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THE CITY RECORD

BILL DE BLASIO

Mayor

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Visit The New City Record Online (CROL) at www.nyc.gov/cityrecord for a searchable database of all notices published in the City Record.

BOROUGH OF BROOKLYN

No. 1

OLD STANLEY-641 CHAUNCEY

CD 4

C 200188 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property, located at 641 Chauncey Street (Block 3444, Lot 18) as an Urban Development Action Area; and
 - b. Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a four-story building containing approximately eight affordable housing units.

Nos. 2 & 3

5914 BAY PARKWAY REZONING

No. 2

CD 12

C 190377 ZMK

IN THE MATTER OF an application submitted by SUW 4 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22d by:

1. changing from an R5 District to an R6 District property bounded by a line midway between 59th Street and 60th Street, Bay Parkway, 60th Street, and a line 100 feet northwesterly of Bay Parkway; and
2. establishing within the proposed R6 District a C2-4 District bounded by a line midway between 59th Street and 60th Street, Bay Parkway, 60th Street, and a line 100 feet northwesterly of Bay Parkway;

as shown on a diagram (for illustrative purposes only) dated November 12, 2019.

PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, March 4, 2020, at 10:00 A.M.



No. 3

CD 12 N 190378 ZRK

IN THE MATTER OF an application submitted by SUW 4 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

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

* * *

APP ENDIX F Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

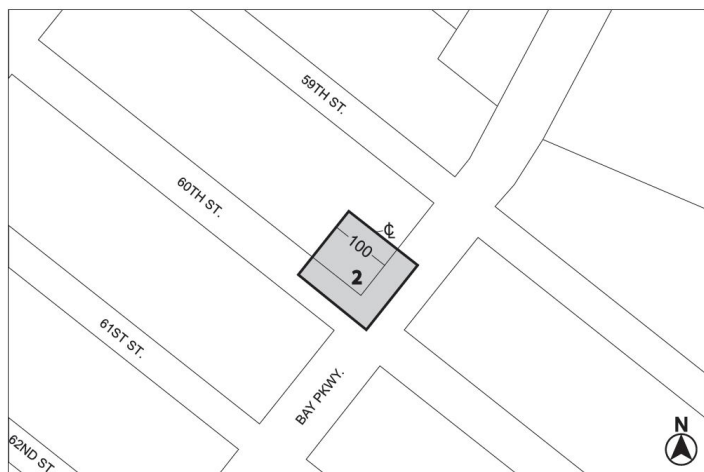
BROOKLYN

* * *

Brooklyn Community District 12

* * *

Map 2- [date of adoption]



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

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

Portion of Community District 12, Brooklyn

BOROUGH OF MANHATTAN No. 4 3 ST. MARKS PLACE

CD 3 C 200077 ZSM

IN THE MATTER OF an application submitted by REEC St Marks LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-79 of the Zoning Resolution:

- 1. to allow transfer of 8,386 square feet of floor area from property, located at 4 St. Marks Place (Block 463, Lot 11) that is occupied by a landmark building (Hamilton-Holly House) to property located at 3 St. Marks Place (Block 464, Lots 1, 3, and 59); and
2. to modify the height and setback requirements of Section 33-432 (In other Commercial Districts);

to facilitate the development of a 10-story commercial building on property, located at 3 St. Marks Place (Block 464, Lots 1, 3, and 59), in a C6-1 District.

Plans for this proposal are on file with the City Planning Commission, and may be seen at 120 Broadway, 31st Floor, New York, NY 10271-0001.

YVETTE V. GRUEL, Calendar Officer City Planning Commission 120 Broadway, 31st Floor, New York, NY 10271 Telephone (212) 720-3370



f19-m4

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT the Franchise and Concession Review Committee, will hold a public meeting, on Wednesday, March 11, 2020, at 2:30 P.M., at 22 Reade Street, Spector Hall, New York, NY 10007.

NOTE: This location is 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 email, at DisabilityAffairs@mocs.nyc.gov, or via phone, at (212) 788-0010. Any person requiring reasonable accommodation, for the public meeting, should contact MOCS, at least three (3) business days in advance of the meeting, to ensure availability.



f20-m11

OFFICE OF LABOR RELATIONS

MEETING

The New York City Deferred Compensation Plan Board, will hold its next Deferred Compensation Plan Board meeting, on Wednesday, March 4, 2020, at 10:00 A.M. The meeting, will be held, at 22 Cortlandt Street, 15th Floor, Conference Room D, New York, NY 10007.

f26-m4

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, March 3, 2020, a public hearing will be held at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties 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. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission, no later than five (5) business days before the hearing or meeting.

370 Adelphi Street - Fort Greene Historic District LPC-20-04612 - Block 2120 - Lot 37 - Zoning: R6B CERTIFICATE OF APPROPRIATENESS

An Italianate style rowhouse. Application is to construct rooftop and rear yard additions and rebuild the rear façade.

895 Union Street - Park Slope Historic District LPC-20-07320 - Block 1063 - Lot 56 - Zoning: R7B CERTIFICATE OF APPROPRIATENESS

A Romanesque Revival/Queen Anne style rowhouse, designed by Albert E. White and built in 1889. Application is to enlarge the rear yard extension.

20 Harrison Street - Tribeca West Historic District LPC-20-02084 - Block 181 - Lot 6 - Zoning: C6-2A CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style store and loft building, designed by P. Henry Gilvary and built in 1892. Application is to replace windows.

City Hall - Individual and Interior Landmark LPC-20-07473 - Block 122 - Lot 1 - Zoning: PARK BINDING REPORT

A French-influenced Federal style building, designed by Joseph-Francois Mangin and John McComb, Jr., and built in 1802-11 and re-clad in 1954-56. Application is to replace the steps and portico pavers, and install a lift, barrier-free access ramp, and railings.

29 Leonard Street - Tribeca West Historic District LPC-20-06497 - Block 179 - Lot 44 - Zoning: C6-2A CERTIFICATE OF APPROPRIATENESS

A utilitarian style store and loft building, designed by J. Morgan Slade, and built in 1880-1881. Application is to construct a rear yard addition.

6 Greene Street - SoHo-Cast Iron Historic District LPC-20-07428 - Block 230 - Lot 9 - Zoning: M1-5B CERTIFICATE OF APPROPRIATENESS

A commercial store building, designed by J.B. Snook and built in 1884. Application is to establish a Master Plan governing the future installation of painted wall signs.

109 West 39th Street (aka 104 West 40th Street) - Individual Landmark

LPC-20-06204 - Block 815 - Lot 21 - Zoning: C5-3
CERTIFICATE OF APPROPRIATENESS

A Modern style office tower, designed by Harrison & Abramovitz and Charles H. Abbe and built in 1961-63. Application is to alter storefront infill.

361 Central Park West - Individual Landmark
 LPC-20-05782 - Block 1832 - Lot 29 - Zoning: R10-A
CERTIFICATE OF APPROPRIATENESS

A Beaux Arts Classical style church designed by Carrère & Hastings and built in 1899-1903. Application is to construct additions, replace windows, alter entrances and replace doors, install signage, and excavate at the cellar.

535 West 110th Street - Morningside Heights Historic District
 LPC-20-02401 - Block 1882 - Lot 8 - Zoning: R8
CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style apartment building, designed by Robert T. Lyons and built in 1922-23. Application is to establish a Master Plan governing the future installation of windows.

15 Center Drive - Douglaston Hill Historic District
 LPC-19-37705 - Block 8064 - Lot 87 - Zoning: R1-2
CERTIFICATE OF APPROPRIATENESS

A Tudor Cottage style house, built c. 1920. Application is to replace windows and construct a rear yard addition.

18 Richmond Terrace - Individual Landmark
 LPC-20-05072 - Block 7 - Lot 12 - Zoning: C4-2
BINDING REPORT

A French Renaissance style courthouse with Roman Classical, Italian Renaissance, and Northern Renaissance influences, designed by Carrere & Hastings and built in 1913-19. Application is to reconstruct the stairs and install railings.

f19-m3



CITYWIDE ADMINISTRATIVE SERVICES
 ■ SALE

The City of New York in partnership with PropertyRoom.com posts vehicle and heavy machinery auctions online every week at:
<https://www.propertyroom.com/s/nyc+fleet>

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

Vehicles can be viewed in person at:
 Insurance Auto Auctions, North Yard
 156 Peconic Avenue, Medford, NY 11763
 Phone: (631) 294-2797

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

s4-f22

OFFICE OF CITYWIDE PROCUREMENT
 ■ NOTICE

The Department of Citywide Administrative Services, Office of Citywide Procurement is currently selling surplus assets on the Internet. Visit <http://www.publicsurplus.com/sms/nycdcas.ny/browse/home>

To begin bidding, simply click on 'Register' on the home page.

There are no fees to register. Offerings may include but are not limited to: office supplies/equipment, furniture, building supplies, machine tools, HVAC/plumbing/electrical equipment, lab equipment, marine equipment, and more.

Public access to computer workstations and assistance with placing bids is available at the following locations:

- DCAS Central Storehouse, 66-26 Metropolitan Avenue, Middle Village, NY 11379
- DCAS, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007

j2-d31

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

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

j2-d31

POLICE

■ NOTICE

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

The following list of properties is in the custody of the Property Clerk Division without claimants:

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

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

INQUIRIES

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

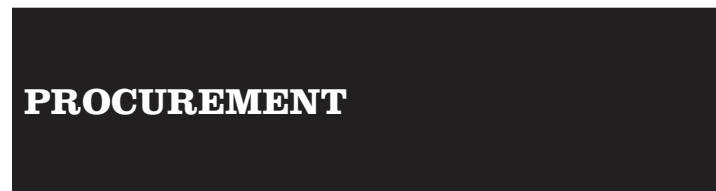
FOR MOTOR VEHICLES (All Boroughs):

- Springfield Gardens Auto Pound, 174-20 North Boundary Road, Queens, NY 11430, (718) 553-9555
- Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2030

FOR ALL OTHER PROPERTY

- Manhattan - 1 Police Plaza, New York, NY 10038, (646) 610-5906
- Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675
- Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806
- Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678
- Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484

j2-d31



“Compete To Win” More Contracts!

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

● **Win More Contracts, at nyc.gov/competetowin**

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

HHS ACCELERATOR

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 prequalification application using the City’s Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement. The process removes redundancy by capturing information about boards, filings, policies, and general service experience centrally. As a result, specific proposals for funding are more focused on program design, scope, and budget.

Important information about the new method

- Prequalification applications are 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, organizational capacity, and relevant service experience.
- Approved organizations will be eligible to compete and would submit electronic proposals through the system.

The Client and Community Service Catalog, which lists all Prequalification service categories and the NYC Procurement Roadmap, which lists all RFPs to be managed by HHS Accelerator may be viewed, at <http://www.nyc.gov/html/hhsaccelerator/html/roadmap/roadmap.shtml>. All current and prospective vendors should frequently review information listed on roadmap to take full advantage of upcoming opportunities for funding.

Participating NYC Agencies

HHS Accelerator, led by the Office of the Mayor, is governed by an Executive Steering Committee of Agency Heads who represent the following NYC Agencies:

- Administration for Children’s Services (ACS)
- Department for the Aging (DFTA)
- Department of Consumer Affairs (DCA)
- Department of Corrections (DOC)
- Department of Health and Mental Hygiene (DOHMH)
- Department of Homeless Services (DHS)
- Department of Probation (DOP)
- Department of Small Business Services (SBS)
- Department of Youth and Community Development (DYCD)
- Housing and Preservation Department (HPD)
- Human Resources Administration (HRA)
- Office of the Criminal Justice Coordinator (CJC)

To sign up for training on the new system, and for additional information about HHS Accelerator, including background materials, user guides and video tutorials, please visit www.nyc.gov/hhsaccelerator

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ **AWARD**

Goods

COMPACT SUV, HYBRID, AWD - Competitive Sealed Bids - PIN# 8572000010 - AMT: \$1,346,350.00 - TO: City World Motors LLC. DBA/City World Toyota, 3333 Boston Road, Bronx, NY 10469.

◀ **m3**

GENERATOR, DIESEL, PORTABLE TRAILER MOUNTED - DEP - Competitive Sealed Bids - PIN#8572000004 - AMT:

\$572,999.00 - TO: H. O. Penn Machinery Company, Inc., 225 Richard Street, Newington, CT 06111.

◀ **m3**

■ **INTENT TO AWARD**

Goods and Services

TANGO SOFTWARE SUBSCRIPTION AND MIGRATION SERVICES - Sole Source - Available only from a single source - PIN# 85620S0004 - Due 3-11-20 at 10:00 A.M.

Provide Tango software subscription and migration services, for Exam Automation replacement.

The Department of Citywide Administrative Services (“DCAS”), intends to enter into a Sole Source negotiation, with Elixir Technologies, regarding the above stated services.

Any firm which believes that it can provide the Tango Software Subscription Services, and/or, is an authorized seller, is invited, to express an interest, by contacting Lucy Nguyen, no later than Wednesday, March 11, 2020, at 10:00 A.M., at lucyngu@dcas.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.

Citywide Administrative Services, 1 Centre Street, 18th Floor, South Plaza, New York, NY 10007. Lucy Nguyen (212) 386-0441; Fax: (646) 500-7568; lucyngu@dcas.nyc.gov

◀ **m3-9**

COMPTROLLER

■ **AWARD**

Services (other than human services)

REAL ESTATE INVESTMENT CONSULTANT AGREEMENT - Request for Proposals - PIN# 01516818502ZR - AMT: \$1,500,000.00 - TO: Townsend Holdings LLC, 1660 West Second Street, Cleveland, OH 44113.

◀ **m3**

CORRECTION

■ **AWARD**

Human Services/Client Services

TO EXPAND THE INDIVIDUALIZED CORRECTION ACHIEVEMENT NETWORK (I-CAN) PROGRAM TO SUPPORT INDIVIDUALS POST-RELEASE FROM JAIL IN THE COMMUNITY. - Line Item Appropriation or Discretionary Funds - Other - PIN# 072201229SPP - AMT: \$275,000.00 - TO: The Osborne Association, Inc., 809 Westchester Avenue, Bronx, NY 10455.

Funding expands the Individualized Corrections Achievement Network (I-CAN) Program, to support individuals post-release from jail in the community. Programming provides evidence-based reentry programming, to reduce recidivism. Services offered include employment, life skills, substance use and mental health referrals, housing, family and parenting skills, government ID and benefits, and creative arts. Programming is offered post-incarceration, to support a holistic, wrap-around experience, for individuals, to provide seamless reentry into communities.

◀ **m3**

DESIGN AND CONSTRUCTION

AGENCY CHIEF CONTRACTING OFFICE

■ **INTENT TO AWARD**

Construction / Construction Services

NEGOTIATED ACQUISITION EXTENSION FOR CONSULTING SERVICES FOR JOB ORDER CONTRACTING SYSTEM (JOCS) - Negotiated Acquisition - Other - PIN# 8502020VP0049P - Due 3-13-20 at 4:00 P.M.

JOCS_DDC, In accordance with Section 3-04(b)(2)(iii) of the Procurement Policy Board rules, DDC intends to use the Negotiated Acquisition process, to ensure continuity of JOCS services. The term of the contract will be 1,825 consecutive calendar days from the date of

registration. It is the intention of the agency to enter into negotiations with the firm, The Gordian Group, Inc.

Firms may express interest in future procurements, by contacting Lisa Rigatti, Contract Manager, at 30-30 Thomson Avenue, Long Island City, NY 11101 or by calling (718) 391-2520 between the hours of 9:00 A.M. and 4:00 P.M. on business days. The firms are advised to register with the New York City Payee Information Portal (www.nyc.gov/pip) to be placed on the citywide bidders list for future contracting opportunities.

Pursuant to Section 3-04(b)(2) of the PPB Rules, the ACCO has determined, that it is not practicable or advantageous to the City to use Competitive Sealed Bidding.

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.

Design and Construction, 30-30 Thomson Avenue, 4th Floor, Long Island City, NY 11101. Lisa Rigatti (718) 391-2520; Fax: (718) 391-1886; rigattili@ddc.nyc.gov

f28-m5

■ SOLICITATION

Construction/Construction Services

EXTENSION OF STORM SEWER, REPLACEMENT OF SANITARY SEWER AND WATER MAIN AND APPURTENANCES IN NORTH AVENUE BETWEEN LIVERMORE AVENUE AND NEAL DOW AVENUE, ETC.-BOROUGH OF STATEN ISLAND - Competitive Sealed Bids - PIN# 85020B0061 - Due 3-26-20 at 11:00 A.M.

PROJECT NO. SER200236/DDC PIN: 8502019SE0047C.

Bid document deposit-\$35.00 per set-company check or money order only-no cash accepted-late bids will not be accepted.

Special experience requirements.

Apprenticeship participation requirements apply to this contract.

Bid documents are available at: <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp>.

As of August 2017, the New York City Mayor's Office of Contract Services (MOCS), has launched the Procurement and Sourcing Solutions Portal (PASSPort), a new procurement system that will replace the paper - VENDEX process. All organizations intending to do business with the City of New York should complete an online disclosure process to be considered for a contract.

Since you have submitted a bid to NYC Department of Design and Construction, we are requesting that you create an account and enroll in PASSPort and file all disclosure information. Paper submissions, including Certifications of No Change to existing VENDEX packages will not be accepted in lieu of complete online filings. You can access PASSPort from the following link: <http://www.nyc.gov/passport>.

THIS PROJECT IS SUBJECT TO Hire NYC.

This procurement is subject to Minority-Owned and Women-Owned Business Enterprises (MWBE) participation goals, as required by Local Law 1 of 2013. All respondents will be required to submit an M/WBE Participation Plan with their response. For the MWBE goals, please visit our website, at <http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp>, see "Bid Opportunities". For a list of companies certified by the NYC Department of Small Business Services, please visit www.nyc.gov/buycertified. To find out how to become certified, visit www.nyc.gov/getcertified, or call the DSBS certification helpline, at (212) 513-6311.

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.

Design and Construction, 30-30 Thomson Avenue, Long Island City, NY 11101. Brenda Barreiro (718) 391-1041; csb_projectinquiries@ddc.nyc.gov

m3

BOARD OF ELECTIONS

■ AWARD

Goods

ULINE SECURITY CARTS FOR E-POLL BOOKS - Other - PIN# 20201418619 - AMT: \$42,862.64 - TO: Minoritech Inc., 15 Hytec Circle, Rochester, NY 14606.

Uline Security Carts, for E-Poll Books. Lockable Double Doors, for Maximum Security.

Its a M/WBE Vendor.

m3

ENVIRONMENTAL PROTECTION

WASTEWATER TREATMENT

■ SOLICITATION

Construction Related Services

UPGRADE OF THE BLOWER CONTROL SYSTEMS AT THE CONEY ISLAND WASTEWATER TREATMENT PLANT -

Competitive Sealed Bids - PIN#82620B0039 - Due 3-31-20 at 11:30 A.M.

Project Number: CI-142, Document Fee: \$80.00, Project Manager: Jigsaa Gutema, Engineers Estimate: \$1,923,000.00 - \$2,600,000.00.

There will be a Pre-Bid, on 3/13/2020, at 9:30 A.M., located at 96-05 Horace Harding Expressway, 2nd Floor, Conference Room Digester, Flushing, NY 11373. Last day for questions 3/19/2020.

Please email Agency contact, Fheras@dep.nyc.gov, all questions.

Bidders are hereby advised that this contract is subject to the Project Labor Agreement ("PLA") entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTG") affiliated local unions. Please refer to the bid documents for further information.

Please be advised, this contract is under SRF program requirements.

Drawings will not be uploaded to the City Record online. If you wish to purchase full set, please contact the bid room.

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, Bid Room, Flushing, NY 11373. Fabian Heras (718) 595-3265; fheras@dep.nyc.gov



m3

HOMELESS SERVICES

OFFICE OF CONTRACTS

■ INTENT TO AWARD

Human Services/Client Services

COMMERCIAL HOTEL SERVICES FOR THE PROPERTIES CURRENTLY MANAGED BY CHILDREN'S COMMUNITY SERVICES, INC. -

Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 07120N0001 - Due 3-18-20 at 2:00 P.M.

The Department of Homeless Services (DHS), intends to enter into negotiations with vendors that can provide housing and social services for homeless families with children, at twenty-five commercial hotels currently managed by Children's Community Services, Inc. (CCS). At this time, four (4) current DHS providers, are interested in providing services at these sites and DHS intends on commencing negotiations with all four. These vendors are: Urban Resource Institute, Praxis Housing Initiatives, Inc., The Children's Rescue Fund, and Samaritan Daytop Village. DHS therefore intends to negotiate agreements with the vendors listed above and any other qualified vendors who seek to participate in this negotiated acquisition.

Through this negotiated acquisition, DHS is seeking vendors to take over provision of services in one or more commercial hotels. All services would have a start date of July 1, 2020. Therefore, DHS would select qualified vendors who demonstrate that they are ready to supply services on that date.

Vendors that believe they are qualified to provide these services or are interested in similar future procurements, may express their interest by obtaining a copy of this solicitation. Please go to the Department of Homeless Services Contracts and Procurements website, at: <https://www1.nyc.gov/site/dhs/about/contracts.page>, or pick up a copy of the Negotiated Acquisition between the hours of 9:00 A.M. and 5:00 P.M., at the Bid Window, at the address listed.

DHS strongly encourages any qualified vendor with interest, to respond.

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

Homeless Services, 150 Greenwich Street (4WTC), 37th Floor, New York, NY 10007. Cinnamon Warner (929) 221-6347; accoprocurements@hra.nyc.gov

m2-6

HOUSING AUTHORITY

PROCUREMENT

SOLICITATION

Goods

LADDERS: VARIOUS SIZES - Competitive Sealed Bids - PIN# 108808 - Due 3-19-20 at 12:00 P.M.

This is a RFQ, for 3-years blanket order agreement. The awarded bidder/vendor agrees to have LADDERS: VARIOUS SIZES, readily available, for delivery within 10 days after receipt of order, on an "as needed basis", during the duration of the contract period. 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. One price adjustment, per year, will be allowed, with mfg. supporting documentation only. Please note: Samples may be required to be provided within 10 days of request. Failure to do so, will result in bid being considered non-responsive.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page. Once on that page, make a selection from the first three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at time of request.

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, Cubicle 6-754, New York, NY 10007. Ornette Proctor (212) 306-4529; Fax: (212) 306-5108; ornette.proctor@nycha.nyc.gov



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SUPPLY MANAGEMENT

SOLICITATION

Goods

SMD MATERIALS PLUMBING SUPPLIES (PIPE, FITTING , VALVES) - Competitive Sealed Bids - PIN#105836 - Due 3-16-20 at 12:00 P.M.

This is a RFQ, for 3 year blanket order agreement. The awarded bidder/vendor agrees to have SMD MATERIALS PLUMBING SUPPLIES (PIPE, FITTING, VALVES) readily available for delivery within 15 days after receipt of order on an "as needed basis", during the duration of the contract period. 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. One price adjustment per year will be allowed with mfg. supporting documentation only. Please note: NYCHA reserves the right to make award by class as indicated. Samples may be required to be provided within 10 days of request. Failure to do so will result in bid being considered non-responsive.

Interested firms are invited to obtain a copy on NYCHA's website. To conduct a search for the RFQ number; vendors are instructed to open the link: http://www1.nyc.gov/site/nycha/business/isupplier-vendor-registration.page. Once on that page, make a selection from the first

three links highlighted in red: New suppliers for those who have never registered with iSupplier, current NYCHA suppliers and vendors for those who have supplied goods or services to NYCHA in the past but never requested a login ID for iSupplier, and Login for registered suppliers if you already have an iSupplier ID and password. Once you are logged into iSupplier, select "Sourcing Supplier," then "Sourcing Homepage" and then reference the applicable RFQ PIN/solicitation number.

Suppliers electing to obtain a non-electronic paper document will be subject to a \$25 non-refundable fee; payable to NYCHA by USPS-Money Order/Certified Check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department, at 90 Church Street, 6th Floor; obtain receipt and present it to the Supply Management Procurement Group; RFQ package will be generated at time of request.

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. Elizenaida Rivera (212) 306-4545; elizenaida.rivera@nycha.nyc.gov



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HUMAN RESOURCES ADMINISTRATION

OFFICE OF CONTRACTS

INTENT TO AWARD

Human Services/Client Services

HOME CARE SERVICES FOR HCSP CLIENTS - Renewal - Due 3-4-20 at 5:00 P.M.

PIN# 09613P0002024R001 - Home Attendant Services of Hyde Park PIN# 09613P0002007R001 - St. Nicks Alliance Home Care Corp.

HRA, through its Home Care Services Program, intends to renew two (2) contracts, with the contractors listed above, for the provision of Home Care Services, for HCSP clients. Anyone having comments on the performance of the contractors, or the proposed renewal of the contracts, may contact Charmaine Phillip, at (929) 221-2453. This Notice, is for informational purposes only.

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.

Human Resources Administration, 785 Atlantic Avenue, 7th Floor, Brooklyn, NY 11238. Charmaine Phillip (929) 221-2453; Fax: (929) 221-2453; phillipc@hra.nyc.gov

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PARKS AND RECREATION

VENDOR LIST

Construction Related Services

PREQUALIFIED VENDOR LIST: GENERAL CONSTRUCTION, NON-COMPLEX GENERAL CONSTRUCTION SITE WORK ASSOCIATED WITH NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION ("DPR" AND/OR "PARKS") PARKS AND PLAYGROUNDS CONSTRUCTION AND RECONSTRUCTION PROJECTS.

NYC DPR is seeking to evaluate and pre-qualify a list of general contractors (a "PQL") exclusively to conduct non-complex general construction site work involving the construction and reconstruction of NYC DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualification and experience in advance, NYC DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construct its parks, playgrounds, beaches, gardens and green-streets. NYC DPR will select contractors from the General Construction PQL for non-complex general construction site work of up to \$3,000,000.00 per contract, through the use of a Competitive Sealed Bid solicited from the PQL generated from this RFQ.

The vendors selected for inclusion in the General Construction PQL, will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms

participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

NYC DPR will only consider applications for this General Construction PQL from contractors who meet any one of the following criteria:

- 1) The submitting entity must be a Certified Minority/Woman Business enterprise (M/WBE)*;
- 2) The submitting entity must be a registered joint venture or have a valid legal agreement as a joint venture, with at least one of the entities in the joint venture being a certified M/WBE*;
- 3) The submitting entity must indicate a commitment to sub-contract no less than 50 percent of any awarded job to a certified M/WBE for every work order awarded.

* Firms that are in the process of becoming a New York City-Certified M/WBE, may submit a PQL application and submit a M/WBE Acknowledgement Letter, which states the Department of Small Business Services has begun the Certification process.

Application documents may also be obtained online at: <http://a856-internet.nyc.gov/nycvendonline/home.asap.>; or <http://www.nycgovparks.org/opportunities/business>.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. *Parks and Recreation, Olmsted Center Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; dmwbe.capital@parks.nyc.gov*

j2-d31

CONTRACTS

■ SOLICITATION

Construction/Construction Services

COOPER PARK COMFORT STATION RECONSTRUCTION

- Competitive Sealed Bids - PIN#B025-118M - Due 3-31-20 at 10:30 A.M.

The Reconstruction of the Comfort Station in Cooper Park, bounded by Maspeth Avenue, Olive Street, Sharon Street and Morgan Avenue, Borough of Brooklyn. E-PIN#84620B0016.

Pre-Bid Meeting: Tuesday, March 24, 2020, Time: 11:30 A.M., Location: Olmsted Center Annex Bid Room.

This procurement is subject to participation goals for MBEs and/or WBEs, as required by Local Law 1 of 2013.

Contract Under Project Labor Agreement.

Bidders are hereby advised, that this contract is subject to the Project Labor Agreement (PLA) Covering Specified Renovation and Rehabilitation of City-Owned Buildings and Structures entered into between the City and the Building and Construction Trades Council of Greater New York ("BCTC") affiliated local unions. Please refer to the bid documents for further information.

Bid Security: Bid Bond or Bid Deposit in the amount of 5 percent of Bid Amount.

The cost estimate range is: \$1,000,000.00 - \$3,000,000.00.

Bid documents are available online for free through NYC Parks' Capital Bid System website, nyc.gov/parks/capital-bids. To download the bid solicitation documents (including drawings if any), you must have an NYC ID Account and Login. If you are already in PASSPort, then you will use the same username and password to log into the Capital Bid Solicitations website. If you do not currently have an NYC ID account, you will be prompted to register for one through the Capital Bids Solicitation website.

Paper sets will still be available for purchase and pick-up from the Blueprint Room, at the Olmsted Center, but you must request a paper copy online first through the Capital Bid Solicitations website.

Payment is required at the time of pick-up via company check or money order. Parks will not accept cash, personal checks, or credit card payments. The cost of paper sets will remain the same: \$25 for sets with under 100 drawings and \$100 for sets with over 100 drawings.

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

Parks and Recreation, Olmsted Center, Room 64, Flushing Meadows-Corona Park, Flushing, NY 11368. Kylie Murphy (718) 760-6855; kylie.murphy@parks.nyc.gov

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Goods and Services

ELECTRICAL REPAIRS, INSTALLATION, UPGRADE, AND MAINTENANCE ON AS AS-NEEDED BASIS OR EMERGENCY BASIS FOR THE WEST HARLEM PIERS PARK - Small Purchase - PIN# 84620M000X07 - Due 3-13-20 at 3:00 P.M.

NYC Parks and Recreation, intends to procure electrical services for the repair of lighting, located in West Harlem Piers Park, 125th – 135th Street, Marginal Street, for the City of New York Parks and Recreation, utilizing the M/WBE Noncompetitive Small Purchase Method, pursuant PPB Rule Section 3-08 (c) (1) (iv). This procurement opportunity is limited to business certifies as New York City Minority or Women-Owned Business Enterprises, pursuant to section 1304 of the New York City Charter. All eligible M/WBE vendors must contact Jameelah Khan, at Jameelah.khan@parks.nyc.gov, to obtain the solicitation document and submit a proposal.

The proposal due date is Friday, March 13th, 2020, at 3:00 P.M.

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

Parks and Recreation, 24 West 61st Street, 3rd Floor, New York, NY 10023. Jameelah Khan (212) 830-7987; Fax: (917) 849-6610; jameelah.khan@parks.nyc.gov

Accessibility questions: Christopher Noel (718) 760-6831, christopher.noel@parks.nyc.gov, by: Friday, March 6, 2020, 2:00 P.M.



m2-3

PROBATION

■ INTENT TO AWARD

Human Services/Client Services

ADOLESCENT IMPACT - Negotiated Acquisition - Other - PIN# 78114I0001001N001 - Due 3-9-20 at 2:00 P.M.

Pursuant to Section 3-04(b)(2)(iii) of the Procurement Policy Board Rules, the NYC Department of Probation, intends to extend the contract with Esperanza NY, for provision of the Adolescent IMPACT Program. Esperanza NY will provide these services during the extension term, by means of Negotiated Acquisition Extension, for one year from 7/1/20 through 6/30/21. The estimated contract value is \$3,496,328.20.

This ad is for information purposes only, anyone who would like additional information regarding this procurement or future like procurements, may send an email to ACCO@probation.nyc.gov, no later than 2:00 P.M. on March 9, 2020.

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.

Probation, 33 Beaver Street, 21st Floor, New York, NY 10004. Eileen Parfrey-Smith (212) 510-3790; Fax: (212) 510-3794; acco@probation.nyc.gov

f27-m4

YOUTH AND COMMUNITY DEVELOPMENT

ADMINISTRATIVE SERVICES

■ AWARD

Goods and Services

MOBILIZE PEER TO PEER SMS PLATFORM - Innovative Procurement - Other - PIN#PO202000335 - AMT: \$100,000.00 - TO: Derive Technologies LLC, PO Box 7028, Philadelphia, PA 19176.

Mobilize Peer to Peer SMS Platform, for census.

This was procured using the MWBE Procurement Award Method 72.

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AGENCY RULES

BUSINESS INTEGRITY COMMISSION

■ NOTICE

NOTICE OF ADOPTION OF FINAL RULES GOVERNING HEAVY DUTY TRADE WASTE HAULING VEHICLES

NOTICE IS HEREBY GIVEN in accordance with the requirements of section 1043 of the New York City Charter and exercising the authority vested in the Commission by sections 1043(a) and 2101(b) of the New York City Charter that the New York City Business Integrity Commission (“BIC” or the “Commission”) adopts the following rules governing heavy duty trade waste hauling vehicles. BIC published a Notice of Opportunity to Comment on the final rule in the *City Record* on December 20, 2019. On January 27, 2020, BIC held a public hearing on the final rule.

Statement of Basis and Purpose of Final Rule

Under section 2101 of the New York City Charter, the Business Integrity Commission (BIC) is authorized to regulate the trade waste industry and, among other things, ensure that businesses are able to operate in an honest and competitive environment, free from the influences of organized crime and criminality. Among other things, Local Law 145 of 2013 gave the Commission the authority to promulgate rules necessary to enforce the provisions of §24-163.11 of the Administrative Code.

Local Law 145 of 2013, which added §24-163.11 to the Administrative Code, requires that every heavy duty trade waste hauling vehicle that is owned or operated by an entity required to be licensed or registered by the Commission and operating in New York City be equipped with either (1) an EPA certified 2007 (or later) engine or (2) utilize “Best Available Retrofit Technology,” as defined by the New York City Department of Environmental Protection before January 1, 2020. Under §24-163.11(d)(5) of the Administrative Code, the Commission may set by rule the criteria for establishing procedures for owners and operators of heavy duty trade waste hauling vehicles to demonstrate compliance with the engine requirement.

The final rules require an owner or operator of a heavy trade waste hauling vehicle that has a pre-2007 engine and utilizes “best available retrofit technology” as defined in §24-163.11(b) of the Administrative Code to obtain from the New York City Department of Environmental Protection a decal labeling the vehicle as compliant with Local Law 145 of 2013, and to place the decal on the driver’s or passenger’s door of the vehicle cab. Additionally, the Commission implements changes to the penalty section of its rules.

The other final rule change clarifies that BIC will not issue license plates to vehicles that do not comply with the requirements set forth in §24-163.11 of the Administrative Code.

BIC’s authority for these rules is found in sections 1043(a) and 2101(b) of the New York City Charter and section 24-163.11(d)(5) of the New York City Administrative Code.

New material is underlined; deleted text is in [] brackets.

§1. Subdivisions (d) and (e) of Section 1-04 of Subchapter A of Chapter 1 of Title 17 of the Rules of the City of New York are relettered subdivisions (e) and (f) and a new Subdivision (d) is added to read as follows:

§ 1-04 Penalties

(d) Specific Penalties. If there are specific penalties for violating a Rule, such penalties are shown at the end of the Rule and must be applied.

§2. Subdivision (a) of Section 5-10 of Subchapter E of Chapter 1 of Title 17 of the Rules of the City of New York is amended to read as follows:

§5-10. License Plates and Vehicle Markings

(a) Upon issuance of a license, the Commission shall issue to the licensee two (2) license plates for each vehicle that will transport trade waste pursuant to such license and for which a fee has been paid, pursuant to 17 RCNY § 2-07. [Such] Beginning on January 1, 2020, the Commission will not issue license plates for any vehicle that does not comply with the requirements set forth in §24-163.11(b) of the Administrative Code. License plates issued by the Commission must at all times be affixed as prescribed by the Commission to a visible and conspicuous part of each such vehicle. A licensee must not permit a

vehicle to be used in the course of collecting, removing, or disposing of waste that has not been identified and covered by the license and for which a fee has not been paid. A license plate issued by the Commission for such a covered and identified vehicle must not be transferred to any other vehicle. Upon the sale or dissolution of the business of a licensee, or upon the suspension, revocation, or expiration of a Commission-issued license, such plates must be immediately surrendered to the Commission. All license plates issued by the Commission are the property of the Commission, and the Commission reserves the right to reclaim such plates at any time.

§3. Subdivision (a) of Section 7-03 of Subchapter G of Chapter 1 of Title 17 of the Rules of the City of New York is amended to read as follows:

§ 7-03. License Plates

(a) Upon issuance of a registration, the Commission shall issue to a registrant who removes trade waste generated in the course of operation of his or her business and to a registrant exempt from the licensing requirements of this chapter two (2) license plates for each vehicle that will transport trade waste pursuant to such registration and for which a fee has been paid, pursuant to 17 RCNY § 2-07. Beginning on January 1, 2020, the Commission will not issue license plates for any vehicle that does not comply with the requirements set forth in §24-163.11(b) of the Administrative Code. A registrant shall not permit a vehicle to be used in the course of collecting, removing, or disposing of waste that has not been identified and covered by the license and for which a fee has not been paid. A license plate issued by the Commission for such a covered and identified vehicle must not be transferred to any other vehicle. Upon the sale or dissolution of the business of a registrant, or upon the suspension, revocation, or expiration of a Commission-issued license, such plates must be immediately surrendered to the Commission. All license plates issued by the Commission are the property of the Commission, and the Commission reserves the right to reclaim such plates at any time. Notwithstanding any other provision of this chapter, the penalty for violation for this section shall not exceed five thousand dollars (\$5,000) for each such violation.

§4. Subchapter E of Chapter 1 of Title 17 of the Rules of the City of New York is amended by adding Section 5-13 as follows:

§ 5-13. Heavy Duty Trade Waste Vehicle Decal Requirement For Licensees.

(a) Every licensee that owns or operates a heavy duty trade waste hauling vehicle that has a pre-2007 engine and utilizes “best available retrofit technology” or “BART” as defined in §24-163.11(a) of the Administrative Code shall notify the New York City Department of Environmental Protection (DEP) of the best available retrofit technology installation by completing a Trade Waste Compliance Reporting form. If DEP approves the best available retrofit technology, DEP will issue a decal to the licensee for each vehicle that has a pre-2007 engine and utilizes BART.

(b) A valid DEP decal must at all times be affixed to a visible part of the driver’s or passenger’s side door of the vehicle cab.

<u>Code/Rule Section</u>	<u>Description</u>	<u>Penalty</u>
<u>§5-13</u>	<u>Failure to have proper decal displayed.</u>	<u>Maximum penalty of \$200. Licensees must obtain a decal from the Department of Environmental Protection (DEP) and affix it to the vehicle within two weeks of receiving the summons in order to mitigate the penalty to zero.</u>

§5. Subchapter G of Chapter 1 of Title 17 of the Rules of the City of New York is amended by adding Section 7-07 as follows:

§ 7-07. Heavy Duty Trade Waste Vehicle Decal Requirement For Registrants.

(a) Every registrant that owns or operates a heavy duty trade waste hauling vehicle that has a pre-2007 engine and utilizes “best available retrofit technology” or “BART” as defined in §24-163.11(a) of the Administrative Code shall notify the New York City Department of Environmental Protection (DEP) of the best available retrofit technology installation by completing a Trade Waste Compliance Reporting form. If DEP approves the best available retrofit technology, DEP will issue a decal to the registrant for each vehicle that has a pre-2007 engine and utilizes BART.

(b) A valid DEP decal must at all times be affixed to a visible part of the driver’s or passenger’s side door of the vehicle cab.

Code/Rule Section	Description	Penalty
§ 7-07	Failure to have proper decal displayed.	Maximum penalty of \$200. <u>Registrants must obtain a decal from the Department of Environmental Protection (DEP) and affix it to the vehicle within two weeks of receiving the summons to comply with the Rule in order to mitigate the penalty to zero.</u>

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HOMELESS SERVICES

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? Pursuant to State law, the New York City Department of Homeless Services (DHS) proposes to amend Chapter 4 of Title 31 of the Rules of the City of New York, establishing the Income Savings Plan or “ISP” Program for shelter residents, which currently only covers single adults, to add families.

When and where is the hearing? The New York City Department of Homeless Services will hold a public hearing on the proposed rule. The public hearing will take place at 2:00 PM on April 2, 2020. The hearing will be held in the Second Floor Auditorium at 125 Worth Street in Manhattan. Please enter on Lafayette Street.

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

- **Website.** You can submit comments to DHS through the NYC website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to DHSRules@dhs.nyc.gov. Please include “ISP” in the subject line.
- **Mail.** You can mail comments to:
DHS Rules
150 Greenwich Street, 38th Floor
New York, NY 10007
Please make clear that you are commenting on the ISP rule.
- **Fax.** You can fax comments to 917-639-0413. Please include “ISP” in the subject line.
- **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 929-221-6690. You can also sign up in the hearing room before the hearing begins on April 2. You can speak for up to three minutes.

Is there a deadline to submit comments? The deadline to submit comments is April 2, 2020.

What if I need assistance to participate in the hearing? You must tell us if you need a foreign language interpreter, a sign language interpreter, or a reasonable accommodation of a disability at the hearing. You can tell us by mail, fax or email at the addresses above. You may also tell us by telephone at 929-221-6690. Advance notice is requested to allow sufficient time to make arrangements. Please tell us by March 26.

This location has the following accessibility option(s) available: This location is accessible to individuals using wheelchairs or other mobility devices. For additional requests regarding accessibility please contact DHS Rules by mail, fax, email or telephone as indicated above.

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, 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 on DHS’s website.

What authorizes DHS to make this rule? Section 612(a)(1) and (2) of Chapter 24-a of the New York City Charter, Section 36-c of the New York Social Services Law and Section, and 352.35 of Title 18 of the New York Code, Rules and Regulations.

Where can I find DHS’s rules? DHS’s rules are in Title 31 of the Rules of the City of New York.

What laws govern the rulemaking process? DHS must meet the requirements of Section 1043 of the City Charter when creating or

changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Late in 2019, following amendments to New York Social Services Law § 36-c, DHS issued a rule establishing the Income Savings Plan Program, or “ISP Program”, whose purpose is to help clients exit DHS shelters by budgeting for and developing savings to facilitate their transition to permanent housing upon shelter exit. Under the ISP Program, certain households with earned income are required to deposit a portion of their earned income into savings.

As noted when DHS issued the ISP rule, the program is being implemented in phases. The rule issued in 2019 established the first phase of the program, which applies to employed residents of DHS shelters for single adults whose income from employment exceeds a threshold that is equivalent to the amount that would make most single-person households not in shelter ineligible for ongoing cash assistance. Pursuant to State law, DHS now proposes to amend that rule to include households in shelters for families with children and adult families. As with the population covered by the existing rule, participation in the ISP Program will be a shelter program eligibility requirement and clients who are not in compliance may have their shelter discontinued, but will have the opportunity to immediately cure a violation.

Section 612(a)(1) and (2) of Chapter 24-a of the New York City Charter, Section 36-c of the New York Social Services Law and Section, and 352.35 of Title 18 of the New York Code, Rules and Regulations authorize the New York City Department of Homeless Services to make this rule. Additionally, DHS has submitted a plan pursuant to Section 36-c, which has been approved by the State.

New material is underlined. Deleted text is [bracketed.]

Section 1. Section 4-01 of Chapter 6 of Title 31 of the Rules of the City of New York is amended to read as follows:

§ 4-01 Definitions.

For the purposes of this chapter, the following terms have the following meanings:

- (a) “DHS” means the New York City Department of Homeless Services.
- (b) “DHS shelter” means a shelter operated by or on behalf of DHS.
- (c) “Earned income” means income earned from employment, including both subsidized and unsubsidized employment.
- (d) [“Income Savings Plan Program” or “ISP Program” means the program established pursuant to this chapter.] “Head of household” means the person designated as the head of household in DHS’s Client Assistance and Rehousing Enterprise System (“CARES”) database or successor database or system.
- (e) The “Income Savings Plan Program for Families with Children and Adult Families” or “ISP Program for Families” means the program established pursuant to subchapter B of this chapter.
- (f) The “Income Savings Plan Program for Single Adults” or “ISP Program for Single Adults” means the program established pursuant to subchapter A of this chapter.
- [(e)] (g) “Monthly savings statement” means the monthly statement provided to individuals enrolled in the ISP Program for Families or the ISP Program for Single Adults, setting forth among other things, the amount that they must deposit in their client account by the end of the month.
- [(f)] (h) “Program participant” or “participant” means an individual enrolled in the ISP Program.]
- (h) “Participating household”, “program participant” or “participant” means a household enrolled in the ISP Program for Families or the ISP Program for Single Adults.
- [(g)] (i) “Savings month” means the month for which a savings amount is calculated.
- (j) “Temporary Housing Assistance” or “THA” means temporary housing assistance as defined in Section 352.35(b)(4) of Title 18 of the New York Codes, Rules and Regulations.

§ 2. Sections 4-02 through 4-05 of Chapter 4 of Title 31 of the Rules of the City of New York are amended to read as follows:

Subchapter A: ISP Program for Single Adults

§ 4-02 In General.

- (a) [Individuals] Except for households who have been determined to be eligible for HRA shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations, individuals residing in a DHS shelter for single adults who receive earned income that exceeds the sum of the following amounts shall be required to participate in the ISP Program for Single Adults following the individual’s receipt of notice of the terms of the program and of their enrollment in the

program, which notice shall be provided in the month prior to the month in which they receive their first monthly savings statement:

- (i) the statewide standard of monthly need for a one-person household set forth in Section 131-a(2)(a-4) of the New York Social Services Law;
- (ii) the monthly allowance for rent for a single person household without children in New York City set forth in Part 352.3(a)(1) of Title 18 of the New York Codes, Rules and Regulations;
- (iii) the statewide monthly home energy and supplemental home energy payments for a one-person household set forth in Part 352.2(d) of Title 18 of the New York Codes, Rules and Regulations; and
- (iv) the amount of the earned income disregard set forth in Part 352.19(a) of Title 18 of the New York Codes, Rules and Regulations.

(b) Except on a case-by-case basis where a household has been approved by DSS to use their own commercial bank account, savings of program participants pursuant to this [chapter] subchapter will be maintained in client accounts maintained by the New York City Department of Social Services and shall be made available to such individuals before or after their exit from DHS shelter as described in section 4-05 of this chapter.

(c) Participation in the ISP Program will be a shelter program requirement for such individuals.

§ 4-03 Savings Amounts and Adjustments.

(a) Beginning in the month following their enrollment in the program, program participants residing in a DHS shelter for single adults will receive a monthly savings statement, which shall include:

- (1) The program participant's deposit balance:
 - (A) For participants using accounts held by DSS, this amount shall equal the sum of all funds deposited by the program participant to their client account to date, minus any amounts released to the program participant to date.
 - (B) For participants approved to use their own commercial bank account, this amount shall equal the change in the participant's account balance between their enrollment in ISP and the most recent bank statement they have provided to DHS.

(2) The current month's savings request as calculated pursuant to subdivision (b) of this section, and the information on which such amount was calculated, including the program participant's earned income, any approved deductions to such income pursuant to subdivision (c) of this section, and the number of days in shelter during the current savings month;

- (3) The current amount due to be deposited:
 - (A) For participants using accounts held by DSS, this amount shall be equal to the sum of any amount due in the previous savings month, the current month's savings request and any funds released to the program participant during the current savings month pursuant to section 4-05(c) of this chapter, reduced by the sum of any deposits made during the current savings month pursuant to section 4-03(d) and any one-time adjustments made during the current savings month, all of which shall be listed on the savings statement;
 - (B) For participants approved to use their own commercial bank account, this amount shall be equal to the sum of any amount due in the previous savings month and the current month's savings request, either reduced by the difference between the balance in the client's account at the beginning and the end of the month, if the balance has increased, or increased by such difference if such balance has decreased, and further reduced by any one-time adjustments made during the current savings month, all of which shall be listed on the savings statement; and

(4) For participants using accounts held by DSS, the date the amount is due to be deposited, which shall be no earlier than the twenty-fifth day of the month, and information on how to make a deposit, and for participants approved to use their own commercial accounts, information on how and when to submit a copy of their bank statement.

(5) Information on how to challenge the amount due and how to request a deduction to earned income or a one-time adjustment to the amount due pursuant to subdivision (c) of this section.

(b) DHS will calculate a program participant's savings request for any given savings month by taking thirty (30) percent of the program participant's earned income as of the last day of the savings month, subject to any deductions to earned income that have been approved pursuant to subdivision (c) of this section, and prorating it based on the number of days the program participant resided in a DHS shelter for single adults in that month. For example, if the program participant

was in a DHS shelter for single adults for only one day out of thirty in a given month and no deductions to earned income have been approved pursuant to subdivision (c) of this section, the savings request will be 1/30th of 30% of the program participant's monthly earned income as of the last day of the current savings month. In this example, if a deduction to earned income had been approved pursuant to subdivision (c) of this section, the savings request would be 1/30 of 30% of the program participant's earned income after such deduction was applied.

(c) Program participants may request that DHS apply a deduction to the earned income used to calculate their savings requests or make a one-time adjustment to the amount due to be deposited. DHS will assess such requests for deductions to earned income or adjustments to the amount due for good cause on a case by case basis. If DHS approves a request to apply a deduction to earned income, DHS will determine for what period of time the deduction will apply based on documentation provided by the individual.

(d) If a program participant wishes to deposit more than the amount due in their client account, they may do so at any time. For participants using accounts held by DSS, any deposit amount in excess of the amount due will be deducted from the amount due the following month.

(e) Once enrolled in the ISP Program, program participants must report any changes in income within a timeframe and in a form and manner to be designated by DHS.

(f) The past amount due will be set to zero when a program participant has been out of shelter for thirty (30) consecutive days, regardless of whether the funds in their client account have been returned to them at that time, or whenever funds are released to the program participant pursuant to section 4-05(b) of this chapter.

§ 4-04 Enforcement of ISP Program Requirements through Immediately Curable Shelter Sanctions.

(a) If a program participant fails to make the deposits set forth on their savings statements, DHS will schedule a case conference with the individual to discuss their non-compliance with program requirements and will provide the program participant with an opportunity to cure the non-compliance.

(b) If non-compliance remains unresolved following the case conference, the program participant will be provided with written notice that their shelter may be discontinued and an opportunity to demonstrate good cause for the non-compliance or to cure the non-compliance by depositing funds in their savings account.

(1) Good cause will be determined on a case-by-case basis, taking into account other liabilities, medical or other emergencies, need, and good faith attempts to comply.

(2) Any temporary discontinuance of shelter shall be non-durational and immediately curable upon deposit of an amount of funds in their ISP Program account consistent with arrangements regarding the timing and amount of the deposit reached between the program participant and DHS in a case conference.

(c) An individual who receives the notice specified in subdivision (b) of this section shall be entitled to administrative review of the decision to discontinue shelter under [section 4-06] Subchapter C of this chapter.

§ 4-05 Return of Savings.

Funds in client accounts held by DSS pursuant to this [chapter] subchapter will be returned to individuals or their designees under the following circumstances:

(a) Standard Release After Exit: Once a program participant has been out of DHS shelter for thirty (30) consecutive days, DHS will release the funds in their client account, including any interest that has accrued, to the individual, or such other individual or entity that the individual has designated, between thirty (30) and forty-five (45) days after shelter exit. If the client has not provided instructions to DHS as to where and how their funds shall be conveyed to the client or designee, or if funds distributed are returned to DHS as undeliverable or are not taken into possession by the client or designee, DHS will hold the unreturned funds for one year and perform due diligence to locate the individual during that time. Funds that DHS is unable to return within one year of shelter exit will be considered unclaimed and processed in accordance with State law.

(b) Expedited Release After Exit: DHS may release the funds in a program participant's client account, including any interest that has accrued, to the program participant or their designee following their exit from DHS shelter, but before thirty (30) days have passed, at the request of the individual for good cause where DHS has determined that the program participant is unlikely to return to shelter.

(c) Early Release Prior to Exit: DHS may approve early release of funds to a program participant to assist the individual with documented expenses necessary to arrange for permanent housing or, in its discretion and on a case-by-case basis, for reasons other

than to arrange for permanent housing. Such approval shall not be unreasonably withheld. In the event that funds are released to an individual pursuant to this subdivision, the individual's current amount due will be increased by the amount of the funds that were released. If the program participant wishes to be relieved of the obligation to return such funds to their client account, they may request a one-time adjustment pursuant to section 4-03(c) of this chapter.

§ 3. The existing Section 4-06 of Chapter 4 of Title 31 of the Rules of the City of New York is repealed and the following Subchapters B and C are added to such chapter:

Subchapter B: ISP Program for Families

§ 4-06 In General.

(a) Except for households who have been determined to be eligible for HRA shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations, the following households residing in a DHS shelter for families with children or adult families will be required to participate in the ISP Program for Families following the household's receipt of notice of the terms of the program and of their enrollment in the program, which notice shall be provided in the month prior to the month in which they receive their first monthly savings statement:

(1) Households who but for the provisions of Section 36-c of the New York Social Services Law, would be required to contribute a portion of their earned income to reduce the need for THA, and

(2) Households who have earned income but are not in receipt of THA for reasons other than discontinuance of THA pursuant to § 4-08 of this Chapter.

(b) Savings of participating households pursuant to this subchapter will be maintained in client accounts maintained by the New York City Department of Social Services and shall be made available to such households, or individual members of the households, before or after their exit from DHS shelter as described in section 4-09 of this chapter.

(c) Participation in the ISP Program will be a shelter program requirement for the households specified in § 4-06(a). For program participants in receipt of THA, it is also a requirement of THA pursuant to New York Social Services Law § 36-c and the Plan approved thereunder.

§ 4-07 Savings Amounts and Adjustments.

(a) Beginning in the month following their enrollment in the program, participating households residing in a DHS shelter for families with children or adult families will receive a monthly savings statement, which shall include:

(1) The participating household's deposit balance, which shall equal the sum of all funds deposited by the household to their client account to date, minus any amounts released to any member of the household to date.

(2) The current month's savings request, which shall be calculated pursuant to 131-a of the New York Social Services Law for participating households in receipt of Cash Assistance, and for all other participating households shall be 30% of earned income prorated based on the number of days the participating household resided in a DHS shelter for families with children or adult families in that month.

(3) The current amount due to be deposited, which shall be equal to the current month's savings request reduced by the sum of any deposits made during the current savings month and any good cause adjustments pursuant to § 4-07(c) made during the current savings month, all of which shall be listed on the savings statement;

(4) The date the amount is due to be deposited, which shall be no earlier than the twenty-fifth day of the month, and information on how to make a deposit.

(5) Information on how to challenge the amount due and how to request a good cause adjustment for the current or future month's savings request.

(b) If a participating household wishes to deposit more than the amount due in their client account, they may do so at any time. Any deposit amount in excess of the amount due will be deducted from the amount due the following month.

(c) A participating household may request that DHS apply a good cause adjustment to the amount due to be deposited. DHS will assess such requests for adjustments to the amount due on a case by case basis. If DHS approves a request for a good cause adjustment to the amount due to be deposited, DHS will determine for what period of time the adjustment will apply based on documentation provided by the participating household.

(d) Once enrolled in the ISP Program for Families, a participating household must report any changes in income within a timeframe and in a form and manner to be designated by DHS.

(e) The past amount due will be set to zero when a participating household has been out of shelter for thirty (30) consecutive days, regardless of whether the funds in their client account have been returned to them at that time, or whenever funds are released pursuant to section 4-09(b) of this chapter. Once the past amount due is set to zero, any failure to contribute shall be considered cured.

§ 4-08 Enforcement of ISP Program Requirements through Immediately Curable Shelter Sanctions.

(a) If a participating household fails to make the deposits set forth on their savings statements, DHS will schedule a case conference with the participating household to discuss their non-compliance with program requirements, determine whether the non-compliance was willful, and provide the household with an opportunity to demonstrate good cause for the non-compliance or to cure the non-compliance by depositing funds in their savings account.

(b) If non-compliance remains unresolved following the case conference, the program participant will be provided with written notice that their shelter and THA, if the household is in receipt of THA, may be discontinued and an opportunity to demonstrate good cause for the non-compliance or to cure the non-compliance by depositing funds in their savings account.

(1) Good cause will be determined on a case-by-case basis, taking into account other liabilities, medical or other emergencies, need, and good faith attempts to comply. Such good cause determination shall be made consistent with Part 351.26 of Title 18 of the New York Codes, Rules and Regulations.

(2) Any temporary discontinuance of THA or shelter shall be non-durational and immediately curable by compliance with this subchapter, or with the plan approved under Section 36-c of the New York State Social Services Law, as applicable.

(c) If at the time the notice specified in subdivision (b) of this section is issued, the household is in receipt of THA, the household shall have all rights pursuant to Part 352.35 of Title 18 of the New York Code, Rules and Regulations including but not limited to a fair hearing before the New York State Office of Temporary and Disability Assistance pursuant to Part 358 of Title 18 of the New York Code, Rules and Regulations. If, at the time the notice specified in subdivision (b) of this section is issued, the household is not in receipt of THA, the household shall be entitled to administrative review of the decision to discontinue shelter under Subchapter C of this chapter.

§ 4-09 Return of Savings.

Release of Funds to Head of Household or Their Designee

(a) Subject to the provisions of subdivision (b) of this section, funds in a client account held by DSS pursuant to this subchapter will be released to the head of household or their designee under the following circumstances:

(1) Standard Release After Household's Exit: Once a participating household has been out of DHS shelter for thirty (30) consecutive days, DHS will release the funds in their client account, including any interest that has accrued, to the head of household, or such other individual or entity that the head of household has designated, between thirty (30) and forty-five (45) days after shelter exit. If the head of household has not provided instructions to DHS as to where and how their funds shall be conveyed to the head of household or designee, or if funds distributed are returned to DHS as undeliverable or are not taken into possession by the head of household or designee, DHS will hold the unreturned funds for one year and perform due diligence to locate the head of household or designee during that time. Funds that DHS is unable to return within one year of shelter exit will be considered unclaimed and processed in accordance with State law.

(2) Expedited Release After Household's Exit: DHS may release the funds in a participating household's account, including any interest that has accrued, to the head of household or their designee following the household's exit from DHS shelter, but before thirty (30) days have passed, at the request of the head of household for good cause where DHS has determined that the household is unlikely to return to shelter.

(3) Early Release Prior to Exit: DHS may approve early release of funds to a head of household to assist the household with documented expenses necessary to arrange for permanent housing where DHS verifies that the household will be exiting shelter or, in DHS' discretion and on a case-by-case basis, for reasons other than to arrange for permanent housing where funds are needed to address an emergency situation. Such approval shall not be unreasonably withheld.

Release of Funds to An Individual Other than the Head of Household or Their Designee

(b) If an individual whose income has been used to calculate the ISP savings amount leaves the household, they may request that a portion of the funds in the household's DSS account be disbursed to them. Such

portion may not exceed the lesser of fifty (50) percent of the total funds in the DSS account or the individual's proportionate share based on the income used to calculate the savings amount. A request under this subdivision must be made at a time and in a form and manner designated by DHS. If the individual is leaving the household and creating or joining a new household in DHS shelter and DHS determines that the new household is or likely will be subject to this chapter, the funds will be transferred to the DSS account belonging to the individual's new household.

Subchapter C:

Agency Review Conference and DSS Administrative Appeal Process for Single Adults and for Families with Children and Adult Families Not in Receipt of THA

§ 4-10 Agency Review Conference and DSS Administrative Appeal Process.

(a) Right to DSS Administrative Review.

A participating household not in receipt of THA may request an agency review conference and/or a DSS administrative hearing to seek review of a temporary discontinuance of shelter based on non-compliance with ISP program requirements.

(b) Agency Review Conference.

(1) If a household requests an agency review conference pursuant to subdivision (a) of this section, DHS shall informally review and attempt to resolve the issues raised.

(2) A household may request an agency review conference without also requesting a DSS administrative hearing. Requesting an agency review conference will not prevent a household from later requesting a DSS administrative hearing.

(3) An agency review conference must be requested within sixty (60) days after the challenged determination or action, provided further that if a DSS administrative hearing is scheduled, an agency review conference must be requested reasonably in advance of the scheduled hearing date.

(4) A request for an agency review conference will extend the time period to request a DSS administrative hearing as set forth in paragraph (2) of subdivision (c) of this section to sixty (60) days after the date of the agency review conference.

(c) Request for a DSS Administrative Hearing.

(1) An administrative hearing must be requested in writing. Such written request must be submitted by mail, electronic means or fax, or other means as DSS may set forth in an appeals notice.

(2) Except as provided in paragraph (4) of subdivision (b) of this section, a request for an administrative hearing must be made within sixty (60) days after the challenged determination or action.

(d) Authorized Representative.

(1) Except where impracticable to execute a written authorization, a person or organization, other than an attorney retained by the household, seeking to represent a household who has requested a conference or hearing under this section must have the household's written authorization to represent them at an agency review conference or administrative hearing and to review their case record. An employee of an attorney retained by the household will be considered an authorized representative if such employee presents written authorization from the attorney or if such attorney advises DSS by telephone of such employee's authorization.

(2) Once DSS has been notified that a person or organization has been authorized to represent a household at an agency review conference or administrative hearing, such representative will receive copies of all correspondence sent by DSS to the household relating to the conference and hearing.

(e) Aid Continuing.

(1) If a participating household requests an administrative appeal of a determination that shelter is to be discontinued, such participating household shall have the right to continued receipt of temporary shelter until the hearing decision is issued pursuant to subdivision (l) of this section, provided that:

(A) The participating household requests the administrative appeal within ten days of the mailing of the notice of such determination; and

(B) The appeal is based on a claim of incorrect computation or an incorrect factual determination.

(2) There is no right to continued shelter pursuant to this subdivision where the sole issue on appeal is one of local, State or Federal law or policy, or change in local, State or Federal law.

(3) Temporary shelter will not continue pending the issuance of a hearing decision when:

(A) The participating household has voluntarily waived their right to the continuation of shelter in writing; or

(B) The participating household does not appear at the administrative hearing and does not have a good cause reason for not appearing.

(4) If a participating household requests an additional appeal pursuant to subdivision (m) of this section, shelter will continue uninterrupted after issuance of the hearing decision until a written decision is issued pursuant to subdivision (l) of this section.

(f) Notice.

DSS shall provide the household who has requested a hearing under this section with notice of the date, time, and location of the administrative hearing no fewer than seven calendar days prior to the scheduled date of the administrative hearing, unless the issue underlying the request for an administrative hearing has been resolved and the household has withdrawn their hearing request.

(g) Examination of Case Record.

The household who has requested a conference or hearing under this section or their authorized representative has the right to examine the contents of their ISP program case file, if one exists, and all documents and records that DHS intends to use at the administrative hearing. Upon request by telephone or in writing, DHS shall provide such household with copies of all such documents, and copies of any additional documents in the possession of DHS that the household identifies and requests for purposes of preparing for the administrative hearing. DHS shall provide such documents at no charge reasonably in advance of the administrative hearing. If the request for such documents is made less than five business days before the administrative hearing, DHS must provide the household with copies of such documents no later than at the time of the administrative hearing.

(h) Adjournment.

The administrative hearing may be adjourned for good cause by the administrative hearing officer on their own motion or at the request of the household who requested the hearing or their authorized representative, or at the request of DHS.

(i) Conduct of Administrative Hearing.

(1) The administrative hearing shall be conducted by an impartial hearing officer appointed by DSS who shall have the power to administer oaths and issue subpoenas and who shall have no prior personal knowledge of the facts concerning the challenged determination or action.

(2) The administrative hearing shall be informal, all relevant and material evidence shall be admissible and the legal rules of evidence shall not apply. The administrative hearing shall be confined to the factual and legal issues raised regarding the specific determination(s) for which the administrative hearing was requested.

(3) The household who requested the hearing shall have a right to be represented by counsel or other representative, to testify, to produce witnesses to testify, to offer documentary evidence, to offer evidence in opposition to the evidence presented by DHS, to request that the hearing officer issue subpoenas, and to examine any documents offered by DHS.

(4) An audio recording, an audio visual recording or written transcript of the administrative hearing shall be made.

(j) Abandonment of Request for Administrative Hearing.

(1) DSS will consider an administrative hearing request abandoned if neither the household who requested the hearing nor their authorized representative appears at the administrative hearing, unless either the household or their authorized representative has:

(A) contacted DSS prior to the administrative hearing to request rescheduling of the administrative hearing; or

(B) within fifteen calendar days of the scheduled administrative hearing date, contacted DSS and provided a good cause reason for failing to appear at the administrative hearing on the scheduled date.

(2) DSS will restore the case to the calendar if the household who requested the hearing or their authorized representative has met the requirements of paragraph (1) of this subdivision.

(k) Hearing Record.

The recording or written transcript of the hearing, all papers and requests filed in connection with the hearing, and the hearing decision collectively constitute the complete and exclusive record of the administrative hearing.

(l) Hearing Decision.

The hearing officer shall render a decision based exclusively on the hearing record. The decision must be in writing and must set forth the administrative hearing issues, the relevant facts, and the applicable law, regulations and approved policy, if any, upon which the decision is based. The decision must identify the issues to be determined, make findings of fact, state the reasons for the determinations, and when appropriate, direct DHS to take specific action.

- (1) A copy of the decision will be sent to each of the parties and to their authorized representatives, if any. The decision shall include written notice to the household who had requested the hearing of the right to further appeal and the procedures for requesting such appeal.
(2) DHS is not bound by a hearing decision that exceeds the authority of the hearing officer or that is contrary to federal, State, or local law or these rules. If the Commissioner determines that DHS is not bound by a hearing decision, the Commissioner shall promptly notify the household who had requested the hearing of such determination, and of the reasons for the determination. Such notification shall be in writing and shall also inform the household of the right to judicial review.

(m) Additional appeal.

- (1) An appeal from a decision of a hearing officer may be made in writing to the Commissioner provided it is received by DSS through the procedures described in the notice accompanying the hearing decision no later than fifteen business days after DSS sends the hearing officer's decision. The record before the Commissioner shall consist of the hearing record, the hearing officer's decision and any affidavits, documentary evidence, or written arguments that the applicant or participating household may wish to submit.
(2) The Commissioner shall render a written decision based on the hearing record and any additional documents submitted by the applicant or participating household and DHS.
(3) A copy of the decision, including written notice to the applicant or participating household of the right to judicial review, will be sent to each of the parties and to their authorized representatives, if any.

Upon issuance, the decision of the Commissioner made pursuant to an appeal under this section is final and binding upon DHS and must be complied with by DHS.

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: Implementation of Income Savings Plan Program

REFERENCE NUMBER: 2020 RG 011

RULEMAKING AGENCY: New York City Department of Homeless Services

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: February 14, 2020

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

CERTIFICATION/ANALYSIS PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Implementation of Income Savings Plan Program

REFERENCE NUMBER: DHS-4

RULEMAKING AGENCY: Department of Homeless Services

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) If a household is found to not be in compliance, they can cure at any time.

/s/ Shifra Goldenberg
Mayor's Office of Operations

February 14, 2020
Date

Accessibility questions: DHSRules@dhs.nyc.gov; (929) 221-6690; (917) 639-0413 (fax), by: Thursday, March 26, 2020, 5:00 P.M.



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COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS, PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre Street, Room 629, New York, NY 10007, on 3/16/2020, to the person or persons legally entitled, an amount as certified to the Comptroller, by the Corporation Counsel on damage parcels, as follows:

Table with columns: Damage Parcel No., Block, and Lot. Row 1: 1A, 2A, 3A, 4A, 5190, Unlotted Street Beds Adjacent to Lots 60, 61, 62 & 66

Acquired in the proceeding entitled: WATERSEDGE AT GREAT KILLS HOMEOWNERS ASSOC, INC., subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

Scott M. Stringer
Comptroller

m3-16

CHANGES IN PERSONNEL

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for HRA/DEPT OF SOCIAL SERVICES for period ending 02/07/20.

Table with columns: NAME, LAST, FIRST, MIDDLE, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY

Table with columns: NAME, LAST, FIRST, MIDDLE, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY

HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 02/07/20

Table with columns: NAME, LAST, FIRST, MIDDLE, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY

DEPT. OF HOMELESS SERVICES FOR PERIOD ENDING 02/07/20

Table with columns: NAME, LAST, FIRST, MIDDLE, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 02/07/20

Table with columns: NAME, LAST, FIRST, MIDDLE, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY

HRA/DEPT OF SOCIAL SERVICES FOR PERIOD ENDING 02/07/20

Table with columns: NAME, LAST, FIRST, MIDDLE, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY

DEPARTMENT OF CORRECTION FOR PERIOD ENDING 02/07/20

Table with columns: NAME, LAST, FIRST, MIDDLE, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY

DEPT. OF HOMELESS SERVICES FOR PERIOD ENDING 02/07/20

Table with columns: NAME, LAST, FIRST, MIDDLE, ID, SALARY, ACTION, PROV, EFF DATE, AGENCY

LATE NOTICE

CONTRACT AWARD HEARINGS

NOTE: LOCATION(S) ARE ACCESSIBLE TO INDIVIDUALS USING WHEELCHAIRS OR OTHER MOBILITY DEVICES. FOR FURTHER INFORMATION ON ACCESSIBILITY OR TO MAKE A REQUEST FOR ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETATION SERVICES, PLEASE CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES (MOCS) VIA E-MAIL AT DISABILITYAFFAIRS@MOCS.NYC.GOV OR VIA PHONE AT (212) 788-0010. 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.



CORRECTION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on March 11, 2020 at 75-20 Astoria Blvd, Suite 160, East Elmhurst, NY 11370 commencing at 11:00 A.M. on the following:

IN THE MATTER of a propose Purchase Order/Contract between the Department of Correction of the City of New York and Empire Electronics Incorporated dba Empire USA, located at 103 Fort Salonga Road Suite 10, Northport, NY 11768 for APDS Base Platform Cellular Service. The amount of this Purchase Order/Contract will be \$150,000.00. The term will be from the date of contract registration to June 30, 2020. PIN#: 2-1602-0138-2020.

The Vendor has been selected pursuant to Section 3-08(c)(1)(iv) of the Procurement Policy Board Rules.

A draft copy of the Purchase Order/Contract will be available for public inspection at the Office of NYC Department of Correction, Central Office of Procurement, 75-20 Astoria Blvd, Suite 160, East Elmhurst, NY 11370, from January 29, 2020 to March 10, 2020, excluding weekends and holidays, from 9:00 A.M and 4:00 P.M.

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HEALTH AND MENTAL HYGIENE

■ PUBLIC HEARINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Health and Mental Hygiene (DOHMH or the Department) is proposing to amend Appendices 23-A, 23-B and 23-C of Chapter 23 (Food Service Establishment Sanitary Inspection Procedures and Letter Grading) of Title 24 of the Rules of the City of New York to reflect the most recent amendments to Article 81 of the New York City Health Code and the New York City Administrative Code. The Notice of Public Hearing and Opportunity to Comment that was previously published in the City Record on January 2, 2020 inadvertently omitted Appendix 23-B.

When and where is the hearing? DOHMH will hold a public hearing on the proposed rule. The public hearing will take place at 10AM to 12PM on April 6, 2020. The hearing will be held at

New York City Department of Health and Mental Hygiene
Gotham Center – 42-09 28th Street, 14th Floor, Room 14-34
Long Island City, NY 11101-4132

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

- **Website.** You can submit comments to the Department through the NYC rules website, at <http://rules.cityofnewyork.us>;
- **Email.** You can email comments to resolutioncomments@health.nyc.gov;
- **Mail.** You can mail comments to DOHMH at
New York City Department of Health and Mental Hygiene
2 Gotham Plaza – 42-09 28th Street – CN 31
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to DOHMH at (347) 396-6087;
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling the Secretary to the Department at (347) 396-6078. You can also sign up at the hearing location before the hearing begins on April 6, 2020. You can speak for up to three minutes.

Is there a deadline to submit written comments? Yes, you must submit written comments by April 6, 2020.

What if I need assistance to participate in the hearing? You must tell the DOHMH 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 or e-mail at the addresses given above. You may also tell us by telephone at (347) 396-6078. Please tell us by 5:00 p.m. on March 23, 2020.

This location has the following accessibility option available: wheelchair accessibility.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rule 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 Department's Office of the General Counsel.

What authorizes the DOHMH to make this rule? Sections 556 and 1043 of the City Charter and Section 81.51 of the New York City Health Code authorize the Department to make this proposed rule.

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

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

Statement of Basis and Purpose of Proposed Rule

Background

The Department of Health and Mental Hygiene (the Department) regulates New York City food service establishments, which include a broad range of businesses and not-for-profit operations that provide food in individual portion sizes for consumption by members of the public, and enforces Article 81 (Food Preparation and Food Establishments) of the New York City Health Code (the Health Code). Health Code §81.51 authorizes the Commissioner of the Department to promulgate rules establishing a system for grading and classifying inspection results.

Chapter 23 (Food Service Establishment Sanitary Inspection Procedures and Letter Grading) of Title 24 of the Rules of the City of New York (24 RCNY) implements such a system, and consists of rules and three appendices:

- Appendix 23-A (Food Service Establishment Inspection Worksheet) summarizes the subjects covered by a Department inspection and the points that can be assigned for each type of violation observed.
- Appendix 23-B (Food Service Establishment Inspection Scoring Parameters-A Guide to Conditions) expands on the violation descriptions and provides examples of violations at different condition levels, from I (least serious) to V (most serious).
- Appendix 23-C (Food Service Establishments and Non Retail Food Service Establishments Penalty Schedule) sets forth the penalties to be imposed for both scored and unscored violations when the violations cited on Department inspections are sustained by hearing officers after a respondent appears to answer a summons or when the respondent fails to appear and is found in default.

Reason for changes

At its March 10, 2015 meeting, the New York City Board of Health amended Health Code Article 81, reorganizing and renumbering

several sections and adding some new provisions. Chapter 23's Appendix 23-C was previously amended in rules effective August 8, 2015 to include most of the Health Code renumbering changes, so that penalties could be imposed following adjudications of the newly-numbered Health Code provisions, but the descriptions and condition levels assigned to violations in Appendices 23-A and 23-B were left unchanged. In addition, effective December, 2018, a new scoring and grading scheme was established for mobile food vending unit inspections in accordance with amendments to Chapter 6 of the Department's rules. Those amendments resulted from enactment of Local Law 108 of 2017. That local law added a new section 17-325.3 to the New York City Administrative Code (the "Administrative Code"), requiring the Department to establish a mobile food vending unit grading scheme consistent with Chapter 23's scheme for grading non-mobile food service establishments.

The Department is now proposing to amend all three appendices in Chapter 23 so that their descriptions of violations are consistent with the provisions of the Health Code and to promote consistency in enforcement and adjudications. The appendices in Chapter 23 are also being amended to match as much as possible the language, violation condition levels and penalties of Chapter 6's newly amended appendices. Some distinctions will remain since mobile food vending unit operations and locations differ in facilities, functions and items vended compared with those of food service establishments located in permanent structures. For example, no toilets are required on mobile food vending units, and their operations do not include tobacco sales. Appendices in Chapter 6 also reference specific mobile food vending violations of Chapter 6, Article 89 of the Health Code and Title 17 of the Administrative Code which are not applicable to non-mobile food service establishments.

The Department proposes to add a scored violation for adulterating food with prohibited substances. A recent amendment to the State Sanitary Code (14 NYCRR § 14-1.89) prohibits service of food and drink items with residual unevaporated carbon dioxide and liquid nitrogen, either of which can cause severe damage to skin and internal organs. Other substances that are not approved under federal regulations as "generally recognized as safe" or "GRAS" food additives include activated charcoal, kava-kava, cannabidiol and marijuana. See, <https://www.fda.gov/food/generally-recognized-safe-gras/gras-notice-inventory>.

No changes proposed will reduce critical violation condition levels in Appendix 23-A and 23-B since these levels are based on determinations of public health risk by the Department and the US Food and Drug Administration's Food Code. As indicated in the listing below, a few violations are no longer being scored.

Changes to the unscored violations listed in Appendix 23-C include new violations of Department of Sanitation rules provisions related to composting which are enforced by the Department of Health at certain establishments. Renumbered and additional violations and violation codes have been included for unscored tobacco-related violations to reflect changes in the Administrative Code and in the coding system used by Department inspectors.

Changes proposed

Appendix 23-A and Appendix 23-B

The following is a list of violations and descriptions that are being amended to more accurately reflect the current provisions of Health Code Article 81, and to clarify terms. Some condition levels and points are being amended, consistent with the Department's assessment of public health risk, adopting recommendations of the Food Service Establishment Advisory Board established in 2013 pursuant to section 17-1503 of the Administrative Code "to advise the Commissioner concerning matters related to the food service establishment sanitary inspection program" Some of the Appendix 23-B examples of condition levels are also being amended to reflect conditions observed during inspections.

As described below, the listed violation codes correspond to those in Appendices 23-A and 23-B, and the section (§) numbers to related Health Code provisions unless other law is cited.

Violation Code	Health Code provision and description of change in Appendices 23-A and 23-B
02A	§81.09(a) amends cooking temperatures and uses the term "TCS" (temperature control for safety) for "potentially hazardous foods" to characterize the foods to which the requirements apply

02C	§81.09 uses the term "cooled" instead of "refrigerated"
02F	§81.11 adds a reference to the new required written consumer advisory; condition level reduced from IV to I
02G	§81.09 specifies foods subject to temperature requirements
02H	§81.09(e) clarifies that cooling starts upon removal from cooking or hot holding
02I	§81.09(e)(2) clarifies requirements for cooling food after removal from cold holding
02J	§81.12 adds requirements for reduced oxygen packaging ("ROP")
03A	§81.07(m) adds 'on premises animals slaughtered' to categories of foods from unapproved sources
03C	§81.07(c) clarifies prohibition on use of unpasteurized egg products
03D	§81.07(b) amends requirements for handling damaged hermetically sealed, canned foods and other food packaging
03E	§81.20(a) clarifies requirement for potable water supply
03I	§81.04(e) adds provisions to prevent food borne illness from food establishment-packaged unpasteurized juices
04B	§81.13 adds spitting to food worker prohibited conduct
04D	§81.13(d) adds violations for failing to change gloves when required
04E	§81.23(d)(3) adds the term "pesticide"
04J	§81.09(g) clarifies the violation for not using thermometers and decreases violation condition level from condition IV to condition I
04N	§81.23 adds "other nuisance pests" to categories of prohibited pests
04P	§71.05 prohibits adulteration of food and is being cited as a new scored violation; the category also includes the new Sanitary Code (10 NYCRR §14-1.89) prohibition on service of food with unevaporated liquid nitrogen and carbon dioxide
05A	§81.20(b) adds requirement for a sewage disposal system
05C	§81.07(a)(1) adds requirement for a culinary sink or equivalent
05D	§81.21(a) amends placement requirements for hand wash sinks
05F	§81.18 adds requirement for outdoor refrigerators
05G	§89.27(d) prohibits sidewalk, street use by a commissary for cleaning mobile food units
05H	§81.46 adds requirements for reuse of refillable containers
06A	§81.13 reflects additional worker hygiene requirements
06B	§81.13(g) adds "e-cigarettes" to smoking prohibition for food workers
06J	§89.27(b) requires record keeping at mobile vending commissaries
08A	§81.23 not to be cited at condition III or IV for harborage or conditions conducive to pests unless pests or evidence of pests are also present; if pests are not present, "conditions conducive" alone such as defective walls and floors will be cited as category 10F non-food contact surface violations, at condition levels I through IV
08B	§81.24 clarifies garbage handling requirements
08C	§81.23(d)(4) prohibits use of unprotected unlocked bait stations
10G	§81.29 deletes lower condition levels because if any step in utensil or ware washing is omitted, utensils and wares are not sanitized
10L & 10M	10L (requires covered receptacle in women's toilet per State Sanitary Code §14-1.142) and 10M (§81.19 prohibiting unshielded light bulbs) are no longer enforced as scored violations and are therefore being deleted from Appendices 23-A and 23-B
99B	General other. This category, originally intended to include unspecified Health Code violations, is being deleted from the lists of scored violations in Appendices A & B since any violations not included in appendices A and B are by definition unscored. Violations for unscored Health Code provisions cited on inspections are, however, subject to the minimum prescribed penalties of Health Code §3.11, and are included in the unscored violations penalties in Appendix 23-C.

Appendix 23-C

Appendix 23-C specifies civil penalties for food service establishment violations adjudicated at the Office of Administrative Trials and Hearings (“OATH”) Hearings Division. It also includes penalties for violations of other provisions of law enforced by the Department, including for lack of heating, and for illegal sales and use of tobacco, non-tobacco, electronic cigarettes, and other smoking products.

Appendix 23-C is divided into penalties for scored violations specified in Appendices 23-A and 23-B, and for unscored food establishment and other violations enforced by the Department. Because the codes for many of the unscored violation penalties were amended to be consistent with the codes in Department inspectors’ hand-held computers, the table of unscored penalties is being repealed and reenacted.

Some of the penalty provisions of Appendix 23-C were previously amended in July, 2015 to reflect the 2015 Health Code Article 81 changes as well as earlier amendments to the Administrative Code related to sales of tobacco and non-tobacco smoking products and e-cigarette use. Additional changes made to provisions of the Administrative Code –Smoke Free Air Act, Tobacco Product Regulation Act and Tobacco Sales Act –that are enforced by the Department are reflected in further amendments to Appendix 23-C’s unscored violation penalties. The monetary penalties listed in Appendix 23-C for violations of City and State tobacco laws that are also enforced by the Department of Consumer Affairs (DCA) are consistent with DCA’s penalties.

Scored Violations

Violation Code	Citation and Amendments Proposed
02G	§81.12(d)(4) deletes the penalty for cold reduced oxygen packaged (ROP) food since there is a violation penalty for the same provision that includes all ROP foods.
03A	§81.07(m) new penalty for slaughtering animals in an FSE
03I	§81.04(e) new penalty for new Health Code provision requiring warning label for packaged unpasteurized juices
04B	§81.13 new penalty for spitting by food worker
04D	§81.13(d) new penalty for failing to change gloves when required
04N	§81.23 adds “other nuisance pests” to categories of prohibited pests
04P	§71.05 and State Sanitary Code §14-1.89 added when food is adulterated with non-GRAS substances
05F	§81.18 new penalty for improper outdoor refrigerator use, consistent with Health Code

05G	§89.27(d) new penalty for sidewalk, street use by commissary for cleaning mobile food units
05H	§81.46 new penalty if no approved written standard operating procedure when reusing customers’ refillable containers
06A	§81.13(f) new penalties reflect new Health Code worker hygiene requirements
06J	§89.27(b) new penalty for record keeping violations at mobile vending commissaries
08A	§89.23(b)(2) violation for not having pest exterminator contract is deleted from the scored violation penalties and added to the unscored penalties in category 18I
09C	§81.07(m) adds penalty for keeping edible live fish in insanitary tank

Unscored Violations

As previously noted, this list of penalties is being repealed and re-enacted so that the referenced violation codes match those in Department inspectors’ hand-held computers. A new column has been added for convenience to show the penalty to be imposed if the respondent fails to appear to answer a summons and is found in default since many of these penalties may not be doubled on default.

New penalties have been added for violations of tobacco, smoking and related laws, Health Code sodium warning violations, additional calorie posting requirements consistent with federal law, dogs in certain outdoor seating areas of food service establishments, listing prohibited beverages on children’s menus, failing to post healthy eating messaging, and new organic recycling requirements. Some previously scored violations that are being removed from the scored portion of Appendix 23-C have been added to the unscored portion of the Appendix.

Statutory Authority

The authority for these rules is found in §556 of the New York City Charter and §81.51 of the New York City Health Code (the Health Code).

The proposal is as follows.

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

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

Section 1. The “Unscored Violations” part of Appendix 23-C of Chapter 23 of Title 24 of the Rules of the City of New York, relating to civil penalties for unscored food service establishment violations and other violations enforced by the Department of Health, is REPEALED.

§ 2. Appendix 23-A, Appendix 23-B, and Appendix 23-C of Chapter 23 of Title 24 of the Rules of the City of New York, are amended to read as follows:

APPENDIX 23-A FOOD SERVICE ESTABLISHMENT & NON-RETAIL FOOD PROCESSING ESTABLISHMENT INSPECTION WORKSHEET						
Critical Violations	Conditions					Score
	I	II	III	IV	V	
Time and Temperature Control for Safety (TCS) Food Temperature						
2A* Food not cooked to required minimum <u>internal</u> temperature: <ul style="list-style-type: none"> • [Poultry, meat stuffing, stuffed meats ≥165° F for 15 seconds • Ground meat and food containing ground meat ≥158° F for 15 seconds • Pork, any food containing pork ≥155° F for 15 seconds • Rare roast beef, rare beefsteak except per individual customer request ≥ required temperature and time • All other foods except shell eggs per individual customer request ≥145°F for 15 seconds] 	-	-	-	10	28	

Food	Required Minimum Internal Temperature at or above					
Poultry, poultry parts, ground and comminuted poultry, all stuffing containing poultry, meats, fish or ratites	165° F for 15 seconds with no interruption of the cooking process					
Ground meat, and food containing ground and comminuted meat	158° F with no interruption of the cooking process, except per individual customer request					
Pork, any food containing pork	150° F for 15 seconds					
Mechanically tenderized or injected meats	155° F					
Whole meat roasts and beef steak	Required temperature and time listed in 81.09(c)(3), except per individual customer request					
Raw animal foods cooked in microwave	165° F, covered, rotated or stirred for 2 minutes					
Shell eggs	145° F for 15 seconds, except per individual customer request					
All other foods	140° F for 15 seconds					
2B* Hot TCS food item not held at or above 140° F.		7	8	9	10	28
2C Hot TCS food item that has been cooked and [refrigerated] cooled is being held for service without first being reheated to 165° F or above for 15 seconds within 2 hours.		5	6	7	8	-
2D Precooked [potentially hazardous] TCS food in hermetically sealed and intact packages from commercial food processing [establishment that is supposed to be heated, but is] and non-retail processing establishments not heated to 140° F within 2 hours.		5	6	7	8	-
2E Whole frozen poultry or poultry breasts, other than a single portion, [that are being] cooked frozen or partially thawed.		5	6	-	-	-
2F Meat, fish, poultry, eggs or molluscan shellfish served or offered raw or undercooked without [prior notification to customer] written consumer advisory.		[-] 5	-	-	[8]	-
2G* Cold TCS food item held above 41° F [(smoked fish and reduced oxygen foods above 38° F)]; smoked or processed fish held above 38° F; intact raw eggs held above 45° F; or reduced oxygen packaged (ROP) TCS foods held above required temperatures except during active necessary preparation.		7	8	9	10	28
2H* [Food] After cooking or removal from hot holding, TCS food not cooled by an approved method whereby the internal product temperature is reduced from 140° F to 70° F or less within 2 hours, and from 70° F to 41° F or less within 4 additional hours.		7	8	9	10	28
2I [Food prepared from ingredients at ambient] TCS food removed from cold holding or prepared from or combined with ingredients at room temperature not cooled by an approved method to 41° F or below within 4 additional hours.		5	6	7	8	-
2J* [Reduced oxygen packaged (ROP)] ROP TCS foods not [cooked] cooled by an approved method [whereby the internal food temperature is reduced to 38° F within two hours of cooking and if necessary further cooled to a temperature of 34° F within six hours of reaching 38° F] as specified in approved HACCP plan.		7	8	9	10	28
Food Source						
3A* Food from unapproved or unknown source or home canned or home prepared. Live animal slaughtered in establishment. [Reduced Oxygen Packaged (ROP)] ROP fish not frozen before processing; or ROP foods prepared on premises transported to another site.		-	-	-	10	28
3B* Shellfish not from approved source, not or improperly tagged/labeled; tags not retained for 90 days.		-	-	-	10	28
3C* [Eggs found dirty, cracked; liquid, frozen or powdered eggs not pasteurized] Unclean or cracked whole eggs or unpasteurized liquid, frozen or powdered eggs kept or used.		7	8	9	10	28
3D* [Canned food product observed] Food packages, canned food, hermetically sealed container not suitable for human consumption. Packages swollen, leaking or rusted, [and] without "Do Not Use" label or not segregated from other consumable food items.		7	8	9	10	28
3E* [Potable water supply inadequate] No or inadequate potable water supply. Water or ice not potable or from unapproved source. Bottled water not NY State certified. Cross connection in potable water supply system [observed].		-	-	-	10	28
3F* Unpasteurized milk or milk product [present] (except certain aged cheese) served.		-	-	-	10	28

3G	Raw [food] <u>fruit or vegetables</u> not properly washed prior to <u>cutting or serving</u> .	5	6	7	8	-	
3I*	<u>Unpasteurized juice packaged and sealed on premises not labeled or label incomplete; no warning statement.</u>	=	=	=	<u>10</u>	<u>28</u>	
Food Protection							
4A	Food Protection Certificate (<u>FPC</u>) not held by <u>manager or</u> supervisor of food operations.	-	-	-	-	10	
4B*	Food worker <u>spits</u> ; prepares food or [handles] <u>touches</u> utensil when ill with a disease transmissible by food[, or have] <u>or has</u> exposed infected cut or burn on hand.	-	-	-	10	28	
4C*	Food worker does not use [proper] utensil <u>or other barrier</u> to eliminate bare hand contact with food that will not receive adequate additional heat treatment.	7	8	9	10	28	
4D*	Food worker does not wash hands thoroughly after using the toilet, coughing, sneezing, smoking, eating, preparing raw foods or otherwise contaminating hands <u>or does not change gloves when gloves are contaminated.</u>	-	-	-	10	28	
4E*	Toxic [chemical] <u>chemicals or pesticides</u> improperly labeled, stored or used such that food contamination may occur.	7	8	9	10	28	
4F*	Food, food preparation area, food storage area, <u>or other</u> area used by employees or patrons, contaminated by sewage or liquid waste.	-	-	-	10	28	
4G*	Unprotected [potentially hazardous] <u>TCS</u> food re-served.	-	-	-	10	28	
4H*	Raw, cooked or prepared food is adulterated, contaminated, cross-contaminated, or not discarded in accordance with HACCP plan.	7	8	9	10	28	
4I	Unprotected <u>non-TCS</u> food re-served.	5	6	7	8	-	
4J	[Appropriately scaled metal stem-type thermometer or thermocouple not provided or used to evaluate temperatures of potentially hazardous] <u>Properly calibrated thermometer or thermocouple not provided or not readily accessible in food preparation and hot/cold holding areas to measure temperatures of TCS foods during cooking, cooling, reheating, and holding.</u>	[-] 5	-	-	[8]	-	
4K	Evidence of rats or live rats [present in facility's] <u>in establishment's</u> food [and/or] <u>or</u> non-food areas.	5	6	7	8	28	
4L	Evidence of mice or live mice [present in facility's] <u>in establishment's</u> food [and/or] <u>or</u> non-food areas.	5	6	7	8	28	
4M	Live roaches [present in facility's] <u>in establishment's</u> food [and/or] <u>or</u> non-food areas.	5	6	7	8	28	
4N	Filth flies or food/refuse/sewage associated (FRSA) flies [present in facility's] <u>or other nuisance pests in</u> establishment's food and/or non-food areas. [Filth] FRSA flies include house flies, [little house flies,] blow flies, bottle flies [and], flesh [flies. Food/refuse/sewage associated flies include fruit] flies, drain flies [and], Phorid flies <u>and fruit flies.</u>	5	6	7	8	28	
4O	Live animals other than fish in tank or service animal [present in facility's] <u>in establishment's</u> food [and/or] <u>or</u> non-food areas.	5	6	7	8	-	
4P	Food held, kept, prepared, processed, packaged or served with <u>prohibited substance.</u>	=	=	=	<u>10</u>	<u>28</u>	
Facility Design and Construction							
5A*	Sewage disposal system <u>not provided</u> , improper, inadequate or unapproved.	-	-	-	10	28	
5B*	Harmful, noxious gas or vapor detected. [CO ≥13 ppm] <u>Carbon monoxide (CO) level at or exceeding nine (9) ppm.</u>	-	-	-	10	28	
5C+	Food contact surface <u>or equipment</u> improperly constructed [or located] placed or maintained. Unacceptable material used. <u>Culinary sink or other acceptable method not provided for washing food.</u>	7	8	9	10	28	
5D+	[Hand-washing facility not provided in or near food preparation area and toilet room. Hot and cold running water at adequate pressure to enable cleanliness of employees not provided at facility. Soap and an acceptable hand-drying device not provided.] <u>No hand wash facility in or adjacent to toilet rooms or within 25 feet of food preparation or service or ware washing area; or hand wash facility not accessible, obstructed or used for non-hand washing purposes. No hot and cold running water or water at inadequate pressure. No soap or acceptable hand-drying device.</u>	-	-	-	10	28	
5E+	Toilet facility not provided for employees or for patrons when required. <u>Shared patron-employee toilet accessed through kitchen, food prep or storage area or utensil washing area.</u>	-	-	-	10	28	

5F+	[Insufficient] <u>Inadequate</u> or no refrigerated or hot holding equipment to [keep potentially hazardous] <u>maintain</u> TCS foods at required temperatures. <u>Outdoor refrigerator not locked, secured.</u>	-	-	-	10	28
5G+	[Properly enclosed service/maintenance area not provided. (Mobile Food Commissary)] <u>Separate, enclosed, properly equipped and sized cleaning and service area not provided in mobile food commissary; street, sidewalk used for cleaning units.</u>	-	-	-	10	28
5H+	No facilities available to wash, rinse, and sanitize <u>dishware, glassware, utensils, [and/or] equipment or refillable returnable containers.</u> <u>No approved written standard operating procedure for avoiding contamination by refillable returnable containers.</u>	-	-	-	10	28
5I+	Refrigeration used to implement HACCP plan for <u>ROP foods</u> not equipped with an electronic system that continuously monitors time and temperature.	-	-	-	10	28
[Personal Hygiene &] Food Worker Hygiene and Other Food Protection						
6A	Personal cleanliness inadequate. Outer garment soiled with possible contaminant. <u>Food worker not properly dressed; sleeveless garment worn or bare midriff exposed.</u> <u>Effective hair restraint not worn [in an area where food is prepared.] when required.</u> <u>Jewelry worn on hands or arms; fingernail polish worn; or fingernails not kept clean and trimmed.</u>	5	6	7	8	-
6B	Tobacco or e-cigarette use, eating, or drinking from open container in food preparation[, food storage or dishwashing area observed] or other area where food, equipment or utensils may be exposed to <u>contamination.</u>	5	6	7	8	-
6C	Food, <u>supplies, or equipment</u> not protected from potential source of contamination during storage, preparation, transportation, display or service.	5	6	7	8	-
6D	Food contact surface not properly washed, rinsed and sanitized after [each use and following] any activity [when] <u>where</u> contamination may have occurred.	5	6	7	8	-
6E	Sanitized equipment or utensil, including in-use food dispensing utensil, improperly used or stored.	5	6	7	8	-
6F	Wiping cloths soiled or not stored in sanitizing solution; <u>inadequately sanitized.</u>	5	6	7	-	-
6G*	HACCP plan not approved or approved HACCP plan not maintained on premises.	-	-	-	10	28
6H	Records and logs not maintained to [demonstrate] <u>show that approved HACCP plan has been properly implemented.</u>	-	-	-	-	28
6I	[Food] <u>ROP TCS food</u> not labeled in accordance with <u>approved HACCP plan.</u>	-	-	-	10	28
6J	<u>Commissary or other approved facility maintains no or incomplete records of mobile food vending units serviced.</u>	=	=	=	=	28
Other Criticals						
7A	Duties of an officer of the Department interfered with or obstructed.	-	-	-	-	28
Critical Violations Total:						

General Violations	Conditions					Score
	I	II	III	IV	V	
[Vermin/Garbage] Garbage, Waste Disposal and Pest Management						
8A	[Facility not vermin proof.] Harborage or conditions conducive to attracting [vermin] <u>pests to the premises and/or allowing [vermin] pests to exist when pests or signs of pests are present.</u>	-	-	4	5	-
8B	[Covered garbage receptacle not provided or inadequate, except that garbage receptacle may be uncovered during active use. Garbage storage area not properly constructed or maintained; grinder or compactor dirty.] <u>Garbage receptacles not pest or water resistant, or covered with tight-fitting lids, except while in active use. Garbage receptacles and covers not cleaned after emptying and prior to reuse.</u>	2	[3] =	[4] =	[5] =	-
8C	Pesticide use not in accordance with label or applicable laws. [Prohibited chemical used/stored. Open] <u>Pesticides, other toxic chemicals improperly used/stored. Unprotected, unlocked bait station used.</u>	2	3	4	5	28
Food [Source] Protection						

9A	[Canned food product observed dented and] <u>Cans of food with dented body damage not segregated from [other consumable food items] other cans for return to distributor.</u>	2	3	4	5	-	
9B	Thawing procedures improper.	2	3	4	5	-	
9C	Food contact surface [not] <u>chipped, cracked, worn, or in a condition where it cannot be properly maintained or cleaned.</u>	2	3	4	5	-	
9D	Food service operation occurring in room or area used as living or sleeping quarters.	2	3	4	5	=	
9E	“Wash hands” sign not posted at hand wash facility.	2	=	=	=	=	
Facility Maintenance							
10A	Toilet facility not maintained [and] <u>or</u> provided with toilet paper, waste receptacle [and] <u>or</u> self-closing door.	2	3	4	5	-	
10B	Plumbing not properly installed or maintained; [anti-siphonage or backflow] <u>back-siphonage or back-flow prevention device not provided where required; equipment or floor not properly drained; sewage disposal system in disrepair or not functioning properly. Condensation or liquid waste improperly disposed of.</u>	2	3	4	5	28	
10C	Lighting inadequate; permanent lighting not provided in food preparation areas, ware washing areas, and storage [rooms] <u>areas.</u>	2	3	4	5	-	
10D	Mechanical or natural ventilation system not provided, improperly installed, in disrepair and/or fails to prevent excessive build-up of grease, heat, steam condensation vapors, odors, smoke, and fumes.	2	3	4	5	-	
10E	Accurate thermometer not provided <u>or properly located</u> in refrigerated or hot holding equipment.	2	3	4	5	-	
10F	[Non-food contact surface improperly constructed. Unacceptable material used.] Non-food contact surface or equipment improperly maintained [and/or] <u>or made of unacceptable material, or not kept clean, or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath [the unit] equipment or other structures.</u>	2	3	4	5	-	
[10G]	Food service operation occurring in room used as living or sleeping quarters.]	[2	3	4	5	-]	
[10H]	10G Proper sanitization not <u>used or</u> provided for [utensil] ware washing operation. <u>No test kit.</u>	[2] =	[3] =	[4] =	5	-	
[10I]	10H Single service item reused, [improperly] <u>not protected from contamination when transported, stored, or dispensed; not used when required.</u>	2	3	4	5	-	
[10J]	“Wash hands” sign not posted at hand wash facility.]	[2	-	-	-	-]	
[Other Generals]							
[99B]	General other.]	[2	3	4	5	28]	
							General Violations Total:
							Critical and General Combined Total:

*Public Health Hazards (PHH) or Imminent Health Hazards must be corrected immediately.
 +Pre-permit Serious Violations that must be corrected before permit is issued.

APPENDIX 23-B FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS - A GUIDE TO CONDITIONS						
	Violation	Condition I	Condition II	Condition III	Condition IV	Condition V
Critical Violations						
2A*	[Food] <u>Time and temperature control for safety (TCS) food not cooked to required minimum internal temperature.</u>				Failure to properly cook <u>one or more</u> meats, comminuted meats, and other [potentially hazardous foods (PHFs)] <u>TCS foods, unless a consumer specifically asks for a serving of [item ordered] food to be cooked below the minimum temperature.</u>	Failure to correct any condition of a <u>public health hazard (PHH)</u> at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

2B*	Hot TCS food item not held at or above 140° F.	One hot food item out of temperature in one area. Example: [One] <u>one tray of fried chicken wings</u> held at 115° F.	Two hot food items out of temperature or the same type of food out of temperature in two different areas. Example: [One] <u>one tray of fried chicken wings</u> and a pot of rice held at 115° F; or one tray of <u>fried chicken wings</u> on the steam table and one tray of <u>fried chicken wings</u> in the food preparation area.	Three hot food items out of temperature or the same type of food out of temperature in three different areas. Example: [One] <u>one tray of fried chicken wings</u> , a pot of rice and platter of roast beef held at 115° F; or one tray of <u>fried chicken wings</u> on the steam table, one tray of <u>fried chicken wings</u> in the food preparation area and one basket of <u>fried chicken</u> near the deep fryer.	Four or more hot food items out of temperature or the same type of food out of temperature in four or more different areas. Example: [One] <u>one tray of fried chicken wings</u> , a pot of rice, platter of roast beef and tureen of beef stew held at 115° F; or one tray of <u>fried chicken wings</u> on the steam table, one tray of <u>fried chicken wings</u> in the food preparation area, one basket of <u>fried chicken</u> near the deep fryer and a rotisserie [machine filled] <u>broiler</u> with eleven chickens held at 115° F.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
2C	Hot TCS food item that has been cooked and [refrigerated] <u>cooled</u> is being held for service without first being reheated to 165° F or above for <u>15 seconds</u> within 2 hours.	One cooked and [refrigerated] <u>cooled</u> hot food item not reheated to 165° F before service. Example: chicken soup.	Two cooked and [refrigerated] <u>cooled</u> hot food items not reheated to 165° F before service. Example: chicken soup and baked ham.	Three cooked and [refrigerated] <u>cooled</u> hot food items not reheated to 165° F before service. Example: chicken soup, baked ham and sliced turkey.	Four or more cooked and [refrigerated] <u>cooled</u> hot food items not reheated to 165° F before service. Example: baked ham, sliced turkey, meatloaf and lobster bisque.	
2D	Precooked [potentially hazardous] TCS food in <u>hermetically sealed and intact packages</u> from commercial food processing establishment [that is supposed to be heated, but is] not heated to 140° F within 2 hours.	One precooked [commercially prepared] food not heated to 140° F. Example: <u>tray of beef patties</u> .	Two pre-cooked [commercially prepared] foods not heated to 140° F. Example: <u>two trays of beef patties</u> .	Three pre-cooked [commercially prepared] foods not heated to 140° F. Example: <u>two trays of beef patties[,] and one pot of clam chowder</u> [and smoked turkey].	Four or more pre-cooked [commercially prepared] foods not heated to 140° F. Example: <u>two trays of beef patties</u> , and <u>two pots of clam chowder</u> [, smoked turkey, corned beef and gyros].	
2E	Whole frozen poultry or poultry breasts, other than a single portion, [are being] cooked frozen or partially thawed.	One whole [poultry] <u>chicken</u> or poultry breast [being] cooked from a frozen state. Example: <u>whole chicken</u> [breast].	Two or more whole poultry or poultry breasts [being] cooked from a frozen state. Example: chicken breast, whole chicken, turkey breast and duck.	Note: For failure to properly cook poultry to the required minimum temperature, *2A cited.		
2F	Meat, fish, <u>poultry, eggs</u> or molluscan shellfish served or offered raw or undercooked without [prior notification to customer] <u>written consumer advisory</u> .	<u>Serving or offering raw or undercooked meat, eggs, fish or shellfish without written consumer advisory.</u>			[Failure to properly cook meats, comminuted meats, fish, shellfish and other PHFs, unless a consumer specifically asks for their order to be cooked below the minimum temperature.]	

<p>2G*</p>	<p>Cold <u>TCS</u> food item held above 41° F [(smoked fish and Reduced Oxygen Packaged food above 38°F), except during necessary preparation]; <u>smoked, processed fish above 38° F; intact raw eggs above 45° F; or reduced oxygen packaged (ROP) TCS foods above required temperatures except during active necessary preparation.</u></p>	<p>One cold food item out of temperature in one area. Example: one slab of unsliced smoked salmon or packet or tray of smoked salmon slices above 38° F or one tray of potato salad above 41° F in service display case.</p>	<p>Two cold food items out of temperature or the same food item out of temperature in [2] <u>two</u> different areas. Example: one slab of smoked salmon above 38° F and one tray of sliced tomatoes above 41° F; or one bowl of potato salad in the service display case, and one bowl of potato salad in the food preparation area above 41° F.</p>	<p>Three cold food items out of temperature <u>or the same food item out of temperature in three different areas.</u> Example: one slab of smoked salmon above 38° F and tray of sliced tomatoes and platter of tuna salad above 41° F; or one bowl of potato salad in the service display case and one bowl of potato salad in the food preparation area and garlic in oil mixture above 41° F.</p>	<p>Four cold food items out of temperature <u>or the same food item out of temperature in four different areas.</u> Example: one slab of smoked salmon above 38° F and tray of sliced tomatoes, bowl of garlic in oil mixture, and bowl of cooked collard greens above 41° F; or one tray of potato salad in the service display case, one tray of potato salad in the reach-in refrigerator, and one tray of potato salad on the food preparation table above 41° F.</p>	<p>Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.</p>
<p>2H*</p>	<p>[Food] <u>After cooking or removal from hot holding, TCS food not cooled by an approved method</u> whereby the internal product temperature is reduced from 140° F to 70° F or less within 2 hours and from 70° F to 41° F or less within 4 additional hours.</p>	<p>One food item not cooled by approved method. Example: one whole[, cooked] <u>fried turkey at 70° F after being refrigerated for four hours.</u></p>	<p>Two food items not cooled by approved method. Example: [two whole, cooked turkeys] <u>one whole fried turkey at 70° F after being refrigerated for four hours and a six-inch high container filled to within one inch of top with beef stew at 80° F after two hours of refrigeration.</u></p>	<p>Three food items not cooled by approved method. Example: [two whole, cooked turkeys and one container of deep pot chicken stew] <u>one whole fried turkey at 70° F after being refrigerated for four hours and a six-inch high container filled to within one inch of top with beef stew at 80° F after two hours of refrigeration and six pound cooked beef rib roast not cut into smaller pieces before being placed in refrigerator to cool.</u></p>	<p>Four or more food items not cooled by approved method. Example: [two whole, cooked turkeys, one container of deep pot chicken stew and 10 pounds of cooked rice] <u>one whole fried turkey at 70° F after being refrigerated for four hours and a six-inch high container filled to within one inch of top with six inches of beef stew at 80° F after two hours of refrigeration and six pound cooked beef rib roast not cut into smaller pieces before being placed in refrigerator to cool and 18 inch high pot filled to within one inch of top with turkey chili at 85° F after three hours refrigeration.</u></p>	<p>Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.</p>
<p>2I</p>	<p>[Food prepared from ingredients at ambient] <u>TCS food removed from cold holding or prepared from or combined with ingredients at room temperature not cooled by an approved method to 41° F or below within 4 hours.</u></p>	<p>One food item <u>removed from cold holding</u> or prepared from ambient temperature ingredients not cooled to 41°F. Example: <u>one container of tuna salad prepared with canned tuna</u> [above 41° F].</p>	<p>Two food items <u>foods removed from cold holding</u> or prepared from ambient temperature ingredients not cooled to 41°F. Example: a container of tuna salad and a container of salmon [salads] <u>salad prepared with canned tuna and salmon</u> [above 41° F].</p>	<p>Three food items <u>removed from cold holding or prepared from ambient temperature ingredients not cooled to 41°F.</u> Example: tuna, <u>chicken</u> and salmon salads prepared with canned tuna, <u>chicken</u> and salmon [, and open can of sardines above 41° F].</p>	<p>Four or more food items <u>removed from cold holding</u> or prepared from ambient temperature ingredients not cooled to 41°F. Example: tuna, <u>chicken, crab</u> and salmon salads prepared with canned tuna, <u>chicken, crab</u> and salmon [, and open cans of sardines and anchovies above 41°F].</p>	<p></p>

<p>2J*</p>	<p>[Reduced oxygen packaged (ROP)] <u>ROP TCS food not cooled to required temperatures</u> by an approved method [whereby the internal food temperature is reduced to 38° F within two hours of cooking and if necessary further cooled to a temperature of 34° F within six hours of reaching 38° F] <u>as specified in the approved HACCP plan.</u></p>	<p>One ROP food item not cooled by approved method. Example: ROP beef stew (twelve 4 oz packages).</p>	<p>Two ROP food items not cooled by approved method. Example: ROP beef stew (twelve 4-oz packages) and ROP chicken fricassee (two [-] 2 lb packages).</p>	<p>Three ROP food items not cooled by approved method. Example: ROP beef stew (twelve 4 oz packages), ROP chicken fricassee (two 2 lb packages) and ROP pork tenderloin (sixteen 8 oz packages).</p>	<p>Four ROP food items not cooled by approved method. Example: ROP beef stew (twelve 4 oz packages), ROP chicken fricassee (two 2 lb packages), ROP pork tenderloin (sixteen 8 oz packages) and meat sauce (six 1 lb packages).</p>	<p>Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.</p>
<p>3A*</p>	<p>Food from unapproved or unknown source or home canned; Reduced Oxygen Packaged (ROP) <u>or home prepared; or live animal slaughtered in establishment; or ROP fish not frozen before processing; or ROP food prepared on premises transported to another site.</u></p>				<p>One or more food items [not from an approved] <u>from an unapproved or unknown source, or home canned or home prepared; or live animal slaughtered in establishment.</u> Example: wild mushrooms or home canned [jellies] beets or ROP fish not frozen before processing <u>or home prepared meat balls, curry, rice or lasagna.</u></p>	<p>Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.</p>
<p>3B*</p>	<p>Shellfish not from approved source[,]; <u>not or improperly tagged/labeled; tags not retained for 90 days.</u></p>				<p>One or more containers or kind of shellfish not from an approved source[,]; <u>not or improperly tagged/labeled; tags not retained for 90 days.</u> Example: clams not tagged, oyster tags not retained for 90 days, mussels improperly labeled and mussels not tagged.</p>	<p>Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.</p>
<p>3C*</p>	<p>[Eggs found dirty/cracked; liquid, frozen or powdered eggs not pasteurized] <u>Unclean or cracked whole eggs or unpasteurized liquid, frozen or powdered eggs kept or used.</u></p>	<p>1-6 [dirty/cracked] <u>unclean or cracked eggs</u> or liquid, frozen, or powdered eggs not pasteurized. Example: four [dirty and/or] cracked eggs; or one container of unpasteurized liquid eggs.</p>	<p>7-12 [dirty/cracked] <u>unclean or cracked eggs</u>; or 2 containers of liquid, frozen, or powdered eggs not pasteurized. Example: nine [dirty and/or] cracked eggs; or two containers of unpasteurized liquid eggs.</p>	<p>13-24 [dirty/cracked eggs] <u>unclean or cracked</u>; or three containers of liquid, frozen, or powdered eggs not pasteurized. Example: 16 [dirty and/or] <u>unclean or cracked eggs</u>; or 14 [dirty and/or] <u>unclean or cracked eggs</u> and two containers of unpasteurized liquid eggs.</p>	<p>25 or more [dirty/cracked] <u>unclean or cracked eggs</u>; or four containers of liquid, frozen, or powdered eggs not pasteurized. Example: 25 or more [dirty and/or] <u>unclean or cracked eggs</u>; or [18 dirty and/or cracked eggs and one container] <u>four containers of unpasteurized liquid eggs.</u></p>	<p>Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.</p>

3D*	[Cans of food products] <u>Food packages, canned food, hermetically sealed container not suitable for human consumption.</u> Packages swollen, leaking or rusted [and], without "Do Not Use" label or not segregated from other consumable food items.	1-6 [cans of food products] <u>food packages</u> swollen, leaking or rusted and not segregated from consumable food. Example: one can of tomato paste swollen and one can of salmon rusted and stored on food storage shelf.	7-12 [cans of food products] <u>food packages</u> swollen, leaking or rusted and not segregated from consumable food. Example: three cans of tomato paste swollen and two cans of salmon and two cans of mushrooms rusted and stored on food storage shelf.	13-18 [cans of food products] <u>food packages</u> swollen, leaking or rusted and not segregated from consumable food. Example: 10 cans of tomato paste swollen, two cans of salmon and two cans of mushrooms rusted and stored on food storage shelf.	19 or more [cans of products] <u>food packages</u> swollen, leaking or rusted and not segregated from consumable food. Example: 10 cans of tomato paste swollen, two cans of salmon and two cans of mushrooms rusted, and 15 cans of baked beans leaking and stored on food storage shelf.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
3E*	[Potable water supply inadequate] <u>No or inadequate potable water supply.</u> Water or ice not potable or from unapproved source. <u>Bottled water not NY State certified.</u> Cross connection in potable water supply system.				<u>No potable water.</u> Potable water supply inadequate. Water or ice not potable or from unapproved source. Cross connection in potable water supply system.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
3F*	Unpasteurized milk or milk product [present] <u>(except aged cheese) served.</u>				Unpasteurized milk or milk product [present] <u>served.</u>	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
3G	Raw [food] <u>fruit or vegetables</u> not properly washed prior to <u>cutting or serving.</u>	[1 kind of raw food type] <u>One raw fruit or vegetable</u> not properly washed prior to <u>cutting or serving.</u> Example: [2 heads of lettuce] <u>an apple.</u>	[2 kinds of raw food types] <u>Two raw fruits or vegetables</u> not properly washed prior to <u>cutting or serving.</u> Example: two heads of lettuce [and 1 bunch of carrots].	[3 kinds of raw food types] <u>Three raw fruits or vegetables</u> not properly washed prior to <u>cutting or serving.</u> Example: two heads of lettuce[, one bunch of carrots] and one [bunch] <u>head of broccoli.</u>	[4 or more kinds of raw food types] <u>Four or more raw fruits or vegetables</u> not properly washed prior to <u>cutting or serving.</u> Example: [2] two heads of lettuce, 1 bunch of carrots, 1 bunch] <u>one head of broccoli and [1] one head of cabbage.</u>	
3I*	<u>Unpasteurized juice packaged and sealed on premises not labelled or label incomplete; no warning statement.</u>				<u>One or more packaged juice products not or improperly labeled.</u> Example: <u>orange and carrot juice produced and bottled with sealed cap by the establishment without a label or only a partial label.</u>	<u>Failure to correct any condition of a PHH at the time of inspection.</u> Inspector <u>must call office to discuss embargoing product, closing or other enforcement measures.</u>
4A	Food Protection Certificate (FPC) not held by <u>manager or supervisor of food operations.</u>					<u>No FPC [not held by the supervisor of food operations] holder.</u>
4B*	Food worker <u>spits;</u> prepares food or [handles] <u>touches</u> utensil when ill with a disease transmissible by food or has exposed infected cut or burn on hand.				Food worker <u>spits;</u> prepares food or [handles] <u>touches</u> utensil when ill with a disease transmissible by food or has exposed infected cut or burn on hand.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

4C*	Food worker does not use [proper] utensil <u>or other barrier</u> to eliminate bare hand contact with food that will not receive adequate additional heat treatment.	One food worker preparing ready-to-eat food with bare hands. Example: one food worker at front food preparation area preparing a sandwich.	Two food workers preparing ready-to-eat foods with bare hands. Example: one food worker at front food preparation area preparing a sandwich and one food worker in kitchen preparing Caesar salad.	Three food workers preparing ready-to-eat foods with bare hands. Example: one food worker at front food preparation area preparing a sandwich, one food worker in kitchen preparing Caesar salad and one food worker in basement preparing shrimp cocktail.	Four or more food workers preparing ready-to-eat foods with bare hands. Example: two food workers at front food preparation area preparing sandwiches, one food worker in kitchen preparing Caesar salad and one food worker in basement preparing shrimp cocktail.	Failure to correct any condition of a PHH at the time of Inspection. Inspector must call office to discuss closing or other enforcement measures.
4D*	Food worker does not wash hands thoroughly after using the toilet, coughing, sneezing, smoking, eating, preparing raw foods or otherwise contaminating hands <u>or does not change gloves when gloves are contaminated.</u>				Food worker does not wash hands after [visiting] <u>using</u> the toilet, coughing, sneezing, smoking, preparing raw foods or otherwise contaminating hands <u>or does not change gloves when gloves are contaminated.</u>	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4E*	Toxic chemical <u>or pesticide</u> improperly labeled, stored or used [so] <u>such that food</u> contamination [of food] may occur.	One toxic chemical <u>or pesticide</u> improperly labeled, stored or used [so] <u>such that</u> contamination of food may occur. Example: roach spray <u>stored on shelf with boxes of</u> pasta.	Two toxic chemicals <u>or pesticides</u> improperly labeled, stored or used [so] <u>such that</u> contamination of food may occur. Example: roach spray and bleach <u>stored on shelf with boxes of</u> pasta.	Three toxic chemicals <u>or pesticides</u> improperly labeled, stored or used [so] <u>such that</u> contamination of food may occur. Example: roach spray, bleach and [butane] <u>stainless steel cleaner stored on shelf with</u> boxes of pasta.	Four or more toxic chemicals <u>or pesticides</u> improperly labeled, stored, or used [so] <u>such that</u> contamination of food may occur. Example: roach spray, bleach, [butane] <u>stainless steel cleaner and rat poison stored on shelf with</u> boxes of pasta.	Failure to correct any condition of a PHH at the time of Inspection. Inspector must call office to discuss closing or other enforcement measures.
4F*	Food, food preparation area, food storage area, or <u>any other</u> area used by employees or patrons contaminated by sewage or liquid waste.				Food, <u>or</u> food preparation [area,] <u>or</u> food storage area, or <u>any</u> area used by employees or patrons, contaminated by sewage or liquid waste.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4G*	Unprotected [potentially hazardous] TCS food re-served.				Unprotected [potentially hazardous] TCS food re-served. Example: bowl of cooked rice <u>re-served to other patron.</u>	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
4H*	Raw, cooked or prepared food is adulterated, contaminated or cross-contaminated, or not discarded in accordance with HACCP plan.	One food item is spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce contaminated by raw chicken or custard cream contaminated by mice droppings; or one package of ROP chicken not discarded in accordance with HACCP plan.	Two food items or two [batches] <u>containers</u> of the same food located in two areas noted spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce and cooked chicken contaminated by raw chicken; or adulterated sausage and fish; or ROP beef stew and ROP chicken fricassee not discarded in accordance with HACCP [Plan] <u>plan.</u>	Three food items or three [batches] <u>containers</u> of the same food type located in three areas noted spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce, cooked chicken and raw eggs contaminated by raw chicken; or lettuce, tomatoes and figs contaminated by non-potable water; or ROP beef stew, ROP chicken fricassee and ROP pork tenderloin not discarded	Four or more food items or four or more [batches] <u>containers</u> of the same food type in different areas noted spoiled, adulterated, contaminated or cross-contaminated. Example: lettuce, cooked chicken, raw eggs and cooked rice contaminated by raw chicken; or ROP beef stew, ROP chicken fricassee, ROP pork tenderloin and meat sauce not discarded	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

				in accordance with HACCP [Plan] plan; or a tray of chicken contaminated with mice droppings in walk-in refrigerator, a basket of chicken under the deep fat fryer contaminated with dust and debris, and a pan of chicken on the service counter cross-contaminated with raw beef drippings.	in accordance with HACCP [Plan] plan; or a tray of chicken contaminated with mice droppings in an upper level walk-in refrigerator, a basket of chicken under the deep fat fryer contaminated with dust and debris, a pan of chicken on the service counter cross-contaminated with raw beef drippings and chicken contaminated by mice droppings in the basement walk-in refrigerator.	
4I	Unprotected non-TCS food re-served.	One unprotected food item re-served. Example: unwrapped crackers.	Two unprotected foods items re-served Example: unwrapped crackers and bread.	Three unprotected food items re-served. Example: unwrapped crackers, bread and pickles.	Four or more unprotected food items re-served. Example: unwrapped crackers, bread, pickles and breadsticks.	
4J	[Appropriately scaled metal stem-type thermometer or thermocouple not provided or used to evaluate temperatures of potentially hazardous] Properly calibrated thermometer or thermocouple not provided or not readily accessible in food preparation, hot/cold holding areas, to measure temperatures of TCS foods during cooking, cooling, reheating and holding.	<u>Properly calibrated thermometer or thermocouple not provided, or readily accessible to measure temperature of TCS foods.</u>			[Appropriate thermometer(s) or thermocouple not provided or used to measure the temperature of potentially hazardous foods.]	
4K	Evidence of rats or live rats in [facility's] establishment's food and/or non-food areas.	Rats [present] or <u>evidence of rats</u> in the [facility's] establishment's food or non-food areas. Example: 1-10 fresh rat droppings in [one area] <u>the establishment.</u>	Rats [present] or <u>evidence of rats</u> in the [facility's] establishment's food or non-food areas, demonstrated by 11-30 fresh rat droppings in [one area or 1-10 rat droppings in two areas] <u>the establishment.</u> Example: 25 fresh rat droppings in the food preparation area; [or 10] and 5 fresh rat droppings in dry food storage area [and 10 fresh rat droppings in the basement, food preparation area, bathroom and garbage disposal area].	Rats [present] or <u>evidence of rats</u> in the [facilities] establishment's food or non-food areas, demonstrated by 31-70 rat droppings [one area; 11-30 rat droppings in two areas; or 1-10 fresh rat droppings in three areas] <u>in the establishment.</u> Example: 55 fresh rat droppings in food preparation area; [or] and 14 rat droppings in dry food storage area [and 16 in basement; or less than 10 fresh rat droppings in the basement, food preparation area and bathroom].	Rats [present] or <u>evidence of rats</u> in the [facility's] establishment's food or non-food areas, demonstrated by 1-2 live rats and/or 71-100 rat droppings in [one area; 31-70 fresh rat droppings in two areas; 11-30 fresh rat droppings in three areas; or 1-10 fresh droppings in four areas] <u>the establishment.</u> Example: 80 fresh rat droppings in food preparation area; [or] and 30 fresh rat droppings in dry food storage area and 16 in basement or less than 10 fresh rat droppings in basement, food prep.	Three or more live rats and/ or [greater] <u>more than 100</u> droppings; and/or other conditions conducive to infestation of rats, e.g., holes/ openings, water, food, unused equipment/ material. Inspector must call office to discuss closing or other enforcement measures.

<p>4L</p>	<p>Evidence of mice or live mice [present] in [facility's] establishment's food and/or non-food areas.</p>	<p>Mice [present] or evidence of mice in the [facility's] establishment's food or non-food areas; 1-10 fresh mice droppings in one area. Example: 8 fresh mice droppings found in pantry.</p>	<p>Mice [present] or evidence of mice in the [facility's] establishment's food or non-food areas. 11-30 fresh mice droppings in one area or 1-10 in two areas. Example: 25 fresh mice droppings in the food preparation area; or 10 fresh mice droppings in dry food storage area and 10 in the basement.</p>	<p>Mice [present] or evidence of mice in the [facility's] establishment's food or non-food areas. 31-70 mice droppings in one area, 11-30 in two areas; or 1-10 in three areas. Example: 55 fresh mice droppings in food preparation area; 14 fresh mice droppings in dry food storage area and 16 in basement; or fewer than 10 fresh mice droppings in the basement, food preparation area and bathroom.</p>	<p>Mice [present] or evidence of mice in the [facility's] establishment's food or non-food areas; 1-2 live mice and/or 71-100 mice droppings in one area; 31-70 in two areas, 11-30 in three areas; or 1-10 in four areas. Example: 80 fresh mice droppings in food preparation area; 30 fresh mice droppings in dry food storage area and 16 in basement; or fewer than 10 mice droppings in basement, food preparation area, bathroom and garbage disposal area.</p>	<p>Two or more live mice and/or [greater] more than 100 fresh mice droppings and/or other conditions exist conducive to infestation of mice, e.g., holes/openings, water, food, unused equipment/material. Inspector must call office to discuss closing or other enforcement measures.</p>
<p>4M</p>	<p>Live roaches [present] in [facility's] establishment's food and/or non-food areas.</p>	<p>[Roaches] 1-5 roaches [present] in the [facility's] establishment's food and non-food areas. Example: 2 live roaches in the dry food area.</p>	<p>Roaches [present] in the [facility's] establishment's food and and/or non-food areas. 6-10 roaches in one area; or 1-5 in two areas. Example: seven live roaches in the food preparation area; or two roaches in the dry food storage area and one in the basement.</p>	<p>Roaches [present] in the [facility's] establishment's food and/or non-food areas; 11-15 roaches in one area; 6-10 in two areas; or 1-5 in three areas. Example: 12 live roaches in the food preparation area; four roaches in the dry food storage area and five roaches in the basement; or one live roach observed in walk-in, food preparation area and dry storage.</p>	<p>Roaches [present] in the [facility's] establishment's food and non-food areas; 16-20 roaches in one area, 11-15 in two areas; 6-10 in three areas; or 1-5 in four areas. Example: 17 live roaches in the food preparation area; 10 roaches in the dry food storage area and five roaches in the basement; or one live roach observed in walk-in, food preparation area, garbage area and dry storage area.</p>	<p>[Greater] More than 20 live roaches and/or other conditions exist conducive to infestation of roaches. Example: 45 live roaches and condition conducive to infestation such as holes/openings, water, food, unused equipment/material. Inspector must call office to discuss closing or other enforcement measures.</p>
<p>4N</p>	<p>Filth flies or food/refuse/sewage associated (FRSA) flies or other nuisance pests in facility's food and/or non-food areas. [Filth] FRSA flies include house flies, [little house flies,] blow flies, bottle flies, flesh flies, drain flies, [and] Phorid flies and fruit flies. [Food/refuse/sewage associated flies include fruit flies, drain flies and Phorid flies.]</p>	<p>[2-5] 1-5 filth flies or FRSA flies in the food preparation or food storage area during November 1 through March 1. Example: two flies in dry non-food area in January.</p>	<p>6-10 filth flies or FRSA flies in one area; or 2-5 filth flies in two areas. Example: seven live flies in food preparation area; or two flies in the dry food storage area and one in basement.</p>	<p>11-15 filth flies or FRSA flies in one area; 6-10 in two areas; or 2-5 flies in three areas. Example: 12 live flies in food preparation area; four flies in the dry food storage area and five flies in basement; or one fly observed in walk-in refrigerator, food preparation area and dry storage area.</p>	<p>16-20 filth flies or FRSA flies in one area; 11-15 in two areas; 6-10 filth flies in three areas; or 1-5 in four areas. Example: 17 filth flies in food preparation area; 10 filth flies in dry food storage area and five filth flies in basement; or two filth flies observed in walk-in refrigerator, food preparation area, garbage area and dry storage area.</p>	<p>More than 30 filth flies, FRSA flies and/or other conditions exist conducive to infestation of filth flies. Example: 40 flies in the basement garbage area; and other conditions exist conducive to filth fly infestation, e.g., openings to the outer air, water, food, decaying matter and/or sewage. Inspector must call office to discuss closing or other enforcement measures.</p>

40	Live animal other than fish in tank or service animal present in [facility's] establishment's food and/or non-food areas.	Live animal in establishment. <u>Example: one companion dog on chair in outdoor dining area, or one live cat within establishment or one chicken in rear yard.</u>	Two live animals in establishment. <u>Example: Two live birds in dining area or goat and chicken in rear yard or two cats in establishment.</u>	Three live animals in establishment. <u>Example: Two cockatoos in cage and live cat in dining room area or two chickens and lamb in rear yard.</u>	Four or more live animals in establishment. <u>Example: Two caged cockatoos and two live cats in dining room area or three chickens, a lamb and a goat in rear yard.</u>	
4P*	<u>Food held, kept, offered, prepared, processed, packaged or served with prohibited substance.</u>				<u>Any food held, kept, offered, prepared, processed, packaged or served with any prohibited substance.</u>	<u>Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.</u>
5A*	Sewage disposal system is <u>not provided, improper or unapproved.</u>				<u>No sewage disposal system. Sewage or liquid waste is not disposed of in an approved or sanitary manner]; or sewage or liquid waste contaminating food, food storage area, food preparation area, or area frequented by consumers or employees or used as a storage, preparation or utility area].</u>	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
5B*	Harmful, noxious gas or vapor detected. [CO ≥13 ppm.] <u>Carbon monoxide (CO) level at or exceeding 9 ppm.</u>				Harmful, noxious gas or vapor detected. [CO equal to or greater than 13 ppm.] <u>CO level at or exceeding 9 ppm.</u>	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures
5C+	Food contact surface or <u>equipment improperly constructed [or located; or unacceptable], placed or maintained. Unacceptable material used. Culinary sink or other acceptable method not provided for washing food.</u>	One food contact surface or piece of equipment improperly constructed, located and/or unacceptable material used. <u>Example: painted shelves in a walk-in unit.</u>	Two food contact surfaces or pieces of equipment improperly constructed, located and/or unacceptable material used. <u>Example: painted shelves in a walk-in unit and cutting board made from untreated wood.</u>	Three food contact surfaces or pieces of equipment improperly constructed, located, and/or unacceptable material used. <u>Example: painted shelves of a walk-in unit, cutting board made from untreated wood and acidic foods placed in pewter bowl.</u>	Four or more <u>food</u> contact surfaces or pieces of equipment improperly constructed, located, and/or unacceptable material used. <u>Example: painted shelves of a walk-in unit, cutting board made from untreated wood, acidic foods placed in pewter bowl and solder and flux used to repair food contact equipment or no culinary sink or other acceptable method provided for washing food.</u>	Failure to correct [as pre-permit serious (PPS) on an initial inspection, re-inspection, or compliance] <u>on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.</u>

<p>5D+</p>	<p>[Hand-washing facility not provided in or near food preparation area and toilet room. Hot and cold running water at adequate pressure to enable cleanliness of employees not provided at facility. Soap and an acceptable hand-drying device not provided.] <u>No hand wash facility in or adjacent to toilet rooms or within 25 feet of food preparation or service or ware washing area. Hand wash facility not accessible or obstructed by door, equipment or used for non-hand washing purposes. Hand wash facility without hot and cold running water or water at inadequate pressure. No soap or acceptable hand-drying device.</u></p>				<p>Fully equipped hand wash sinks, to include soap and <u>hand drying device or disposable single use [paper] towels, not provided [or conveniently located in all food preparation areas] where required or hand wash sink not accessible or obstructed. No potable water or water not at adequate pressure at hand wash sink.</u></p>	<p>Failure to correct [as pre-permit serious (PPS) on an initial inspection, re-inspection, or compliance] <u>on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.</u></p>
<p>5E+</p>	<p>Toilet facility not provided for employees or for patrons when required. <u>Shared patron-employee toilet accessed through kitchen, food prep or storage or utensil washing area.</u></p>				<p>Toilet facility not provided for employees or for patrons when required. <u>Shared patron-employee toilet accessed through kitchen, food prep or storage or utensil washing area.</u></p>	<p>Failure to correct [as pre-permit serious (PPS) on an initial inspection, re-inspection, or compliance] <u>on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.</u></p>
<p>5F+</p>	<p>[Insufficient] <u>Inadequate or no refrigerated or hot holding equipment to keep [potentially hazardous] TCS foods at required temperatures. Outdoor refrigerator not locked, secured.</u></p>				<p>Refrigerated or hot holding equipment for [PHFs] <u>TCS food inadequate or not provided. Outdoor refrigerator not locked, secured.</u></p>	<p>Failure to correct [as pre-permit serious (PPS) on an initial inspection, re-inspection, or compliance] <u>on any inspection results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.</u></p>

5G+	Separate, enclosed, properly equipped <u>and sized</u> cleaning and service area not provided <u>in mobile food vending commissary, street, sidewalk used for cleaning units.</u> [(Mobile Vending Commissary)]				Separate, enclosed, properly equipped <u>and sized</u> cleaning and service area not provided. <u>Street, sidewalk used for cleaning units.</u>	Failure to correct [as pre-permit serious (PPS) on an initial inspection, re-inspection, or compliance] <u>on any inspection</u> results in a follow up inspection, and/or closure. Inspector must call office to discuss closing or other enforcement measures.
5H+	No facilities available to wash, rinse, and sanitize utensils [and/or], <u>dishware, glassware, equipment or refillable returnable containers.</u> <u>No approved written standard operating procedure for avoiding contamination by refillable returnable containers.</u>				No facilities available to wash, rinse and sanitize utensils [and], <u>dishware, glassware, equipment or refillable returnable containers.</u> <u>No approved written standard operating procedure for avoiding contamination by refillable returnable containers.</u>	Failure to correct. Inspector must call office to discuss enforcement measures.
5I+	Refrigeration used to implement HACCP plan <u>for ROP foods</u> not equipped with an electronic system that continuously monitors time and temperature.				Refrigeration used to implement HACCP plan <u>for ROP foods</u> not equipped with an electronic system that continuously monitors time and temperature.	Inspector must call office to discuss closing or other enforcement measures.
6A	Personal cleanliness inadequate. Outer garment soiled with possible contaminant. <u>Food worker not properly dressed; sleeveless garment worn, or bare midriff exposed.</u> Effective hair restraint not worn [in an area where food is prepared] <u>where required.</u> <u>Jewelry worn on hands or arms; fingernail polish worn or fingernails not kept clean and trimmed.</u>	One food worker [observed] without clean outer garment or hair restraint <u>or wearing prohibited jewelry or fingernail polish, or fingernails not kept clean and trimmed.</u>	Two food workers [observed] without clean outer garments and/or hair restraints <u>or wearing prohibited jewelry or fingernail polish or fingernails not kept clean and trimmed.</u>	Three food workers [observed] without clean outer garments and/or hair restraints <u>or wearing prohibited jewelry or fingernail polish or with fingernails not kept clean and trimmed.</u>	Four or more food workers [observed] without clean outer garments and/or hair restraints, <u>or wearing prohibited jewelry or fingernail polish or fingernails not kept clean and trimmed.</u>	

6B	Tobacco <u>or e-cigarette</u> use, eating, or drinking from open container in food preparation[, food storage or dishwashing area] <u>or other area where food, equipment or utensils may be exposed to contamination.</u>	One food worker eating, smoking and/or drinking from open container in food preparation or ware washing areas [or evidence of tobacco use, eating or drinking in food preparation, food storage and dishwashing area].	Two food workers eating, smoking and/or drinking from open container in food preparation or ware washing areas.	Three food workers eating, smoking and/or drinking from open container in food preparation or ware washing areas.	Four or more food workers eating, smoking and/or drinking from open container in food preparation or ware washing areas.	
6C	Food, <u>supplies or equipment</u> not protected from potential source of contamination during storage, preparation, transportation, display or service.	One food item <u>or kind of supply</u> not protected during storage, preparation, transportation, display or service. <u>Example: one tray of uncovered assorted pastries or supply of clean table linen in customer self-service area.</u>	Two food items or supplies not protected during storage, preparation, transportation, display or service. <u>Example: one tray of uncovered pastries or supply of clean table linen in customer self-service area and one cooked steak on prep table under fly strip.</u>	Three food items or supplies not protected during storage, preparation, transportation, display or service. <u>Example: one tray of uncovered pastries or supply of clean table linen in customer self-service area; one cooked steak on prep table under fly strip and self-service buffet without sneeze guard.</u>	Four or more food items or supplies not protected during storage, preparation, transportation, display or service. <u>Example: one tray of uncovered pastries or supply of clean table linen in customer self-service area; one cooked steak on prep table under fly strip, buffet without sneeze guard and uncovered bucket of marinating chicken on floor of walk-in refrigerator.</u>	
6D	Food contact surface not <u>properly</u> washed, rinsed and sanitized after [each use and following] any activity [when] <u>where</u> contamination may have occurred.	One food contact surface not washed[.], rinsed or sanitized after any activity [when] <u>where</u> contamination may have occurred. <u>Example: Meat slicer blade encrusted with old food debris.</u>	Two food contact surfaces not washed, rinsed or sanitized after any activity [when] <u>where</u> contamination may have occurred. <u>Example: Meat slicer blade and cutting board encrusted with old food debris.</u>	Three food contact surfaces not properly washed, rinsed or sanitized after any activity [when] <u>where</u> contamination may have occurred. <u>Example: Meat slicer blade, wooden cutting board, and can opener encrusted with old food debris.</u>	Four or more food contact surfaces not properly washed, rinsed or sanitized after any activity [when] <u>where</u> contamination may have occurred. <u>Example: Meat slicer blade, wooden cutting board, can opener, and food preparation table encrusted with old food debris, and the interior of the ice machine [observed] contaminated with mold.</u>	
6E	Sanitized equipment or utensil, including in-use food dispensing utensil, improperly used or stored.	One sanitized piece of equipment or utensil improperly used or stored. <u>Example: in-use ice scoop on top of ice machine.</u>	Two sanitized pieces of equipment or utensils improperly used or stored. <u>Example: in-use ice scoop on top of ice machine and knives stored between food preparation table and wall.</u>	Three sanitized pieces of equipment or utensils improperly used or stored. <u>Example: in-use ice scoop on top of ice machine; clean sanitized knives stored between food preparation table and wall; and in-use food utensils in container of water not heated to 135° F.</u>	Four or more sanitized pieces of equipment or utensils improperly used or stored. <u>Example: in-use ice scoop on top of ice machine; clean sanitized knives stored between food preparation table and wall, in-use food utensils in container of water not heated to 135° F; and clean and sanitized food tags stored in cash register.</u>	
6F	Wiping cloths soiled or not stored in sanitizing solution; <u>or inadequately</u> sanitized.	[Two or more] <u>Wiping cloth soiled or not stored in sanitizing solution; or inadequately sanitized.</u> <u>Example: one wiping [cloths] cloth used to clean food contact surfaces not stored in sanitizing</u>	[Two] <u>Wiping cloths soiled or not stored in sanitizing solution; or inadequately sanitized.</u> <u>Example: one or more wiping cloths used to clean food contact surfaces not stored in sanitizing solution; and the test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided;</u>	[Two] <u>Wiping cloths soiled and not stored in sanitizing solution and inadequately sanitized.</u> <u>Example: two or more wiping cloths used to clean food contact surfaces are not stored in sanitizing solutions, and the test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths is either</u>		

		solution; or test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided; or sanitizer solution not at appropriate level to [effectively remove contaminants from] <u>ensure proper sanitization of</u> wiping cloths.	or wiping cloths used to clean food contact surfaces not stored in sanitizing solution and test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided.	not provided [and] <u>or the sanitizer solution is not at appropriate level to [effectively remove contaminants from] <u>ensure proper sanitization of</u> wiping cloths.</u>		
6G	HACCP plan not approved or approved HACCP plan not maintained on premises.				Approved HACCP plan not maintained on premises.	HACCP plan not approved. Inspector must call office to discuss enforcement measures.
6H	Records and logs not maintained to show <u>approved</u> HACCP plan has been properly implemented.					Record and logs not maintained to show <u>approved</u> HACCP plan has been properly implemented. Inspector must call office to discuss corrective action or other enforcement measures.
6I	[Food] <u>ROP TCS</u> food not labeled in accordance with <u>approved</u> HACCP plan.				[Food] <u>ROP TCS</u> food not labeled in accordance with <u>approved</u> HACCP plan.	Inspector must call office to discuss corrective action or other enforcement measures.
6J	<u>Commissary or other approved facility maintains no or incomplete records of mobile food vending units serviced.</u>					<u>No or incomplete records kept. Inspector must call office to discuss corrective action.</u>
7A	Duties of an officer of the department interfered with or obstructed.					Duties of an officer of the department interfered with or obstructed. <u>Inspector must call office to discuss closing or other enforcement measures.</u>

Explanatory Note: With respect to violations 4K, 4L, 4M, and 4N, when different types of pests are observed and cited, the violation category with the highest condition level, regardless of the type of pest will form the basis for calculating the condition level and points. For example, if condition level I of rats (4K) and condition level III of flies (4N) are observed, seven points at condition level III will be assessed as a pest violation. However, when the Department determines that the combined conditions (pests and harborage) constitute an imminent health hazard, as defined in NYC Health Code §81.03, the violation shall be scored at the highest condition level (V).

	Violation	Condition I	Condition II	Condition III	Condition IV	Condition V
General Violations						
8A	[Facility not vermin proof.] Harborage or conditions conducive to attracting [vermin] <u>pests</u> to the premises and/or allowing [vermin] <u>pests</u> to exist <u>when pests or signs of pests are present.</u>			Doors and door thresholds not adequately pest proofed, and/or one or two openings in the facility façade (walls, floors, ceilings) and/or other condition conducive to pest entry or breeding <u>when pests or signs of pests are present.</u>	Doors and door thresholds not adequately pest proofed, with quality materials, and/or three or more openings in the facility façade (walls, floors, ceilings) or other condition conducive to pest entry or breeding <u>when pests or signs of pest are present.</u>	
8B	[Covered garbage receptacle not provided or inadequate, except that garbage receptacle may be uncovered during active use. Garbage storage area not properly constructed or maintained; grinder or compactor dirty.] <u>Garbage receptacles not pest or water resistant; or not covered with tight fitting lids, except while in active use. Garbage receptacles not cleaned after emptying and prior to reuse.</u>	Garbage equipment and facilities not maintained or provided. Example: tight fitting lid not provided for 32-gallon garbage can used to put garbage out overnight. <u>Garbage can uncovered when not in active use. Garbage can not pest or water resistant. Cans and covers not cleaned after emptying and before reuse.</u>	[Garbage equipment and facilities not maintained or provided. Example: tight-fitting lids not provided for 32-gallon garbage can used to put garbage out overnight and garbage grinder can encrusted with old food.]	[Garbage equipment and facilities not maintained or provided. Example: tight-fitting lids not provided for two 32-gallon garbage cans used to put garbage out overnight and garbage grinder encrusted with old food.]	[Garbage equipment and facilities not maintained or provided. Example: tight-fitting lids not provided for two 32-gallon garbage cans used to put garbage out overnight, garbage grinder encrusted with old food and cardboard boxes, food wrappers and 15 empty carton of milk strewn in the the backyard.]	
8C	Pesticide use not in accordance with label or applicable laws. [Prohibited chemical used/stored. Open bait station used.] <u>Pesticides, other toxic chemicals improperly used/stored. Unprotected, unlocked bait station used.</u>	One prohibited pesticide, chemical or bait station <u>in establishment</u> or not used in accordance with label or applicable laws.	Two types of prohibited pesticides, chemicals or bait stations <u>in establishment</u> or not used in accordance with label or applicable laws.	Three types of prohibited pesticides, chemicals or bait stations <u>in establishment</u> or not used in accordance with label or applicable laws.	Four or more types of prohibited pesticides, chemicals or bait stations <u>in establishment</u> or not used in accordance with label or applicable laws.	Failure to correct. Inspector must call office to discuss enforcement measures.
9A	[Canned food product dented and] <u>Cans of food with dented body damage</u> not segregated from [consumable food] <u>other cans for return to distributor.</u>	1-6 cans dented Example: one dented can of tomato paste stored on food storage shelf not segregated.	7-12 cans dented. Example: seven dented cans of tomato paste stored on food storage shelf not segregated.	13-24 cans dented Example: seven dented cans of tomato paste and six dented cans of soy sauce stored on food storage shelf not segregated.	25 or more cans dented. Example: seven dented cans of tomato paste, ten dented cans of soy sauce, and five dented cans of tuna fish stored on food storage shelf not segregated.	

9B	Thawing procedures improper.	One frozen food item improperly thawed. Example: whole chicken or beefsteak improperly thawed.	Two frozen food items improperly thawed or the same type of food improperly thawed in two different areas. Example: two chickens and beefsteak improperly thawed or chicken breast improperly thawed in sink and chicken legs thawed on kitchen counter.	Three frozen food items improperly thawed or the same type of food improperly thawed in three different areas. Example: three chickens, beefsteak, and pork shoulder improperly thawed; or chicken breast improperly thawed in sink, chicken legs improperly thawed on kitchen counter, and chicken breast improperly thawed in bowl in food preparation area.	Four or more frozen food [item] items improperly thawed or the same type of food improperly thawed in four different areas. Example: four chickens, chicken breast, beefsteak, and shrimp improperly thawed; or chicken breast improperly thawed in sink, chicken legs improperly thawed on kitchen counter, chicken breast improperly thawed in bowl in food preparation area, and chicken wings improperly thawed near the deep fat fryer.	
9C	Food contact surface [not] <u>chipped, cracked, worn or in a condition where it cannot be properly maintained.</u>	One food contact surface not properly maintained. Example: one cutting board discolored.	Two food contact surfaces not properly maintained. Example: one cutting board discolored and one plastic cutting board pitted and scratched.	Three food contact surfaces not properly maintained. Example: three cutting boards pitted and scratched.	Four or more contact surfaces not properly maintained. Example: three cutting board pitted and scratched and four cutting boards at the bar area discolored.	
9D	<u>Food service operation occurring in room or area used as living or sleeping quarters.</u>	<u>Food service operation occurring in one room used as living or sleeping quarters.</u>	<u>Food service operation occurring in two rooms used as living or sleeping quarters.</u>	<u>Food service operation occurring in three rooms used as living or sleeping quarters.</u>	<u>Food service operation occurring in four or more rooms used as living or sleeping quarters.</u>	
9E	<u>“Wash hands” sign not posted at hand wash facility.</u>	<u>“Wash hands” sign not posted at hand wash facility.</u>				
10A	Toilet facility not maintained [and] or <u>not</u> provided with toilet paper, waste receptacle [and] or self-closing door.	One toilet facility not maintained [and] or <u>not</u> provided with toilet paper, waste receptacle [and] or self-closing door.	Two toilet facilities not maintained [and] or <u>not</u> provided with toilet paper, waste receptacle [and] or a self-closing door.	Three toilet facilities not maintained [and] or <u>not</u> provided with toilet paper, waste receptacle [and] or a self-closing door.	Four or more toilet facilities not maintained [and] or <u>not</u> provided with toilet paper, waste receptacle [and] or a self-closing door.	
10B	Plumbing not properly installed or maintained; [anti-siphonage or backflow] <u>back-siphonage or back-flow prevention device not provided where required; equipment or floor not properly drained; sewage disposal system in disrepair or not functioning properly. Condensation or liquid waste improperly disposed of.</u>	One [backflow] <u>back-flow prevention device not installed, or equipment or floor not properly drained. Example: refrigerator condensation draining into a bucket.</u>	Two [backflow] <u>back-flow prevention devices not installed, or equipment or floor not properly drained. Example: refrigerator condensation drained into a bucket and air conditioner draining onto sidewalk.</u>	Three [backflow] <u>back-flow prevention devices not installed, or equipment or floor not properly drained. Example: refrigerator condensation draining into bucket, air conditioner draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet.</u>	Four or more [backflow] <u>back-flow prevention devices not installed or equipment or floor not properly drained. Example: refrigerator condensation draining into bucket, two air conditioners draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet or ice machine.</u>	[Sewage disposal system in disrepair or not functioning properly, 5A also cited] <u>Five or more back-flow prevention devices not installed or equipment or floor not properly drained. Example: refrigerator condensation draining into bucket, two air conditioners draining onto sidewalk, no vacuum breaker provided on the hose connected to a faucet and no vacuum breaker provided on the hose connected to an ice machine.</u>

10C	Lighting inadequate; permanent lighting not provided in food preparation areas, ware washing areas, and storage rooms.	One instance of inadequate lighting. <u>Example: lighting at work surface of food preparation table is 323 lux.</u>	Two instances of inadequate lighting. <u>Example: lighting at food prep table work surface is 323 lux, and 108 lux under self-service buffet sneeze guard.</u>	Three instances of inadequate lighting. <u>Example: lighting at food prep table work surface is 323 lux, 108 lux under self-service buffet sneeze guard, and 54 lux in reach-in refrigerator.</u>	Four or more instances of inadequate lighting. <u>Example: lighting at food prep table work surface is 323 lux, 108 lux under self-service buffet sneeze guard, 54 lux in reach-in refrigerator and 70 lux in dry storage area.</u>	
10D	Mechanical or natural ventilation system not provided, improperly installed, in disrepair and/or fails to prevent excessive build-up of grease, heat, steam condensation vapors, odors, smoke, and fumes.	One mechanical or natural ventilation system not provided or inadequate. <u>Example: no ventilation provided in bathroom.</u>	Two mechanical or natural ventilation systems not provided or inadequate. <u>Example: no ventilation provided in bathroom and exhaust hood not sufficient to remove excess fumes in kitchen.</u>	Three mechanical or natural ventilation systems not provided or inadequate. <u>Example: no ventilation provided in bathroom, exhaust hood not sufficient to remove excess fumes in kitchen and grease collecting on walls.</u>	Four mechanical or natural ventilation systems not provided or inadequate. <u>Example: no ventilation provided in bathroom, exhaust hood not sufficient to remove excess fumes in kitchen, grease collecting on walls, and smoke from smokehouse drifting into dining area.</u>	
10E	Accurate thermometer not provided or not properly located in refrigerated or hot holding equipment.	One refrigeration or hot holding unit not provided with accurate thermometer to measure the temperature in the warmest part of the refrigerator or coolest part of the hot storage [facility] unit.	Two refrigeration or hot holding units not provided with accurate thermometers to measure the temperature in the warmest part of the refrigerator or coolest part of the hot storage [facility] unit.	Three refrigeration or hot holding units not provided with accurate thermometers to measure the temperature in the warmest part of the refrigerator or coolest part of the hot storage [facility] unit.	Four refrigeration or hot holdings units not provided with accurate thermometers to measure the temperature in the warmest part of the refrigerator or coolest part of the hot storage [facility] unit.	
10F	[Non-food contact surface improperly constructed. Unacceptable material used.] Non-food contact surface or equipment improperly maintained [and/or] or made of unacceptable material, not kept clean or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath [the unit] equipment or other structures.	One non-food contact surface [improperly constructed. Unacceptable material used. Non-food contact surface or equipment improperly maintained and/or] or piece of equipment made of unacceptable material, not kept clean or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the [unit] equipment or other structures. <u>Example: wall in food preparation area made of material not easily cleaned.</u>	Two non-food contact surfaces [improperly constructed. Unacceptable material used. Non-food contact surfaces or equipment improperly maintained and/or] or pieces of equipment made of unacceptable material, not kept clean or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the [unit] equipment or other structures. <u>Example: wall in food preparation area made of material not easily cleaned and build-up of grease on the wall adjacent to permanently installed convection oven which is not easily moveable or properly spaced to allow cleaning.</u>	Three non-food contact surfaces [improperly constructed. Unacceptable material used. Non-food contact surfaces or equipment improperly maintained and/or] or pieces of equipment made of unacceptable material, not kept clean or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the [unit] equipment or other structures. <u>Example: wall in food preparation area made of material not easily cleaned, build-up of grease [on] on the wall adjacent to permanently installed convection oven which is not easily moveable or properly spaced to allow cleaning, and dried encrusted grease and old food debris under the walk-in refrigerator which is not properly sealed to the floor.</u>	Four non-food contact surfaces [improperly constructed. Unacceptable material used. Non-food contact surfaces or equipment improperly maintained and/or] or pieces of equipment made of unacceptable material, not kept clean or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the [unit] equipment or other structures. <u>Example: wall in food preparation area made of brick, a material not easily cleanable, build-up of grease on on the wall adjacent to permanently installed convection oven which is not easily moveable or properly spaced to allow cleaning, dried encrusted grease and old food debris under the walk-in refrigerator which is not properly sealed to the floor, and a rug in the food storage area</u>	

[10G]	[Food service operation occurring in room used as living or sleeping quarters.]	[Food service operation occurring in one room used as living or sleeping quarters.]	[Food service operation occurring in two rooms used as living or sleeping quarters.]	[Food service operation occurring in three rooms used as living or sleeping quarters.]	[Food service operation occurring in four or more rooms used as living or sleeping quarters.]	
[10H] <u>10G</u>	Proper sanitization not used or provided for utensil ware washing operation. <u>No test kit.</u>	[Manual ware washing inadequate in that one immersion basket not provided or of incorrect size.]	[Manual ware washing inadequate in that one immersion basket not provided or of incorrect size and manual ware washing procedure incorrect.]	[Manual ware washing inadequate in that one immersion basket not provided or of incorrect size, manual ware washing procedure incorrect and sanitizing test kit or thermometer not provided.]	[Minimum final rinse temperature of 170° F not maintained or mechanical dishwasher is not operated as per manufacturer's specifications (time or temperature or chemical concentration)] <u>Sanitization inadequate for mechanical or manual warewashing.</u>	
[10I] <u>10H</u>	Single service item reused, [improperly] <u>not protected from contamination when transported, stored, dispensed; not used when required.</u>	[Single] <u>One type of single service item reused, [improperly] not protected from contamination when transported, stored, dispensed or not used when required.</u> Example: drinking straws not protected from contamination.	[Single] <u>Two types of single service [item] items reused, [improperly] not protected from contamination when transported, stored, dispensed or not used when required.</u> Example: drinking straws not properly dispensed and paper plates not protected from contamination.	[Single] <u>Three types of single service [item] items reused, [improperly] not protected from contamination when transported, stored, dispensed, not used when required.</u> Example: drinking straws not properly dispensed, paper plates not protected from contamination and forks not protected from contamination.	[Single] <u>Four or more types of single service [item] items reused, [improperly] not protected from contamination when transported, stored, dispensed, not used when required.</u> Example: drinking straws not properly dispensed, paper plates not protected from contamination, forks not protected from contamination and plastic forks reused.	
[10J]	["Wash hands" sign not posted at hand wash facility.]	["Wash hands" sign not posted at hand wash facility.]	-	-	-	
[10L]	[Toilet facility used by women does not have at least one covered garbage receptacle.]	[Toilet facilities used by women do not have at least one covered garbage receptacle.]	-	-	-	
[10M]	[Bulb not shielded or shatterproof, in areas where there is extreme heat, temperature changes or where accidental contact may occur.]	[One instance of lighting not shielded or shatterproof. Example: six unshielded bulbs in display refrigerator.]	[Two instances of lighting not shielded or shatterproof. Example: six unshielded bulbs in display refrigerator and unshielded bulb above the self-service buffet.]	[Three instances of lighting not shielded or shatterproof. Example: six unshielded bulbs in display refrigerator, unshielded bulbs under ventilation hood, and heat lamp above the sliced roast beef in the service area not shatterproof.]	[Four or more instances of lighting not shielded or shatterproof. Example: six unshielded bulbs in display refrigerator, unshielded bulbs under ventilation hood, heat lamp above the roast in the service area not shatterproof, and unshielded bulbs at salad bar.]	
[99B]	[General other.]					

Note: When examples are provided to illustrate the kinds of violations included in a condition level, the examples are not intended to cover all the possible violations of the applicable Health Code or other law cited. These examples are only intended to help establishment operators to determine the extent of their violations.

APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON-RETAIL FOOD PROCESSING ESTABLISHMENT PENALTY SCHEDULE

SCORED VIOLATIONS

VIOLATION CODE	CITATION	CATEGORY	VIOLATION DESCRIPTION	VIOLATION PENALTY CONDITION I*	VIOLATION PENALTY CONDITION II*	VIOLATION PENALTY CONDITION III*	VIOLATION PENALTY CONDITION IV*	VIOLATION PENALTY CONDITION V*
02A	NYCHC 81.09(c)	Public Health Hazard	Time and temperature control for safety ("TCS") hot food not heated to 140°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09(c)(1)	Public Health Hazard	Poultry, poultry stuffing, parts and ground, comminuted poultry not heated to 165°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09(c)(2)	Public Health Hazard	Pork/food containing pork not heated to 150°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09(c)(3)	Public Health Hazard	Rare roast beef/steak not heated to minimum time/temperature				\$400	\$600
02A	NYCHC 81.09(c)(4)	Public Health Hazard	Ground, comminuted meat, foods containing ground, comminuted meat not heated to 158°F				\$400	\$600
02A	NYCHC 81.09(c)(5)	Public Health Hazard	Stuffed meats, fish, ratites and tenderized meats not heated to 165°F for 15 seconds; injected, mechanically tenderized meats not heated to 155°F				\$400	\$600
02A	NYCHC 81.09(c)(6)	Public Health Hazard	Shell eggs/food containing shell eggs not heated 145°F for 15 seconds				\$400	\$600
[02A]	[NYCHC 81.09(c)]	[Public Health Hazard]	[Other potentially hazardous hot food not heated to 140°F for 15 seconds]				[400]	[\$600]
02A	NYCHC 81.09(c)(7)	Public Health Hazard	Raw animal food cooked in microwave not heated to 165°F, not covered, rotated or stirred, not held for 2 minutes				\$400	\$600
02B	NYCHC 81.09(a)	Public Health Hazard	Hot [potentially hazardous] TCS food not held at 140°F or above	\$250	\$300	\$350	\$400	\$600
02C	NYCHC 81.09(d)	CRITICAL	Previously [heated and cooled potentially hazardous hot] cooked and cooled TCS food not reheated to 165°F for 15 seconds within 2 hours	\$200	\$200	\$250	\$300	

02D	NYCHC 81.09(d)(2)	CRITICAL	Commercially processed [potentially hazardous] TCS food not heated to 140°F within 2 hours	\$200	\$200	\$250	\$300	
02E	NYCHC 81.09(f)(5)	CRITICAL	Whole frozen poultry or poultry breast, other than a single portion, cooked frozen or partially thawed	\$200	\$200			
02F	NYCHC 81.11	CRITICAL	Meat, fish, or shellfish offered, served raw or partially cooked with no written consumer advisory	\$200			[\$300]	
02G	NYCHC 81.09(a)	Public Health Hazard	Cold [potentially hazardous] TCS food not held at 41°F or below	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.09(a)(3)	Public Health Hazard	Processed or smoked fish not held at or below 38°F	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.09(a)(2)	Public Health Hazard	Eggs not held at ambient temperature of 45°F or below	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.12(d)(2)	Public Health Hazard	Reduced oxygen packaged raw TCS foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600
[02G]	[NYCHC 81.12(d)(4)]	[Public Health Hazard]	[Reduced oxygen packaged cold foods not held at proper temperatures]	[\$250]	[\$300]	[\$350]	[\$400]	[\$600]
02G	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged TCS foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600
02H	NYCHC 81.09(e)	Public Health Hazard	[Potentially hazardous] TCS food not cooled by approved method	\$250	\$300	\$350	\$400	\$600
02I	NYCHC 81.09(e)(2)	CRITICAL	[Potentially hazardous] TCS food not cooled to 41°F when prepared from ambient temperature ingredients within 4 hours	\$200	\$200	\$250	\$300	
02J	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged TCS foods not properly cooled	\$250	\$300	\$350	\$400	\$600
03A	NYCHC 81.04	Public Health Hazard	Food [not] from [an approved] unapproved or unknown source, or home cooked				\$400	\$600
03A	NYCHC 81.12(c)	Public Health Hazard	Reduced oxygen packaged foods not from an approved source				\$400	\$600
03A	NYCHC 81.12(e)	Public Health Hazard	Reduced oxygen [packaging] packaged fish not frozen before processing				\$400	\$600
03A	NYCHC 81.04(b)	Public Health Hazard	Meat not from an approved source				\$400	\$600

03A	NYCHC 81.04(d)	Public Health Hazard	Exotic and game animals meat not from an approved source				\$400	\$600
03A	NYCHC 81.07(m)	Public Health Hazard	Animal slaughter in establishment				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish not from an approved source				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish improperly tagged or labeled				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish required tags not retained at least 90 days				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	[Wholesale shellfish] Shellfish records not on premises				\$400	\$600
03C	NYCHC 81.07(c)	Public Health Hazard	[Eggs] Whole eggs cracked, [dirty or] not clean; other eggs unpasteurized	\$250	\$300	\$350	\$400	\$600
03D	NYCHC 81.07(b)	Public Health Hazard	Food packages [damaged; cans of], hermetically sealed containers, or canned food swollen, leaking and/or rusted; not labeled; not segregated from intact cans	\$250	\$300	\$350	\$400	\$600
03E	NYCHC 81.20(a)	Public Health Hazard	Potable water not provided; inadequate				\$400	\$600
03E	NYCHC 141.13	Public Health Hazard	Bottled water not from an approved source; not state certified				\$250	\$250
03E	NYCHC 81.20(a)	Public Health Hazard	Cross-connection observed between potable and non-potable water				\$400	\$600
03E	NYCHC 81.20(c)	Public Health Hazard	Carbon dioxide gas lines unacceptable, improper materials used				\$400	\$600
03F	NYCHC 81.07(k)	Public Health Hazard	Unpasteurized milk and milk products (except aged cheese) served				\$400	\$600
03G	NYCHC 81.07(a)(4)	CRITICAL	[Fruits] Raw fruits and vegetables not washed prior to cutting, serving	\$200	\$200	\$250	\$300	
03I	NYCHC 81.04(e)	Public Health Hazard	Juice packaged on premises with no or incomplete label, no warning statement				\$400	\$600
04A	NYCHC 81.15(a)	CRITICAL	Food Protection Certificate not held by supervisor or manager of food operations					\$600
04B	NYCHC 81.13(a)	Public Health Hazard	Food worker spitting in establishment				\$400	\$600
04B	NYCHC 81.13(a)	Public Health Hazard	Food worker with illness, communicable disease and/or injury preparing food				\$400	\$600
04C	NYCHC 81.07(j)	Public Health Hazard	Bare hand contact with ready-to-eat food	\$250	\$300	\$350	\$400	\$600

04D	NYCHC 81.13(d)	Public Health Hazard	Food worker failed to wash hands after contamination; or <u>change gloves when required</u>				\$400	\$600
04E	NYCHC 81.23(d)(3)	Public Health Hazard	Pesticides not properly [used; food, equipment, utensils, etc., not protected from pesticide contamination] <u>labeled, stored or used such that food contamination may occur</u>	\$250	\$300	\$350	\$400	\$600
04E	NYCHC 81.17(g)	Public Health Hazard	<u>Toxic chemicals not properly labeled, stored or used such that food contamination may occur</u>	\$250	\$300	\$350	\$400	\$600
04F	NYCHC 81.20(b)	Public Health Hazard	[Sewage and liquid waste not properly disposed of] <u>Food preparation, food storage, or other area contaminated by sewage or liquid waste</u>				\$400	\$600
04G	NYCHC 81.07(l)	Public Health Hazard	Unprotected [potentially hazardous] <u>TCS food re-served</u>				\$400	\$600
04H	NYCHC 81.07(a)(2)	Public Health Hazard	Food not protected from cross-contamination	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food in contact with toxic material	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food not protected from adulteration or contamination	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.06(b)(3)	Public Health Hazard	Food not discarded in accordance with HACCP plan	\$250	\$300	\$350	\$400	\$600
04I	NYCHC 81.07(l)	CRITICAL	[Food other than in sealed packages] <u>Unprotected non-TCS food re-served</u>	\$200	\$200	\$250	\$300	
04J	NYCHC 81.09(g)	CRITICAL	Thermometer not provided, calibrated properly, or accessible for use [and/or inadequate]	\$200			[\$300]	
04J	NYCHC 81.12(g)(1)	CRITICAL	Thermocouple not provided for <u>ROP TCS foods</u>	\$200			[\$300]	
04K	NYCHC 81.23(a)	CRITICAL	[Evidence of rats] <u>Rats or evidence of rats</u>	\$200	\$200	\$250	\$300	\$350
04L	NYCHC 81.23(a)	CRITICAL	[Evidence of mice] <u>Mice or evidence of mice</u>	\$200	\$200	\$250	\$300	\$350
04M	NYCHC 81.23(a)	CRITICAL	[Evidence of] <u>Live roaches</u>	\$200	\$200	\$250	\$300	\$350
04N	NYCHC 81.23(a)	CRITICAL	Filth or <u>FRSA flies, other nuisance pests</u>	\$200	\$200	\$250	\$300	\$350
04O	NYCHC 81.25	CRITICAL	Live animal other than fish in tank or service animal	\$200	\$200	\$250	\$300	\$350

04P	SSC 14-1.89(a)	Public Health Hazard	Non-food grade liquid nitrogen, dry ice added to food	Condition levels are not applicable. Penalty is \$250 for first violation and \$500 for each subsequent violation				
04P	SSC 14-1.89(d)	Public Health Hazard	Dry ice "smoke" or liquid nitrogen "fog" effect remains at time of service					
04P	NYCHC 71.05	Public Health Hazard	Food held, kept, prepared, processed, packaged or served with prohibited substance				\$400	\$600
05A	NYCHC 81.20(b)	Public Health Hazard	Sewage disposal system [improper] not provided, inadequate or unapproved				\$400	\$600
05B	NYCHC 81.19(c)	Public Health Hazard	Harmful noxious gas or vapor detected; CO levels at or exceeding 9 ppm				\$400	\$600
05C	NYCHC 81.17(d)	CRITICAL	Food contact surface, equipment improperly constructed, located and/or made of unacceptable materials	\$200	\$200	\$250	\$300	\$350
05C	NYCHC 81.07(a)(1)	CRITICAL	Culinary sink or alternative method not provided for washing food	\$200	\$200	\$250	\$300	\$350
05D	NYCHC 81.21(a)	CRITICAL	Hand [washing] wash facilities not provided or not located where required				\$300	\$350
05D	NYCHC 81.21(a)(1)	CRITICAL	Hand [washing] wash facilities not provided within 25 feet of food preparation, food service area or ware washing area				\$300	\$350
05D	NYCHC 81.21(a)	CRITICAL	Hand wash facility not provided with potable running water, or properly equipped				\$300	\$350
05D	NYCHC 81.21(b)	CRITICAL	Hand wash facility [inadequate] without soap, drying device				\$300	\$350
05E	NYCHC 81.22(a)	CRITICAL	Toilet facilities not provided for employees				\$300	\$350
05E	NYCHC 81.22(b)	CRITICAL	Toilet facilities not provided for patrons				\$300	\$350
05E	NYCHC 81.22(d)	CRITICAL	Shared patron/employee toilet accessed through kitchen, food prep or storage or utensil washing area				\$300	\$350
05F	NYCHC 81.18	CRITICAL	Hot or cold holding equipment not provided or inadequate				\$300	\$350
05F	NYCHC 81.18	CRITICAL	Outdoor refrigerator not locked, secure				\$300	\$350

05G	NYCHC 89.27(c)	CRITICAL	Enclosed service area not provided, equipped in mobile food vending commissary				\$300	\$350
<u>05G</u>	<u>NYCHC 89.27(d)</u>	<u>CRITICAL</u>	<u>Mobile food vending units cleaned or serviced on street or sidewalk outside commissary</u>				\$300	\$350
05H	NYCHC 81.29	CRITICAL	Manual or mechanical tableware, utensil and/or ware washing facilities not provided				\$300	\$350
<u>05H</u>	<u>NYCHC 81.46</u>	<u>CRITICAL</u>	<u>No approved SOP for refillable consumer containers</u>				\$300	\$350
05I	NYCHC 81.12(d)(5)	CRITICAL	Refrigeration unit used for ROP foods not equipped with an electronic system				\$300	\$350
06A	NYCHC 81.13	CRITICAL	Food worker does not maintain personal cleanliness	\$200	<u>\$200</u>	<u>\$250</u>	\$300	[\$350]
06A	NYCHC 81.13(e)	CRITICAL	Fingernails not clean, trimmed, or with nail polish	\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(c)	CRITICAL	Clean outer garment not worn	\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(b)	CRITICAL	Effective hair restraint not worn	\$200	\$200	\$250	\$300	
06A	<u>NYCHC 81.13(f)</u>	<u>CRITICAL</u>	<u>Jewelry worn on arm(s) or hand(s)</u>	<u>\$200</u>	<u>\$200</u>	<u>\$250</u>	<u>\$300</u>	
06B	NYCHC 81.13(h)	CRITICAL	Eating, drinking in food preparation or [service] other areas	\$200	\$200	\$250	\$300	
06B	NYCHC 81.13(g)	CRITICAL	Smoking tobacco, using electronic cigarette or other substance in establishment	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(a)	CRITICAL	Food not protected from contamination	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(q)	CRITICAL	Unnecessary traffic through food prep area	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(d)	CRITICAL	Food not properly protected when stored	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(e)	CRITICAL	Food not properly protected when displayed	\$200	\$200	\$250	\$300	
[06C]	[NYCHC 81.07(e)]	[CRITICAL]	[Supplies and equipment placed under overhead sewage pipe]	[\$200]	[\$200]	[\$250]	[\$300]	
06C	NYCHC 81.07(f)	CRITICAL	Condiments for self service not properly dispensed	\$200	\$200	\$250	\$300	
[06C]	[NYCHC 81.31]	[CRITICAL]	[Cooking by FSE on street, sidewalk, except as authorized by Articles 88, 89]					[\$350]
<u>06C</u>	<u>NYCHC 81.07(i)</u>	<u>CRITICAL</u>	<u>Supplies and equipment under or near source of contamination</u>	<u>\$200</u>	<u>\$200</u>	<u>\$250</u>	<u>\$300</u>	

06D	NYCHC 81.27(b)	CRITICAL	Food contact surface not [sanitized; and/ or not clean to sight and/or touch] <u>washed, rinsed and sanitized when required</u>	\$200	\$200	\$250	\$300	
[06D]	[NYCHC 81.27(b)]	[CRITICAL]	[Equipment with food contact surfaces not clean and sanitized]	[\$200]	[\$200]	[\$250]	[\$300]	
06E	NYCHC 81.07(h)	CRITICAL	In-use food dispensing utensil not properly stored	\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(g)	CRITICAL	Ice not properly dispensed	\$200	\$200	\$250	\$300	
06E	NYCHC 81.07(h)	CRITICAL	Food dispensing utensil not provided	\$200	\$200	\$250	\$300	
06F	NYCHC 81.27(c)	CRITICAL	Wiping cloth improperly stored and/or sanitized	\$200	\$200	\$200		
06F	SSC 14-1.112(c)	CRITICAL	<u>No test kit for measuring sanitizing solution concentration</u>	\$200	\$200	\$200		
06G	NYCHC 81.06(b) [and (c)]	Public Health Hazard	[Approved] <u>No approved HACCP plan; approved HACCP plan not maintained on premises [or not approved]</u>				\$400	\$600
06H	NYCHC 81.06(b)(4)	CRITICAL	[Records] <u>HACCP records and logs not maintained on site</u>					\$350
06I	NYCHC 81.12(d)(6)	CRITICAL	[Food] <u>ROP TCS food not labeled in accordance with the approved HACCP plan</u>				\$300	\$350
06J	NYCHC 89.27(b)	CRITICAL	<u>Mobile food vending unit records incomplete or not maintained by commissary</u>					\$350
07A	NYCHC 3.15(a)	CRITICAL	Obstruction of Department personnel					\$1,000
08A	NYCHC 81.23(a)	CRITICAL	[Conditions] <u>Harborage or conditions conducive to pests with pests, signs of pests</u>			\$200	\$200	
[08A]	[NYCHC 81.23(b)]	[GENERAL]	[Prevention and control measures not used for pest management]			[\$200]	[\$200]	
08A	NYCHC 81.23(b)(3)	GENERAL	Door openings into the establishment from the outside not properly equipped <u>when pests or signs of pests present</u>			\$200	\$200	
[08A]	[NYCHC 81.23(b) (4)]	[GENERAL]	[Pest monitors incorrectly used]			[\$200]	[\$200]	
[08A]	[NYCHC 81.23(b) (2)]	[GENERAL]	[Contract with pest exterminator or record of pest extermination activities not kept on premises]	[\$200]		[\$200]	[\$200]	

08B	NYCHC 81.24(a)	GENERAL	Garbage [not properly removed or stored] <u>cans not pest or water resistant; not covered with tight-fitted lids</u>	\$200	[\$200]	[\$200]	[\$200]	
08B	NYCHC 81.24(c)	GENERAL	Garbage receptacles and covers not cleaned after emptying and prior to reuse	\$200	\$200	\$200	\$200	
08C	NYCHC 81.23(d)	GENERAL	Pesticides not properly labeled, not authorized for use, or [improperly] used	\$200	\$200	\$200	\$200	\$200
08C	NYCHC 81.23(d)(4)	GENERAL	Open bait station [observed] used	\$200	\$200	\$200	\$200	\$200
08C	NYCHC 81.17(g)	GENERAL	Toxic materials not properly stored	\$200	\$200	\$200	\$200	\$200
09A	NYCHC 81.07(b)	GENERAL	[Canned observed dented and] <u>Dented food cans not segregated from [other consumable foods] intact packages</u>	\$200	\$200	\$200	\$200	
09B	NYCHC 81.09(f)	GENERAL	Thawing procedures improper	\$200	\$200	\$200	\$200	
09C	NYCHC 81.17(d)(1)	GENERAL	Food contact surface improperly constructed and maintained; not easily cleanable	\$200	\$200	\$200	\$200	
09C	<u>NYCHC 81.07(m)</u>	<u>GENERAL</u>	<u>Tank holding edible live fish, other aquatic animals not clean, free of debris, algae</u>	<u>\$200</u>	<u>\$200</u>	\$200	<u>\$200</u>	
09D	<u>NYCHC 81.17(a)(2)</u>	<u>GENERAL</u>	<u>Food processed, prepared, packed, or stored in a private home or apartment, or food service establishment rooms used as sleeping or living quarters</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>	<u>\$200</u>	
09E	NYCHC 81.21(c)	GENERAL	Wash hands sign not posted	\$200				
10A	NYCHC 81.22(c)	GENERAL	Toilet facility not properly maintained	\$200	\$200	\$200	\$200	
10A	NYCHC 81.22(c)	GENERAL	Toilet facility not properly supplied	\$200	\$200	\$200	\$200	
10A	SSC 14-1.142(a)	GENERAL	Toilet room not completely enclosed with self-closing door	\$200	\$200	\$200	\$200	
10B	NYCHC 81.20(a)	GENERAL	Potable water not protected from [backflow, back siphonage] <u>back-flow, back-siphonage or cross-connection</u>	\$200	\$200	\$200	\$200	\$200
10B	NYCHC 81.20(b)	GENERAL	Improper disposal of sewage or liquid waste	\$200	\$200	\$200	\$200	\$200
10B	NYCHC 81.20(b)	GENERAL	Condensation pipes not properly installed or maintained	\$200	\$200	\$200	\$200	\$200
10C	NYCHC 81.19(a)	GENERAL	Lighting insufficient; inadequate	\$200	\$200	\$200	\$200	
10D	NYCHC 81.19(c)	GENERAL	Ventilation (mechanical or natural) not provided or inadequate	\$200	\$200	\$200	\$200	

10E	NYCHC 81.18(a)(3)	GENERAL	[Thermometers] <u>Accurate thermometers not provided or not properly located in cold storage and/or refrigerator unit</u>	\$200	\$200	\$200	\$200	
10E	NYCHC 81.18(b)(1)	GENERAL	[Thermometers] <u>Accurate thermometers not provided or not properly located in hot storage or holding unit</u>	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)(1)	GENERAL	Flooring [improperly constructed and/or] <u>unacceptable material used, not maintained or not clean</u>	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)(2)	GENERAL	Non-food contact surfaces (wall, ceiling, floors) [improperly constructed/ maintained]: <u>unacceptable materials used; not maintained or not clean</u>	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)(3)	GENERAL	Non-food contact surface (equipment, fixtures, decorative material, fans, etc.) not [properly maintained or equipment not properly maintained] <u>clean or not in working order</u>	\$200	\$200	\$200	\$200	
[10G]	[NYCHC 81.17(a)(2)]	[GENERAL]	[Food being processed, prepared, packed, or stored in a private home or apartment.]	[\$200]	[\$200]	[\$200]	[\$200]	
[10H] <u>10G</u>	NYCHC 81.29(a)	GENERAL	Hot water manual ware washing inadequate	\$200	\$200	\$200	\$200	
[10H] <u>10G</u>	NYCHC 81.29(a)	GENERAL	Manual chemical sanitizing procedure inadequate	\$200	\$200	\$200	\$200	
[10H] <u>10G</u>	NYCHC 81.29(b)(1)	GENERAL	High temperature mechanical ware washing inadequate	\$200	\$200	\$200	\$200	
[10H] <u>10G</u>	NYCHC 81.29(b)(2)	GENERAL	Mechanical chemical sanitizing procedure inadequate	\$200	\$200	\$200	\$200	
[10H] <u>10G</u>	NYCHC [81.29(a)] <u>81.29(a)(3)(B)</u>	GENERAL	Test kit not accurate or used for manual dishwashing	\$200	\$200	\$200	\$200	
[10H] <u>10G</u>	NYCHC 81.29(b)(2)	GENERAL	Test kit not accurate or used for mechanical dishwashing	\$200	\$200	\$200	\$200	
[10I] <u>10H</u>	NYCHC 81.07(o)	GENERAL	Single service items improperly stored or reused	\$200	\$200	\$200	\$200	
[10I] <u>10H</u>	NYCHC 81.07(o)	GENERAL	Drinking straws improperly dispensed	\$200	\$200	\$200	\$200	
[10J]	[NYCHC 81.21(c)]	[GENERAL]	[Wash hands sign not posted]	[\$200]				
[99B]	[Miscellaneous]	[GENERAL]		[\$200]	[\$200]	[\$200]	[\$200]	[\$200]

**CHAPTER 23-APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON-RETAIL FOOD PROCESSING ESTABLISHMENT
PENALTY SCHEDULE**

UNSCORED VIOLATIONS

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

15-21	Admin. Code 17-715	Flavored tobacco products sold, offered for sale	\$1,000 (1st violation); \$2,000 (2nd violation in 36 months); \$5,000 (3rd and subsequent violations in 36 months)	Same as appearance penalties
15-22	24 RCNY 28-06	No original labels of tobacco and non-tobacco smoking products currently sold, offered for sale	\$1,000	Same as appearance penalty
15-26	24 RCNY 10-11(b)	"No smoking" sign not posted at hotel entrance or elevators where ashtrays are placed	\$500	\$1,000
15-27	24 RCNY 10-12(a)	Required signage not conspicuously posted.	\$1,000	Same as appearance penalty
15-28	24 RCNY 10-12(c)	Non-compliant signage	\$500	\$1,000
15-29	24RCNY 10-12(c)(iv)(D)	Smoking or electronic cigarette use signage lacks required warning	\$1,000	Same as appearance penalty
15-30	24 RCNY10-20(a)	Hookah equipment in Non-tobacco Hookah Establishment (NTHE) not cleaned, sanitized	\$1,000	Same as appearance penalty
15-31	24 RCNY 10-20(b)	New individually wrapped mouthpiece not provided to each NTHE hookah patron	\$1,000	Same as appearance penalty
15-32	24 RCNY 10-21(d)	Warning sign re dangers of hookah smoking not posted at street entrance to NTHE	\$1,000	Same as appearance penalty
15-33	24 RCNY 10-21(e)	Warning sign re: dangers of hookah smoking not posted in each room or area of NTHE where smoking is allowed	\$1,000	Same as appearance penalty
15-34	24 RCNY 13-04(a)	Retail dealer tobacco, non-tobacco age restriction signage not conspicuously posted	\$500	1,000
15-35	24 RCNY 13-04(a)	Retail dealer tobacco, non-tobacco age restriction signage non-compliant	\$500	1,000
15-35	24 RCNY 13-04(b)	Retail dealer cigarette tax stamp sign not posted conspicuously	\$1,000	Same as appearance penalty
15-35	24 RCNY 13-04(b)	Retail dealer cigarette tax stamp signage non-compliant	\$1,000	Same as appearance penalty
15-36	24 RCNY 10-21(g)	Sign prohibiting entry of persons under 21 not posted at public entrance(s) to NTHE	\$1,000	Same as appearance penalty
15-37	Admin. Code 17-504(f)	Workplace SFAA policy not prominently posted in workplace	\$400 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalty
15-38	Admin. Code 17-506(b)	Screen shot prohibiting smoking, electronic cigarette use not shown in motion picture theatre	\$400 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalty
15-39	Admin. Code 17-506(d)	Ashtray in smoke-free area	\$400 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalty
15-40	Admin. Code 17-506.1(b)(1)	Initial multiple dwelling smoking policy not distributed to tenants or posted by owner	\$100	Same as appearance penalty
15-41	Admin. Code 17-506.1(b)(7)	Multiple dwelling smoking policy not distributed to tenants or posted annually by owner	\$100	Same as appearance penalty
15-42	Admin. Code 17-508(b)	Failure to make a good faith effort to inform smokers or electronic cigarette users of Smoke-Free Air Act prohibitions	\$400 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)	Same as appearance penalty
15-47	24 RCNY 13-06(a)	"Minimum age" sign not posted; required information missing from sign	\$500	1,000
15-48	Admin. Code 17-703.1	Cigarette tax stamp sign not posted	\$500	1,000

15-49	<u>Admin. Code 17-703.2</u>	<u>Sale of cigarette package without tax stamp</u>	<u>**\$2,000 (1st violation); \$5,000 (2nd and subsequent violations in 3 years)</u>	<u>Same as appearance penalties</u>
15-50	<u>Admin. Code 17-704</u>	<u>Cigarettes, tobacco products sold in packages without health warning or not in minimum quantities</u>	<u>\$1,000 (1st violation), \$5,000 (2nd and subsequent violations in 3 years)</u>	<u>Same as appearance penalties</u>
15-51	<u>Admin. Code 17-704(a)</u>	<u>Out of package sale of tobacco product(s)</u>	<u>**\$1,000 (1st violation), \$5,000 (2nd and subsequent violations in 3 years)</u>	<u>Same as appearance penalties</u>
15-52	<u>Admin. Code 17-704(b)</u>	<u>Cigars priced at or below \$3.00 each sold in packages containing less than four cigars</u>	<u>\$1,000 (1st violation), \$2,000 (2nd and subsequent violations in 3 years)</u>	<u>Same as appearance penalties</u>
15-53	<u>Admin. Code 17-704.1</u>	<u>Unlawful delivery of cigarettes, tobacco products or electronic cigarettes</u>	<u>\$1,000 (1st violation), \$2,000 (2nd and subsequent violations in 3 years)</u>	<u>Same as appearance penalties</u>
15-54	<u>Admin. Code 17-705</u>	<u>Employee under 18 years of age selling tobacco products without direct supervision of an adult retailer</u>	<u>**\$1,000(1st violation); \$2,000 (2nd and subsequent violations in 36 months)</u>	<u>Same as appearance penalties</u>
15-55	<u>Admin. Code 17-706(a)</u>	<u>Sale of cigarettes, tobacco products, liquid nicotine to persons under 21 years of age</u>	<u>**\$1000 (1st); \$2,000 (2nd or subsequent in 36 months)</u>	<u>Same as appearance penalties</u>
15-55	<u>Admin. Code 17-706(a)</u>	<u>Sale of cigarettes, tobacco products, liquid nicotine, electronic cigarettes, or non-tobacco smoking products to persons under 21 years of age</u>	<u>**\$1,000(1st violation); \$2,000 (2nd and subsequent violations in 36 months)</u>	<u>Same as appearance penalties</u>
15-55	<u>Admin. Code 17-706(a-1)</u>	<u>Sale of electronic cigarettes to persons under 21 years of age</u>	<u>\$1000 (1st violation); \$2,000 (2nd and subsequent in 36 months)</u>	<u>Same as appearance penalties</u>
15-55	<u>Admin. Code 17-706(b)</u>	<u>Sale of non-tobacco smoking products to persons under 21 years of age</u>	<u>**\$1,000 (1st violation); \$2,000 (2nd and subsequent violations in 36 months)</u>	<u>Same as appearance penalties</u>
15-56	<u>Admin. Code 17-719(a)</u>	<u>Person under 21 years of age allowed entry to non-tobacco hookah establishment</u>	<u>\$200 (1st violation); \$500 (2nd and subsequent violations)</u>	<u>Same as appearance penalties</u>
16-01	<u>NYCHC 81.08(a)</u>	<u>Cooking oil, shortening or margarine contains 0.5 grams or more of artificial trans fat</u>	<u>\$200</u>	<u>\$400</u>
16-02	<u>NYCHC 81.08(c)</u>	<u>Nutritional fact labels and/or ingredient label is not maintained on site</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Calorie information is not posted on menu and menu board</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Total number of calories or total number of discrete calories not posted</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Calorie information not posted for standard menu items offered in different varieties</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Calorie information not posted for combination meals</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Calorie information not posted for toppings</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Calorie information font, appearance, term used improper</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Calorie information improperly posted for standard menu items offered in three or more combinations</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Calorie information for standard menu item offered in two different combinations not posted with a slash between both calorie counts</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Calorie information for standard menu items that come in two different varieties not posted with a slash between both calorie counts</u>	<u>\$200</u>	<u>\$400</u>
16-03	<u>NYCHC 81.50(c)</u>	<u>Calorie information improperly posted for standard menu items offered in three or more different varieties</u>	<u>\$200</u>	<u>\$400</u>

16-04	<u>NYCHC 81.50(d)</u>	<u>Required succinct nutritional statements not posted on menu(s) for adults and children</u>	<u>\$200</u>	<u>\$400</u>
16-06	<u>NYCHC 81.50(e)</u>	<u>Additional nutritional information statement not posted</u>	<u>\$200</u>	<u>\$400</u>
16-06	<u>NYCHC 81.50(e)</u>	<u>Written nutritional information not provided in a manner required by federal law</u>	<u>\$200</u>	<u>\$400</u>
16-08	<u>NYCHC 81.49(b)(1)</u>	<u>No sodium warning icon where required</u>	<u>\$200</u>	<u>\$400</u>
16-09	<u>NYCHC 81.49(b)(1)</u>	<u>Sodium warning icon non-compliant with design specifications</u>	<u>\$200</u>	<u>\$400</u>
16-10	<u>NYCHC 81.49(b)(2)</u>	<u>No sodium warning statement at point of purchase</u>	<u>\$200</u>	<u>\$400</u>
16-11	<u>Admin. Code 17-199.11(b)</u>	<u>Prohibited drink listed on children's meal menu</u>	<u>\$200</u>	<u>Same as appearance penalty</u>
17-01	<u>24 RCNY 32-03</u>	<u>"Dogs allowed" sign not posted at or near entrance</u>	<u>\$250</u>	<u>\$500</u>
17-02	<u>24 RCNY 32-03</u>	<u>"Dogs allowed" sign incomplete</u>	<u>\$250</u>	<u>\$500</u>
17-03	<u>24 RCNY 32-04(c)</u>	<u>Effective barrier not provided</u>	<u>\$250</u>	<u>\$500</u>
18-01	<u>NYCHC 81.05(a)</u>	<u>No current valid permit, registration, other authorization to operate establishment</u>	<u>\$1,000</u>	<u>\$2,000</u>
18-02	<u>NYCHC 88.05(c)</u>	<u>No current valid permit to operate temporary food service establishment</u>	<u>\$1,000</u>	<u>\$2,000</u>
18-08	<u>NYCHC 5.15</u>	<u>Permit not conspicuously displayed</u>	<u>\$200</u>	<u>\$400</u>
18-10	<u>NYCHC 88.05(a)</u>	<u>Failure of temporary event sponsor to exclude vendor without current valid permit</u>	<u>\$500</u>	<u>\$1,000</u>
18-11	<u>NYCHC 81.15(b)</u>	<u>Food protection certificate not available for inspection</u>	<u>\$200</u>	<u>\$400</u>
18-12	<u>NYCHC 3.19</u>	<u>Department document unlawfully reproduced or altered</u>	<u>\$1,000</u>	<u>\$2,000</u>
18-12	<u>NYCHC 3.19</u>	<u>Submitting false, misleading statements, documents; documents unlawfully reproduced or altered</u>	<u>\$1,000</u>	<u>\$2,000</u>
18-13	<u>NYCHC 3.05(a)</u>	<u>Failure to comply with an Order of the Board of Health, Commissioner or Department</u>	<u>\$1,000</u>	<u>\$2,000</u>
18-14	<u>NYCHC 3.17</u>	<u>Notice, Order or other posted material of the Department mutilated, obstructed, or removed</u>	<u>\$1,000</u>	<u>\$2,000</u>
18-15	<u>NYCHC 81.43(a)</u>	<u>Foodborne illness; failure to notify department</u>	<u>\$200</u>	<u>\$400</u>
18-25	<u>NYCHC 81.05(h)</u>	<u>Operator of shared kitchen allows unpermitted user</u>	<u>\$500</u>	<u>\$1,000</u>

<u>18-25</u>	<u>NYCHC 88.05(b)</u>	<u>Temporary event sponsor failed to provide list of all participating establishments at least 30 days before event</u>	<u>\$500</u>	<u>\$1,000</u>
<u>19-01</u>	<u>16 RCNY 1-11(c)(1)</u>	<u>Organics containers not provided</u>	<u>\$250 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)</u>	<u>Same as appearance penalties</u>
<u>19-02</u>	<u>16 RCNY 1-11(c)(1)</u>	<u>Organics containers not labeled</u>	<u>\$250 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)</u>	<u>Same as appearance penalties</u>
<u>19-03</u>	<u>16 RCNY 1-11(d)(2)</u>	<u>Failure to post sign in organics collection areas</u>	<u>\$250 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)</u>	<u>Same as appearance penalties</u>
<u>19-04</u>	<u>Admin. Code 16-329(c)</u>	<u>Possess, sell expanded polystyrene single service articles</u>	<u>\$250 (1st violation); \$500 (2nd violation in 12 months); \$1,000 (3rd and subsequent violations in 12 months)</u>	<u>Same as appearance penalties</u>
<u>20-01</u>	<u>24 RCNY 27.03(c)</u>	<u>Allergy poster not posted or not in correct location</u>	<u>\$100</u>	<u>\$100</u>
<u>20-02</u>	<u>24 RCNY 27.03(b)</u>	<u>Allergy poster not in language(s) understood by all food workers</u>	<u>\$100</u>	<u>\$100</u>
<u>20-03</u>	<u>24 RCNY 27.03(b)</u>	<u>Allergy poster not approved by the Department</u>	<u>\$100</u>	<u>\$100</u>
<u>20-04</u>	<u>Admin. Code 17-172(a)</u>	<u>"Choking" poster not posted</u>	<u>\$200</u>	<u>\$200</u>
<u>20-04</u>	<u>Admin. Code 17-173(2)(b)</u>	<u>Alcohol use during pregnancy sign not posted</u>	<u>\$100</u>	<u>\$100</u>
<u>20-04</u>	<u>24 RCNY 18-02</u>	<u>Resuscitation equipment not available</u>	<u>\$200</u>	<u>\$400</u>
<u>20-05</u>	<u>24 RCNY 23-07(f)</u>	<u>Current letter grade or "Grade Pending" card not conspicuously posted or visible to passersby</u>	<u>\$1,000</u>	<u>Same as appearance penalty</u>
<u>20-06</u>	<u>24 RCNY 23-07</u>	<u>Current letter grade or Grade Pending card not posted</u>	<u>\$1,000</u>	<u>Same as appearance penalty</u>
<u>20-06</u>	<u>24 RCNY 23-06(d)</u>	<u>Grade card not posted after reopening when FSE ordered closed by BFSCS</u>	<u>\$1,000</u>	<u>Same as appearance penalty</u>
<u>20-07</u>	<u>24 RCNY 23-07</u>	<u>Grade card removed, destroyed, modified, obscured or otherwise tampered with</u>	<u>\$1,000</u>	<u>Same as appearance penalty</u>
<u>20-08</u>	<u>Admin. Code 17-1507(a)</u>	<u>Failure to post or conspicuously post healthy eating information</u>	<u>\$500</u>	<u>Same as appearance penalty</u>
<u>26-04</u>	<u>NYCHC 89.27(b)</u>	<u>Required records incomplete or not maintained by commissary</u>	<u>\$200</u>	<u>\$400</u>
<u>28-01</u>	<u>NYCHC 3.07</u>	<u>Failure to take reasonable precautions to protect health and safety, e.g., by not securing CO2 or liquefied petroleum gas (LPG) containers</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>28-01</u>	<u>NYCHC 3.09</u>	<u>Failure to abate or remediate nuisance</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>28-01</u>	<u>NYCHC 131.07(c)(2)</u>	<u>Insufficient heat in commercial premises</u>	<u>\$300</u>	<u>\$600</u>
<u>28-02</u>	<u>NYCHC 81.07(p)</u>	<u>Microwave safe container not marked or used</u>	<u>\$200</u>	<u>\$400</u>

28-03	NYCHC 81.19(b)	Light fixtures not shielded, shatterproofed, or otherwise protected from accidental breakage	\$200	\$400
28-04	NYCHC 81.12(g)	Equipment used for ROP not approved by the Department	\$200	\$400
28-05	NYCHC 71.05	Adulterated or misbranded food possessed, manufactured, produced, packed, sold, offered for sale, delivered or given away	\$500	\$1,000
28-06	NYCHC 81.23(b)(2)	Contract with pest management professional, record of pest exterminations, activities not kept on premises	\$200	\$400
28-07	NYCHC 81.31	Unauthorized FSE street, sidewalk cooking	\$350	\$700
28-09	NYCHC 88.15	No, or insufficient toilets, sinks provided by temporary event sponsor	\$500	\$1,000
28-10	NYCHC 88.19	No, insufficient refuse, trash containers; temporary event area not maintained by sponsor	\$500	\$1,000
99-00	NYCHC miscellaneous	Other Health Code unscored violations	\$200	\$400

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

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

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

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

CERTIFICATION PURSUANT TO
 CHARTER §1043(d)

RULE TITLE: Amendment of Violations Schedule for Food Service Establishments

REFERENCE NUMBER: 2019 RG 028

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 Date: November 25, 2019
 Acting Corporation Counsel

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

CERTIFICATION/ANALYSIS
 PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of Violations Schedule for Food Service Establishments

REFERENCE NUMBER: DOHMH-101

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) None of the proposed changes affect current policy and practice regarding cure periods.

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

November 26, 2019
 Date

Accessibility questions: Svetlana Burdeynik (347) 396-6078, ResolutionComments@health.nyc.gov, by: Thursday, January 23, 2020, 5:00 P.M.

