion, there may be awards to the remaining short-listed proposers that are responsive and responsible. The amount for these additional awards will be based on a pre-determined percentage or dollar value as outlined in the RFP and serves as an incentive to submit a proposal and enable the contracting agency to purchase the ownership of ideas and intellectual property set forth in the proposal(s).

##### Contract Administration Phase

The awarded DBAs will include contract administration processes other than the standard City procedures, including, but not limited to, time extensions and the dispute resolution process.

##### Time Extensions

Time extensions under the DBAs are not subject to the Board of Time Extension approval as set forth in PPB Rule 4-03, but the DBA will provide that determinations with regard to time extensions are final and binding. The design-builders are entitled to time relief pursuant to specific relief events enumerated in the DBAs. There are specific events for which design-builder is only entitled to time extensions (Relief Events) and other events, referred to as Compensable Relief Events, where the design-builder may be entitled to compensation in addition to time. Subject to the requirements set forth in the DBA, the design-builder can seek a time extension due to a Relief Event and that

request may be granted upon review by the agency of the design-builder's time impact analysis, among other documentation, showing how the specific Relief Event has delayed the project's critical path. The determination as to whether the design-builder is entitled to time relief is made by agency representative and must be approved by the ACCO. However, this decision is not subject to the Board of Time Extension. Furthermore, the decision as to whether the design-builder is entitled to an extension of time to the guaranteed substantial completion date, or another milestone date, can occur, at any time during the project duration, and not only at substantial completion, provided that the Relief Event that has caused the delay has ended.

##### Resolution of Disputes Arising Out of Contract Administration

Disputes under the DBA are subject to a different dispute resolution procedure than what is currently provided for in Section 4-09 of the PPB Rules. Each design-build project has its own Disputes Review Board ("DRB"), which is created at the beginning of a project. Depending on the size of the project, the DRB may consist of one or three members. All disputes, unless they are ineligible disputes, must go through the DRB process.

The DBA sets out specific timelines for each step of the DRB process, resulting in a DRB recommendation being issued as early as 60 days after the submission of the notice of dispute by either the agency or design-builder, provided no extensions are requested and agreed to by both parties. The recommendation of the DRB is non-binding and both the agency and the design-builder must respond within 15 business days of the DRB determination by either accepting or rejecting the DRB's recommendation. Except as noted below, if the agency and the design-builder cannot come to an agreement on a dispute following the DRB's recommendation, the design-builder may commence a plenary action on such dispute.

If the agency determines that the design-builder is in default, such decision also is subject to the DRB process (except in cases of criminal or ethical defaults). However, following the DRB's recommendation, the design-builder's only recourse is a proceeding pursuant to Article 78 of the New York State Civil Practice Law and Rules. Additionally, the agency's determination of design-builder defaults on ethical or criminal basis is not subject to the DRB process.

#### 1. Why this method serves the City's interest better than the current Rules

The design-build project delivery method is an important tool for the City's procurement process and has seen increasing widespread adoption throughout the United States. The design-build method combines into a single contract both the design and construction services. Design-build projects allow a single entity to be responsible for all phases of the project, including design and construction, with the goal of reducing costs and expediting project delivery while maintaining the required quality and compliance. This innovative method enables the City to award such contracts on the basis of best value and also provides the City with the option to make multiple additional awards to a short-list of proposers, increasing the competition and quality of proposers. The method operationalizes the authority granted to certain City agencies pursuant to New York State law. The current PPB rules do not contemplate the necessary multi-step process to procure both design and construction services, as described above.

#### 2. The time within which this method will be implemented and utilized

To date, DDC has awarded and registered eight (8) design-build contracts; however only one design-build project has been in the contract administration stage for more than a year; the NTPs for the remaining design-build projects have been issued in the last five to four months. So far, the design-build project delivery method has been successful for the City; however, due to the extensive and labor and time intensive procurement process, and the limited experience DDC has administering these contracts, DDC is requesting a new innovative procurement approval under PPB § 3-12 so that it can further examine and evaluate the design-build method before proposing rule changes to the PPB. In particular, the City needs more time to examine how design-build contracts are administered.

Finally, feedback from other City agencies, once they have their own experience in procuring, awarding, and administering design-build contracts should be taken into consideration before rule changes to the PPB, which will impact all City agencies using the design-build method, are implemented.

The method will be in use until there are codified PPB rules addressing these procedures, the time period to utilize such innovative procurement method elapses, or the authority granted pursuant to New York State law elapses, whichever occurs first.

3. Description of services to be procured and approximate dollar value of contract(s)

This method will be utilized by agencies to procure design-build services, and any services incidental thereto, in connection with certain public works as authorized by State Law. The value of the projects procured under the New York City Public Works Investment Act must be either 1) not less than \$10 million, 2) not less than \$1.2 million if the project primarily consists of a) pedestrian ramps and similar infrastructure to improve access to sidewalks in the City to improve access for people with disabilities, b) renovation and construction of cultural institutions located on publicly owned real property and of public libraries in the City; or c) security infrastructure, including bollards, planters and other physical structures, designed to protect life and property from acts of terror or mass violence, or 3) not less than \$1.2 million if the project is a public work in connection with property within the jurisdiction of the New York City Department of Parks and Recreation or the New York City Housing Authority.

Based on the above, it is proposed that innovative method constitutes an appropriate procurement method under Section 3-12 of the Procurement Policy Board Rules.

NYC DDC would like to give this opportunity to accept comments and expressions of interest on this proposed method. Comments and expressions of interest may be emailed no later than November 30, 2022, to Michael Ransom, at Ransommi@ddc.nyc.gov.

The first planned procurement to the Design Build Project Delivery Method will be for Murphy Brother's Playground Comfort Station, EPIN: 8502310009.

n1-9

**HEALTH AND MENTAL HYGIENE**

■ NOTICE

**ORDER OF THE BOARD OF HEALTH TO RESCIND THE REQUIREMENT FOR COVID-19 VACCINATION IN NONGOVERNMENTAL WORKPLACES**

**WHEREAS**, on December 13, 2021, the Commissioner of Health and Mental Hygiene issued an Order to Require COVID-19 Vaccination in the Workplace, which required non-governmental workers to provide proof of COVID-19 vaccination (the "December 13, 2021 Order"); and

**WHEREAS**, on December 20, 2021, the Board of Health ratified the December 13, 2021 Order pursuant to section 3.01(d) of the Health Code; and

**WHEREAS**, the December 13, 2021 Order was necessary to address the high level of COVID-19 transmission within communities and issued in accordance with guidance from the federal Centers for Disease Control and Prevention ("CDC") and the New York State Department of Health; and

**WHEREAS**, since July 2022, community levels of COVID-19 infection have decreased in New York City; and

**WHEREAS**, on August 11, 2022, the CDC updated its public health recommendations regarding COVID-19, which now recommends the same quarantine strategies in general community settings regardless of vaccination status, recognizing that a high percentage of the U.S. population has some level of protection against the COVID-19 virus;<sup>[1]</sup> and

**WHEREAS**, vaccination rates are high among City residents age 18 and older, with 98.8% of adult residents receiving at least one dose of a COVID-19 vaccine, and 89% having completed their primary series;

**NOW THEREFORE BE IT RESOLVED**, the Board of Health hereby orders that, effective November 1, 2022, the December 13, 2021 Order ratified by the Board of Health on December 20, 2021, is **RESCINDED**.

[1] CDC, Summary of Guidance for Minimizing the Impact of COVID-19 on Individual Persons, Communities, and Health Care Systems — United States, August 2022, available online at, [https://www.cdc.gov/mmwr/volumes/71/wr/mm7133e1.htm?cid=mm7133e1\\_w](https://www.cdc.gov/mmwr/volumes/71/wr/mm7133e1.htm?cid=mm7133e1_w).

Note: Adopted by Board of Health on its meeting on October 25, 2022.

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**ORDER OF THE COMMISSIONER OF HEALTH AND MENTAL HYGIENE TO RESCIND THE COVID-19 VACCINATION REQUIREMENT FOR PARTICIPATION IN HIGH RISK EXTRACURRICULAR ACTIVITIES**

**WHEREAS**, on December 10, 2021, the Commissioner of Health and Mental Hygiene issued an Order to Require COVID-19 Vaccination for Participation in High Risk Extracurricular Activities (December 10, 2021 Order"); and

**WHEREAS**, the December 10, 2021 Order was ratified by the Board of Health on December 20, 2021, pursuant to section 3.01(d) of the Health Code; and

**WHEREAS**, the December 10, 2021 Order was necessary to address the high level of community COVID-19 transmission and issued in accordance with guidance from the federal Centers for Disease Control and Prevention ("CDC") and the New York State Department of Health ("NYS DOH"); and

**WHEREAS**, community levels of COVID-19 have recently been low citywide; and

**WHEREAS**, vaccination rates among 13- to 17-year old New York City residents are high, with 92% receiving at least one dose and 82% completing their primary series; and

**WHEREAS**, on August 22, 2022, the New York State Department of Education and the NYS DOH jointly issued a letter<sup>1</sup> encouraging school districts and schools to utilize the CDC's Operational Guidance for K-12 Schools and Early Care and Education Programs to Support Safe In-Person Learning,<sup>2</sup> which does not recommend vaccination for participation in high risk extracurricular activities;

**NOW THEREFORE**, I, Ashwin Vasan, MD, PhD, Commissioner of Health and Mental Hygiene, subject to approval of the Board of Health, do hereby **RESCIND**, the December 10, 2021 Order, as ratified by the Board on December 20, 2021, requiring COVID-19 vaccination for participation in high risk extracurricular activities.

Dated: 9/20/22 /s/ Ashwin Vasan, MD, PhD  
Commissioner

<sup>1</sup> [https://coronavirus.health.ny.gov/system/files/documents/2022/08/2022\\_2023-school-year-covid-joint-letter-doh\\_sed-letter-to-schools.pdf](https://coronavirus.health.ny.gov/system/files/documents/2022/08/2022_2023-school-year-covid-joint-letter-doh_sed-letter-to-schools.pdf)  
<sup>2</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-child-care/k-12-childcare-guidance.html>

Note: This order of the Commissioner was ratified by Board of Health at the meeting held on October 25, 2022.

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**MAYOR'S OFFICE OF CONTRACT SERVICES**

■ NOTICE

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

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

Agency: DCAS  
Description of Services to be provided: Online Surplus Auctioneering Services which allows for the City to auction off city agency inventory on an online platform provided by The Public Group LLC (vendor).  
Anticipated Contract Start Date: October 1st, 2022  
Anticipated Contract End Date: October 1st, 2023  
Anticipation Procurement Method: Negotiated Acquisition Extension  
Job Titles: 0  
Headcounts: 0

☛ n4

**CHANGES IN PERSONNEL**

BOARD OF ELECTION POLL WORKERS FOR PERIOD ENDING 08/19/22						
TITLE						
NAME	NUM	SALARY	ACTION	PROV EFF DATE	AGENCY	
BRUNSON	RAQUELL D	9POLL	\$1.0000	APPOINTED	YES	01/01/22 300
BUENO	BREILYN M	9POLL	\$1.0000	APPOINTED	YES	01/01/22 300
BUGGIE	PAULETTE J	9POLL	\$1.0000	APPOINTED	YES	01/01/22 300

BULLOCK	BEVERLY	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
BURNETTE	ALEXI	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
BUTHELEZI	THENJWE N	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
BYRD JR	ANTHONY F	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CABANE	DANIELLE L	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CAESAR	FRANKLIN	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CAESAR	MARTHJEA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CALDWELL	SHARONN D	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CALIFRA	MICHAEL	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CAMACHO	HARRY	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CAMPBELL	KIMBERLY	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CAMPBELL	NERISSA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CAPERHART	KENDRA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CARTER	CHRISTOP	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CASIANO	ANDRES	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CASSIDY	DAVID G	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CASTILLO	MIKHEL A	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CASTILLO-PEREZ	KIMBERLY	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CEFREY	HOLLY	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CELAYA	KAYLA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CELESTINE	DAWN	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CERVANTES	MA STELL	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHANOINE	RICHARD A	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHAPIN	JACKSON	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHAPMAN	ARTESSIA R	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHARLES	SUZETTE C	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHEKAN	DONNA M	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHEUNG	WILLIAM	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHIAPPELLA II	WILL	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHOWDHURY	MOHAMMED	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHOWDHURY	TAMBR	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CHRISTOPHER	RUTH H	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CINTRON	MIGDALIA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CLARKE	WINSTON H	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
COFONE	ARIANA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
COLYAR	KAYLA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
COMSTOCK	LOREN	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CONNOLLY	GRACE	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CONSTANT	NICHOLSO	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
COOPER	ANNIQUA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CORTES	ROBERT	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
COURTHAN	SHIANN	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
COYLE	EILEEN M	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CRANSHAW	OLIVIA V	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CROOM	ELISA M	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CROWFOOT	NANCY R	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CRUZ	ANAYANCI	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CRUZ	LUZDELIA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300

BOARD OF ELECTION POLL WORKERS  
FOR PERIOD ENDING 08/19/22

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
CUMBERBATCH	ANDREA R	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CUNNINGHAM	LURENE	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CURRY	APRIL N	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
CUVELIER	ANDREA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DA SILVA	DAPHNE G	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DA SILVA	STEPHANI G	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DA SILVA	TIFFANY	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DABULIS	MARY C	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DACRUZ	LAURETTA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DANIELL	DOMINICK I	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DARCEUIL	SASHA C	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DARKINS	KIM T	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DAVILA	JOSE	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DAVIS III	ROBERT H	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DAVIS-JOSEPH	NIKITA C	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DE DIOS	PABLO M	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DE JESUS	LAISHA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DE LEON RIVERA	SEBASTIA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DE VOE	ALANA C	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DEBLOIS	DERECK A	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DEL AGUILA	STEPHANI	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DELANEY	KAMARINA D	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DELANEY	MOETIYA P	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DELGADILLO	AMARIS	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DELGADILLO	DAMARIS	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DELGADILLO	DEZIREE	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DELGADILLO	DOUGLAS	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DENNIS	YVETTE P	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DENT	DIANDRA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DESDUNE	DESIREE H	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DEUTCHMAN	CORA S	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DEVITT	LON	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DIAZ	CAMILA F	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DIAZ	GEORGE	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DIAZ	RASHELLE	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DIMATTIA	NATALIE A	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DIXON	MAXINE	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DOPELT	ELIZABET	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DOSTMAN	VADIM	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DOUGLAS AMIN	CHARLYN M	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DOWER	JAMEL L	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DREKOVIC	JANNA W	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DRYSDALE	NICOLE A	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DUHART-DAGGETT	DONNA A	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DULAL	DISE	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DUNLAP	MICHAEL L	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DURRANT	NICHOLA	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
DYMEK	SALLY A	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300
EADY	JAYLA G	9POLL	\$1.0000	APPOINTED	YES	01/01/22	300

LATE NOTICE

OFFICE OF THE MAYOR

PUBLIC HEARINGS

NOTICE OF A PUBLIC HEARING  
ON PROPOSED LOCAL LAWS

PURSUANT TO STATUTORY REQUIREMENT, NOTICE IS HEREBY GIVEN that proposed local laws numbered and titled hereinafter have been passed by the Council and that a public hearing on such proposed local laws will be held in the Blue Room at City Hall, Borough of Manhattan, New York City on Wednesday, November 16, 2022, at 9:30 A.M.:

**Int. 153-A** - A Local Law to amend the administrative code of the City of New York, in relation to establishing a housing stability program for survivors of domestic and gender-based violence.

**Int. 154-A** - A Local Law to amend the administrative code of the City of New York, in relation to requiring the office to end domestic and gender-based violence to create an online services portal and guide.

**Int. 414-A** - A Local Law to amend the administrative code of the City of New York, in relation to rat mitigation progress in rat mitigation zones.

**Int. 442-A** - A Local Law to amend the administrative code of the City of New York and the New York city building code, in relation to abating rodents as a requirement for the issuance of certain construction permits.

**Int. 459-A** - A Local Law to amend the administrative code of the City of New York, in relation to rat mitigation zones.

**Int. 460-A** - A Local Law to amend the administrative code of the City of New York, in relation to receptacles in a building or dwelling that has a high concentration of rodent infestation.

Eric Adams  
Mayor

**NOTE:** Individuals requesting Sign Language Interpreters should contact the Mayor's Office of City Legislative Affairs, 253 Broadway, 9<sup>th</sup> Floor, New York, NY 10007, (212) 788-3678, no later than five days prior to the public hearing.

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OFFICE OF THE MAYOR

NOTICE

MAYOR'S OFFICE OF SPECIAL ENFORCEMENT

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Mayor's Office of Special Enforcement is proposing a rule to implement Local Law 18 for the year 2022, which requires short-term rental hosts to register with the City and prohibits booking services from processing transactions for unregistered listings.

**When and where is the hearing?** The Mayor's Office of Special Enforcement will hold a public hearing on the proposed rule. The public hearing will take place at **10:30 a.m. on Monday December 5, 2022.** The public hearing for this rule is being scheduled as a virtual hearing on Webex (Meeting ID: 2339 141 1496, Case-Sensitive Passcode: JXnmPGmy735), which may be accessed according to the information given below in this Notice.

Join through Internet:

- To join the hearing via your browser either click on the following URL link or copy and paste it into your browser's address bar: <https://nycmayor.webex.com/nycmayor/j.php?MTID=m1b6518374b4630147bd0cf6de858deab>
- Alternatively, you can download and use the Webex App
- When prompted, enter the following meeting ID: 23391411496
- When prompted, enter the following case-sensitive Passcode: JXnmPGmy735

- When joining the meeting, choose either “Use computer for audio,” or “Call in,” for the audio portion of the public hearing. If you choose the “Call in” option, the information needed to connect (phone number, Access Code and Attendee ID) will automatically be presented to you immediately after you join the Webex meeting.
- If you have low bandwidth or inconsistent Internet connection, please use the “Call-in” option for the hearing. This will reduce the possibility of dropped audio and stutters.

#### Join via phone only:

Tap to join from a mobile device (attendees only)  
 +1-646-992-2010,,23391411496## United States Toll (New York City)  
 +1-408-418-9388,,23391411496## United States Toll

#### Join by phone

+1-646-992-2010 United States Toll (New York City)  
 +1-408-418-9388 United States Toll

If you are outside the United States, use this link to find [Global call-in numbers](#)

Follow the prompts using Meeting ID 23391411496.

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

- **Email.** You can email comments to [oserules@cityhall.nyc.gov](mailto:oserules@cityhall.nyc.gov), with the subject line of “comment on proposed rule”.
- **Website.** You can submit comments to the Mayor’s Office of Special Enforcement through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Fax.** You can fax comments to the Mayor’s Office of Special Enforcement, The Mayor’s Office of Special Enforcement, RE: proposed rule, at 212-788-6834.
- **Mail.** You can mail comments to: Executive Director Christian Klossner at: The Mayor’s Office of Special Enforcement, 22 Reade St., 4th Floor, New York, NY, 10007. Please consider mail only as a last resort., and please call the office to let us know you have mailed comments.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing [oserules@cityhall.nyc.gov](mailto:oserules@cityhall.nyc.gov) or by calling 646-576-3533. You can also sign up during the online hearing. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Written comments on this proposed rule must be submitted to the Mayor’s Office of Special Enforcement no later than close of business on December 5, 2022.

**What if I need assistance to participate in the hearing?** You must tell the Mayor’s Office of Special Enforcement if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by email at [oserules@cityhall.nyc.gov](mailto:oserules@cityhall.nyc.gov) or by telephone at 646-576-3533. Please tell us by November 28, 2022. Late requests can be made but may not be honored depending on availability of assistance. Please note that the virtual hearing will have close captioning of the auto-transcript available, and virtual attendees can activate it by clicking on the closed caption icon at the bottom left of their screen once in the Webex meeting.

**Can I review the comments made on the proposed rule?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at The Mayor’s Office of Special Enforcement, 22 Reade St, 4th floor, New York, NY 10007.

**What authorizes the Mayor’s Office of Special Enforcement to make this rule?** Section 1043 of the New York City Charter (“City Charter”), Chapters 31 and 32 of Title 26 of the Administrative Code of the City of New York, and Local Law 18 for the year 2022 authorize the Mayor’s Office of Special Enforcement to issue this proposed rule. This proposed rule was included in the regulatory agenda of the Mayor’s Office of Special Enforcement for Fiscal Year 2023.

**Where can I find the rules of the Mayor’s Office?** The rules of the Mayor’s Office are in Title 43 of the Rules of the City of New York.

**What rules govern the rulemaking process?** The Mayor’s Office of Special Enforcement must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is issued according to the requirements of Section 1043 of the City Charter.

#### Statement of Basis and Purpose

Local Law 18 for the year 2022 (LL 18), enacted on January 9, 2022, established two new provisions of law: 1) Chapter 31 (sections 26-3101 through 26-3105) of Title 26 (“Housing and Buildings”) of the Administrative Code of the City of New York, regarding registration requirements for short-term residential rentals; and 2) Chapter

32 (sections 26-3201 through 26-3203) of Title 26 (“Housing and Buildings”) of the Administrative Code of the City of New York, regarding registration verification and reporting requirements for short-term residential rentals. Local Law 18 specified that it was to be administered by the Mayor’s Office of Special Enforcement (OSE) unless specified otherwise by mayoral executive order.

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

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

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

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

Section 1043 of the New York City Charter (“City Charter”), Chapters 31 and 32 of Title 26 of the Administrative Code of the City of New York and Local Law 18 for the year 2022 authorize the Mayor’s Office of Special Enforcement to issue this proposed rule.

#### New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

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

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

## Chapter 21

### REQUIRED REGISTRATION OF SHORT-TERM RENTALS

#### § 21-01 Definitions

#### § 21-02 Short-term rental registration required

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

#### § 21-04 Incomplete applications

#### § 21-05 Term of registration; Expiration of registration

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

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

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

#### § 21-09 Prohibited buildings list

#### § 21-10 Registered host requirements

#### § 21-11 Privacy and security of information

#### § 21-12 Retention and disposal of information

#### § 21-13 Penalties

#### § 21-14 Revocation

#### § 21-01 Definitions

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

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

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

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

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

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

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

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

Material fact. A “material fact” is a fact stated or omitted in connection with the filing of an application for, or renewal of, a short-term rental registration made pursuant to these rules and NYC administrative code § 26-3102, and that has a natural tendency to influence, or was capable of influencing, the administering agency’s decisions relating to such application or renewal.

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

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

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

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

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

Rentee. The term “rentee” means a boarder, roomer, or lodger as described in the housing maintenance code, involved in a short-term rental.

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

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

building, a rental of a class A dwelling unit therein for fewer than 30 consecutive days.

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

#### § 21-02 Short-term rental registration required

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

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

1. To register a dwelling unit for short-term rentals, an applicant shall file a completed short-term rental application in accordance with the requirements of this section and meet all other requirements herein. An applicant must be a permanent occupant of the dwelling unit. An applicant may not apply for more than one short-term rental registration number. An applicant may not host short-term rentals in more than one dwelling unit.
2. Applications may be completed using an online registration portal accessible from the administering agency’s website.
3. An applicant must provide the following information as part of their application for short-term rental registration:
  - a. Full legal name;
  - b. A current phone number;
  - c. Full physical address where short-term rentals will take place, including street number, street name, zip code, borough, and unit number where there is more than one dwelling unit in the building;
  - d. An email address that will be used to receive communication from the administering agency, or other alternate means of communication acceptable to the administering agency;
  - e. Type of dwelling unit;
  - f. The full legal name of all permanent occupants of the dwelling unit and the nature of their relationship to the applicant;
  - g. A diagram of the dwelling unit, that includes (i) all rooms in the unit, (ii) locations of fire extinguishers, (iii) normal and emergency exit routes from the unit to the building that contains the unit, and (iv) which room or rooms will be used to house short-term lodgers;
  - h. The uniform resource locator or listing identifier and the associated booking service name for all existing listings of the dwelling unit;
  - i. The month and year the applicant began residing in the dwelling unit; and
  - j. Whether the applicant is a tenant or owner of the dwelling unit.
4. Applicants that are tenants shall also provide a lease that describes the period of tenancy. If the applicant does not have a lease, the administering agency may accept other documentation that establishes that the applicant is legally entitled to occupancy and the period for which they are so entitled. The agency may, at its sole discretion, accept a written statement that provides the information and explains why documentation is not available.
5. As part of the application process, an applicant shall be required to prove their identity by providing to the administering agency a copy of one of the following unexpired documents:
  - a. Driver’s license or State ID;
  - b. U.S. Passport or U.S. Passport card;
  - c. U.S. Military ID; or
  - d. IDNYC card.
6. As part of the application process, an applicant shall be required to prove their permanent occupancy by providing to the administering agency a copy of a document from at least two of the following categories showing the applicant’s name and the address the applicant is seeking to register:
  - a. Utility bill, dated within the last 60 days (e.g., telephone, gas, electric, cable, or water);

- b. Correspondence from any government agency that shows home address;
- c. A voter registration card;
- d. A social security statement;
- e. A bank statement dated within the last 60 days;
- f. An automobile registration documentation;
- g. Income tax form for the last calendar year;
- h. Insurance documentation or insurance bill that shows home address;
- i. Current (active) license or permit or certificate issued by a City/State/Federal government agency that shows home address;
- j. College or school correspondence that shows home address;
- k. A w-2 from the most recent tax filing period;
- l. Official payroll documentation that includes home address issued by an employer within the past 60 days, such as a paystub with home address, a form submitted for tax withholding purposes, or payroll receipt; or
- m. other forms of proof that the administering agency determines are acceptable and indicates as such by including such information on the agency's website.

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

- 7. As part of the application process, an applicant shall be required to certify that they understand and agree to comply with applicable provisions of the zoning resolution, multiple dwelling law, housing maintenance code, New York city construction codes and other laws and rules relating to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings including but not limited to:
  - a. New York City Administrative Code, Title 28, Articles 118, 210, 301, 701 (BC § 310);
  - b. New York City Administrative Code, Title 27, Chapter 1, Article 18;
  - c. New York City Building Code § 310;
  - d. New York City Housing Maintenance Code §§ 27-2004, 2057-2088; and
  - e. Multiple Dwelling Law §§ 4(8), 121.
- 8. The applicant shall be required to certify and agree that any listing of a dwelling unit with a booking service shall be reported to the administering agency prior to such listing being used to make an agreement for short-term rental.
- 9. An applicant who is a tenant of the dwelling unit that is the subject of the short-term rental application shall be required to certify that they are not prohibited by the terms of a lease or other agreement from applying for a short-term rental registration for the dwelling unit and from subsequently acting as host for short-term rentals within such dwelling unit.
- 10. An applicant who is a tenant of the dwelling unit that is the subject of the short-term rental application shall be required to acknowledge that they understand that the owner of record of the dwelling unit and of the building will be notified that an application for registration has been made, informing the owners that an application for a short-term rental registration has been received.
- 11. The application fee shall be \$145. Payments shall be required at the time the application is submitted. The applicant will be required to acknowledge that the application fee is non-refundable.
- 12. Prior to requiring payment, the applicant shall indicate their understanding that the administering agency is required to publish on the city open data portal, for all registrations: the registration number; the uniform resource locators associated with such registration; the address and unit number of the dwelling unit, including latitude and longitude; the status of the registration, including active or revoked; and the expiration date of the registration.
- 13. When an application for short-term rental is complete and submitted, the applicant will receive an email confirmation to the email address provided in the application, notifying the applicant that the application is under review.
- 14. Upon receipt of a complete application, the administering agency shall notify the owner of record of the dwelling unit and of the building, informing the owners that an application for a short-term rental registration has been received. The notification shall

include information about applying to the prohibited buildings list. The notification shall not include any additional personal identifying information about the applicant.

- 15. If any information submitted in an application changes while the administering agency is reviewing such application, the applicant must notify the administering agency and provide updated information.
- 16. Upon approving an application, the administering agency shall provide a short-term rental registration certificate that will include the registered host's name, the full address associated with the registration, a unique short-term rental registration number, an expiration date, and a phone number to call in the event of an emergency.
- 17. Issuance of a registration for a dwelling unit pursuant to this chapter shall not be construed as permission for or approval of the use of such dwelling unit for any occupancy that would be in violation of a lease, cooperative bylaws, condominium association rules and regulations, the multiple dwelling law, the zoning resolution, the New York city construction codes, the housing maintenance code or any other applicable rules, regulations, or laws.
- 18. Issuance of a registration does not alter and may not be deemed to alter the legal occupancy or zoning use group of a building or portion thereof as described in the certificate of occupancy or as otherwise determined by the department of buildings.

#### **§ 21-04 Incomplete applications**

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

#### **§ 21-05 Term of registration; Expiration of registration**

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

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

- 1. If any information, other than the phone number or email address, required by § 21-03 of this chapter that was provided by a registered host in connection with an application for a short-term rental registration changes before the expiration of such registration, such registered host must submit a request to the administering agency to amend the registration.
- 2. Such request must be submitted, in the same manner as the application was made, to the administering agency within 5 business days of the change, along with any applicable supporting documentation.
- 3. Prior to using any listing not disclosed to the administering agency prior to receiving a registration, the registered host shall provide the uniform resource locator or listing identifier of any listing and the associated booking service name for the listing and request that the administering agency amend the registration to include such listing.
- 4. The administering agency shall review each request for amendment to ensure that the amendment would not violate the provisions of chapter 31 of title 26 of the administrative code or

these rules, or otherwise result in unlawful activity under the registration. The administering agency may request additional information from the registered host as necessary to make a determination.

5. The administering agency shall issue a final agency determination regarding such request for amendment within a reasonable timeframe.
6. Where the information provided in the request for amendment would support revocation of the registration or would form the basis of a violation of chapter 31 of title 26 of the administrative code or these rules, the administering agency shall offer an opportunity to terminate the registration voluntarily within 10 days before issuing violations or taking enforcement action based on the requested amendment. Where the requested amendment is solely the addition of a listing that the administering agency determines to offer illegal occupancy, the administering agency may also offer the opportunity to amend or withdraw that listing in lieu of voluntary termination of the registration.

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

1. A short-term rental registration may be renewed by filing an application for renewal using the online registration portal accessible through the administering agency's website. Renewals will be accepted beginning 90 days before the expiration of a host's current registration. A renewal that is approved before the expiration of the registration period will be effective on the date of the expiration of the original registration.
2. As part of the application for renewal, the registered host must:
  - a. Affirm that they have complied with all provisions of chapter 31 of title 26 of the administrative code and these rules during the prior registration period;
  - b. Affirm that all information previously provided in an application for registration or renewal, or previously provided as a required update remains true and accurate or update such information in accordance with paragraph (c) of this subdivision;
  - c. Provide adequate documentation to satisfy the application requirements where a document previously provided has either expired or is no longer recent enough to satisfy the requirements; and
  - d. Certify that they have maintained a record of each short-term rental transaction in accordance with subdivision 5 of section 21-10 below.
3. The renewal fee will be the same as the application fee. Payments shall be required at the time the application for renewal is submitted.
4. If the information provided by an applicant in connection with a renewal changes before the renewal application is granted or denied, the applicant must immediately notify the administering agency.
5. Renewal of a registration for a dwelling unit pursuant to this chapter shall not be construed as permission for or approval of the use of such dwelling unit for any occupancy that would be in violation of a lease, cooperative bylaws, condominium association rules and regulations, the multiple dwelling law, the zoning resolution, the New York city codes, the housing maintenance code or any other applicable rules, regulations, or laws.
6. Renewal of a registration does not alter and may not be deemed to alter the legal occupancy or zoning use group of a building or portion thereof as described in the certificate of occupancy or as otherwise determined by the department of buildings.

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

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

- e. There is an uncorrected violation for Failure to File a Required Tenant Protection Plan pursuant to the New York city construction codes;  
The administering agency's determination of which violations would endanger occupants of a dwelling unit are made exclusively for the purposes of determining whether to grant a registration or renewal and shall not be binding on or attributed to any other agency.
2. No short-term rental registration or renewal shall be issued unless the administering agency has verified that the occupancy classification of the dwelling unit allows residential occupancy.
3. No short-term rental registration or renewal shall be issued for a dwelling unit in a New York city housing authority development.
4. No short-term rental registration shall be issued or renewed for a rooming unit.
5. No short-term registration shall be issued or renewed for the short-term rental of a dwelling unit the rent of which is regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, the local emergency housing rent control act of 1962, sections four hundred and twenty-one-a or four hundred eighty-nine of the real property tax law, in a housing development organized pursuant to article two of the private housing finance law and supervised by the department of housing preservation and development, or any other law or rule or an agreement with a governmental entity.
6. No short-term rental registration shall be issued or renewed for a dwelling unit in a building included on the prohibited buildings list.
7. No short-term rental registration shall be renewed while a revocation proceeding has been initiated by the administering agency and remains pending.
8. The administering agency shall not approve a registration or renewal application that includes any listing or listing identifier that advertises illegal occupancy, including listings that offer or appear to offer the unhosted rental of an entire unit or that offers or appears to offer occupancy to more than the lawful number of roomers, boarders, or lodgers permitted by section 27-2004 of the housing maintenance code.
9. The administering agency may refuse to approve a registration or renewal application where such applicant was previously issued a registration pursuant to this chapter and such registration was revoked pursuant to section 21-13 of these rules.
10. The administering agency may refuse to approve a registration or renewal application where such applicant has been determined to have committed any of the acts which would be a basis for the revocation of a registration pursuant to section 21-13 of these rules.
11. No short-term registration shall be renewed until all fines imposed pursuant to these rules or N.Y.C. Administrative Code 26-3101 have been paid.
12. Prior to denying an application, the administering agency shall review the reasons for potential denial in accordance with the grounds for denial set forth in this section. Where all such reasons are for criteria that can be resolved through correction by the applicant, the agency shall not deny the application outright, but shall notify the applicant of the basis for denial and provide the applicant 90 days to resolve the conditions that would otherwise warrant rejection. After the expiration of the 90-day period, the application shall be denied unless all identified bases for denial are resolved to the satisfaction of the administering agency. During the 90-day period, upon notice from the applicant that the basis for potential denial has been resolved, the administering agency shall resume its review of the application. If the conditions continue to warrant denial, the applicant shall be notified and have the remainder of the 90 days to resolve the conditions. Upon application the administering agency may provide an extension of the 90 days for good cause.
13. If an application is denied, the administering agency will notify the applicant and include all reasons for rejecting the application in accordance with the grounds for denial. This rejection shall constitute a final agency action.

#### **§ 21-09 Prohibited buildings list**

1. The administering agency create and maintain a prohibited buildings list, which shall contain the address of each building whose owner, including any applicable board of a cooperative or condominium corporation, has notified the agency that no short-term rental of any dwelling unit within the building is permitted.
2. To be added to such prohibited buildings list, a building owner, including any applicable board of a cooperative or condominium

- corporation, or the manager or agent of such building or board, must submit an online application to the administering agency.
3. When submitting an application pursuant to subdivision (2) of this section, the applicant shall be required to provide:
    - a. The name of a natural person making the application;
    - b. A working phone number for the applicant;
    - c. An email address for the applicant;
    - d. The address of the building the applicant seeks to add to the list;
    - e. An explanation of the relationship between the owner and the applicant; and
    - f. Any proof or documentation requested by the administering agency to substantiate the request where the administering agency has cause to require further verification.
  4. The applicant must certify that leases and other occupancy agreements for dwelling units within the building prohibit short-term rentals.
  5. The administering agency shall send a letter to the owner of record whenever it receives an application for inclusion on the prohibited buildings list.
  6. Inclusion or lack of inclusion on such list does not alter and may not be deemed to alter the legal occupancy or zoning use group of a building or portion thereof as described in the certificate of occupancy or as otherwise determined by the department of buildings.
  7. The administering agency will publish the list of prohibited buildings on the city's open data website. The list shall be updated in as close to real time as practicable and published in the same location.
  8. Application to remove a building from the prohibited buildings list shall be made by using an online application accessible from the administering agency's website. A building owner, including any applicable board of a cooperative or condominium corporation, or the manager or agent of such building or board, shall be required to provide:
    - a. the name of a natural person making the application;
    - b. A working phone number for that applicant;
    - c. An email address for the applicant;
    - d. The address of the building the applicant seeks to remove from the list;
    - e. An explanation of the relationship between the owner and the applicant; and
    - f. A statement describing the basis for removal from the list.
  9. The administering agency shall add to the prohibited buildings list all buildings the administering agency is aware of that would preclude registration based on subdivisions 4, 5, and 6 of section 21-07 of this chapter, and indicate the basis for inclusion. The administering agency shall deny all applications to remove such building from such list unless it discovers that the basis for inclusion has changed.

#### **§ 21-10 Registered host requirements**

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

- d. The number of persons accommodated by the short-term rental; and
- e. The total amount of rent received by the host.  
If a booking service can provide a report to a registered host that meets the criteria of this subsection, the registered host does not need to maintain the records separately. If the booking service does not provide reports that meet the criteria above, the host must maintain the required record in a digital spreadsheet that allows conversion of data to a ".csv" format. The administering agency shall provide a model template on its website.
6. In accordance with applicable law, upon request by the administering agency to provide the transaction reports in this section, registered hosts shall have 10 business day to provide the requested records via a secure portal accessible from the administering agency's website.
7. If a registered host's submission in response to a request for transaction reports is missing, incomplete, or inaccurate, the administering agency will provide the host with a written notice of the deficiencies in compliance. The notice shall include specific information regarding deficiencies in need of correction. The host shall have 15 business days from the date such notice is provided to either correct the deficiency or provide a written statement explaining why the required information is unavailable or how it is complete or accurate. The host shall submit the corrections or explanation in a manner directed in the notice of deficiency. Upon the conclusion of the 15 business-day period in which the host may cure deficiencies, the administering agency may seek civil penalties for any continuing deficiency.
8. The registered host shall be responsible for ensuring that the information the host has on file with booking services matches the registered name, address, and registration number from the certificate.
9. A short-term rental registration may not be transferred or assigned to another host or to another dwelling unit.
10. If a registered host no longer resides as a permanent occupant in the dwelling unit used for short-term rentals, the host must immediately contact the administering agency to terminate the registration.
11. A registered host shall not accommodate more renters in a registered dwelling unit at the same time than they are allowed to have pursuant to section 27-2004 of the housing maintenance code.
12. A registered host shall not allow a rentee to have exclusive access to a separate room within a registered dwelling unit (e.g., providing the rentee with a key to lock the door when such rentee is not in the dwelling unit is prohibited).
13. A registered host shall not offer, arrange for, or allow the short-term rental of an entire registered dwelling unit.

#### **§ 21-11 Privacy and security of information**

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

#### **§ 21-12 Retention and disposal of information**

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

2. The administering agency will retain records provided by building owners relating to the prohibited buildings list for as long as the building remains on the prohibited buildings list, plus three years.

**§ 21-13 Penalties**

1. No penalties will be imposed for violations of these rules or of Chapter 31 of Title 26 of the Administrative Code of the City of New York Chapter until May 9, 2023, nor shall any such violation be based on conduct that occurred prior to May 9, 2023, unless such conduct is continued past such date.
2. Civil penalties established by this section may be imposed and recovered in a proceeding before the office of administrative trials and hearings or a court of competent jurisdiction. Notices of

violation, administrative summonses, and appearance tickets for violations may be issued by officers and employees of the administering agency or other city agencies designated by such administering agency.

3. Any person who violates subdivision a of section 26-3102 of the administrative code shall be liable for a civil penalty of not more than the lesser of \$5000 or three times the revenue generated by the short-term rental for each such violation. Any person who violates any other provision of chapter 31 of title 26 of the administrative code or any provision of these rules shall be liable for a civil penalty of the applicable amount contained in the following penalty table.

Citation	Violation Description	Cure	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin Code § 26-3102(c)(1)	<u>Falsely certifying that terms of lease or other agreement does not prohibit tenant from applying for a short-term rental registration or prohibit tenant from acting as host for short-term rentals within the dwelling unit</u>	No	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Admin Code § 26-3102(j)	<u>Failing to timely notify administering agency of changes to information provided by the applicant in connection with a short-term rental application</u>	Yes	\$100	\$500	\$500	\$2,500	\$1,000	\$5,000
Admin Code § 26-3103(a)	<u>Failing to conspicuously post and maintain, within a dwelling unit, a diagram indicating normal and emergency egress routes for such unit and building containing such unit</u>	Yes	\$100	\$500	\$500	\$2,500	\$1,000	\$5,000
Admin Code § 26-3103(a)	<u>Failing to conspicuously post and maintain, within a dwelling unit, a copy of the short-term rental registration certificate for such unit</u>	Yes	\$100	\$500	\$500	\$2,500	\$1,000	\$5,000
Admin Code § 26-3103(b)	<u>Failing to include a short-term rental registration number in an advertisement or other offer for short-term rental of a dwelling unit</u>	Yes	\$100	\$500	\$500	\$2,500	\$1,000	\$5,000
Admin Code § 26-3103(c)	<u>Failing to maintain a record of each short-term rental, for at least seven years after such short-term rental occurred</u>	No	\$500	\$2,500	\$1,000	\$5,000	\$5,000	\$5,000
Admin Code § 26-3104(c)	<u>Making a false statement or concealing a material fact in connection with filing or renewing an application for short-term rental</u>	No	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Admin Code § 26-3104(d)(1)	<u>Operating a short-term rental in violation of restrictions in the zoning resolution, multiple dwelling law, housing maintenance code, or construction codes relating to short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings</u>	No	\$500	\$2,500	\$1,000	\$5,000	\$5,000	\$5,000
Admin Code Title 26, Chapter 31	<u>All other violations of Chapter 31 of Title 26 of the New York City Administrative Code and these rules</u>	No	\$100	\$500	\$500	\$2,500	\$1,000	\$5,000

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

**§ 21-14 Revocation**

1. A short-term rental registration shall be revoked, after the registered host is given notice and an opportunity to be heard, in any of the following circumstances:

- a. The dwelling unit has been used in violation of restrictions in the zoning resolution, multiple dwelling law, housing maintenance code and New York city construction codes relating to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings;
- b. The applicant made a materially false statement or concealed a material fact in connection with the filing of a short-term rental application or renewal pursuant to these rules;
- c. The registered host has committed three or more violations of chapter 31 of title 26 of the administrative code or these rules within a period of 24 months;
- d. The dwelling unit that is the subject of the short-term rental application was added to the prohibited buildings list after the registration had been approved; and
- e. The administering agency, after issuing the registration, discovers information that would have precluded the

administering agency from granting the registration had the information been known at the time.

2. A Notice of Intent to Revoke a short-term rental registration shall be sent from the administering agency to the registered host that provides the following information:
  - a. All reasons that the administering agency will allege as a basis for revocation;
  - b. When applicable, the violation numbers of any violations previously issued that constitute a basis for revocation; and
  - c. Information on the registered host's right to a hearing in accordance with subdivision d of section 26-3104 of the administrative code.
3. A registered host may consent to revocation without a hearing.
4. The administering agency shall, as soon as practicable, notify each booking service disclosed by the registrant as having a listing for the registered dwelling unit of any revocation of a short-term rental registration.

## **Chapter 22**

### **BOOKING SERVICE REQUIREMENTS FOR SHORT-TERM RENTALS**

#### **§22-01 Definitions**

#### **§22-02 Verification of short-term rentals**

#### **§22-03 Reporting requirements**

#### **§22-04 Fees**

#### **§22-05 Penalties**

#### **§22-01 Definitions**

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

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

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

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

Directly or indirectly. The term "directly or indirectly" has the meaning ascribed to such term by section 26-2101 of the Administrative Code of the City of New York, as added by local law number 146 for the year 2018.

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

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

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

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

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

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

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

#### **§22-02 Verification of lawful short-term rentals**

1. A booking service shall not charge, collect, or receive a fee from a person in connection with a short-term rental of a dwelling unit or housing accommodation unless such booking service has used the electronic verification system maintained by the administering agency either to:
  - a. Verify that a short-term rental is for a dwelling unit or housing accommodation within a class B multiple dwelling on the list of class B multiple dwellings published pursuant to section 26-2103, as added by local law number 146 for the year 2018; or
  - b. Verify that 1) the dwelling unit or housing accommodation that is the subject of such short-term rental is associated with the short-term rental registration number submitted by such person to the booking service, 2) such registration is currently valid, 3) that the uniform resource locator or listing identifier being used to offer the short-term rental is associated with the short-term rental registration number, and 4) that the host's full legal name and physical address information provided by such person to the booking service match the information contained in the electronic verification system.
2. The electronic verification system will accept from booking service through an application program interface the street address, host name, registration number, and the uniform resource locator or listing identifier being used to offer the short-term rental. If the street address matches an address on the list of Class B multiple dwellings, the electronic verification system will provide a unique confirmation number to the booking service, reflecting that such verification has occurred. If the street address does not match an address on the list of Class B multiple dwellings, the electronic verification shall verify that the registration number is currently valid and associated with the host name, street address and the uniform resource locator or listing identifier being used to offer the short-term rental. If the data submitted matches the records related to the registration number, the electronic verification system will provide a unique confirmation number to the booking service, reflecting that such verification has occurred.
3. The administering agency shall incorporate the registration expiration date into the unique code and shall provide all bookings services that use the electronic verification service information sufficient to understand how the date is included. The processing of a transaction by a booking service relying on a code that contains the expiration date shall be presumptive evidence that the booking service is aware of the expiration date of the registration.
4. The booking service must retain all unique confirmation numbers for use in meeting the reporting requirement below.
5. A booking service shall reverify each listing:
  - a. within three calendar months of the previous verification;
  - b. within two calendar days of the expiration date contained in the unique confirmation number; and
  - c. whenever it knows or should have known that any data it used to complete the most recent verification has changed, including but not limited to the host's name and the address of the listing.
6. A booking service will be required to provide an email address to the administering agency that will be used by the administering agency to transmit notices of revocation.
7. A booking service will be presumed to know that a registration has been revoked if an email notifying the booking service of the revocation was sent to the email account provided by the booking service and five business days have passed since the email was sent.

#### **§22-03 Reporting requirements**

1. A booking service shall submit to the administering agency a monthly report of each short-term rental transaction processed by the booking service. Such report shall be electronically submitted on a monthly basis by a booking service through a secure portal accessible from the administering agency's website. The report shall be in the format published on the administering agency's website. The report shall include the following information:

- a. The booking service's public uniform resource locator for the listing or other listing identifier;
  - b. The unique confirmation number obtained from the electronic verification system; and
  - c. The number of transactions processed relying on the unique confirmation.
2. Submission of such report shall constitute a statement by the booking service that for each transaction enumerated in the report, the verification required by this chapter occurred.
  3. Each report shall cover transactions occurring during a period that begins with the first day of a reporting period and ends with the last day of that reporting period.
  4. A transaction related to a short-term rental that begins in one reporting period but ends in a subsequent reporting period shall be included in the report covering the reporting period in which such rental concludes.
  5. Except for the initial reporting period, the reporting periods shall begin on the first day of a month and end on the last day of that month. The initial reporting period shall begin May 9, 2023, and end on May 31, 2023.
  6. The initial report shall be submitted not more than 30 calendar days after the conclusion of the initial reporting period. Following the initial report, a booking service must submit the report to the administering agency not more than 15 calendar days after the conclusion of the reporting period.

**§22-04 Fees**

1. Each booking service shall register with the administering agency to use the electronic verification system. Such registration shall require the name of the booking service, an email that the booking service agrees to receive correspondence with, the name of a contact person, and the phone number for the contact person. The booking service shall provide the number of listings that it reasonably believes it will verify the registration status of using the electronic verification system per calendar year.
2. The booking service shall pay an initial fee to use the electronic verification system equivalent to \$2.40 per listing that it provides during registration, and such fee shall be required to be paid to complete the registration.
3. The administering agency shall charge \$2.40 for each listing the booking service submits for verification in a calendar year, except that there shall be no fee when a listing was verified as having an address that matches an address on the list of Class B multiple dwellings. The administering agency shall conduct a quarterly reconciliation of each booking service's use of the electronic verification system. The administering agency shall provide a statement to the booking service indicating the number of listings verified, the number that had not been previously verified in the calendar year, the number that were on the list of Class B multiple dwellings, and the total charges in the quarter. The booking services shall not be liable for fees equal to the initial registration fee, and the administering agency shall reflect on the statement a credit equivalent to such fee.
4. Once a booking service is provided a statement showing that it owes money, it shall pay the balance within 30 days. Failure to pay the balance within 30 days will result in a suspension of the booking service's registration to use the electronic verification system.

**§22-05 Penalties**

1. No penalties will be imposed for violations of these rules or of Chapter 32 of Title 26 of the Administrative Code of the City of New York until May 9, 2023, nor shall any such violation be based on conduct that occurred prior to May 9, 2023.
2. For each transaction in which a booking service charges, collects, or receives a fee, directly or indirectly, for activity described in the definition of booking service in relation to a short-term rental in violation of section 22-02 of this chapter, such booking service shall be liable for a civil penalty of not more than \$1,500. However, if such booking service can establish the amount of such fee, the civil penalty shall be not more than three times such fee. A booking service may establish the amount of such fee by providing to the administering agency, records reflecting the fee in which the booking service charged, collected, or received for such transaction.
3. A booking service that fails to submit information in compliance with the requirements of this chapter shall be liable for a civil penalty, to be assessed once per reporting period for each transaction that the booking service has failed to report.
4. The civil penalty shall not be more than the greater of \$1,500 or the total fees collected during the preceding year by the booking service for transactions related to the registration number or

- uniform resource locator. Penalties based on total fees shall not include any fees that were used to assess a previous penalty.
5. If a booking service's report is missing, incomplete, or inaccurate, the administering agency will provide the booking service with a written notice of its deficiencies in compliance. The notice shall include specific information regarding deficiencies in need of correction. The booking service shall have 15 business days from the date such a notice is provided to either correct the deficiency or provide a written statement explaining why the required information is unavailable or how it is complete or accurate. The booking service shall submit the corrections or explanation in a manner directed in the notice of deficiency. Upon the conclusion of the 15 business-day period in which a booking service may cure deficiencies, the administering agency may seek civil penalties for any continuing deficiency.
  6. Civil penalties established by this section may be imposed and recovered in a proceeding before the office of administrative trials and hearing or a court of competent jurisdiction. Notices of violation, administrative summonses and appearance tickets for violations may be issued by officers and employees of the administering agency or other city agencies designated by such administering agency.

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

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

**RULE TITLE:** Rules Governing Short-Term Rental Hosts

**REFERENCE NUMBER:** 2022 RG 082

**RULEMAKING AGENCY:** Mayor's Office of Criminal Justice, Office of Special Enforcement

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

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

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: November 3, 2022

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

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

**RULE TITLE:** Rules Governing Short-Term Rental Hosts

**REFERENCE NUMBER:** MO-9

**RULEMAKING AGENCY:** Mayor's Office of Special Enforcement

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

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Cure periods are provided for certain violations.

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

November 3, 2022  
Date