



THE CITY RECORD

Official Journal of The City of New York

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THE CITY RECORD

BILL DE BLASIO

Mayor

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Editor, The City Record

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY COUNCIL

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, NY 10007, commencing at 9:30 A.M. on Monday, December 15, 2014.



The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing in the Council Committee Room, 250 Broadway, 16th Floor, New York City, NY 10007, commencing at 11:00 A.M. on Monday, December 15, 2014.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matter in the Council Committee Room, 250 Broadway, 16th Floor, New York City, NY 10007, commencing at 1:00 P.M. on Monday, December 15, 2014:

CLINTON SITE 7

MANHATTAN CB - 4 **20155248 HAM**
Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for a real property tax exemption for properties located at 538-548 West 33rd Street (Block 1081, part of Lot 1), Borough of Manhattan, Community Board 4, Council District 3. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the PHFL.

d9-15

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

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matter in the Council Committee Room, 250 Broadway, 16th Floor, New York City, NY 10007, commencing at 11:00 A.M. on Monday, December 15, 2014:

SOUTH BROOKLYN MARINE TERMINAL
BROOKLYN CB - 7 **20155247 PNK**

Application pursuant to §1301 (2) (f) of the New York City Charter concerning a proposed maritime lease between the New York City Department of Small Business Services and the New York City Economic Development Corporation for approximately 72 acres of City-owned land, known as the South Brooklyn Marine Terminal, located at 81 39th Street (Block 662, Lots 136 and parts of Lots 1, 130 and 155), Borough of Brooklyn.

d8-15

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held in Spector Hall, 22 Reade Street, New York, NY, on Wednesday, December 17, 2014 at 10:00 A.M.

BOROUGH OF MANHATTAN

No. 1

MEATPACKING AREA BUSINESS IMPROVEMENT DISTRICT

CDs 2, 4 **N 150156 BDM**
IN THE MATTER OF an application submitted by the Department of Small Business Services on behalf of the Meatpacking Area Business Improvement District pursuant to Section 25-405(a) of Chapter 4 of Title 25 of the Administrative Code of the City of New York, as amended, concerning the establishment of the Meatpacking Area Business Improvement District.

No. 2

HUDSON YARDS SLIVER TEXT AMENDMENT

CD 4 **N 150083 ZRM**
IN THE MATTER OF an application submitted by D Solnick Design and Development pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District).

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

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Hudson Yards District

* * *

93-542
Height and setback in Subareas D4 and D5

In Subareas D4 and D5 of Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section 93-41 shall apply;
- (b) within the C2-5 District of Subarea D4, #commercial uses# shall be limited to two #stories# or a height of 30 feet, whichever is less; and
- (c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation: ; and
- (d) the regulations set forth in paragraph (d) of Section 23-692 (Height limitations for narrow buildings or enlargements) shall be modified to allow portions of #buildings# with #street walls# less than 45 feet in width to reach the height of the tallest #abutting #building# without regard to the width of the #street# onto which such #building# fronts.

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

d4-17

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 13 - Monday, December 15, 2014 at 7:30 P.M., Bellerose Assembly of God Church, 240-15 Hillside Avenue, Bellerose, NY

BSA# 146-79-BZ
Premises: 210-11 Jamaica Avenue, Queens Village, NY
Extension of term of variance and amendment to permit change in use to automotive sales (UG9) from previously approved automotive repair and parts installation use (UG16) in a C2-2 (R3-2) district.

BSA#268-03-BZ
Premises: 145-55 Guy Brewer Boulevard, Springfield Gardens, NY
To extend the term of a variance pursuant to Section 11-411 of the Zoning Resolution of the City of NY. The applicant also seeks a waiver of the Rules of Practice and Procedure, The variance permits the operation of an automotive service station with an air station, vacuum and beverage machines.

d10-15

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 7 - Monday, December 15, 2014 at 7:00 P.M., Union Plaza Care Center, 33-23 Union Street-9th Floor, Flushing, NY

#C 120403ZMQ
Xu Hotel & Residences Rezoning
IN MATTER OF an application submitted by CG & J Realty, LLC, pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 10a: eliminating from an existing R6 district a C2-2 district bounded by a line 150 northerly of Northern Boulevard, Leavitt Street and its southerly prolongation; changing from an R6 district to a C4-3 district property bounded by a line 125 northerly of Northern Boulevard, Leavitt Street and its southerly prolongation.

d9-15

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 02 - Wednesday, December 17, 2014 at 6:00 P.M., NYU Polytechnic School of Engineering, 5 Metrotech Center Dibner Building, Room LC400, Brooklyn, NY

BSA#284-14-BZ
IN THE MATTER OF an application filed at the Board of Standards and Appeals on behalf of 718 Bar LLC, doing business as The Bar Method, for a special permit to allow the operation of a physical culture establishment on the first floor of 267 Pacific Street, Brooklyn, NY.

BSA#1207-66-BZ
IN THE MATTER OF a special order calendar application filed at the Board of Standards and Appeals (BSA) on behalf of Apple Art Supplies of New York, LLC to (i) waive the BSA's Rules of Practice and Procedure, since the application was not filed within 30 days of the variances term's expiration, and (ii) extend the term of the previously granted variance permitting the operation of an artist supply and book store at 305 Washington Avenue aka 321 DeKalb Avenue, Brooklyn, NY

d11-17

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 13 - Monday, December 15, 2014 at 7:00 P.M., Coney Island Hospital, 2601 Ocean Parkway-2nd Floor (Auditorium), Brooklyn, NY

BSA# 619-73-BZ
IN THE MATTER OF an application submitted by Sheldon Lobel, Attorney at Law, in connection with a variance extension and amendment for 2940 Cropsey Avenue, Brooklyn, for the original variance allowing an eating and drinking establishment use at the Premises listed above and to permit alterations to the building. The Premises is located within an R4 zoning district, on a corner lot with frontages of 200 feet on Cropsey Avenue, 92 feet on Bay 52nd Street and 107 feet on Bay 53rd Street.

C140209ZSK
The applicant SO Development Enterprises, LLC seeks a special permit pursuant to Section 106-32(a) and (c) of the Zoning Resolution ("ZR") to permit the development of a new commercial warehouse building on an undeveloped parcel of land comprised of Lots 53 and 57 in Block 6996 in Brooklyn, the subject has 126 feet of frontage on West 15th Street, a lot area of 9,568.8 sq.ft. and is located within an M1-2 zoning district within the Special Coney Island Mixed-Use district.

d9-15

BOARD OF EDUCATION RETIREMENT SYSTEM

■ MEETING

The next Board of Education Retirement System (BERS) Trustee Meeting

will be held on Thursday, December 18, 2014 at 4:30 P.M. at Long Island City High School, located at 14-30 Broadway, Astoria, NY 11106.

d11-17

EQUAL EMPLOYMENT PRACTICES COMMISSION

MEETING

The next meeting of the Equal Employment Practices Commission will be held in the Commission's Conference Room/Library at 253 Broadway, (Suite 602) on Thursday, December 18th, 2014 at 9:30 A.M.

d10-17

HOUSING AUTHORITY

MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Monday, December 22, 2014 at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, NY (unless otherwise noted). Copies of the calendar are available on NYCHA's website or can be picked up at the Office of the Corporate Secretary at 250 Broadway, 12th Floor, New York, NY, no earlier than 24 hours before the upcoming Board Meeting. Copies of the minutes are also available on NYCHA's website or can be picked up at the Office of the Corporate Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.

Any changes to the schedule will be posted here and on NYCHA's Website at http://www.nyc.gov/html/nycha/html/about/boardmeeting_schedule.shtml to the extent practicable at a reasonable time before the meeting.

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

Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Corporate Secretary at (212) 306-6088 no later than five business days before the Board Meeting. For additional information, please visit NYCHA's Website or contact (212) 306-6088.

d8-22

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, **December 16, 2014 at 9:30 A.M.**, 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 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.

41-23 240th Street, aka 22-240th Street and 240-01 42nd Avenue Douglaston Hill Historic District

16-3406 – Block 8501, Lot 1, Zoned R1-2
Community District 11, Queens

CERTIFICATE OF APPROPRIATENESS

A neo-Colonial style free-standing house with Arts and Crafts style elements, designed by Henry A Erdmann, and built in 1921. Application is to construct an addition, create new and modified masonry openings, replace roofing, and install a terrace, railings, and shutters.

4680 Fieldston Road – Fieldston Historic District

09-6026 – Block 5819, Lot 2166, Zoned R1-2
Community District 8, The Bronx

CERTIFICATE OF APPROPRIATENESS

A Tudor Revival style house designed by Mann & MacNeille and built

in 1917-1918. Application is to construct three new houses.

620 10th Street – Park Slope Historic District Extension

16-2315 – Block 1095, Lot 36, Zoned R6
Community District 6, Brooklyn

CERTIFICATE OF APPROPRIATENESS

A Modern style apartment building designed by Sears Tambasco Architects and built in 2008-10. Application is to install a pergola.

609 6th Street – Park Slope Historic District Extension

16-3448 – Block 1085, Lot 49, Zoned R7B
Community District 6, Brooklyn

CERTIFICATE OF APPROPRIATENESS

A late Romanesque Revival style rowhouse designed by A. E. White and built in 1900. Application is to replace windows.

178 Court Street – Cobble Hill Historic District

16-3310 – Block 297, Lot 31, Zoned C-2
Community District 6, Brooklyn

CERTIFICATE OF APPROPRIATENESS

A vacant lot. Application is to construct a new building.

26 Broadway - Standard Oil Building - Individual Landmark

16-2097 – Block 22, Lot 13, Zoned C5-5
Community District 1, Manhattan

CERTIFICATE OF APPROPRIATENESS

A neo-Renaissance style office building designed by Carrere & Hastings, with Shreve, Lamb & Blake as Associated Architects and built in 1921-28. Application is to install flagpoles and signage.

56-58 Warren Street – Tribeca South Historic District Extension

14-5913 – Block 136, Lot 12, Zoned M-15
Community District 1, Manhattan

CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style store and lofts building designed by Elians and James R. Brevoort and built in 1880-1881. Application to replace the sidewalk.

1 White Street – Tribeca East Historic District

16-3455 – Block 178, Lot 21, Zoned C6-2A
Community District 1, Manhattan

CERTIFICATE OF APPROPRIATENESS

A Federal style building built in 1807 and altered in 1857. Application is to construct a barrier-free access ramp, roof bulkhead and railings, and replace storefront infill and windows.

598 Broadway – SoHo-Cast Iron Historic District

16-2461 – Block 511, Lot 15, Zoned M1-5B
Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

A mercantile building designed by Robert Maynicke and built in 1897-1898. Application is to establish a Master Plan governing the future installation of painted wall signs.

58 Bleecker Street – NoHo Historic District

16-0052 – Block 533, Lot 31, Zoned M1-5B
Community District 2, Manhattan

CERTIFICATE OF APPROPRIATENESS

An altered carriage house built c. 1825-27. Application is to legalize rooftop HVAC equipment installed without Landmarks Preservation Commission permit(s).

239-243 11th Avenue – West Chelsea Historic District

16-4393 – Block 670, Lot 70, Zoned M1-5
Community District 4, Manhattan

CERTIFICATE OF APPROPRIATENESS

An Industrial neo-Classical style warehouse and freight terminal designed by Maurice Alvin Long, and built in 1912-13. Application is to establish a Master Plan governing the future alterations to the ground floor, and for the installation of infill, canopies, platforms, windows and louvers.

8-10 West 17th Street – Ladies' Mile Historic District

16-3857 – Block 818, Lot 57, Zoned C6-4A
Community District 5, Manhattan

CERTIFICATE OF APPROPRIATENESS

A mid-20th Century Commercial style office and warehouse building designed by Belfatto & Pavarini and built in 1961-63. Application is to demolish the building and construct a new building.

820 Park Avenue – Upper East Side Historic District

16-2780 – Block 1377, Lot 7501, Zoned R10
Community District 8, Manhattan

CERTIFICATE OF APPROPRIATENESS

A neo-Medieval style apartment building designed by Henry Allen Jacobs and built in 1926-27. Application is to replace windows

d3-16

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, December 24, 2014. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 IN THE MATTER OF a proposed revocable consent authorizing Citigroup Technology to continue to maintain and use planters and bollards on the sidewalks of the site bounded by West Street, Hubert Street, Greenwich Street and North Moore Street, in the Borough of Manhattan. The proposed revocable consent is for a term of five years from July 1, 2014 to June 30, 2019 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

For the period July 1, 2014 to June 30, 2019 - \$27,727/per annum.

the maintenance of a security deposit in the sum of \$40,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#2 IN THE MATTER OF a proposed revocable consent authorizing ExxonMobil Oil Corporation to continue to maintain and use conduits, together with cleanouts, pull boxes, isolation gate valves and recovery well "C", in Van Dam Street, Nassau Avenue, Varick Street, Meeker Avenue, Bridgewater Street and Gardner Avenue, and to construct, maintain and use proposed soil vapor extraction system piping under and across Meeker Avenue, Bridgewater Street and Gardner Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the date of approval by the Mayor to June 30, 2015 - \$34,538

- For the period July 1, 2015 to June 30, 2016 - \$35,481
- For the period July 1, 2016 to June 30, 2017 - \$36,424
- For the period July 1, 2017 to June 30, 2018 - \$37,367
- For the period July 1, 2018 to June 30, 2019 - \$38,310
- For the period July 1, 2019 to June 30, 2020 - \$39,253
- For the period July 1, 2020 to June 30, 2021 - \$40,196
- For the period July 1, 2021 to June 30, 2022 - \$41,139
- For the period July 1, 2022 to June 30, 2023 - \$42,082
- For the period July 1, 2023 to June 30, 2024 - \$43,025
- For the period July 1, 2024 to June 30, 2025 - \$43,968

the maintenance of a security deposit in the sum of \$43,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate

#3 IN THE MATTER OF a proposed revocable consent authorizing Goyard NY, LLC to construct, maintain and use a fenced-in area on the south sidewalk of East 63rd Street, west of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the date of Approval by the Mayor to June 30, 2015 - \$4,346/annum

- For the period July 1, 2015 to June 30, 2016 - \$4,465
- For the period July 1, 2016 to June 30, 2017 - \$4,584
- For the period July 1, 2017 to June 30, 2018 - \$4,703
- For the period July 1, 2018 to June 30, 2019 - \$4,822
- For the period July 1, 2019 to June 30, 2020 - \$4,941
- For the period July 1, 2020 to June 30, 2021 - \$5,060
- For the period July 1, 2021 to June 30, 2022 - \$5,179
- For the period July 1, 2022 to June 30, 2023 - \$5,298
- For the period July 1, 2023 to June 30, 2024 - \$5,417
- For the period July 1, 2024 to June 30, 2025 - \$5,536

the maintenance of a security deposit in the sum of \$5,600 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#4 IN THE MATTER OF a proposed revocable consent authorizing Parish of Trinity Church in the City of New York to continue to maintain and use a bridge over and across Trinity Place, north of Rector Street, in the Borough of Manhattan. The proposed revocable consent is for a term of 10 years from July 1, 2015 to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2015 to June 30, 2016 - \$40,285
- For the period July 1, 2016 to June 30, 2017 - \$41,385
- For the period July 1, 2017 to June 30, 2018 - \$42,485

- For the period July 1, 2018 to June 30, 2019 - \$43,585
- For the period July 1, 2019 to June 30, 2020 - \$44,685
- For the period July 1, 2020 to June 30, 2021 - \$45,785
- For the period July 1, 2021 to June 30, 2022 - \$46,885
- For the period July 1, 2022 to June 30, 2023 - \$47,985
- For the period July 1, 2023 to June 30, 2024 - \$49,085
- For the period July 1, 2024 to June 30, 2025 - \$50,185

the maintenance of a security deposit in the sum of \$50,200 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Five Million Dollars (\$5,000,000) aggregate.

#5 IN THE MATTER OF a proposed revocable consent authorizing St. Regis New York Operating LLC to continue to maintain and use planters, together with conduits on the east sidewalk of Fifth Avenue, south of East 55th Street, and on the south sidewalk of East 55th Street, east of Fifth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of 10 years from July 1, 2014 to June 30, 2024 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

- For the period July 1, 2014 to June 30, 2015 - \$3,034
- For the period July 1, 2015 to June 30, 2016 - \$3,109
- For the period July 1, 2016 to June 30, 2017 - \$3,184
- For the period July 1, 2017 to June 30, 2018 - \$3,259
- For the period July 1, 2018 to June 30, 2019 - \$3,334
- For the period July 1, 2019 to June 30, 2020 - \$3,409
- For the period July 1, 2020 to June 30, 2021 - \$3,484
- For the period July 1, 2021 to June 30, 2022 - \$3,559
- For the period July 1, 2022 to June 30, 2023 - \$3,634
- For the period July 1, 2023 to June 30, 2024 - \$3,709

the maintenance of a security deposit in the sum of \$3,800 and the insurance shall be the amount of One Million Dollars (\$1,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

#6 IN THE MATTER OF a proposed revocable consent authorizing Zaliv, LLC to construct, maintain and use a force main, together with manholes, and a sanitary drain, together with cleanouts, under and along Harkness Avenue and Knapp Street, between Plumb 3rd Street and Voorhies Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of 10 years from the date of Approval by the Mayor to June 30, 2025 and provides among other terms and conditions for compensation payable to the City according to the following schedule:

From the date of Approval by the Mayor to June 30, 2015 - \$13,222/annum

- For the period July 1, 2015 to June 30, 2016 - \$13,583
- For the period July 1, 2016 to June 30, 2017 - \$13,944
- For the period July 1, 2017 to June 30, 2018 - \$14,305
- For the period July 1, 2018 to June 30, 2019 - \$14,661
- For the period July 1, 2019 to June 30, 2020 - \$15,027
- For the period July 1, 2020 to June 30, 2021 - \$15,388
- For the period July 1, 2021 to June 30, 2022 - \$15,749
- For the period July 1, 2022 to June 30, 2023 - \$16,110
- For the period July 1, 2023 to June 30, 2024 - \$16,471
- For the period July 1, 2024 to June 30, 2025 - \$16,832

the maintenance of a security deposit in the sum of \$17,000 and the insurance shall be the amount of Two Million Dollars (\$2,000,000) per occurrence, and Two Million Dollars (\$2,000,000) aggregate.

d4-24

COURT NOTICES

SUPREME COURT

KINGS COUNTY

■ NOTICE

**KINGS COUNTY
IA PART 89
NOTICE OF ACQUISITION
INDEX NUMBER 13895/14**

IN THE MATTER OF the Application of the CITY OF NEW YORK relative to Acquiring Title in Fee Simple to Real Property for the

MCKINLEY PARK BRANCH LIBRARY

at 6802 Fort Hamilton Parkway,

Located within the area generally bounded by Bay Ridge Avenue on the south, Fort Hamilton Parkway on the east, 68th Street on the north, and 9th Avenue on the west, in the Borough of Brooklyn, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Kings, IA Part 89 (Hon. Wayne P. Saitta, J.S.C.), duly entered in the office of the Clerk of the County of Kings on November 10, 2014, the application of the City of New York to acquire certain real property, for the continued operation of the McKinley Park Branch Library, was granted and the City was thereby authorized to file an acquisition map with the Office of the City Register. Said map, showing the property acquired by the City, was filed with the City Register on December 1, 2014. Title to the real property vested in the City of New York on December 1, 2014.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot
1	5771	12

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof shall have one (1) calendar year from the date of service of this Notice of Acquisition to file a written claim with the Clerk of the Court of Kings County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007. Pursuant to EDPL § 504, the claim shall include:

- A) the name and post office address of the condemnee;
- B) reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- C) a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- D) if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007 on or before December 1, 2016 (which is two (2) calendar years from the title vesting date).

Dated: New York, NY, December 1, 2014.

ZACHARY W. CARTER
Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007
(212) 356-2670

d3-16

RICHMOND COUNTY

■ NOTICE

**RICHMOND COUNTY
IA PART 89
NOTICE OF ACQUISITION
INDEX NUMBER (cy) 4036/14**

IN THE MATTER OF the Application of the CITY OF NEW YORK, Relative to Acquiring Title in Fee Simple to All or Parts of

AMBOY ROAD

from Wards Point Avenue to U.S. Pierhead and Bulkhead Line in the Borough of Staten Island, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 89 (Hon. Wayne P. Saitta, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on November 17, 2014 the application of the City of New York to acquire certain real property for street purposes, including the installation of storm sewers, sanitary sewers, and water mains, was granted and the City was thereby authorized to file an acquisition map with the Clerk of Richmond County. Said map, showing the property

acquired by the City, was filed with the Clerk of Richmond County on November 24, 2014. Title to the real property vested in the City of New York on November 24, 2014.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

PARTS OF TAX LOTS		
DAMAGE PARCEL	BLOCK	LOT
1	8005	Part of Lot 220
2	8005	Part of Lot 205
3	7966	Part of Lot 1
ADJACENT STREET BEDS		
DAMAGE PARCEL	ADJACENT BLOCK	ADJACENT TO LOT
1A	8005	Adjacent to Lot 220
2A	8005	Adjacent to Lot 205
3A	7966	Adjacent to Lot 1
4A	7966	Adjacent to Lot 2

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof shall have two (2) calendar years from the date of service of this Notice of Acquisition to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007. Pursuant to EDPL § 504, the claim shall include:

- A) the name and post office address of the condemnee;
- B) reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- C) a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- D) if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to § 5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007 on or before November 24, 2016 (which is two (2) calendar years from the title vesting date).

Dated: New York, NY, December 1, 2014.

ZACHARY W. CARTER
Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007
(212) 356-2670

d4-17

**RICHMOND COUNTY
IA PART 89
NOTICE OF ACQUISITION
INDEX NUMBER (cy) 4035/14**

IN THE MATTER OF the Application of the CITY OF NEW YORK relative to acquiring title in fee simple to All or Parts of

BERTRAM AVENUE

from Hylan Boulevard to approximately 286 feet South of Zephyr Avenue in the Borough of Staten Island, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of Richmond, IA Part 89 (Hon. Wayne P. Saitta, J.S.C.), duly entered in the office of the Clerk of the County of Richmond on November 17, 2014 the application of the City of New York to acquire certain real property for street purposes, including the

installation of storm sewers, sanitary sewers, and water mains, was granted and the City was thereby authorized to file an acquisition map with the Clerk of Richmond County. Said map, showing the property acquired by the City, was filed with the Clerk of Richmond County on November 24, 2014. Title to the real property vested in the City of New York on November 24, 2014.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

ADJACENT STREET BEDS		
DAMAGE PARCEL NUMBER	ADJACENT BLOCK	ADJACENT TO LOT
1A & 1B	8005	Adjacent to Lot 220
2A & 2B	8005	Adjacent to Lot 205
3A	7996	Adjacent to Lot 1
4A & 4B	7996	Adjacent to Lot 2
5A	6456	Adjacent to Lot 49
6A	6456	Adjacent to Lot 42
7A	6456	Adjacent to Lot 40
8A & 8B	6456	Adjacent to Lot 37
9A & 9B	6454	Adjacent to Lot 1
10A	6454	Adjacent to Lot 40
11A & 11B	6454	Adjacent to Lot 30
12A & 12B	6452	Adjacent to Lot 1
13A & 13B	6452	Adjacent to Lot 1500

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§ 503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof shall have two (2) calendar years from the date of service of this Notice of Acquisition to file a written claim with the Clerk of the Court of Richmond County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, NY 10007. Pursuant to EDPL § 504, the claim shall include:

- A) the name and post office address of the condemnee;
- B) reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- C) a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- D) if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL § 503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

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Dated: New York, NY, December 1, 2014.

ZACHARY W. CARTER
Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007
(212) 356-2670

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

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

POLICE

■ NOTICE

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

The following listed property is in the custody, of the Property Clerk Division without claimants. Recovered, lost, abandoned property, obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

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

INQUIRIES

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

FOR MOTOR VEHICLES (All Boroughs):

- 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

PROCUREMENT

"Compete To Win" More Contracts!

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

● Win More Contracts at nyc.gov/competetowin

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

HHS ACCELERATOR

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

CHIEF MEDICAL EXAMINER

AGENCY CHIEF CONTRACTING OFFICER

■ AWARD

Services (other than human services)

EXTENSION FOR THE MAINTENANCE AND REPAIR OF THE BIO ROBOT M48 INSTRUMENTS - Renewal - PIN#81614ME0016 - AMT: \$81,900.00 - TO: Qiagen, Inc., 19300 Germantown Road, Germantown, MD 20874.

← d12

CITY UNIVERSITY

■ SOLICITATION

Goods and Services

AESTHETIC EDUCATION PROGRAMS - Other - PIN#UCO593 - Due 12-23-14

For pre-service (candidate) teachers and in-service (working) teachers attending or affiliated with CUNY. The purpose is to enable education students and teachers to understand the power of artworks as objects of study, to participate in and come to utilize an experiential process for teaching artworks, and to bring the ways of knowing the world that experiences in the arts provide into the general curriculum of the classroom.

● **EMARKETER DATABASE** - Other - PIN#UCO 592 - Due 12-23-14 at 12:00 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.

City University, 230 West 41st Street, 5th Floor, New York, NY 10036.
 Caron Christian (646) 746-4262; Fax: (646) 746-4262;
caron.christian@cityu.edu

← d12

CITYWIDE ADMINISTRATIVE SERVICES

OFFICE OF CITYWIDE PROCUREMENT

■ AWARD

Goods

SECURITY SYSTEMS AND SOLUTIONS - DOT - Intergovernmental Purchase - PIN#8571500184 - AMT: \$1,298,069.28 - TO: SecureWatch24 LLC, One Penn Plaza, Suite 4000, New York, NY 10119. OGS # PT 77201

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

← d12

NYS CONTRACT FOR ENTERPRISE SYSTEMS- HRA - Intergovernmental Purchase - PIN#8571500217 - AMT: \$144,446.90 - TO: Oracle America, Inc., 500 Oracle Parkway, Redwood Shores, CA 95064. OGS # PT 63783

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

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■ VENDOR LIST

Goods

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

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

Applications for consideration of equipment products for inclusion on

the acceptable brands list are available from: Mr. Edward Andersen, Procurement Analyst, Department of Citywide Administrative Services, Office of Citywide Procurement, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8509

j2-d31

SOLICITATION

Services (other than human services)

PUBLIC SURPLUS ONLINE AUCTION - Other - PIN#0000000000
- Due 12-31-14

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, 66-26 Metropolitan Avenue, Middle Village, NY 11379. Donald Lepore (718) 417-2152; Fax: (212) 313-3135; dlepor@dcaas.nyc.gov

f25-d31

DESIGN AND CONSTRUCTION

AGENCY CHIEF CONTRACTING OFFICE

SOLICITATION

Construction/Construction Services

SANDHRO, CM/DESIGN/BUILD FOR HURRICANE SANDY-AFFECTED RESIDENTIAL COMMUNITY RECOVERY - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN# 8502015HR0011P-13P - Due 1-12-15 at 4:00 P.M.

SANDHRO, CM/Design/Build for Hurricane Sandy-affected Residential Community Recovery in the Boroughs of Queens, Brooklyn and Staten Island. All qualified and interest firms are advised to download the Request for Proposal at <http://ddcftp.nyc.gov/rfpweb/> from December 12th, 2014 or contact the person listed for this RFP. The contract resulting from this Request for Proposals will be subjected to Local Law 1 of 2013, Minority-Owned and Women-Owned Business Enterprise (M/WBE) Program. The submission date is indicated above. Due to space constraints, we request that you limit your firms's attendance at the Pre-Proposal Conference and Prime/Sub Networking Event to two company representatives. We appreciate that you RSVP to Ms. Leslie Quan at 718-391-2651 or email her at QUANL@ddc.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.
Design and Construction, 30-30 Thomson Avenue, 4th Floor, Long Island City, NY 11101. Jue Zhang (718) 391-1096; Fax: (718) 391-1807; zhangju@ddc.nyc.gov

d12

CONTRACTS

SOLICITATION

Construction/Construction Services

POPPENHUSEN INSTITUTE ACCESSIBILITY UPGRADE - BOROUGH OF QUEENS - Competitive Sealed Bids - PIN# 85014B0162 - Due 1-21-15 at 2:00 P.M.

PROJECT NO.: PV467-POP/DDC PIN: 8502014PV0023C
Bid Document Deposit-\$35.00 per set-Company Check or Money Order Only-No Cash Accepted-Late Bids Will Not Be Accepted. There will be an Optional Pre-bid Conference on Tuesday, January 6, 2015 at 10:00 A.M. at 114-14 14th Road, College Point, NY 11356. Special Experience Requirements. Bid documents are available at: <http://www.nyc.gov/buildnyc>

Companies certified by the New York City Department of Small Business Services as Minority-or Women-Owned Business Enterprises ("M/WBE") are strongly encouraged to submit a bid. Also, this bid solicitation includes M/WBE Participation Goal(s). For the MWBE goals, please visit our website at www.nyc.gov/buildnyc see "Bid Opportunities". To find out more about M/WBE certification visit www.nyc.gov/getcertified or call the DSBS certification helpline at (212) 513-6311.

VENDOR SOURCE: 87569

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, First Floor, Long

Island City, NY 11101. Emmanuel Charles (718) 391-2200; Fax: (718) 391-2615; charlesem@ddc.nyc.gov

d12

DISTRICT ATTORNEY - NEW YORK COUNTY

PURCHASING

INTENT TO AWARD

Construction/Construction Services

FIRE RELAY-FREIGHT ELEVATORS - Sole Source - PIN# 2015FIRERELAY - Due 1-9-15 at 9:00 A.M.

Originally, the fire stair doors were set on dany-occupied floors to allow egress but to prevent re-entry to the floor from the stairs. The doors from the freight elevator vestibule were kept locked to prevent access to the floors. However, the current NYC code no longer allows these doors to prevent access and re-entry except of the doors automatically unlock in response to a fire alarm or trouble signal from the fire alarm. We need electric strikes installed in these doors to permit the doors from the fire stairs and the freight elevator vestibules to be secured and to prevent access/re-entry to dany floors, except during emergencies. The doors will be controlled by our security system, via idf closets on each dany-occupied floor, which must be interconnected to the fire alarm system so that the doors unlock automatically upon a fire alarm or trouble signal from the fire panel on each floor.

This is a notice of intent to have A.T.J. Electrical Co., Inc. perform the fire relay at the freight elevators of 100 Centre Street, NYC, NY because A.T.J. is the only vendor permitted to work in the fire alarm system because it is a proprietary system.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
District Attorney - New York County, 1 Hogan Place, Room 760, New York, NY 10013. Barbara Kaye (212) 335-9816; Fax: (212) 335-9877; kayeb@dany.nyc.gov

d9-15

ENVIRONMENTAL PROTECTION

AGENCY CHIEF CONTRACTING OFFICE

SOLICITATION

Services (other than human services)

DESIGN SERVICES AND DESIGN SERVICES - HP-238-DES

- Request for Proposals - PIN# 82614WP01294 - Due 1-27-15 at 4:00 P.M.

DEP seeks a consultant to provide Design Services and Design Services during Construction for the construction of a new anaerobic digester sludge facilities at the Hunts Point Wastewater Treatment Plant.

MINIMUM QUALIFICATION: Proposers must be authorized to practice engineering in the State of New York. A copy of the proposer's "Certificate of Authorization to provide Professional Engineering Services in New York State" issued by the New York State Education Department, Office of Professionals, Professional Engineering and Land Surveying must be included with the proposal. Proposals that fail to include the "Certificate of Authorization" will be deemed non-responsive.

PRE-PROPOSAL CONFERENCE: Will be held on January 6, 2015 at 11:00 A.M. at NYC DEP, 59-17 Junction Boulevard, 3rd Floor Cafeteria, Flushing, NY 11373. Attendance is not mandatory but is strongly recommended. Please limit attendance to no more than two persons from each firm.

SITE VISIT: Will be held on January 12, 2015 at 10:00 A.M. at the Hunts Point WWTP located at 1270 Ryawa Avenue, Bronx, NY 10474. Please meet at the Field Office. Directions to the Field Office is as follows: Make a "right" turn onto Ryawa Avenue and take it to the end. The entrance to the staging area is at the end of Ryawa Avenue (at Manida Street). Enter the staging area and the Field Office will be on the "left". We will kick-off the site visit in the Field Office Conference 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 Blvd, 17th Floor Bid Room, Flushing, NY 11373. Debra Butlien (718) 595-3423; Fax: (718) 595-3208; dbutlien@dep.nyc.gov

d12

PURCHASING MANAGEMENT**■ INTENT TO AWARD***Goods*

SWITCHGEAR SIMULATOR AND TRAINING - Sole Source - Available only from a single source - PIN#5010491 - Due 12-15-14 at 11:00 A.M.

NYC Environmental Protection intends to enter into a sole source agreement with the purchase and training of a simulator work station model #502291. Any firm which believes it can also provide the switchgear simulator and training are invited to do so; please indicate by letter or email.

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 Blvd, 17th Floor Flushing, NY 11373. Ira Elmore (718) 595-3259; Fax: (718) 595-3295; ielmore@dep.nyc.gov

d8-12

HEALTH AND HOSPITALS CORPORATION

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

j2-d31

HEALTH AND MENTAL HYGIENE**AGENCY CHIEF CONTRACTING OFFICER****■ AWARD***Human Services/Client Services***COURT-BASED INTERVENTION RESOURCE TEAMS (CIRT)**

- Negotiated Acquisition - Judgment required in evaluating proposals - PIN# 14AZ011801R0X00 - AMT: \$1,753,915.00 - TO: Center for Alternative Sentencing and Employment Services, Inc., 346 Broadway, New York, NY 10013.

● **PUBLIC HEALTH CONSULTANT SERVICES** - Request for Proposals - PIN# 14AC036011R0X00 - AMT: \$1,000,000.00 - TO: SAE and Associates, LLC, 280 Madison Avenue, Suite 1208, New York, NY 10016.

d12

HIV/AIDS PREVENTION AND CONTROL**■ INTENT TO AWARD***Human Services/Client Services*

RYAN WHITE HIV/AIDS SERVICE - Government to Government - PIN# 15AE025901R0X00 - Due 12-26-14 at 3:00 P.M.

In accordance with the Ryan White HIV/AIDS Treatment Modernization Act of 2006, DOHMH intends to enter into a Government to Government contract with the County of Westchester for the provision of medical and support services for individuals and families living with HIV/AIDS in the counties of Westchester, Rockland and Putnam. These services include medical case management, mental health, early intervention, oral health care, food bank/home-delivered meals programs, legal, medical transportation, psychosocial support and housing.

Any vendor who believes that it can provide these services for future procurements are welcome to submit an expression of interest via email to dlake1@health.nyc.gov no later than 12/26/2014 by 3:00 P.M. All questions and concerns regarding this Government to Government contract should also be submitted via email.

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.

Health and Mental Hygiene, 42-09 28th Street, 21st Floor, CNA-1, Long Island City, NY 11101. John Rojas (347) 396-7428; dlake1@health.nyc.gov

d12-18

HOUSING AUTHORITY**SUPPLY MANAGEMENT****■ SOLICITATION***Goods and Services*

SMD INSPECTION, TESTING, REPAIR, ALTERATION AND INSTALLATION OF RANGE HOOD FIRE SUPPRESSION SYSTEMS-VARIOUS DEVELOPMENTS - Competitive Sealed Bids - Due 1-13-15

PIN# 61368-3 - Manhattan North - Due at 10:00 A.M.

PIN# 61369-3 - Manhattan South - Due at 10:05 A.M.

PIN# 61370-3 - Queens and Staten Island - Due at 10:10 A.M.

Term of Contract Two (2) Years, One (1) Year extension.

Interested firms may obtain a copy and submit solicitation response on NYCHA's website: Doing Business with NYCHA. [Http://www.nyc.gov/nychabusiness](http://www.nyc.gov/nychabusiness). Vendors are instructed to access the "Doing Business with NYCHA" link; then "Selling Goods and Services to NYCHA". Click on "Getting Started" to register, establish Log-In credentials or access your log in. Upon access, reference applicable RFQ number per solicitation. Vendors electing to obtain and/or submit a non-electronic bid (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 6th Floor-Supply Management Department Procurement Group. A bid package will be generated at time of request. Note (*): Vendor/Supplier submitting sealed non-electronic ("paper") bids must include a copy of your receipt as proof of purchase.

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. Erneste Pierre-Louis (212) 306-3609; Fax: (212) 306-5109; erneste.pierre-louis@nycha.nyc.gov

d12

HUMAN RESOURCES ADMINISTRATION**■ AWARD***Human Services/Client Services*

MANHATTAN-EMERGENCY ON-CALL CASE MANAGEMENT SERVICES PROGRAM - Innovative Procurement - Judgment required in evaluating proposals - PIN# 09614I0007005 - AMT: \$600,000.00 - TO: Catholic Charities Community Services Archdiocese of NY, 1011 First Avenue, New York, NY 10022.

TERM: 8/1/2014-7/31/2017

d12

NYC & COMPANY**■ SOLICITATION***Goods*

DOMESTIC LICENSING RIGHTS FOR THE MANUFACTURE, SALE AND DISTRIBUTION OF PRODUCTS BEARING THE CITY'S INTELLECTUAL PROPERTY. - Request for Proposals - PIN# NYCCO-2015-011 - Due 1-16-15 at 4:00 P.M.

In accordance with Section 1-13 of the Rules of the Franchise and Concession Review Committee ("FCRC") NYC and Company Inc. on behalf of the NYC Department of Small Business Services (SBS) is issuing, as of the date of this notice, a significant Request for Proposals ("RFP") for licensing domestic rights for the manufacture, sale and distribution of products bearing the City's intellectual property throughout North America (defined as the United States, its territories, possessions and military posts, and Canada).

All proposals submitted in response to this RFP must be submitted no later than January 16, 2015 at 4:00 P.M. EST. There will be a

recommended pre-proposal conference on December 16, 2014 at 1:00 P.M. EST. We will be meeting at NYC and Company's offices, located at 810 Seventh Avenue, 3rd Floor, New York, NY. If you are considering responding to this RFP, please make every effort to attend this recommended pre-proposal conference.

Hard copies of the RFP can be obtained, at no cost, commencing on December 1, 2014 through January 16, 2015 between the hours of 9:00 A.M. and 4:00 P.M., excluding weekends and holidays at NYC and Company's Office located at 810 Seventh Avenue, 3rd Floor, New York, NY 10019.

This RFP is also available for download December 1, 2014 through January 16, 2015 on NYC and Company's website. "To download the RFP, visit <http://www.nycandcompany.org/licensing/rfp/> and click on the Domestic Rights RFP link. Once you have filled in your information, click on the "download" link that appears."

For more information or to request to receive a copy of the RFP by mail, prospective proposers may contact Christina Rowley at (212) 484-5437 or at Crowley@nycgo.com

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

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

NYC & Company, 810 7th Avenue, 3rd Floor, New York, NY 10019. Christina Rowley (212) 484-5437; crowley@nycgo.com

d1-12

PARKS AND RECREATION

CAPITAL PROJECTS

VENDOR LIST

Construction / Construction 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

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 DPR parks and playgrounds projects not exceeding \$3 million per contract ("General Construction").

By establishing contractor's qualifications and experience in advance, DPR will have a pool of competent contractors from which it can draw to promptly and effectively reconstruct and construction its parks, playgrounds, beaches, gardens and green-streets. DPR will select contractors from the General Construction PQL for non-complex general construction reconstruction site work of up to \$3,000,000 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 contractors by making them more competitive in their pursuit of 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.

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 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 on-line at: <http://a856-internet.nyc.gov/nycvendoronline/home.asp>; 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, Room 60, Flushing Meadows-Corona Park, Flushing, NY 11368. Charlette Hamamgian (718) 760-6789 Fax: (718) 760-6781; charlette.hamamgian@parks.nyc.gov

f10-d31

POLICE

CONTRACT ADMINISTRATION

SOLICITATION

Services (other than human services)

SCRAP RECYCLE DAMAGED AND OBSOLETE AMMUNITION

- Competitive Sealed Bids - PIN#05614B0016 - Due 1-15-15 at 11:00 A.M.

The New York City Police Department seeks a vendor for furnishing all labor and material necessary and required to resource, recover and scrap recycle damaged and obsolete ammunition - EPIN 05614B0016 - Agency PIN 056140000920. An optional pre-bid conference is scheduled to be held 11:00 A.M., December 16, 2014 at NYPD Firing Range, 2 Rodmans Neck, Bronx, NY 10464. If you are interested, you may obtain a free copy of the bid package in 3 ways: (1) Online at www.nyc.gov/cityrecord, click "CITY RECORD ON-LINE (CROL) Searchable Database of All Procurement Notices" link. Click "Search Procurement Notices". Enter PIN#05614B0016. Click "Submit". Log in or enroll to download solicitations and/or awards. (2) In person, Monday - Friday, 9:00 A.M. - 5:00 P.M. at Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. (3) Contact Stephanie Gallop at (646) 610-5225.

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.

Police, 90 Church Street, 12th Floor, Room 1206, New York, NY 10007. Stephanie Gallop (646) 610-5225; sgallop@nypd.org

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SANITATION

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATION

Goods and Services

CITYWIDE FIRE ALARM SERVICE, MAINTENANCE AND REPAIR

- Competitive Sealed Bids - PIN#82715BM00010 - Due 1-15-15 at 11:00 A.M.

The bid estimate for this contract is: \$900,000.00. There is a \$40.00 refundable fee for the contract documents. Postal Money Orders only accepted. Please make money order out to "Comptroller, City of New York". There will be a pre-bid meeting on Monday, December 29, 2014 at 10:00 A.M. location CRS Bureau of Building Maintenance, 52-35 58th Street, Room 612, Woodside, New York 11377.

There will be optional pre-bid site visits on January 5, 2015 and January 6, 2015 from 7:00 A.M. to 1:00 P.M.

If you have any questions or concerns regarding this bid please contact Mr. Jay Shah at (718) 334-9138. Last day to submit questions is January 9, 2015. VSID 87613.

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.

Sanitation, 44 Beaver Street, Room 203, New York, NY 10004. ACCO (212) 437-5057

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AGENCY RULES

CONSUMER AFFAIRS

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? Section 2 of Local Law 17 of 2011 added a new subchapter 17 to Chapter 5 of Title 20 of the Administrative Code of the City of New York to require pregnancy services centers to make certain disclosures. In particular, section 20-816(b) of the Administrative Code provides that “[a] pregnancy services center shall disclose if it does or does not have a licensed medical provider on staff who provides or directly supervises the provision of all of the services at such pregnancy services center.” Section 20-816(f) of the Administrative Code requires the Commissioner of Consumer Affairs to publish rules that specify the manner in which a pregnancy services center must provide that disclosure on signs posted at the pregnancy services center and in advertisements promoting the services of the pregnancy services center. The Department of Consumer Affairs proposes to add a new subchapter P to Chapter 5 of Title 6 of the Rules of the City of New York to publish the rules required by section 20-816(f) of the Code requiring pregnancy services centers to make such disclosure.

When and where is the Hearing? The Department of Consumer Affairs will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on January 12, 2015. The hearing will be in Department of Consumer Affairs hearing room at 66 John Street, 11th Floor, New York, NY.

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

- **Website.** You can submit comments to the Department of Consumer Affairs through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to Rulecomments@dca.nyc.gov
- **Mail.** You can mail written comments to Amit Bagga, Deputy Commissioner, External Affairs, Department of Consumer Affairs, 42 Broadway, 8th Floor, New York, NY 10004
- **Fax.** You can fax written comments to the Department of Consumer Affairs, (646) 500-5976.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-436-0392. You can also sign up in the hearing room before the hearing begins on January 12, 2015. You can speak for up to three minutes.

Is there a deadline to submit written comments? Written comments may be submitted on or before 5:00 P.M. on January 12, 2015.

Do you need assistance to participate in the Hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-436-0392. You must tell us by January 9, 2015.

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 between the hours of 9:00 A.M. and 5:00 P.M. to the public at the office Amit Bagga, Deputy Commissioner, External Affairs, Department of Consumer Affairs, 42 Broadway, 8th Floor, New York, NY 10004

What authorizes the Department of Consumer Affairs to make this rule? Sections 1043 and 2203 of the City Charter and sections 20-104(b) and 20-816(f) of the Administrative Code of the City of New York authorize the Department of Consumer Affairs to make this proposed rule. This proposed rule was not included in the Department of Consumer Affairs’s regulatory agenda for this Fiscal Year because

it was not contemplated when the Department of Consumer Affairs published the agenda.

Where can I find the Department of Consumer Affairs rules? The Department of Consumer Affairs’s rules are in title 6 of the Rules of the City of New York.

What rules govern the rulemaking process? The Department of Consumer Affairs 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 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

Section 20-816(b) of the Administrative Code, enacted as part of section 2 to Local Law 17 of 2011, provides that a pregnancy services center “shall disclose if it does or does not have a licensed medical provider on staff who provides or directly supervises the provision of all of the services at such pregnancy services center.” Section 20-816(f) of the Administrative Code requires that the disclosure must be made “(1) in writing, in English and Spanish in a size and style as determined in accordance with rules promulgated by the commissioner on (i) at least one sign conspicuously posted in the entrance of the pregnancy services center; (ii) at least one additional sign posted in any area where clients wait to receive services; and (iii) in any advertisement promoting the services of such pregnancy services center in clear and prominent letter type and in a size and style to be determined in accordance with rules promulgated by the commissioner”. The proposed rules set forth the size, color and location of the disclosure signs required to be posted at the pregnancy services center and in advertisements promoting the services of the pregnancy services center.

Proposed section 5-266 of Title 6 of the Rules of the City of New York would require a pregnancy services center to post a sign stating whether it has a licensed medical provider on staff who provides or directly supervises the provision of all services at such pregnancy services center. Under the rule, the Department will provide the signage on its web site for the Pregnancy Services Center to download. The sign will measure eleven (11) inches by seventeen (17) inches and the lettering will be one-inch high. The required statement will be in both English and Spanish. The proposed rule would require the pregnancy services center to post the sign at the public entrance to the pregnancy services center and in waiting areas, and specifies the locations where the pregnancy services center must post the signs.

Proposed section 5-267 provides a non-inclusive list of print and electronic visual representations that the term “advertisement promoting the services of a pregnancy services center” comprises. It would require that the required disclosure on printed materials be clear, legible, in the same color and darkness, and in type size at least one-third as high and one-third as broad as the largest print in the advertisement. The rule would require that the disclosure in internet advertisements is clear, legible and in close proximity to the description of services provided at the pregnancy services center.

New material is underlined.

“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.

Proposed Rule Amendment

Section 1. Chapter 5 of Title 6 of the Rules of the City of New York is amended by adding a new subchapter P to read as follows:

SUBCHAPTER P PREGNANCY SERVICES CENTERS

§ 5-266. Display of Sign for Required Disclosure.

(a) Every pregnancy services center must display at its facility a sign provided by the Department stating in English and Spanish that it does or does not have a licensed medical provider on staff who provides or directly supervises the provision of all services at such pregnancy services center, as the case may be. The Department will provide both signs on its website for downloading by pregnancy services centers. The sign will measure eleven (11) inches by seventeen (17) inches and the lettering will be one inch high.

(b) Every pregnancy services center must post the appropriate sign at the public entrance. If the pregnancy services center is located in an office building or other structure containing two or more independent units, the sign must be posted at the door used exclusively for entry to the pregnancy services center. The sign must be posted so that the distance from the top of the sign to the floor is between sixty-six (66) and seventy (70) inches and the distance between the frame of the door and the closest edge of the sign is not more than twelve (12) inches.

(c) Every pregnancy services center must post at least one sign in every area where clients wait to receive services. If the waiting area contains a reception desk, the sign must be posted on the reception desk or on a wall at a location not greater than 12 inches from the reception desk. If the sign is posted on a wall, it must be posted so that the distance from the top of the sign to the floor is between sixty-six (66) and seventy (70) inches.

(d) Every pregnancy services center must also post the disclosure on its website accurately stating in English and Spanish whether it does or does not have a licensed medical provider on staff who provides or directly supervises the provision of all services at such pregnancy services center. The lettering of such statement must be clear, legible, in the same color and darkness, and in a type size at least one-third as high and one-third as broad, as the largest print on the website. The statement on the website must be in close proximity to the description of services provided such pregnancy services center.

§ 5-267. Disclosures in Advertising.

(a) "Advertisement promoting the services of a pregnancy services center" includes all promotional materials, statements, visual descriptions, or other visual representations of any kind disseminated in print or electronically, including, but not limited to, mailings, postcards, signs, business cards, flyers, hand-outs, brochures, banners, billboards, subway or bus signs, window signs, store-front signs, newspaper print advertisements and listings, telephone directory listings, television advertisements and internet advertisements.

(b) Every advertisement promoting the services of a pregnancy services center must accurately state in English and Spanish whether it does or does not have a licensed medical provider on staff who provides or directly supervises the provision of all services at such pregnancy services center. The lettering of such statements in printed materials must be clear, legible, and in the same color and darkness, and in a type size at least one-third as high and one-third as broad, as the largest print in the advertisement. The lettering of such statement in television and internet advertisements must be clear and legible and in close proximity to the description of services provided at the pregnancy services center.

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: Disclosure by Pregnancy Services Centers
REFERENCE NUMBER: 2014 RG 009
RULEMAKING AGENCY: Department of Consumer Affairs

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: March 3, 2014

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: Disclosure by Pregnancy Services Centers
REFERENCE NUMBER: DCA-16
RULEMAKING AGENCY: Department of Consumer Affairs

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

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

/s/ Jee Kwon
Mayor's Office of Operations

March 3, 2014
Date

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SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

NOTICE

OFFICIAL FUEL PRICE SCHEDULE NO. 7417
FUEL OIL AND KEROSENE

Table with 6 columns: CONTR. NO., ITEM NO., FUEL/OIL TYPE, VENDOR, CHANGE, PRICE EFF. 12/8/2014. Rows include items like #1DULS, #2DULS, #10DULS, #15.1 DULS, and #1 JETA.

3387042	1.0	#2B5		CITY WIDE BY TW	CASTLE OIL CORPORATION	-2430 GAL.	2.2886 GAL.
3387042	2.0	#4B5		CITY WIDE BY TW	CASTLE OIL CORPORATION	-1771 GAL.	2.0951 GAL.
3387042	3.0	#6B5		CITY WIDE BY TW	CASTLE OIL CORPORATION	-1057 GAL.	1.9347 GAL.
3387042	4.0	B100	<=20%	CITY WIDE BY TW	CASTLE OIL CORPORATION	-2430 GAL.	2.8921 GAL.
3387042	5.0	#2(ULSH)	>=80%	CITY WIDE BY TW	CASTLE OIL CORPORATION	-2430 GAL.	2.2568 GAL.

NOTE:

3187249		#2DULSB5	95% ITEM 7.0 & 5% ITEM 8.0	CITY WIDE BY TW	CASTLE OIL CORPORATION	-2430 GAL.	2.3404 GAL.
3187249		#2DULSB20	80% ITEM 7.0 & 20% ITEM 8.0	CITY WIDE BY TW	CASTLE OIL CORPORATION	-2430 GAL.	2.3610 GAL.
3187249		#2DULSB5	95% ITEM 9.0 & 5% ITEM 10.0	CITY WIDE BY TW	CASTLE OIL CORPORATION	-2430 GAL.	2.3009 GAL.
3187249		#2DULSB20	80% ITEM 9.0 & 20% ITEM 10.0	CITY WIDE BY TW	CASTLE OIL CORPORATION	-2430 GAL.	2.3209 GAL.
3387042		#2SB10	10% ITEM 4.0 & 90% ITEM 5.0	CITY WIDE BY TW	CASTLE OIL CORPORATION	-2430 GAL.	2.3204 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 7418
FUEL OIL, PRIME AND START**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 12/8/2014
3487119	1.0	#2B5	MANH	PACIFIC ENERGY	-2430 GAL.	2.4701 GAL.
3487120	79.0	#2B5	BRONX & MANH CD 10	F & S PETROLEUM Corp.	-2430 GAL.	2.2240 GAL.
3487120	157.0	#2B5	BKLYN, QUEENS, SI	F & S PETROLEUM Corp.	-2430 GAL.	2.2240 GAL.
3487120	235.0	#4B5	CITY WIDE BY DELIVERY	F & S PETROLEUM Corp.	-1771 GAL.	2.5453 GAL.
3487120	236.0	#6B5	CITY WIDE BY DELIVERY	F & S PETROLEUM Corp.	-1057 GAL.	2.3798 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 7419
FUEL OIL AND REPAIRS**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 12/8/2014
3487034	1.0	#2B5	MANH & BRONX	SJ FUEL CO. INC.	-2430 GAL.	2.2129 GAL.
3487035	80.0	#2B5	BKLYN, QUEENS, SI	F & S PETROLEUM Corp.	-2430 GAL.	2.2266 GAL.
3487035	156.0	#4B5	CITY WIDE BY DELIVERY	F & S PETROLEUM Corp.	-1771 GAL.	2.2240 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 7420
GASOLINE**

CONTR. NO.	ITEM NO.	FUEL/OIL TYPE		VENDOR	CHANGE	PRICE EFF. 12/8/2014
3187093	5.0	E70	CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-2003 GAL.	2.2421 GAL.
3187093	2.0	PREM	CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-1563 GAL.	2.2710 GAL.
3187093	4.0	PREM	P/U	SPRAGUE ENERGY Corp.	-1563 GAL.	2.1919 GAL.
3187093	1.0	U.L.	CITY WIDE BY TW	SPRAGUE ENERGY Corp.	-2128 GAL.	1.9732 GAL.
3187093	3.0	U.L.	P/U	SPRAGUE ENERGY Corp.	-2128 GAL.	1.8971 GAL.

NOTE:

The National Oilheat Research Alliance (NORA) will resume full operations in 2014. As a result, the NORA Assessment of \$0.002 per gallon will be an additional charge to be added to the posted weekly prices. This \$0.002 per gallon will appear on a separate line item on your invoice. This fee will apply to heating oil invoices only. The fee collections began April 1, 2014. All other terms and conditions of these awards remain the same. Please contact this office if you have any questions.

The Bio-Diesel Blender Tax Credit of \$1.00 per gallon on B100 expired on December 31, 2013. Therefore, for deliveries after January 1, 2014, the contractor will be collecting additional fees which will be shown as a separate line item on the invoice. The additional fee for items will range from \$0.05 for B5 to \$0.20 for B20 per gallon, varying on the percentage of biodiesel to be used. Should the tax credit be extended, this additional fee will be discontinued and removed from the invoice.

REMINDER FOR ALL AGENCIES:

Please send inspection copy of receiving report for all gasoline (E70, UL & PREM) delivered by tank wagon to OCP/Bureau of Quality Assurance (BQA), 1 Centre Street, 18th Floor New York, NY 10007.

◀ d12

HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

**REQUEST FOR COMMENT
REGARDING AN APPLICATION FOR A
CERTIFICATION OF NO HARASSMENT**

Notice Date: December 12, 2014

To: **Occupants, Former Occupants, and Other Interested Parties**

Property: Address	Application#	Inquiry Period
305 West 112 th Street, Manhattan	138/14	November 3, 2011 to Present
611 West 142 nd Street, Manhattan	139/14	November 3, 2011 to Present
40 West 35 th Street, Manhattan	140/14	November 3, 2011 to Present
a/k/a 42 W. 35 th Street		

209 West 137 th Street, Manhattan	141/14	November 5, 2011 to Present
342 West 46 th Street, Manhattan	142/14	November 5, 2011 to Present
2528 Broadway, Manhattan a/k/a 2526- 2530 Broadway	143/14	November 5, 2011 to Present
240 West 136 th Street, Manhattan	145/14	November 7, 2011 to Present
18 East 93 rd Street, Manhattan	147/14	November 7, 2011 to Present
261 West 131 st Street, Manhattan	149/14	November 14, 2011 to Present
419 West 154 th Street, Manhattan	150/14	November 14, 2011 to Present
549 Manhattan Avenue, Manhattan	151/14	November 26, 2011 to Present
455 Greene Avenue, Brooklyn	144/14	November 6, 2011 to Present
476 Washington Avenue, Brooklyn	146/14	November 7, 2011 to Present
100-15 Ditmars Boulevard, Brooklyn	148/14	November 12, 2011 to Present

Authority: SRO, Administrative Code §27-2093

Before the Department of Buildings can issue a permit for the alteration or demolition of a single room occupancy multiple dwelling, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277 or (212) 863-8211**.

◀ d12-22

**CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND
DEVELOPMENT
REQUEST FOR COMMENT
REGARDING AN APPLICATION FOR A
CERTIFICATION OF NO HARASSMENT**

Notice Date: December 12, 2014

To: Occupants, Former Occupants, and Other Interested Parties

Property: Address	Application#	Inquiry Period
342 West 46 th Street, Manhattan	142/14	November 5, 1999 to Present

Authority: Special Clinton District, Zoning Resolution §96-110

Before the Department of Buildings can issue a permit for the alteration or demolition of a multiple dwelling in certain areas designated in the Zoning Resolution, the owner must obtain a "Certification of No Harassment" from the Department of Housing Preservation and Development ("HPD") stating that there has not been harassment of the building's lawful occupants during a specified time period. Harassment is conduct by an owner that is intended to cause, or does cause, residents to leave or otherwise surrender any of their legal occupancy rights. It can include, but is not limited to, failure to provide essential services (such as heat, water, gas, or electricity), illegally locking out building residents, starting frivolous lawsuits, and using threats or physical force.

The owner of the building identified above has applied for a Certification of No Harassment. If you have any comments or evidence of harassment at this building, please notify HPD at **CONH Unit, 100 Gold Street, 6th Floor, New York, NY 10038** by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement, please call **(212) 863-5277 or (212) 863-8211**.

◀ d12-22

**Affordable Housing Development Opportunities
In New York City**

The New York City Department of Housing Preservation and Development (HPD) is inviting developers to submit qualifications for the design and construction of high-quality, new construction, affordable housing development projects on public sites located in neighborhoods across the City of New York that will be available for disposition, as follows:

- (1) one- to four-family affordable homes and up to approximately 14-unit condominiums/cooperatives.
- (2) small (approximately 15- to 30-unit) affordable multifamily rental developments.

The Request for Qualifications (RFQ) will be available starting December 10, 2014 on HPD's website (www.nyc.gov/hpd). Respondents can download the RFQ at no charge and must register online to receive any updates/additional communications about the RFQ.

A pre-submission conference will be held at HPD, 100 Gold Street, 1R, New York, NY on January 9, 2015 at 10:00 A.M. Interested organizations are strongly encouraged to attend the conference. If you are planning to attend the conference, please RSVP at the email address below. Please limit attendance to two individuals from each organization. The first 65 individuals who RSVP will attend the conference at 10:00 A.M. If more than 65 people RSVP, there will be a second pre-submission conference at 12:00 P.M. Once you RSVP, HPD will notify you of the time. People with disabilities requiring special accommodations to attend the pre-submission conference should contact Arielle Goldberg at the email address below.

All qualifications are due in hand no later than 4:00 P.M. on February 19, 2015. Detailed instructions are provided in the RFQ. All communications must be in writing to:

Arielle Goldberg
NYC Department of Housing Preservation and Development
Office of Neighborhood Strategies
100 Gold Street, Room 9G-5
New York, NY 10038
NIHOP&NCPrfq@hpd.nyc.gov

◀ d12

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2015 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2015 Annual Contracting Plan and Schedule that is published pursuant to New York City Charter § 312(a):

Agency: Department of Information Technology & Telecommunications
Description of services sought: Manage the development and communications of the integration strategy, service and component communication requirements; design integration architecture for security, performance, scalability and fault-tolerance requirements; and other special integration architecture initiatives for the ECTP System.
Start date of the proposed contract: 2/15/15
End date of the proposed contract: 12/31/15
Method of solicitation the agency intends to utilize: Task Order
Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: 0

Agency: Department of Information Technology & Telecommunications
Description of services sought: Network Subject Matter Expert to ensure the system design and architecture meet the core technology requirements of the ECTP program in the areas of networking, facilities and infrastructure.
Start date of the proposed contract: 1/1/15
End date of the proposed contract: 12/31/15
Method of solicitation the agency intends to utilize: Task Order
Personnel in substantially similar titles within agency: Network Engineer
Headcount of personnel in substantially similar titles within agency: 6

Agency: Department of Information Technology & Telecommunications
Description of services sought: NG911 Project Lead is to provide subject matter expertise as well as management, oversight services, and a detailed strategy related to the procurement, design, implementation, and operation for the NG911 project.
Start date of the proposed contract: 2/15/15
End date of the proposed contract: 8/31/16
Method of solicitation the agency intends to utilize: Task Order
Personnel in substantially similar titles within agency: None

Headcount of personnel in substantially similar titles within agency: 0

Agency: Department of Information Technology & Telecommunications
 Description of services sought: Text 911 Project Lead is to provide subject matter expertise as well as management, oversight services, and a detailed strategy related to the procurement, design, implementation, and operation for the Text 911 project.
 Start date of the proposed contract: 2/15/15
 End date of the proposed contract: 8/31/16
 Method of solicitation the agency intends to utilize: Task Order
 Personnel in substantially similar titles within agency: None
 Headcount of personnel in substantially similar titles within agency: 0

◀ d12

YOUTH AND COMMUNITY DEVELOPMENT

■ NOTICE

The Department of Youth and Community Development's (DYCD)

upcoming Request for Proposals release for Community Schools will be procured using the Innovative Procurement method, section 3-12 of the Procurement Policy Board Rules through the Health and Human Services Accelerator system.

This new method would entail two phases to the evaluation process. The first phase, DYCD will evaluate proposals according to criteria set forth in the RFP around capacity and experience. Proposals which are considered viable will be selected to go onto phase two. The second phase would have the final selection for award be made by the principals in conjunction with their School Leadership Team (SLT) at each of the school sites, contingent of DYCD's final responsibility determination. The principals and SLTs will be using objective criteria to determine the best fit for the particular school.

DYCD would like to give this opportunity to accept comments on this proposed method. Please email comments no later than January 5, 2015 to ACCO@dycd.nyc.gov. Please enter "Comments on Innovative Procurement" in the subject line.

d9-15

CHANGES IN PERSONNEL

COMMUNITY COLLEGE (QUEENSBORO)
 FOR PERIOD ENDING 11/21/14

TITLE						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
MESSINA	CARA	M	10102	\$21.3400	APPOINTED	YES 10/28/14
MISHAILOV	RAHMINE		10102	\$10.9900	APPOINTED	YES 11/13/14
NAIDU	CHRISTOP		04058	\$47721.0000	RESIGNED	YES 11/04/14
RAHMAN	SADIA		10102	\$11.1100	APPOINTED	YES 11/03/14
SOOKUL	SANJAY	A	10102	\$10.9900	APPOINTED	YES 11/10/14
SPENCER	EDNA	G	04017	\$40129.0000	APPOINTED	YES 11/05/14
SYED	RAJIV	K	04294	\$36.4730	APPOINTED	YES 11/02/14
TOKKE	CHERYL	A	04607	\$73.5300	APPOINTED	YES 09/12/14

COMMUNITY COLLEGE (KINGSBORO)
 FOR PERIOD ENDING 11/21/14

TITLE						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
BRANCH	CAROLYN	D	10102	\$9.7200	APPOINTED	YES 11/05/14
CARTER	CLAUDIA	G	04601	\$25.6000	APPOINTED	YES 10/29/14
CORRIGAN	NANCY		04689	\$43.9800	APPOINTED	YES 09/04/14
DIODATO	JOHN		10101	\$8.0000	APPOINTED	YES 11/06/14
FAITELIEWICZ	MORRIS	M	04625	\$31.3500	APPOINTED	YES 09/29/14
FALLOON	DANIELLE	K	04689	\$38.9100	APPOINTED	YES 10/01/14
FELDER	ISHAKIA	S	10101	\$8.0000	APPOINTED	YES 10/19/14
FORD	JAIIME	C	10101	\$8.0000	APPOINTED	YES 11/07/14
FRANCOIS	SABRINA		10102	\$9.7200	APPOINTED	YES 10/28/14
GALEANO	CATHERIN		04802	\$35878.0000	INCREASE	NO 11/03/14
GAO	CHEN		10101	\$8.0000	APPOINTED	YES 11/02/14
HANKIN	MICHAEL	S	04689	\$38.9100	APPOINTED	YES 10/19/14
JONES	AYESHA		10102	\$12.1800	RESIGNED	YES 11/09/14
KARGA	MERVE		10101	\$8.0000	APPOINTED	YES 11/07/14
KIRKLAND	TANEL	T	10101	\$8.0000	APPOINTED	YES 10/31/14
KOHL	MALKA		10101	\$8.0000	APPOINTED	YES 11/05/14
LOUIS	RALPH		04625	\$33.1800	APPOINTED	YES 11/08/14
MAALIKI	ALISSA		04625	\$64.8400	APPOINTED	YES 09/08/14
MAITRE	GERALD		04689	\$38.9100	APPOINTED	YES 10/26/14
MALKOKIAN	ELIZABET		10101	\$8.0000	APPOINTED	YES 11/05/14
MARTINEZ	YESSENIA		04625	\$64.8400	APPOINTED	YES 10/09/14

COMMUNITY COLLEGE (KINGSBORO)
 FOR PERIOD ENDING 11/21/14

TITLE						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
MASHALI	SAFINAZ	H	10101	\$8.0000	APPOINTED	YES 10/30/14
MENDEZ	KIONE		10102	\$9.7200	APPOINTED	YES 10/30/14
MICHEL VOLTAIRE	JIANI	T	10102	\$9.7200	APPOINTED	YES 10/16/14
MILLS	TATYANA	J	10101	\$8.0000	APPOINTED	YES 11/12/14
MURUNGI	CURTIS	N	04625	\$64.8400	APPOINTED	YES 10/07/14
NNA NNA	ANNIE JO	F	10101	\$8.0000	APPOINTED	YES 10/15/14
OLIVA	DINORA	C	04601	\$31.3500	APPOINTED	YES 09/29/14
OLIVELLA	JONATHAN	T	04601	\$31.3500	APPOINTED	YES 09/29/14
PADUANO	JOAN	B	04625	\$46.8900	APPOINTED	YES 11/08/14
PASCUAL	GISSELLE		04625	\$35.0000	APPOINTED	YES 10/21/14
RANDAZZO	ROBERT	S	04625	\$64.8400	APPOINTED	YES 09/04/14
ROCHE	MIGUEL	A	04625	\$35.0000	APPOINTED	YES 10/21/14
ROJAS	ERIK		10101	\$8.0000	APPOINTED	YES 11/12/14
ROMERO	CRISTINA	I	10101	\$8.0000	APPOINTED	YES 11/05/14
SIMMONS	EDUARDO		10101	\$8.0000	APPOINTED	YES 11/04/14
SINCLAIR	SHIMYIA	S	10102	\$10.9900	RESIGNED	YES 10/26/14
STONE	PERCIVAL		90702	\$261.9200	RETIRED	YES 11/10/14
SULTANOVA	GULNOZA		10101	\$8.0000	APPOINTED	YES 10/23/14
SWINDELL	KIYANA	S	10101	\$8.0000	APPOINTED	YES 11/04/14
TORRES	JOHANNA	M	04099	\$46302.0000	APPOINTED	YES 11/12/14

COMMUNITY COLLEGE (MANHATTAN)
 FOR PERIOD ENDING 11/21/14

TITLE						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
ADEOSHUN	AHMED		04875	\$46528.0000	RESIGNED	NO 10/31/14

ALBARRACIN	WILSON	J	10102	\$11.0000	APPOINTED	YES 10/26/14
AMIRI	AFSANEH	T	04294	\$92.0719	INCREASE	YES 11/02/14
AN	YAOU		10102	\$11.0000	APPOINTED	YES 10/14/14
BOYEA	MARSHA-A	M	10102	\$9.8500	APPOINTED	YES 11/10/14
BRETON	BRIAN		10102	\$20.0000	APPOINTED	YES 10/24/14
CAREY	CARLEEN	S	04294	\$105.9053	APPOINTED	YES 11/02/14
CARRASQUILLO	JOSE		04807	\$57598.0000	RETIRED	YES 11/01/14
CASTRO	RICARDO	D	10102	\$10.9900	APPOINTED	YES 11/03/14
CEDANO	ANA		10102	\$13.2500	APPOINTED	YES 09/29/14
CHEN	WEIHUA		10102	\$11.0000	APPOINTED	YES 10/28/14
COLLADO	RAFAEL	D	10102	\$10.0000	APPOINTED	YES 10/06/14
COLLINS JR.	SHAWN	L	10102	\$12.0000	APPOINTED	YES 10/27/14
FRANCIS	DANESHA		10102	\$10.0000	APPOINTED	YES 10/08/14
GARDE	DONNA		10102	\$13.2500	APPOINTED	YES 09/29/14
GIRDY III	NORRIS	W	10102	\$9.8500	APPOINTED	YES 10/27/14
GOMEZ-RAMIREZ	ANED	C	10102	\$11.0000	APPOINTED	YES 09/22/14
GREEN	DEWAYNE	E	10102	\$11.0000	APPOINTED	YES 10/06/14
GRISWOLD	KAITLIN	M	10102	\$12.0000	APPOINTED	YES 09/22/14
HARRISON	FREEMAN	M	04841	\$13.6200	RESIGNED	YES 10/26/14
HONEGAN	NEVILLE	G	04686	\$47.5800	APPOINTED	YES 11/10/14

COMMUNITY COLLEGE (MANHATTAN)
 FOR PERIOD ENDING 11/21/14

TITLE						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
JEAN	PAULE	S	10102	\$9.8500	APPOINTED	YES 10/08/14
JNO BAPTISTE	NITTSJA	J	04802	\$26714.0000	TERMINATED	YES 09/30/14
JOSEPH	CORDELIA	G	10102	\$12.0000	APPOINTED	YES 10/05/14
JOYA	HAZERA	A	10102	\$9.8500	APPOINTED	YES 09/15/14
KEISER	FRANCES	J	04802	\$30187.0000	RESIGNED	NO 10/07/14
KOPALISHVILI	NATTA		10102	\$20.0000	APPOINTED	YES 10/24/14
LECLERC	MICHELLE	A	10102	\$14.0000	APPOINTED	YES 10/27/14
LOZANO	RAMON		10102	\$9.8500	APPOINTED	YES 08/28/14
MAXIME	ODIQUAIS		10102	\$11.0000	APPOINTED	YES 09/29/14
NIANG	IBRAHIMA		10102	\$10.0000	APPOINTED	YES 10/06/14
NWANKWO	OLIVER	J	04865	\$17.8300	RESIGNED	YES 10/25/14
SHIPPY	THOMAS		10102	\$12.0600	APPOINTED	YES 09/29/14
SMITH	JAMAAR	G	10102	\$12.0000	APPOINTED	YES 10/27/14
STEIN	CHRISTOP		04687	\$47.5800	APPOINTED	YES 08/18/14
SUKIRTHAN	KANUSIYA		10102	\$9.8500	APPOINTED	YES 10/27/14
VIJAYALAKSHMAN	MADHYAMA		10102	\$11.0000	APPOINTED	YES 09/09/14
WILK	ANDREA	C	10102	\$12.0600	APPOINTED	YES 09/22/14
YANG	YOU WEI		04800	\$42060.0000	RETIRED	NO 10/30/14

COMMUNITY COLLEGE (HOSTOS)
 FOR PERIOD ENDING 11/21/14

TITLE						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
ALCINDOR	FRANTZ		04075	\$88418.0000	RESIGNED	YES 11/09/14
BECKETT	DWIGHT	A	10102	\$13.0000	RESIGNED	YES 10/25/14
ESPINAL	SHANDEL	S	10102	\$11.3800	APPOINTED	YES 11/04/14
FELIX DE JESUS	DARWIN	J	10102	\$10.2400	APPOINTED	YES 11/04/14
GARCIA	DEAN		10102	\$9.8500	APPOINTED	YES 11/03/14
HAZELWOOD	JITZELLE	R	10102	\$11.0000	RESIGNED	YES 10/11/14
HINDS	TAYLOR		04802	\$28017.0000	INCREASE	NO 11/11/14
MARTINEZ	RITA		04861	\$26516.0000	RESIGNED	YES 11/05/14
MARTINEZ REYES	WALESKA	F	10102	\$10.9900	RESIGNED	YES 09/06/14
MERCADO	KIM		04625	\$45.0000	APPOINTED	YES 11/10/14
PALLAGA	ROBERT		04888	\$27.0000	APPOINTED	YES 11/03/14

COMMUNITY COLLEGE (LAGUARDIA)
 FOR PERIOD ENDING 11/21/14

TITLE						
NAME		NUM	SALARY	ACTION	PROV	EFF DATE
BRESILIAN	HENRY		04846	\$50147.0000	RESIGNED	NO 11/10/14
CACEDA	JULIO	C	10102	\$9.7200	APPOINTED	YES 10/27/14
CHEN	QITAI		10102	\$9.7200	APPOINTED	YES 10/29/14

LATE NOTICES

BOARD OF CORRECTION

■ PUBLIC HEARINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

Location Change

What are we proposing? The Board of Correction is considering promulgating a rule which would authorize the establishment of a new form of inmate housing, known as enhanced supervision housing, for certain inmates in the custody of the Department of Correction, and certain restrictions on the use of punitive segregation.

THE LOCATION OF THE HEARING HAS CHANGED

When and where is the Hearing? The Board will hold a public hearing, at which the public and interested parties are invited to submit comments and testimony on the proposed rule, on **December 19, 2014, at 9:00 A.M.**

This Hearing will NOT be held at 125 Worth Street, third Floor, New York, NY. The location has moved to:

455 1st Avenue, New York, NY 10016 - Auditorium on Ground Floor Cross Streets are E.26th Street and E.27th Street

Directions:

- Coming from downtown, the M15 bus runs the length of First Avenue in Manhattan and stops at E. 32nd Street and First Avenue. Coming from uptown, the M15 bus runs along Second Avenue and stops at E. 34th and 2nd.
- The Number 6 train station at 28th Street is the closest subway stop.

◀ d12

HEALTH AND MENTAL HYGIENE

■ NOTICE

BOARD OF HEALTH

NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLES 205 and 207 OF THE NEW YORK CITY HEALTH CODE

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Articles 205 and 207 of the New York City Health Code (the "Health Code") was published in the City Record on October 14, 2014 and a public hearing was held on November 14, 2014. No written comments were received and no one testified at the public hearing. Changes have been made to this proposal since it was presented to the Board of Health on October 7, 2014 in response to a comment from one of the Board's members. At its meeting on December 9, 2014, the Board of Health adopted the following resolution.

Statement of Basis and Purpose

These amendments to the New York City Health Code (the Health Code) are promulgated pursuant to sections 556, 558, and 1043 of the New York City Charter (the Charter). Section 556 of the Charter grants the Department jurisdiction to supervise and control the registration of deaths. Sections 558(b) and 558(c) of the Charter empower the Board of Health (the Board) to amend the Health Code and to include in the Health Code all matters to which the authority of the New York City Department of Health and Mental Hygiene (the Department) extends. Section 558(c) of the Charter also empowers the Board of Health to provide for the examination and issuance of death certificates. Section 1043 grants the Department rule-making authority.

The amendments to sections 205.7, 207.11, and 207.13 of Articles 205 and 207 of the Health Code are intended to: (1) expand access to confidential medical reports of death for deaths that occurred prior to January 1, 2010; (2) clarify who may obtain a copy of a death certificate; and (3) expand access to fact-of-death information for

specified benefit-paying parties, licensed doctors and attorneys, upon payment of a fee.

The amendments amend Health Code section 205.07(a) to add siblings, grandparents, and grandchildren to the list of people who may access confidential medical reports of death. Currently, section 205.07(a) allows the Department to release confidential medical reports of death for deaths occurring on or after January 1, 2010. Because there is no reason to treat reports of deaths occurring earlier differently, the amendments also delete the reference to that date and would allow the Department to release any available confidential medical report of death to an entitled person.

Health Code section 207.11 currently allows "persons or their representatives, who are agents of, or who otherwise have a legal or fiduciary obligation to such persons, as a relative, person in control of disposition, heir or beneficiary..." to inspect death records. The current language has led to confusion about who is entitled to a decedent's death record. The amendments to section 207.11 clarify the classes of people entitled to inspect a confidential medical report of death, and align that list with the amendments to section 205.07.

Finally, Health Code section 207.13(e) allows the Department to issue verifications of information contained in death certificates and other vital statistics certificates to other governmental agencies upon request. The amendments to that section will expand access to benefit-paying parties such as annuity companies and pension plans to terminate benefits upon death of a recipient, physicians and hospitals who demonstrate that such information is needed to determine whether a patient they are treating has died, and licensed attorneys who demonstrate that the information is necessary to administer an estate. Additionally, because the Department anticipates providing verifications through an electronic system maintained by The National Association for Public Health Statistics and Information Systems, language has been added authorizing the Department to enact rules describing how the verifications will be provided.

The resolution 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.

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

RESOLVED, that subdivision (a) of Section 205.07 of Article 205 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

§205.07 Confidential medical report of death; not subject to compelled disclosure or inspection.

(a) The confidential medical report of death shall be confidential and not subject to compelled disclosure or to inspection by persons other than the Commissioner or authorized personnel of the Department, except in a criminal action or criminal proceeding, or for official purposes by a Federal, State, county or municipal agency charged by law with the duty of detecting or prosecuting crime, or by researchers authorized and approved by the National Death Index of the National Center for Health Statistics of the federal Centers for Disease Control and Prevention, or successor agency. The Commissioner may, however, approve the inspection of such confidential medical reports for scientific purposes and, for confidential medical reports of deaths occurring on or after January 1, 2010, by the spouse, domestic partner, parent, [or] child, sibling, grandparent or grandchild of the deceased or by the individual identified on the death certificate filed with the Department as the person in control of disposition.

Notes: Subdivisions (a) of §205.07 was amended by Board of Health resolution adopted December 9, 2014 to allow siblings, grandparents, and grandchildren to inspect confidential medical reports of death, and to allow thee Department to release confidential medical reports of death to entitled parties for all deaths on record and not just for deaths occurring on or after January 1, 2010.

RESOLVED, that subdivisions (a) and (b) of Section 207.11 of Article 207 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, are amended, to be printed with explanatory notes to read as follows:

§207.11 Inspection of vital records or data; transcripts.

(a) Except as provided in §§201.07, 203.07 and 205.07, inspection of vital records or data filed with the Department pursuant to this Title may be made and transcripts of records may be obtained pursuant to the provisions of §3.25 of this Code and §17-169 of the Administrative Code, respectively. Requests by governmental agencies, whether foreign or domestic, for certified copies of birth and spontaneous termination of pregnancy records or for certifications of birth pursuant to §17-169, or for any individually identifiable information contained in the Department's vital records maintained pursuant to this Title, or for verifications thereof, shall specify the official use to which the requested information will be put and why the information is necessary for a proper purpose. The request may be granted only if

the Commissioner or the Commissioner's designee agree that the requested information is necessary for a proper purpose. Inspection of any vital records or data for the collection of information for sale or release to the public, or for other [commercial or] speculative purposes shall not be deemed a proper purpose. The Department may impose reasonable conditions as to the use and redisclosure of information, and may limit access to the minimum necessary to fulfill the purpose for which information is requested.

(b) [No] Except as provided in section 205.07, no transcript, paper, file, report, record, or proceeding concerning a death shall [, however, be open to inspection or copies thereof provided, except upon request, to persons or to their representatives, who are agents of, or who otherwise have a legal or fiduciary obligation to such persons; or who have a personal interest, as a relative, person in control of disposition, heir or beneficiary, of a deceased person to whom the records pertain; or who have a vested right in property by reason of the death of the person to whom the records pertain; or who have a vested right in property by reason of the death of the person to whom the records pertain; or] be provided, except to:

- (1) the spouse, domestic partner, parent, child, sibling, grandparent or grandchild of the decedent;
- (2) the legal representative of the estate of the decedent, or the individual identified on a death certificate filed with the Department as the person in control of the disposition;
- (3) a party with a property right who demonstrates to the Department that information beyond the fact of the death of the decedent is necessary to protect or assert a right of that party;
- (4) a funeral director who requests the record or information within twelve (12) months of when the death of his or her client was registered; or
- (5) persons or government agencies who otherwise establish that such records are necessary or required for a judicial or other proper purpose[;], or to prevent the misuse or misappropriation of City, state or federal governmental funds.

Notes: Subdivisions (a) and (b) of §207.11 were amended by Board of Health resolution adopted December 9, 2014 to clarify that subject to the Commissioner's discretion information contained in death related reports intended for commercial purposes may be considered a proper purpose; clarify who may access or obtain copies of reports of death; and provide that funeral directors may obtain death certificates and confidential medical reports of death for a period not to exceed 12 months after the date of the death registration.

RESOLVED, that subdivision (e), the opening paragraph of subdivision (f) and subdivision (g) of Section 207.13 of Article 207 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, are amended, to be printed with explanatory notes to read as follows:

§207.13 Fees for vital statistics services.

* * *

(e) The Department may issue without charge verifications of information contained on birth, spontaneous termination of pregnancy or death certificates filed with the Department when such information is provided and a verification is requested by an agency of the City or State of New York. The Department may issue such verifications for a negotiated and agreed-upon fee, and in a manner it describes, to: other governmental agencies, whether foreign or domestic; ~~benefit-paying parties such as annuity companies and pension plans that demonstrate a need for such information to determine whether the benefits they are paying should be terminated; a physician licensed to practice in the United States who demonstrates that such information is needed to determine whether a patient he or she is treating has died; a hospital that demonstrates that such information is needed to determine whether a patient it is treating has died; and an attorney licensed to practice in the United States who demonstrates that the information is necessary to administer an estate.~~

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

* * *

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

Notes: Subdivision (e) of §207.13 of Article 207 was amended by Board of Health resolution adopted December 9, 2014 to allow verifications of death information to be released, upon payment of a fee, to benefit-paying parties in order to terminate benefits, licensed physicians who demonstrate that such information is needed to determine whether a patient has died, and licensed attorneys who demonstrate that the information is necessary to administer an estate. In addition, the Board removed the reference to the effective date of January 1, 2010 in §207.13(f) and (g).

Board of Health

Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to Article 47 of the New York City Health Code

What are we proposing? The Department of Health and Mental Hygiene is proposing that the Board of Health amend Article 47 (Child Care Services) of the New York City Health Code in order to improve supervision of children in these child care services.

When and where is the hearing? The Department will hold a public hearing on the proposed Health Code amendments from 10:00 A.M. to 12:00 P.M. on January 22, 2015 in the

Room 3-32
New York City Department of Health and Mental Hygiene
Gotham Center – 42-09 28th Street, 3rd Floor
Long Island City, NY 11101-4132

How do I comment on the proposed amendments to the Health Code? Anyone can comment on the proposed amendments by:

- **Website.** You can submit comments to the Department through the NYC rules Web site at <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail written comments to
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, CN 31
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to New York City Department of Health and Mental Hygiene at 347-396-6087
- **Speaking at the hearing.** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078. You can also sign up in the hearing room before or during the hearing on January 22, 2015. You can speak for up to five minutes.

Is there a deadline to submit written comments? Written comments must be received on or before 5:00 P.M. on January 22, 2015.

Do you need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078. You must tell us by January 8, 2015.

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

What authorizes the Board of Health to make these amendments? Section 558 of the City Charter authorizes the Board of Health to adopt and amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. This proposed amendment was not included in the Department's regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

Where can I find the Health Code and the Department's rules? The Health Code and the rules of the Department of Health and Mental Hygiene are in title 24 of the Rules of the City of New York.

What rules govern the rulemaking process? The Board of Health must meet the requirements of §1043 of the City Charter when creating or changing the Health Code. This notice is made according to the requirements of City Charter §1043.

Statement of Basis and Purpose

Statutory Authority

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

Background

The Charter provides the Department with jurisdiction over all matters concerning health in the City of New York. The Department's Division of Environmental Health includes the Bureau of Child Care, which issues permits to non-residential based child care services in

accordance with Article 47 of the Health Code, and which regulates school based programs for children aged 3-5 in accordance with Article 43 of the Health Code. Child care providers who provide child care services in homes or apartments are regulated by the State Office of Children and Family Services, and are not subject to either Article 43 or Article 47.

The Department is proposing that the Board amend multiple provisions of Article 47 of the Health Code in order to improve supervision of children in child care services regulated by Article 47.

Promoting accountability for children's whereabouts

The Department is proposing that the Board amend the Health Code to enhance child safety within child care services. The proposed amendments strengthen the requirements to account for a child's whereabouts at all times while in care, when children are transported to and from the child care services or during off-site trips, and when children arrive and depart from the child care service. The Department has, on occasion, been notified by child care service permittees, the police, and parents that children have gone missing for a period of time during the child care day. These incidents may have occurred because a child exited the service unobserved by staff, was left on transportation vehicles, or was left in a playground or at another off-site trip location. Additionally, at least one child was discharged to an adult who did not have authority to take the child from the child care service. Though no child was harmed, these incidents are troubling and reflect a need for stronger procedures to monitor the whereabouts of children.

The Department has issued guidelines and provided training to assist child care services account for all of the children under their care at all times. When the Department learns that a child care service has been unable to account for a child for any period of time, the Department orders the service to cease operation. Only after the child care service demonstrates that it has determined why the incident happened and that it has instituted concrete measures to prevent it from happening again does the Department authorize it to reopen.

To help child care services implement systems designed to prevent these incidents, the Department is proposing to amend Article 47 of the Health Code. The amendments reflect best practices already in place at many child care services. They would be required at all establishments if approved.

- **Written safety plan:** Amend §47.11 to add procedural requirements that promote child safety in child care services, establish accountability so that child care services permittees know and can document where any child is at any given time, particularly when children arrive and leave the child care service, whether they are taken on trips offsite, on foot or by other means, or are leaving the service at the end of the day.
- **Criminal justice and child abuse screening:** Amend §47.19 to add screening with the State Registry for Child Abuse and Maltreatment (SCR) and for criminal history for personnel of child transportation services under contract to a child care service. The current provision requires screening for school bus drivers and all other staff employed by the permitted child care service, but not for personnel employed by transportation services operating under contract with a permittee. This provision would explicitly exclude from screening persons providing transportation arranged by parents.
- **Health; daily requirements; communicable diseases:** Amend §47.27(a), (c) and (d) to require that permittees maintain child attendance records and obtain earlier parental notifications of absences to promote greater accountability for children. This provision currently requires parents to contact permittees after their children are absent for three days in order to capture information about children who may have contracted certain communicable diseases. The Department is proposing that this be changed to require the parent to notify the child care service the same day when a child will not attend on a scheduled day to promote better accountability for children and more rapid investigation of children who fail to show up at the child care service and who may have been lost.
- **Indoor physical facilities:** Amend §47.41 to add new subdivisions (k) and (l) to require monitoring of entrances and exits and establishing other security measures. The Department has found that the majority of incidents demonstrating poor child accountability reported between 2008 to 2013 occurred when children wandered out of the child care service entrance door, alone or with another child and that child's parent, or were left at an off-site location. In some cases, children left the child care service unaccompanied because they were able to open the front door by themselves, even though that door was closed. Locking a means of egress, however, is not permitted under the New York City Fire Code. In order to secure the door in a manner that prevents a child from exiting while also maintaining emergency access, the Department is proposing that the child care service be required to install a panic bar on all doors that lead to the outside. Panic bars allow adults to easily open a door but are too high or

require too much force for young children. To allow time to comply this provision will become effective May 1, 2016.

- **Safety; general requirements:** Amend §47.57 to establish requirements for adults escorting children out of the child care service and for enhanced off-site trip supervision, since such trips present a substantive risk of children being left behind. From 2008 to 2013, incidents of inadequate child supervision occurred when children left child care services with adults who were not authorized by parents to take them out of the child care service or when children were left at playgrounds, parks or on other offsite trips. The Department proposes that the Board amend subdivision (h) of this section to require that permittees maintain information on all adults authorized by parents to take children out of a child care service and add a new subdivision (j) to require that the permittee appoint a staff member as a trip coordinator who will be responsible for assessing supervision needs, developing guidelines and procedures for when additional staff or volunteers should accompany children on off-site trips, and incorporate those procedures in the written safety plan. Trip coordinators would also be required to accompany children on offsite trips to improve accountability and lower the risk of leaving children unsupervised.
- **Transportation:** Amend §47.65 to clarify parental consent requirements and add new procedures for verifying children's attendance and identity during transportation. Several incidents of poor accountability have involved children who were left on a vehicle, dropped off at the wrong child care service or at a closed child care service, or simply left outside the child care service unsupervised.

Imminent or public health hazards

The Department is requesting that the Board amend the list of imminent or public health hazards in the definition in §47.01(k) to modify paragraph (10) to specify that use of a pillow by a child younger than two years of age is a public health hazard; and to delete paragraph (13), which addresses holding potentially hazardous foods out of temperature. Children can safely use pillows after age two. The amendment to §47.01(k)(10) is intended to update the current definition of a public health hazard to incorporate the prohibition of pillows in infants' sleep environments as required by the safe sleep practices of the National Resource Center for Health and Safety in Child Care and Early Education Guidelines for Early Care and Education Programs.¹ Additionally, the Department is proposing that the Board amend §47.55(b)(4) and (7) to allow pillows to be used by children two years of age or older and to require that when pillows are used they be stored with each child's other bedding. In addition, the Department is requesting that the Board delete paragraph (13) of §47.01(k), because requirements for holding food are addressed in more detail in Article 81, which is also applicable to child care services.

Medical records

Health Code §47.25(d) requires that permittees maintain a cumulative, comprehensive medical record for each child. Section 47.33 requires that permittees also maintain staff physical examination certificates and vaccination records. The Department is requesting that the Board amend these provisions to clarify that comprehensive medical records of children and staff must be kept on the premises and made available to the Department upon request. Frequently, Department Early Childhood Educational Consultants who are conducting inspections are told that these records are not immediately available for review.

Fire safety

Currently, Health Code §47.59(a) only requires that exit signs at child care services be clear and legible "when required by Department of Buildings." New York City Building Code §BC-1011 requires that all facilities housing child care services (occupancy use group E) have exit signs that are illuminated internally or externally. Accordingly, the Department is requesting that the Board amend this section to reflect current Building Code requirements.

Nutrition and physical activity updates

The Department proposes that the Board of Health amend §47.61(b) of the Health Code to update requirements limiting children's juice consumption and §47.71(a) and (d) to further restrict sedentary time and television viewing.

Dietary and lifestyle habits and preferences developed at a very early age can often persist and may have a profound impact on an individual's health later in life. Among preschoolers enrolled in the Women, Infants and Children program in NYC in 2011, 14.5% of 3 year olds and 16.9% of 4 year olds were obese.² Obese children are more likely than normal-weight children to have risk factors for heart disease,³ type 2 diabetes,⁴ and many other disorders and conditions.⁵ Obese children are more likely to become obese adults,^{6,7} and obesity in adulthood is associated with serious diseases and conditions, and with higher rates of death.⁸ Consequently, it is important to optimize the nutritional quality of the food and beverage offerings in early childhood settings and employ practices that serve to cultivate healthy lifestyle habits. The amendment is intended to update the current requirements

for juice, sedentary time and screen time based on current expert recommendations and the best available evidence.

• Juice

Currently Health Code §47.61(b) authorizes child care services to provide children over the age of eight months up to six fluid ounces of 100% juice per day. The proposed amendment will increase the age that 100% juice is permitted to 2 years of age, and reduce the amount of 100% juice that may be served to four ounces per day.

This amendment would make the Health Code provision consistent with current standards of the federal Child and Adult Care Food Program (CACFP), allowing four ounces of 100% juice per day for children ages 2 – 5 years old.⁹ Numerous health organizations including the United States Department of Agriculture (USDA)¹⁰, the Institute of Medicine (IOM)¹¹, the American Heart Association (AHA)¹² and the American Academy of Pediatrics (AAP)¹³ recommend limiting children's intake of 100% juice. When consumed in moderation, 100% juice can be a healthy beverage; however, the USDA recommends that the majority of a child's recommended fruit servings should come from whole fruit.¹⁴ Despite this recommendation, current data suggest that 100% juice overconsumption by young children is commonplace. Daily per capita caloric intake from 100% fruit juice is increasing among children, including toddlers, and children who consume juice typically consume quantities that far exceed the cited recommendations.^{15,16} A 2002 study of the sources of energy among over 3,000 infants and toddlers demonstrated that 100% fruit juice was the second largest source of energy among toddlers ages 12-24 months and the fourth largest source of energy among infants 4 to 5 months old.¹⁷ Despite being offered 100% juice in small quantities, it is likely that children consume juice in multiple settings and at multiple occasions throughout the day, causing overall daily consumption to be above recommended levels. Water and low-fat milk are the healthiest beverages for children over 2 years of age.¹⁸

• Television viewing

Currently Health Code §47.71(d) prohibits screen time for children under 2 years of age and requires that screen time for children 2 years of age and older be restricted to 60 minutes per day of programming that is educational or actively engages children in movement. The proposed amendment would further limit the amount of screen time for children 2 years and older to no more than 30 minutes per week.

Research suggests that more than 80% of children ages 6 months to 6 years are exposed to some type of screen-based media on a typical day,¹⁹ and caregivers report that preschool age children spend 2 to 3 hours per day on screen time,^{20,21,22} which exceeds recommended levels of screen time exposure.²³ Surveys reveal that child care centers vary widely in the average amount of screen time provided, from small amounts or none at all^{24,25,26} to 1 or more hours per day.^{27,28} Studies have found that increased screen time exposure in early childhood is related to risk of obesity later in childhood^{29,30,31,32,33} and even into adulthood.^{34,35,36} In recognition that children are exposed to screen time in various settings throughout the day, the AAP, American Public Health Association (APHA), and National Resource Center for Health and Safety in Child Care and Early Education Guidelines for Early Care and Education Programs, the First Lady's Let's Move initiative, and the USDA Provider Handbook for the Child and Adult Care Food Program recommend that early care settings limit screen time to 30 minutes per week.^{37,38,39}

• Sedentary time

Currently Health Code §47.71(a) requires that children not be allowed to remain sedentary or to sit passively for more than 60 minutes continuously, except during scheduled rest or naptime. The proposed amendment would reduce the amount of sedentary time to no more than 30 minutes continuously except during scheduled rest or naptime.

In an effort to combat early childhood obesity, the IOM recommends that child care providers and early childhood educators implement activities for toddlers and preschoolers that limit passively sitting or standing to no more than 30 minutes at a time.⁴⁰ Limiting time spent on sedentary activities is important, as sedentary activities may take the place of time spent being physically active or otherwise actively engaged. Studies show that children spend a significant amount of time being sedentary in preschool and child care settings^{41,42,43} and that sedentary activities, such as television viewing, may be linked to increased BMI and adiposity in children.^{44,45}

The resolution is as follows.

Shall and must denote mandatory requirements and may be used interchangeably.

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

RESOLVED, that paragraph (10) of subdivision (k) of §47.01 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, that paragraph (13) be deleted, and that paragraphs (14) through (18) be renumbered, to be printed with explanatory notes to read as follows:

§47.01 Definitions.

* * *

(10) Allowing pillows to be used for children younger than two years of age who are not disabled or when not recommended by a health care provider.

* * *

[(13) Holding potentially hazardous foods for periods longer than necessary for preparation or service at temperatures greater than 41°F or less than 140°F;]

(14) [(13) Failing to exclude from work at the child care service a person with a communicable disease who is required to be excluded pursuant to Article 11 of this Code;

[(15) (14) Failure to implement the child care service's written safety plan resulting in a child not being protected from any unreasonable risk to his or her safety;

[(16) (15) Conducting construction, demolition, painting, scraping, or any repairs other than emergency repairs while children are present in the child care service; failing to remove children from areas and rooms while such activities are in progress;

[(17) (16) Failure to screen any person who has, or will have the potential for, unsupervised contact with children in accordance with §47.19 of this Article; or

[(18) (17) Any other condition(s), violations, or combination of conditions or violations, deemed to be an imminent health hazard by the Commissioner or his or her designee.

Notes: Subdivision (k) was amended by Board of Health resolution adopted XXX amending paragraph (10) to apply only to children under two years of age; deleting paragraph (10) that defined out of temperature, potentially hazardous foods as a public health hazard; and renumbering the remaining paragraphs.

RESOLVED, that paragraph (6) of subdivision (b) of §47.11 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is repealed and restated, to be printed with explanatory notes to read as follows:

§47.11 Written safety plan.

(6) General and activity specific safety and security: procedures for establishing and maintaining accountability for children and child supervision during all on and off-site activities; maintaining records of staff schedules and assignments, addressing at a minimum:

(A) Observing and recording children's daily attendance and the times children enter and leave the child care service, in accordance with §47.65 of the Code;

(B) Recreational and trip supervision and staffing for specific outdoor and off-site activities in accordance with §47.57 of the Code;

(C) Sleep and rest period supervision;

(D) Bathroom use supervision;

(E) Transportation supervision in accordance with §47.65 of the Code;

(F) Procedures for and staff assigned to (i) securing the facility from unauthorized entry and preventing children from leaving the facility unless they are escorted by authorized adults; (ii) observing and monitoring all entrances and exits at all times children are on premises; and (iii) periodic observation and monitoring of stairs, hallways, bathrooms and unoccupied spaces during child care service operation.

Notes: Paragraph (6) of subdivision (b) of §47.11 was repealed and restated by resolution adopted XXXX to incorporate additional requirements to the written safety plan. The restatement enhances facility security and improves child supervision by preventing unauthorized entry by strangers into child care services and unescorted children from exiting child care services.

RESOLVED, that the section title and subdivision (a) of §47.19 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, are amended, to be printed with explanatory notes to read as follows:

§47.19 Criminal justice and child abuse screening of current and prospective personnel; reports to the Department.

(a) Applicability. These requirements for child abuse and criminal justice screening shall apply to any person who has, will have, or has the potential for unsupervised contact with children in a child care service, and shall include, but not be limited to: individual owners, permittees, partners, members and shareholders of [small or membership] corporations, limited liability companies or other entities who are the owners or operators of the service; educational, administrative and maintenance employees; employees who are school bus drivers; or who are assigned to accompany children during transportation to and from the child care service; volunteers, including parent volunteers and student teachers, trainees or observers; and consultants and other persons employed by persons, corporations, partnerships, associations or other entities providing services to the child care service. Employees of independent contractors providing maintenance, construction, transportation, food or other services to a child care service shall be screened in accordance with this section, or shall be prohibited from working in any area, vehicle or facility owned, occupied or used by the child care service unless such person

is working under the direct supervision and within the line of sight of a screened employee of the child care service. These requirements shall not apply to persons authorized by parents to escort or transport children to and from child care services where the parents have privately arranged for such escort or transportation.

Notes: Subdivision (a) was amended by Board of Health resolution adopted XXX to clarify and broaden the applicability of screening requirements to any persons providing children's transportation services.

RESOLVED, that subdivision (d) of §47.25 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

§47.25 Health; children's examinations and immunizations.

(d) Medical records to be maintained. A permittee shall maintain an individual paper or electronic medical record file for each child. [on the premises of the child care service and make the file available for review by the Department upon request. This file shall include:

Notes: Subdivision (d) of §47.25 was amended by Board of Health resolution adopted XXX to clarify that paper or electronic medical record files for each child must be maintained on the premises of the child care service and be made available to Department inspectors on request.

RESOLVED, that subdivision (a), paragraph (4) of subdivision (c) and subdivision (d) of §47.27 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, are amended, to be printed with explanatory notes to read as follows:

§47.27 Health; daily requirements; reports of absences; communicable diseases.

(a) Daily attendance record. A daily attendance record shall be kept in a form provided or approved by the Department. Daily entries must include at a minimum each child's name, arrival and departure time, and the printed name and signature of the person who escorts the child to or from the service.

(c) Management of ill children and reporting.

(4) When any child is unexpectedly absent from the child care service [for three consecutive days], the permittee shall [telephone] contact the child's parent within one hour of the child's scheduled time of arrival to determine the cause of the absence and shall maintain a record of the telephone call or other contact and the information obtained in the log required by §47.29 (d) of this Code.

(d) Parent reports of absences. [At the beginning of each school year, the permittee shall notify parents that they are required to report absences in accordance with this subdivision. Parents shall report to the permittee within 24 hours any absence for: chicken pox, conjunctivitis, diarrhea, diphtheria, food poisoning, hepatitis, haemophilus influenza type b infection, impetigo, measles, meningitis (all types), meningococcal disease, Methicillin resistant staphylococcus aureus (MRSA), mumps, pertussis (whooping cough), poliomyelitis, rubella (German measles), salmonella, scarlet fever, tuberculosis, or any other disease or condition which may be a danger to the health of other children. Such disease or condition shall not include acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) infection.]

Permittees must notify parents when children are initially enrolled in the child care service that parents must report children's absences to the child care service as follows:

(1) Daily. Parents must notify the child care service prior to their child's scheduled arrival time, but no later than one hour after the scheduled arrival time, that a child will not be attending the child care service that day.

(2) Communicable diseases. Parents must report to the permittee within 24 hours of such absence of any absence for: chicken pox, conjunctivitis, diarrhea, diphtheria, food poisoning, hepatitis, haemophilus influenza type b infection, impetigo, measles, meningitis (all types), meningococcal disease, Methicillin resistant staphylococcus aureus (MRSA), mumps, pertussis (whooping cough), poliomyelitis, rubella (German measles), salmonella, scarlet fever, tuberculosis, or any other disease or condition which may be a danger to the health of other children. Such disease or condition shall not include acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV) infection.

Notes: Paragraph (4) of subdivision (c) and subdivision (d) were amended by Board of Health resolution adopted XXX to require permittees to contact parents to verify unscheduled absences on the day they occur to enable child care services to improve their accountability for children enrolled in a child care service and for parents to notify child care services of children's absences within 24 hours of such absences.

RESOLVED, that subdivision (b) of §47.33 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

§47.33 Health; staff.

(b) Physical examination certificates. No educational director, teacher, substitute, volunteer worker, office worker, kitchen worker, maintenance worker or other staff member who regularly associates with children shall be permitted to work in a service unless such person is healthy and capable of carrying out the responsibilities of the job. Prior to commencing work, all such staff and volunteers shall present a certificate from a licensed health care provider certifying that, on the basis of medical history and physical examination, such staff member or volunteer is physically and mentally able to perform assigned duties. Such certificate shall be submitted every two (2) years thereafter as a condition of employment. Certificates of required physical examinations and other medical or personal health information about staff shall be kept on file [at the place of employment,] on paper or electronically, on the premises of the child care service, and shall be kept confidential,] and [shall be kept] separate from all other personnel or employment records and made available for review by the Department upon request.

Notes: Subdivision (b) of §47.33 was amended by Board of Health resolution adopted XXX to clarify that physical examination certificates and other staff medical information be kept on the premises of the child care service and be made available to Department inspectors for review on request.

RESOLVED, that §47.41 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended by adding a new subdivision (k), to be printed with explanatory notes to read as follows:

§47.41 Indoor physical facilities.

(k) Securing entrances and exits.

(1) Monitoring. All interior entrances and exits of the child care service facility must be monitored and kept secure by individual staff, contractors, and/or electronic or other surveillance providing unobstructed views of entrances and exits at all times during operation of the child care service. Panic bars must be installed on all exterior doors of the child care service facility on or before May 1, 2016. When used in this paragraph a "panic bar" means a door latching assembly incorporating a device that releases the latch upon the application of a force in the direction of egress travel.

(2) Entry access. All entrances providing access to the child care service must be secured with pass key identification or other means that effectively limit access to staff, parents and other authorized persons.

Notes: Subdivision (k) was added to § 47.41 by resolution adopted by the Board of Health at its XXX meeting to emphasize the permittee's obligation to secure entry and exit from the child care service to prevent unauthorized entry to the service and prevent children from leaving the service without appropriate escorts.

RESOLVED, that subdivision (b) of §47.55 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended to be printed with explanatory notes to read as follows:

§47.55 Equipment and furnishings.

(b) Naps

(4) Pillows shall not be used for children under two years of age except when recommended by a child's health care provider.

(7) Sheets, pillows and blankets shall be stored separately for each child to avoid cross-contamination, and sheets, pillow cases and blankets shall be washed at least weekly.

Notes: Subdivision (b) of §47.55 was amended by resolution of the Board of Health adopted at its XXX meeting to allow use of pillows by children over two years of age.

RESOLVED, that subdivision (h) of §47.55 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, and a new subdivision (j) be added to §47.55, to be printed with explanatory notes to read as follows:

§47.57 Safety; general requirements.

(h) Adults restricted. Adults allowed on the premises occupied by a child care service shall be limited to staff, parents and/or guardians and other authorized relatives and volunteers, student teacher trainees or observers, credentialed Department and other public inspectors, and persons providing services to the center.

(1) Authorized escorts. The permittee must obtain and maintain for every child a list of the name, relationship to child, address and contact information of every person the parent has authorized to escort a child from the child care service. The permittee shall not release any child to any individual who has not been identified by the parent as a person who is authorized to escort a child out of the service.

(2) Notification to parents. The permittee must notify parents that the Health Code requires that no child is permitted to leave the child care service at any time with any person whose name is not

on file at the child care service as an authorized escort. If any other person appears to escort a child out of the child care service, the permittee must immediately verify with the parent that the parent has authorized the escort before allowing the child to leave the child care service.

* * *

(j) Off-site field trips, visits and activities. In scheduling off-site trips or activities, in addition to the supervisory staff-to-child ratios required by §47.23 of this Article, the permittee must designate a staff person to serve as a trip coordinator. The trip coordinator is responsible for overall child supervision and must accompany children on visits to off-site locations. Only one trip coordinator is required per site when several groups of children visit the same off-site location.

(1) Staffing. The trip coordinator shall determine whether and how many additional staff and/or adult volunteers are required to maintain constant line of sight supervision of each child during the time children are offsite in addition to maintaining the staff to child ratios required by §47.23 of this Article. The duties of the trip coordinator and instructions for determining the number of additional staff must be included in the child care service's written safety plan.

(2) Child accountability. A system for maintaining accountability for children must be detailed in the written safety plan and include, at a minimum, provisions for:

(A) Name-to-face headcounts. During each trip offsite, staff must conduct name-to-face headcounts before leaving the child care service, upon arrival at the offsite location, at periodic intervals while at the location, before departing from the location and upon arrival back at the child care service.

(B) Identification of children. The permittee must provide each child with a piece of clothing and/or other item that identifies and provides contact information for the child care service, but shall not include any child's given or family name.

Notes: §47.57 was amended by Board resolution adopted XXX, adding procedures to subdivision (h) to require identification of escorts for children entering and leaving a child care service and adding a new subdivision (j) establishing provisions to promote greater accountability and safety for children on offsite trips.

RESOLVED, that subdivision (a) of §47.59 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

§47.59 Fire [Safety] safety.

(a) All exits shall have clear and legible illuminated exit signs [when required by Department of Buildings].

Notes: Subdivision (a) of §47.59 was amended by resolution adopted by the Board of Health at its XXX meeting to require that exit signs be illuminated, and to delete the phrase "when required by the Department of Buildings" because Building Code §BC-1011 requires internally or externally illuminated exit signs for child care and other educational occupancy facilities.

RESOLVED, that paragraph (2) of subdivision (b) of §47.61 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, to be printed with explanatory notes to read as follows:

§47.61 Food and food safety.

(2) Juice shall only be provided to children over [eight (8) months] two (2) years of age, and only 100% juice shall be permitted. Children shall receive no more than [six (6)] four (4) ounces of 100% juice per day.

Notes: Paragraph (2) of subdivision (b) was amended by Board of Health resolution adopted XXX reducing serving size of juice from six to four ounces of juice and limiting service of juice to children over two years of age, instead of the former eight months.

RESOLVED, that subdivision (f) of §47.65 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, is amended, and a new subdivision (g) added, to be printed with explanatory notes to read as follows:

§47.65 Transportation.

(f) Parental consent.

(1) The [operator] permittee shall obtain and maintain on file written consent from the parent or guardian for any transportation of children [in care at the service] that is provided or arranged for by the permittee[.], including, but not limited to, trips to an offsite park, playground or library. The consent form shall include the child's name and age, the destination, mode of transportation, whether by motor vehicle, mass transit, walking, carriage, buggy, or on foot, and [the duration of travel time] the maximum length of travel time and the types of activities children will engage in at the offsite location.

(g) Documentation of transfers. The permittee must supervise and document all transfers of children between the child care service and

drivers of school buses and other vehicles provided by the child care service or by a transportation service under contract to the child care service and must incorporate its policies and procedures for transfers and transportation in the child care service written safety plan. A permittee must be able to immediately verify that no child has at any time been left on a school bus, other vehicle or other means of transportation without appropriate adult supervision. At a minimum, the written safety plan must describe how the permittee will maintain the following minimum accountability procedures:

(1) Transfer supervision, including name-to-face visual identification and confirmation for each child received from or delivered to a driver.

(2) Providing drivers with updated lists daily of the names and addresses of children who are scheduled to receive transportation services on each route, and completing and maintaining a daily log of children placed aboard vehicles for transport home.

(3) Drivers employed by the permittee or a transportation contractor must maintain a daily trip log with the names of the driver and other staff of the child care or transportation service assigned to the vehicle to maintain supervision; the name, address, and contact information of the contractor transport service, if applicable; the name of each child and the times of entry and departure from the transport vehicle. A paper or electronic copy of the log must be given to the child care service permittee when children arrive at the child care service.

(4) Permittees must maintain all required records for at least six months and make such records available for inspection by the Department upon request.

Notes: Subdivision (f) was amended and a new subdivision (g) was added by resolution adopted XXX to clarify the duty of child care services permittees to maintain necessary supervision of and accountability for children at all times including during transportation to and from their homes to the child care service and during offsite trips to prevent "lost children" incidents.

RESOLVED, that subdivisions (a) and (d) of §47.71 of Article 47 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, are amended, to be printed with explanatory notes to read as follows:

§47.71 Physical activity and limits on television viewing.

(a) Physical activity.

(4) Children shall not be allowed to remain sedentary or to sit passively for more than [60] (30) minutes continuously, except during scheduled rest or naptime.

(d) Television viewing.

(2) For children ages two (2) and older, viewing of television, videos, and other visual recordings shall be limited to no more than [60] 30 minutes per [day] week of educational programs or programs that actively engage child movement.

Notes: Paragraph (4) of subdivision (a) was amended by resolution adopted XXX to reduce the time children may be allowed to remain sedentary or passive from 60 to 30 minutes at a time. Paragraph (2) of subdivision (d) was amended by resolution adopted XXX to reduce time spent in television viewing from 60 minutes per day to 30 minutes per week.

¹ American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education. 2011. *Caring for our children: National health and safety performance standards; Guidelines for early care and education programs. 3rd edition.* Elk Grove Village, IL: American Academy of Pediatrics; Washington, DC: American Public Health Association. Also available at <http://nrckids.org>.

² Centers for Disease Control and Prevention. Obesity prevalence among low-income, preschool-aged children — New York City and Los Angeles County, 2003–2011. *MMWR* 2013;62(2):17–22.

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**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 Rules Governing Child Care Services
REFERENCE NUMBER: DOHMH-48
RULEMAKING AGENCY: DOHMH

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

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

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

November 25, 2014
Date

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

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

RULE TITLE: Amendment of Rules Governing Child Care Services
REFERENCE NUMBER: 2014 RG 095
RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: November 25, 2014

◀ d12

In compliance with §1043(b) of the New York City Charter (the "Charter") and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 207 of the New York City Health Code (the "Health Code") was published in the City Record on October 14, 2014 and a public hearing was held on November 17, 2014. Thirteen people testified and nine written comments were received, including some from those who testified. In response to the comments, changes were made to the resolution to clarify its language and include a licensed master social worker among the list of professionals that may affirm as to an applicant's sex or gender identity. At its meeting on December 9, 2014, the Board of Health adopted the following resolution.

Statement of Basis and Purpose

Statutory Authority

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

Background

In 1971, the Board of Health amended New York City Health Code Section 207.05 of Article 207 to allow the Department to file a new birth certificate for a person who had legally changed his or her name and who had undergone "convertive" surgery. The Department has interpreted the requirement for convertive surgery in paragraph (a)(5) of Section 207.05 to mean genital surgery. As a result, the Department has required transgender applicants who desire a new birth certificate with corrected gender to submit a surgical operative record including the date of the operation; a post-operative examination report signed by a physician attesting to the applicant's surgical change of sex; and a post-operative psychiatric evaluation signed by a psychiatrist or clinical psychologist. Until December 2006, the Department issued new birth certificates listing the applicant's new name, but omitting reference to any gender, to anyone who submitted acceptable documentation. Since December 2006, when the Board of Health approved a change to the birth certificate form, the Department has provided new birth certificates that list not only an applicant's new name but also the corrected sex designation. Applicants are still required, however, to obtain a court ordered name change and undergo convertive surgery.

This amendment eliminates the requirement that an individual must obtain a court ordered name change and undergo convertive surgery.

Other jurisdictions similarly have amended their laws to allow transgender people to obtain new birth certificates with corrected sex on birth certificates without having to undergo surgery.¹ In May 2014, New York State Department of Health changed its procedures for correcting gender on birth certificates in the rest of the state (outside of New York City). For people born in New York outside of New York City, the State Department of Health will now issue a new certificate to an applicant who submits a notarized affidavit from a physician, nurse practitioner or physician assistant licensed in the United States that either states that the applicant has undergone appropriate clinical treatment for a person diagnosed with gender dysphoria or transsexualism, or confirms that surgical procedures have been performed on the applicant to complete sex reassignment.

At the federal level, the U.S. Department of State in June 2010 announced a change in policy allowing the gender designation on passports to be changed for applicants producing certifications from attending internists, endocrinologists, gynecologists, urologists or psychiatrists stating that the provider has a doctor/patient relationship with the applicant and that the applicant has undergone appropriate clinical treatment for gender transition. Likewise, as of September 2013, the Social Security Administration no longer requires proof of surgery in order to change the gender on Social Security (SSN) records. The Social Security Administration now authorizes medical certifications of appropriate clinical treatment for gender transition from a licensed physician or doctor of osteopathy.

This trend reflects an understanding of the diverse expression of transgender identity, and that not all transgendered persons want surgery in order to express their gender identity.² Indeed, in June 2014 the American Medical Association expressed its support for eliminating any requirement that an individual undergo surgery in order to change the sex indicated on a birth certificate.

1 See, e.g., California (Cal. Health & Safety §103425), Iowa (Iowa Code §144.23(3)), and Vermont (Vt. Stat. §5112).

2 See World Professional Association for Transgender Health (WPATH), "Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People", 7th Version (2012) at www.wpath.org.

The Board is amending Section 207.05 to authorize the Department to issue an applicant a new birth certificate with a changed gender marker without requiring such applicant to have undergone convertive surgery. An affirmation from a physician licensed to practice in the United States, or an affidavit from a doctoral-level psychologist, master social worker, clinical social worker, physician assistant, nurse practitioner, marriage and family therapist, mental health counselor, or midwife, licensed to practice in the United States, is required in order to ensure the integrity of birth records when gender has been amended. The Department recognizes it is critically important for individuals to have birth records that accurately reflect their gender for many purposes including obtaining access appropriate to care and facilities. The rationale is as follows: (1) birth certificates are foundational documents upon which all other official documents are based, including United States passports, driver licenses, and Social Security cards, are proof of United States citizenship, and should only be amended upon presentation and acceptance of the required documentation; (2) physicians and doctoral-level psychologists, along with master social workers, clinical social workers, physician assistants, nurse practitioners, marriage and family therapists, mental health counselors, and midwives are licensed by issuing authorities in the United States, their credentials can be evaluated and validated, and they can be subject to professional sanctions, penalties and prosecution for providing false information; and (3) New York City, as an independent vital records jurisdiction, along with New York State and the other 55 vital records jurisdictions, works in close partnership with the federal government, and federal government agencies must rely on the integrity of birth records to accurately represent the facts of birth. Without birth record integrity, passports, driver licenses and other core identity documents would be questionable. The integrity of the birth records will be maintained with this change while making it easier for transgender individuals to obtain birth records that accurately reflect their gender.

Section 207.05 is also being amended to eliminate the requirement that applicants for new birth certificates with corrected gender also change their names. The Department recognizes that some applicants may want to change their name on their birth certificate, and such applicants would still need to show that the new name was legally changed by a court order. Some people transitioning from one gender to another, however, may want to continue using the same name. These applicants should not be required to go to court and legally change their names in order to obtain new birth certificates.

Finally, the Board is amending Section 207.13 regarding fees to simply reflect the removal of the "convertive surgery" requirement and replace it with the language consistent with the changes to Section 207.05.

The resolution is as follows.

Shall and must denote mandatory requirements and may be used interchangeably.

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

RESOLVED, that paragraph 5 of subdivision (a) of Section 207.05 of the New York City Health Code, as set forth in Title 24 of the Official Compilation of the Rules of New York City, is hereby amended, to be printed together with explanatory notes, to read as follows:

(5) [The name of the person has been changed pursuant to court order and proof satisfactory to the Department has been submitted that such person has undergone convertive surgery.] (i)(A) A person files either an affirmation from a physician (MD or DO) licensed to practice medicine in the United States and who is in good standing, to affirm that in keeping with contemporary expert standards regarding gender identity, the applicant's requested correction of sex designation of male or female more accurately reflects the applicant's sex or gender identity; or

(B) an affidavit from a doctoral level psychologist (PhD or PsyD) in clinical or counseling psychology, master social worker, clinical social worker, physician assistant, nurse practitioner, marriage and family therapist, mental health counselor, or midwife, licensed to practice in the United States and who is in good standing to attest that in keeping with contemporary expert standards regarding gender identity, the applicant's requested correction of sex designation of male or female more accurately reflects the applicant's sex or gender identity.

(ii) If the request for a new birth certificate includes a name change, the person must also submit proof that his or her name has been changed pursuant to a court order.

Notes: By resolution adopted on December 9, 2014, the Board of Health amended Subdivision 207.05(a)(5) of Article 207 to authorize persons born in New York City to obtain a new birth certificate reflecting a change in gender marker as affirmed by a physician (MD or DO) licensed in the United States. Also acceptable is an attestation from a doctoral level psychologist (PhD or PsyD) in clinical or counseling psychology, master social worker, clinical social worker, physician assistant, nurse practitioner, marriage and family therapist, mental health counselor, or midwife licensed in the United States.

RESOLVED, that paragraph (7) of subdivision (f) of Section 207.13 of the New York City Health Code, set forth in Title 24 of the Official Compilation of the Rules of New York City, is hereby amended, to be printed together with explanatory notes, to read as follows:

(7) Amending a birth certificate for a person [who has undergone convertive surgery] to correct the gender marker on their birth certificate.

Notes: By resolution adopted on December 9, 2014, the Board of Health amended Subdivision 207.13(f)(7) of Article 207 to replace "who has undergone convertive surgery" with "correct the gender marker on their birth certificate."

◀ d12

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Health and Mental Hygiene ("the Department") is proposing that the Board of Health ("the Board") amend Section 205.03 of Article 205 of the New York City Health Code ("the Health Code") to increase the number of users who are required to submit electronic death records. In addition, the Department is proposing that the Board amend Section 207.13 of Article 207 of the Health Code to eliminate the fees charged for interim disposition permits and for correcting a final disposition as a result of an interim disposition.

When and where is the hearing? The Department will hold a public hearing on the proposed rules. The public hearing will take place from 2:00 P.M. to 4:00 P.M. on January 22, 2015. The hearing will be at:

New York City Department of Health and Mental Hygiene
Gotham Center, 42-09
28th Street, 3rd Floor, Room 3-32
Long Island City, NY 11101-4132

How do I comment on the proposed amendments to the Health Code? Anyone can comment on the proposed amendments by:

- **Website.** You can submit comments to the Department through the NYC Rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail written comments to:
New York City Department of Health and Mental Hygiene
Gotham Center – 42-09 28th Street, CN 31
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to the Department at 347-396-6087
- **Speaking at the hearing.** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078. You can also sign up in the hearing room before or during the hearing on January 22, 2015. You can speak for up to five minutes.

Is there a deadline to submit written comments? Written comments must be received on or before January 22, 2015 at 5:00 P.M.

Do you need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078. You must tell us by January 8, 2015.

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

What authorizes the Department to make this rule? Section 556(c) of the New York City Charter ("Charter") grants the Department jurisdiction to supervise and control the registration of deaths. Section 558(b), (c), and (g) of the Charter empowers the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department's authority extends. Section 1043(a) of the Charter grants rulemaking powers to the Department.

Where can I find the Health Code? The Health Code is located in Title 24 of the Rules of the City of New York.

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

Statement of Basis and Purpose

Statutory Authority

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

Background and New Requirements

Currently all facilities in the City of New York that report 25 or more deaths per year, including hospitals, hospices, funeral homes and the Office of Chief Medical Examiner, must submit reports of death to the Department electronically. This system of electronic death registration enables reporting of 94% of all deaths in New York City. In order to increase the number of deaths reported electronically, the Department proposes:

1. To require that all hospitals and hospices reporting ten or more deaths per year (reduced from 25) report them electronically;
2. To require that skilled nursing facilities reporting ten or more deaths per year also submit reports of death electronically;
3. To require that all facilities that voluntarily report deaths electronically continue to do so;
4. To eliminate the fee currently charged for both processing interim disposition permits and for correcting a final disposition as a result of an interim disposition.

The new requirements will increase the number of deaths reported electronically each year. Furthermore, the elimination of fees charged for both filing interim disposition permits and correcting the final disposition as a result of an interim disposition will encourage filing of interim disposition permits. Currently, charging these fees discourages funeral directors from filing interim disposition permits, which results in delayed reporting of deaths.

At its meeting on December 9, 2014, the Board adopted a resolution that included amendments to Section 207.13 of Article 207 of the Health Code, which is also proposed to be amended below. The amendments proposed below reflect Article 207 of the Health Code as it exists at the time this proposal was approved for publication, and do not yet reflect the changes approved for adoption on December 9, 2014.

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.

New material is underlined.

[Deleted material is in brackets.]

RESOLVED, that subdivision (d) of Section 205.03 of Article 205 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, is hereby amended, to be printed together with explanatory notes, to read as follows:

(d) All hospitals, skilled nursing facilities and hospices that report [25] 10 or more deaths to the Department per year, and the Office of Chief Medical Examiner, shall electronically prepare any death certificates and confidential medical reports, and shall, within 24 hours after the death or finding of the remains, file such documents electronically with the Department by means of computer programs specified and provided or otherwise authorized for use by the Department. In circumstances where a person required to report a death pursuant subdivision (a) of this section files a report thereof electronically with the Department, and an authorized funeral director or undertaker has taken charge of the remains, such funeral director or undertaker shall, within 72 hours after the death or the finding of the remains, file such document with the Department electronically by means of computer programs specified and provided or otherwise authorized for use by the Department. If the remains are to be buried in the City cemetery, the person required to report a death pursuant to subdivision (a) of this section shall complete the process of electronically filing the entire certificate of death and confidential medical report, if any, within 72 hours after the death or finding of the remains. All persons required or authorized to report a death or to file a death certificate with the Department that are not required to report or file electronically pursuant to this subdivision may, at their election and upon approval by the Department, implement an electronic reporting system [or continue to report deaths on approved paper forms. This subdivision shall take effect on April 1, 2010]. Such election will be irrevocable upon commencement of electronic filing by such facilities.

Notes: By resolution adopted on XXX, the Board of Health amended subdivision (d) of Section 205.03 to require all hospitals and hospices reporting ten or more deaths per year to report them electronically; added "skilled nursing facilities" to the list of users who must report deaths electronically; and required that the election to report deaths electronically be irrevocable once electronic filing commences.

RESOLVED, that Section 207.13 of Article 207 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is hereby amended, to be printed together with explanatory notes, to read as follows:

(f) The Department shall, effective January 1, 2010, charge an application fee of \$40.00 to correct or amend birth or death certificates as follows, except there shall be no fee to correct a final disposition as a result of an interim disposition issued pursuant to Article 205 of this Code:

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

Notes: By resolution adopted on XXX, the Board of Health amended subdivisions (f) and (g) of Section 207.13 to eliminate the fees charged for processing interim disposition permits and to correct the final disposition as a result of an interim disposition.

**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 Rules Governing Electronic Filing of Death Certificates

REFERENCE NUMBER: 2014 RG 096

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

/s/ Natalie Kotkin
Mayor's Office of Operations

12/3/2014
Date

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

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

RULE TITLE: Amendment of Rules Governing Electronic Filing of Death Certificates

REFERENCE NUMBER: 2014 RG 096

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: December 2, 2014

◀ d12

Board of Health

**Notice of Public Hearing and Opportunity to Comment
on Proposed Amendments to Articles 11 and 161
of the New York City Health Code**

What are we proposing? The Department of Health and Mental Hygiene is proposing that the Board of Health amend Article 11 (Reportable Diseases and Conditions) and Article 161 (Animals) of the

New York City Health Code. Some of the proposed amendments were not included in the Department's Regulatory Agenda for this fiscal year because the Department did not anticipate the need for those amendments at that time.

When and where is the hearing? The Department will hold a public hearing on the proposed Health Code amendments from 2:00 P.M. to 4:00 P.M. on January 21, 2015 in

Room 3-32
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, 3rd Floor
Long Island City, NY 11101-4132

How do I comment on the proposed amendments to the Health Code? Anyone can comment on the proposed amendments by:

- **Website.** You can submit comments to the Department through the NYC rules Web site at <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail written comments to New York City Department of Health and Mental Hygiene Gotham Center, 42-09 28th Street – CN 31 Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to the New York City Department of Health and Mental Hygiene at 347-396-6087
- **Speaking at the hearing.** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078. You can also sign up in the hearing room before or during the hearing on January 21, 2015. You can speak for up to five minutes.

Is there a deadline to submit written comments? Written comments must be received on or before 5:00 P.M. on January 21, 2015.

Do you need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the Hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078. You must tell us by January 7, 2015.

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

What authorizes the Board of Health to make these amendments? Section 558 of the City Charter authorizes the Board of Health to adopt and amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. This proposed amendment was not included in the Department's regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

Where can I find the Health Code and the Department's rules? The Health Code and the rules of the Department of Health and Mental Hygiene are in title 24 of the Rules of the City of New York.

What rules govern the rulemaking process? The Board of Health must meet the requirements of §1043 of the City Charter when creating or changing the Health Code. This notice is made according to the requirements of City Charter §1043.

Statement of Basis and Purpose

Statutory Authority

These amendments to the New York City Health Code (the Health Code) are authorized by sections 558 and 1043 of the New York City Charter (the Charter). Sections 558(b) and (c) of the Charter empower the Board of Health (the Board) to amend the Health Code and to include in the Health Code all matters to which the authority of the New York City Department of Health and Mental Hygiene (the Department) extends. Section 1043 grants the Department rule-making authority.

Background

In May 2014, the Commissioner of the Department of Health and Mental Hygiene granted a petition from an individual asking that the Board consider amending Article 161 to remove ferrets from the list of animals prohibited as pets in the City of New York. This proposal would initiate the process of amending the Health Code and begin a public comment period on whether ferret ownership should be legalized.

The Department's Bureau of Veterinary and Pest Control Services enforces Article 161 pertaining to the control of animals in the City. It requests that the Board of Health also amend various other provisions of Article 161 and Article 11 of the Health Code related to animal control.

Amendments to Health Code §161.01(a)—Circuses and Other Animal Exhibitions

Health Code §161.01 prohibits the possession of wild and other animals that present hazards to human health and safety. Subdivision (a) allows for certain exceptions and requires permits for temporary exhibitions, displays and other uses of prohibited animals. Circuses and wildlife rehabilitators are currently exempt from this section's permit requirements, and while many voluntarily obtain permits from the Department, they are not obligated to do so.

Recently, the Department identified some circuses and a wildlife rehabilitator who intended to exhibit or use animals to entertain the public in settings that were not safe. In one instance, circus animals had not been tested to rule out infection with a disease that could be transferred to humans. In other instances, circus animals were kept in enclosures that either did not adequately protect the public or were too small. Although circuses are required to comply with the federal Animal Welfare Act, 7 U.S.C. 2131 et seq., administered by the U.S. Department of Agriculture, this law only imposes limited animal care, animal health and public safety requirements. In yet another instance, a wildlife rehabilitator proposed to present adult performing bears on a theatre stage without barriers to protect the audience from the animals, and without adequate enclosures for the bears to stay in when they were not performing. The Department was able to use its general nuisance authority to address exhibitions and performances that do not adequately protect the public.

The Department believes circuses and wildlife rehabilitators should be required to have appropriate measures in place to adequately protect the public; and they should only be permitted to perform in the City if they comply with requirements that the City deems necessary to protect public health and safety. Federal law does not preempt the local regulation of circuses.¹ The Department therefore requests that the Board amend subdivision (a) of section 161.01 of the Health Code to require that circuses and wildlife rehabilitators in the City obtain permits from the Department in all cases when they intend to exhibit or use performing animals.

Amendments to Health Code §§161.01(b)(4)—Prohibited Animals

Health Code §161.01(b)(4) currently prohibits persons from harboring ferrets in New York City. Following the procedures described in Health Code §9.05, an individual petitioned the Board of Health to amend Article 161 to remove ferrets from the list of animals that cannot be kept in the City. By letter dated May 16, 2014, the Commissioner, as the Board's Chairperson, granted the petition and responded that the Board would consider an amendment to legalize ferrets no later than December 2014. The proposed amendment would remove the prohibition on keeping domestic ferrets as pets, but would require certain safeguards. The proposed amendment requires that these pets:

- Be immunized against rabies in accordance with Health Code §11.29;
- Be sterilized to prevent their reproduction, and
- Be restrained when outdoors.

The requirement to sterilize is being proposed to prevent an overpopulation of ferrets that could become a burden on the animal shelter system and as a part of responsible pet ownership. Additionally, sterilization may help reduce aggression and musky odor, and provide health benefits to the animal. The Department is also proposing that this provision be effective September 1, 2015, roughly six months after the expected adoption of this provision, if the Board of Health adopts this proposal, to allow time for government and non-government agencies and property owners to develop and put into effect appropriate policies and guidance.

Amendment to Health Code §§161.21 and 11.29—Rabies Vaccinations

In 2010, Health Code §161.21 was amended to require that stables keep current rabies vaccination certificates for the horses they house. The Department is requesting that the Board further amend this section to require that horses' owners, as well as the stables where they are kept, maintain proof that their horses are vaccinated.

The Department also proposes that Health Code §11.29 be amended to:

1. Add ferrets and horses to the list of animals that must be immunized against rabies and
2. Change the terms "dogs" and "cats" in this section to "animals" to reflect that other animals would be specifically required to be currently vaccinated against rabies.

Amendment to Health Code §161.02—Definitions

The Department is proposing that the Board add a definition for "operating" or "in operation" to clarify that an animal business or facility regulated by the Health Code is required to comply with all of the provisions of the Health Code that apply to it regardless of whether the facility or business is open to the public.

¹ See, e.g., 7 U.S.C. 2145(b); *Dehart v. Town of Austin*, 39 F.3d 718, 722 (7th Cir. 1994) ("[T]he Animal Welfare Act expressly contemplates state and local regulation of animals.")

Amendments to §161.15—Cage or Box Dryers

This section currently requires boarding kennels to obtain proof from the owners of the dogs for which they care that the animals have been vaccinated against rabies and certain other diseases. The Department is proposing that the Board amend this section to clarify that this requirement is applicable to grooming parlors and training establishments. In addition, these businesses would have to obtain proof from the owners of cats and ferrets that these types of animals have been vaccinated against rabies.

The Department is also proposing that the Board add a provision mirroring a State law requirement that prohibits grooming parlors and other facilities that handle small animals from drying an animal using the heating element contained in a cage or box dryer. These types of dryers have been associated with injuries and deaths of pets left unattended during drying. State Agriculture & Markets Law §353-e already prohibits their use in grooming facilities; this amendment would enable the Department to enforce this ban in the businesses it regulates.

The resolution is as follows.

Shall and must denote mandatory requirements and may be used interchangeably.

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

RESOLVED, that subdivisions (a) and (b) of §161.01 of Article 161 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended, to be printed together with explanatory notes to read as follows:

§161.01 Wild and other animals prohibited.

(a) (1) Prohibitions; exceptions. No person shall sell or give to another person, possess, harbor, keep, or yard wild or other animals identified in this section or in regulations promulgated by the Commissioner pursuant to subdivision (e) of this section other than in:

[(1) A] (i) a zoological park or aquarium operated by the Department of Parks and Recreation, by the Wildlife Conservation Society, or by the Staten Island Zoological Society; or

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

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

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

[(5) A] a place that exhibits, uses or displays such animals, including, but not limited to, (iv) a temporary exhibit, performance or display that has been issued a permit by the Commissioner.

(2) Permits. Persons who own, operate, manage or control any premises, businesses or activities in which such animals will be exhibited or displayed, or persons who propose to exhibit or display such animals, including, but not limited to, in a rodeo, circus or other performance, petting zoo, farm museum, school or similar institution, or for a film, television, photographic or other production or a media or non-media event, or for commercial, educational or other purposes, [in accordance with] must obtain a permit issued by the Commissioner.

(A) The Commissioner may impose reasonable conditions and time limits on such exhibitions, usages or displays when issuing such permits, including [a condition that the place] requiring proof of insurance, and a showing that places where animals are to be exhibited, used or displayed have protective devices [to preventing] that the Department is satisfied will prevent animals from escaping or injuring the public.

[(A)] (B) All animals exhibited or displayed shall have received all species appropriate immunizations and have been tested for zoonotic diseases in accordance with federal and state law and guidelines, and recommendations of the Association of Zoos and Aquariums, or other recognized animal health authorities. The Commissioner may prohibit the use, display or exhibition of an animal that, in the opinion of the Commissioner, carries an unreasonable risk of exposing persons to zoonotic diseases or physical harm.

(C) An application for a permit to exhibit, use or display animals shall be submitted to the Department at least [five (5)] ten (10) business days prior to the arrival of such animals into New York City in preparation for such exhibition, use or display by the person or entity that proposes to exhibit, use or display such animals or the person in control of the premises where such animals will be exhibited, used or displayed.

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

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

(b) Prohibited animals. For the purposes of this Code, a wild animal is deemed to be any animal which is naturally inclined to do harm and capable of inflicting harm upon human beings and all such animals are hereby prohibited pursuant to subdivision (a) of this section. Such animals shall also include: (i) any animals specified by the

Commissioner in regulations promulgated pursuant to this section; (ii) any native or exotic wildlife whose possession or sale is prohibited because they are designated as protected or endangered pursuant to any federal, state or local law, regulation, or rule; and (iii) any of the following animals:

* * *

(4) All fur bearing mammals of the family Mustelidae, including, but not limited to weasel, marten, mink, badger, ermine, skunk, otter, pole cat, zorille, wolverine, stoat and ferret, except for the domestic ferret (Mustelidae putorius furo) after September 1, 2015. Such domestic ferrets must be restrained when out of doors and vaccinated against rabies in accordance with Article 11 of this Code. All such domestic ferrets six months of age or older must be medically or surgically sterilized, and no person shall barter, give away or sell any ferrets that are not sterilized. Owners must maintain and provide proof of sterilization to the Department upon request.

* * *

Notes: Subdivision (a) of section 161.01 was amended by resolution adopted XXX by the Board of Health to clarify requirements for permits to exhibit, display or use animals whose possession is otherwise prohibited in subdivision (b) of this section. Paragraph (4) of subdivision (b) of §161.01 was also amended to allow domestic ferrets to be kept as pets, to be effective September 1, 2015.

RESOLVED, that §161.02 of Article 161 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended to add a new definition of “operating or in operation,” to be inserted alphabetically and be printed together with explanatory notes to read as follows:

§161.02 Definitions.

* * *

Operating or in operation. An animal business or facility regulated by this Article is “operating” or “in operation” if any animals are being harbored or kept on its premises, and regardless of whether such business or facility is open to the public.

* * *

Notes: §161.02 was amended by resolution of the Board of Health adopted at its XXX meeting to add a definition of “operating” or “in operation” to clarify that animal businesses and facilities subject to regulation under Article 161 are required to comply with requirements of the Health Code regardless of whether they are open to the public.

RESOLVED, that §161.15 of Article 161 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended by amending subdivision (e) and adding a new subdivision (f), to be printed together with explanatory notes to read as follows:

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

* * *

(e) Proof of vaccinations required.

A holder of a permit to operate a boarding kennel, grooming parlor, or training establishment shall require proof from the owner of each dog provided services that such dog is currently actively vaccinated against rabies, distemper, adenovirus, parainfluenza, parvovirus and Bordetella, [shall maintain such proof on the premises, and shall provide such records for inspection to the Department upon request] and proof from the owner of each cat or ferret provided services that such cat or ferret is currently actively vaccinated against rabies. Proof of such vaccinations shall be maintained on the premises and provided to the Department upon request.

* * *

(f) Cage or box dryers prohibited. Facilities that care for or provide services to any small animal shall not dry any such animal using a cage or box dryer equipped with a heating element.

Notes: Subdivision (e) of §161.15 was amended by resolution of the Board of Health adopted at its XXX meeting to clarify that businesses providing various services to dogs and cats must require proof from the animals’ owners that the animals have been vaccinated against rabies and other common diseases and adding a new subdivision (f) which prohibits animal businesses from using cage or box dryers when providing services to small animals.

RESOLVED, that subdivision (i) of §161.21 of Article 161 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended, to be printed together with explanatory notes to read as follows:

* * *

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

(i) All horses owned, boarded, used or brought into the City of New York for any purpose shall have an annual rabies vaccination. Every person who owns a horse and every person who owns or maintains a stable for horses in the City of New York shall maintain a record of such horse’s rabies vaccinations and make such records available to officers, agents and employees of the Department for examination upon request. Requirements for rabies vaccination for horses shall apply to all horses housed or brought into any stable in the City of New York

regardless of whether the stable is required to hold a permit issued pursuant to this Article.

Notes: Subdivision (i) of §161.21 was amended by Board of Health resolution adopted at its XXX meeting to require that horse owners as well as owners of stables maintain certificates of required rabies vaccinations and make such certificates available for examination by the Department on request.

RESOLVED, that §11.29 of Article 11 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, is amended, to be printed together with explanatory notes to read as follows:

§11.29 Rabies: compulsory vaccination.

(a) Vaccination required. Any person who owns or harbors in New York City a dog, horse, domestic ferret or cat four months of age or older, other than a dog, horse, domestic ferret or cat exempt from vaccination requirements pursuant to subdivision (d) of this section, shall have such animal actively vaccinated against rabies, as defined in §11.27 of this Article.

(b) Vaccination certificates and reports to the Department. The veterinarian either administering the vaccine or responsible for supervising the vaccination shall give to the [dog or cat’s] animal’s owner a rabies vaccination certificate. Within five days of performing a vaccination, the veterinarian shall report such vaccination to the Department by forwarding to the Department a completed form [designed] provided or approved by the Commissioner via facsimile, mail or electronic transmission acceptable to the Department. In the case of [a dog or cat] an animal whose health would be adversely affected as a result of a vaccination, the veterinarian shall give to the [dog or cat’s] animal’s owner a signed and dated statement indicating this. In addition, the veterinarian shall, on a form prescribed by the Commissioner, report this information to the Department via facsimile, mail or electronic submission acceptable to the Department within five days of having determined that the administration of a vaccine would adversely affect the health of the [dog or cat] animal.

(c) Filing vaccination certificates. The rabies vaccination certificate and the form prescribed by the Commissioner to be forwarded to the Department shall be dated and signed by the veterinarian and shall include the following information: a description of the [dog or cat] animal, its age, color, sex, and breed; the dog’s license number; the name and address of the owner; whether the [dog or cat] animal was vaccinated or exempted from vaccination by reason of the adverse effect such vaccination would have on [the] its health [of such dog or cat], and, if vaccinated, the type of vaccine injected, its duration of immunity, the amount and manner of injection, the name of the manufacturer, and the lot number and expiration date of the vaccine. The vaccination certificate shall be effective for the duration of immunity. Upon the expiration of the certificate, the owner shall have [his or her dog or cat] the animal revaccinated in accordance with this section.

(d) Exemptions. Active vaccination against rabies shall not be required for dogs, horses, domestic ferrets or cats actually confined to the premises of incorporated societies, devoted to the care or hospital treatment of lost, strayed or homeless animals, or confined to the premises of public or private hospitals devoted to the treatment of sick animals, or confined for the purposes of research to the premises of colleges or other educational or research institutions, or for dogs or cats actually confined to the premises of a person, firm or corporation actually engaged in the business of breeding or raising dogs or cats for profit and are so licensed as a class A dealer under the Federal Laboratory Animal Welfare Act or if such vaccination would adversely affect the health of the [dog or cat] animal as determined by a duly licensed veterinarian.

Notes: Section 11.29 was amended by resolution adopted on XXX to require rabies vaccinations for horses and ferrets as well as dogs and cats, consistent with the amendment of the Health Code §161.01(b) (4) to allow keeping domestic ferrets as pets and with the requirement in Health Code §161.21 (i), in effect since 2010, that all horses owned, boarded, used or brought into the City have annual rabies vaccinations.

**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 Rules Governing Animals (Health Code Art. 161)

REFERENCE NUMBER: 2014 RG 093

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

- (i) Is understandable and written in plain language for the

discrete regulated community or communities;

- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the Health Code requires immediate compliance due to public health concerns

/s/ Jacob Sack
Mayor's Office of Operations

Date: December 2, 2014

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

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

RULE TITLE: Amendment of Rules Governing Animals (Health Code Art. 161)

REFERENCE NUMBER: 2014 RG 093

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: December 1, 2014

◀ d12

Board of Health

**Notice of Public Hearing and Opportunity to
Comment on Proposed Amendments to Article 81
of the New York City Health Code**

What are we proposing? The Department of Health and Mental Hygiene is proposing that the Board of Health amend Article 81 of the Health Code, deleting, amending and clarifying certain requirements for operation of restaurants and other food service establishments.

When and where is the hearing? The Department will hold a public hearing on the proposed Health Code amendments from 2:00 P.M. to 4:00 P.M. on January 29, 2015 in

Room 3-32
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street, 3rd Floor
Long Island City, NY 11101-4132

How do I comment on the proposed amendments to the Health Code? Anyone can comment on the proposed amendments by:

- **Website.** You can submit comments to the Department through the NYC rules web site at <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to resolutioncomments@health.nyc.gov
- **Mail.** You can mail written comments to New York City Department of Health and Mental Hygiene Gotham Center, 42-09 28th Street, CN 31 Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to New York City Department of Health and Mental Hygiene at 347-396-6087
- **Speaking at the hearing.** Anyone who wants to comment on the proposed amendments at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078. You can also sign up in the hearing room before or during the hearing on January 29, 2015. You can speak for up to five minutes.

Is there a deadline to submit written comments? Written comments must be received on or before 5:00 P.M. on January 29, 2015.

Do you need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You

can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078. You must tell us by January 15, 2015.

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

What authorizes the Board of Health to make these amendments? Section 558 of the New York City Charter authorizes the Board of Health to adopt and amend the Health Code and to include in the Health Code all matters to which the authority of the Department extends. Section 556 of the Charter authorizes the Department to supervise and regulate the City's food supply. This proposed amendment was not included in the Department's regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

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

What rules govern the rulemaking process? The Board of Health must meet the requirements of §1043 of the City Charter when creating or changing the Health Code. This notice is made according to the requirements of City Charter §1043.

Statement of Basis and Purpose

Statutory Authority

These amendments to the New York City Health Code (the Health Code) are promulgated pursuant to §§558 and 1043 of the New York City Charter (the Charter). Sections 558(b) and (c) of the Charter empower the Board of Health (the Board) to amend the Health Code and to include in the Health Code all matters to which the authority of the New York City Department of Health and Mental Hygiene (the Department) extends. Section 556 of the Charter authorizes the Department to supervise and regulate the City's food supply. Section 1043 grants the Department rule-making authority.

Background

The Commissioner of the Department of Health and Mental Hygiene is the "permit issuing official" designated in the State Sanitary Code (10 NYCRR Chapter 1) Subpart 14-1 to enforce provisions of the Sanitary Code applicable to the operation of food service establishments in the City of New York (the City). In the City, food service establishments are also subject to provisions of the New York City Health Code and Chapter 23 of Title 24 of the Rules of the City of New York, and mobile food vendors are also subject to subchapter 2 of chapter 3 of title 17 of the New York City Administrative Code. The Department's Division of Environmental Health enforces the provisions of the Administrative, Sanitary and Health Codes and the Department's rules applicable to such establishments.

The Department is proposing that the Board of Health amend Article 81 of the Health Code to update certain requirements to reflect changes in food science recommendations found in the 2013 US FDA Model Food Code ("2013 Food Code") and to clarify various provisions to help establishment operators comply with the requirements.

Proposed Changes

The following changes are proposed:

§81.03 Definitions.

Amends the definition of sanitization in subdivision (ii) to add submersion in a quaternary ammonium solution as an approved method of chemically sanitizing tableware, utensils and equipment. The method is included in the 2013 Food Code and will give operators another option for sanitization.

§81.04 Approved sources of food.

Amends subdivision (c) to add scallops sold with their roe (eggs) to the list of shellfish for which identification tags must be retained.

Subdivision (d) is being added to require that exotic game meats served in food service establishments be inspected and acquired from commercially regulated sources, such as those described in regulations of the State Department of Agriculture and Markets found at 1 NYCRR §271-2.2, and will be made consistent with the 2013 Food Code.

Subdivision (e) is being added to address the fact that many food service establishments are producing their own packaged juice products, and will require that juice produced in retail establishments (including food service establishments) bear warnings stating that the juice has not been produced in a manner that prevents, reduces or eliminates the presence of pathogens.

§81.05 Technical review and pre-permitting inspections for food service establishments and non-retail food processing establishments.

The Department is proposing that the name of this section be amended to indicate that a permit is required to operate a food service establishment. The first sentence of current subdivision (c), which states that a permit is needed to operate a food service or non-retail food processing establishment, has been re-lettered as subdivision (a) and the entire section has been re-lettered accordingly. Certain language in current subdivision (c), re-lettered here as subdivision (d), is being added to conform this provision with State Sanitary Code §14-1.190, and make clear that an establishment may not begin operating for 21-days after it applies for an initial permit, unless the Department has inspected it.

§ 81.06 Prevention of imminent or public health hazards.

Subdivision (c) is being amended to clarify that the Department's approval of a food service establishment's Hazard Analysis and Critical Control Point (HACCP) plan is not required when food is controlled according to the time and temperature requirements of §81.09.

§81.07 Food; sanitary preparation, protection against contamination.

Paragraph (2) of subdivision (a) is being deleted because it is duplicative of §81.17(d).

Subdivision (c) is being amended to prohibit establishments from keeping, as well as using, non-pasteurized liquid, frozen or dry eggs.

Subdivision (d) is being amended to delete the sentence that begins with the phrase "Food removed from original containers or packages..." which is unnecessary because subdivision (a) of this section already mandates that all food, regardless of packaging, be protected from contamination.

Subdivision (h) is being amended to add an additional method of storing utensils that is recommended in the 2013 Food Code §4-602.11. Establishments would be able to place them in water maintained at or above 135 degrees Fahrenheit. This subdivision is also being amended to clarify that utensils used for dispensing ready to eat foods must have handles to prevent food contamination.

Subdivision (o), currently entitled "Drinking straws," is being retitled "Single service articles" and amended to require that these items, which include paper coffee cups and plastic cutlery, also be dispensed in ways that prevent possible contamination. This rule change is being proposed in response to a petition to the Board to commence rulemaking about preventing contamination of single service articles.

Several other amendments are being made to this section to clarify its provisions.

§81.09 Potentially hazardous foods; temperature control for safety.

This section is being repealed and replaced with one that is better organized and specifies the temperatures required for various processes.

Temperatures for cooking meats have been updated in accordance with the 2013 Food Code recommendations.

Subdivision (b) will require freezing of fish to destroy parasites before serving such fish raw, raw-marinated (e.g. ceviche) or undercooked. Parasites (in the larval stage) consumed in uncooked or undercooked fish present a risk or food borne illness. Among parasites, nematodes or roundworms (*Anisakis* spp.), cestodes or tapeworms (*Diphyllobothrium* spp.) and trematodes or flukes are of most concern. The FDA Food Code recommends that fish that is not going to be adequately cooked be frozen to destroy parasites before service because visual inspection techniques cannot adequately detect the presence of parasites. The effectiveness of freezing fish to kill parasites depends on several factors, including the temperature at which and length of time the fish is frozen, as well as the type of parasite. Establishments will be required to maintain and follow standard operating procedures for freezing all fish; if they buy fish frozen, the establishment must obtain statements from the supplier that the fish was frozen.

§81.10 Time as a public health control.

The Department is proposing amendments to clarify several provisions of the section, but it will otherwise remain substantively unchanged.

The section title is being amended to indicate that time can be used as a control as an alternative to maintaining the time and temperature requirements of §81.09.

Subdivision (b) is being amended to add the date as an element that must be noted on labels when food is being held out of temperature. Additional amendments are being made to subdivisions (b) and (c) to clarify their provisions.

Paragraph (2) of subdivision (d) has been amended to clarify that, if food previously held under §81.10 is returned to temperature control, it is considered contaminated and in violation of §81.07.

Table 1 is being amended to reflect the changes made to this section.

§81.11 Consumer advisory.

This section is new. Section 81.09 currently requires that an establishment tell consumers about the dangers of food borne illness when potentially hazardous/time and temperature control for safety foods are being served raw or undercooked. The 2013 Food Code recommends a written advisory, which has been adopted and included in this new section, effective January 1, 2016. Until that time, establishments may continue to verbally warn consumers of the risk posed by eating raw or undercooked foods.

§81.12 Reduced oxygen packaging; cook chill and *sous vide* processing.

The heading of subdivision (c) is being retitled to more accurately reflect its content.

§81.13 Food workers; health; hygienic practices.

This section is being amended to clarify the activities during which workers must wear hair coverings. Also, consistent with recent amendments to the Smoke-Free Air Act made by Local Law 152 of 2013, the use of electronic cigarettes will also be prohibited. Provisions on the use of gloves have been moved from subdivision (d) of this section to §81.07(j).

§81.17 General requirements: design, construction, materials and maintenance.

Minor changes are proposed to clarify some provisions and reorganize this section. In addition, a new subdivision (g) is being added to include the provisions on handling toxic and hazardous substances that are currently in §81.23. Provisions governing single service articles are being deleted to reflect their inclusion in the new §81.07(o).

§81.18 Cold and hot storage and holding facilities.

The proposed amendment would correct an error to require that thermometers and other temperature measuring devices be calibrated to be accurate to (+) or (-) 2 degrees, rather than the current (+) or (-) 3 degrees.

§81.20 Plumbing and water supply

Subdivision (a) is being amended to add a requirement that an establishment have adequate supplies of potable water at all times.

Subdivisions (b) and (c) are being combined and provisions related to condensation, clarified, and the remainder of the section re-lettered appropriately.

§81.21 Hand wash sinks.

Subdivision (a) is being amended to require that hand sinks be supplied with potable running water.

Subdivision (b) is being amended to delete the requirement that waste receptacles be foot operated and covered.

§81.22 Employee and patron toilets.

This section is being amended to clarify its provisions but remains substantively unchanged.

§81.23 Integrated pest management.

Subdivision (d) is being amended to clarify the provisions of paragraph (3) and add a new paragraph (4) prohibiting use of unprotected bait stations, consistent with State Sanitary Code §14-1.60(e).

Subdivision (e), relating to toxic materials, is being moved to §81.17.

§81.24 Garbage and waste disposal.

The proposal deletes the current requirement that garbage and wastes be either removed from the food establishment daily or placed in a separate pest-proof room. Garbage and waste stored for removal would need to be kept in pest-proof containers but need not be in a pest proof room. The provisions of this section are also being reorganized.

§81.27 Cleaning of premises, equipment and utensils.

This section is being amended to clarify its requirements. The cleaning of food contact surfaces is vital in preventing bacterial growth and contamination. The proposed amendments clarify that cleaning requirements apply to all food contact surfaces.

§81.29 Dishwashing and ware washing.

This section is being repealed and restated to clarify its provisions. It deletes provisions referring to sanitizing in accordance with manufacturers' instructions for use of various chemical solutions and equipment, and requires that when items are chemically sanitized, chemicals registered as anti-microbial pesticides with the US Environmental Protection Agency for food service be used.

§81.31 Outdoor cooking, food and beverage preparation facilities.

No substantive changes have been made to this section, but its

provisions are being clarified to facilitate compliance.

§81.46 Refillable, returnable containers.

This section is new. It sets out procedures for establishments that allow consumers to re-use their own beverage containers or that provide food/beverage containers to consumers that may be refilled at the establishment, as an environmental conservation measure. Re-using food containers exposes food workers and consumers to increased public health risks and food to potential contamination and this section establishes procedures to reduce those risks. These provisions are consistent with 2013 Food Code §3-304.17.

§81.53 Maximum Beverage Size.

This section is being repealed.

The resolution is as follows.

“Shall” and “must” denote mandatory requirements and may be used interchangeably.

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

RESOLVED, that subdivision (ii) of section 81.03 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

(ii) Sanitization means effective bactericidal treatment by heat or chemical means that destroys pathogens on surfaces treated. Acceptable sanitization methods are:

- (1) immersion for at least one-half minute in clean hot water at a temperature of [not less than] at least 170 degrees Fahrenheit (76.7 degrees Celsius);
- (2) immersion for at least one minute in a clean solution containing at least 50 parts per million of available chlorine at a temperature of at least 75 degrees Fahrenheit (23.9 degrees Celsius);
- (3) immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having pH not higher than 5.0 and at a temperature of at least 75 degrees Fahrenheit (23.9 degrees Celsius);
- (4) immersion for at least one minute in a solution of 200 parts per million quaternary ammonium at a temperature of at least 75 degrees Fahrenheit (23.9 degrees Celsius);
- (5) immersion in a clean solution containing any other food grade chemical sanitizing agent that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as hypochlorite which has been held at a temperature of at least 75 degrees Fahrenheit (23.9 degrees Celsius) for one minute;
- [(5)] (6) treatment with culinary-quality steam in the case of equipment too large to sanitize by immersion, but in which steam can be confined; or
- [(6)] (7) swabbing fixed equipment with a solution of at least twice the strength required for that sanitizing solution when used for immersion.

Notes: Subdivision (ii) of section 81.03 was amended by resolution of the Board of Health adopted XXX to add a quaternary ammonium solution as an acceptable sanitization method.

RESOLVED, that section 81.04 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended to amend subdivision (c) and add new subdivisions (d) and (e), to be printed together with explanatory notes to read as follows:

* * *

- (c) *Shellfish tags.* Fresh and frozen shellfish, shelled or shucked shellfish (oysters, clams, scallops with roe attached or mussels) shall be identified with the name and address of the original shell stock processor, shucker-packer or repacker, and the foreign intrastate and interstate identification number issued pursuant to applicable law. Identification tags shall be retained on the premises for 90 days from the date the shellfish was used, in accordance with State Sanitary Code § 14-1.33 (b) or any successor provision.
- (d) *Exotic and game animals.* Exotic animals not native to New York State and any game animals served in food service establishments must be obtained from commercially regulated sources, such as those described in regulations of the State Department of Agriculture and Markets found at 1 NYCRR §271-2.2, or successor regulations.
- (e) *Labeling unpasteurized packaged juices.*

(1) *Definition.* For the purpose of this subdivision, juice means the aqueous (water-based) liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or purees.

(2) *Labeling.* Unpasteurized juices prepared and packaged by a food service establishment for direct sale to the establishment’s patrons must be labeled with the following information:

- (A) Food ingredients, using common names;
- (B) Food additives, if any;
- (C) Name and address of the entity that packaged the juice;
- (D) “Use by” date;
- (E) The statements: “WARNING: This product has not been pasteurized. It may contain harmful bacteria that can cause serious illness, especially in children, elderly persons, and persons with weakened immune systems.” and “Must keep refrigerated.”

(3) *Juice produced for wider distribution.* Juice produced and/or packaged by any establishment that is distributed at wholesale or to any persons other than the establishment’s patrons must be produced and packaged in accordance with 21 CFR Part 120, or any successor regulations.

Notes: Section 81.04 was amended by resolution of the Board of Health adopted on XXX to add a new subdivision (d) specifying sources of exotic and game animals and a new subdivision (e) requiring certain information on labels of juices packaged by food service establishments for sale to their patrons. Subdivision (c) was amended to indicate that the source of scallops with their roe attached must be identified and tags maintained.

RESOLVED, that section 81.05 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

§81.05 [Technical] **Permit requirements; technical review and pre-permitting inspections for food service establishments and non-retail food processing establishments.**

- (a) *Permit required.* Except as specified in this section, no person shall operate a food service establishment or non-retail food processing establishment without a permit therefor issued by the Commissioner.
- (b) An operator of a food service establishment or non-retail food processing establishment shall construct, equip, furnish, maintain and operate such establishment in compliance with this Article and all other applicable federal, state and city laws, rules and regulations.
- [(b)] (c) Prior to new construction or major renovation of a food service establishment or non-retail food processing establishment, or at any time thereafter where the Department determines that the public health and safety requires a Departmental review of the physical plant of such establishment, the Department may require such establishment to submit sketches or plans showing the floor layout, equipment, plumbing, ventilation, refuse storage facilities, sewage disposal facilities and similar information on a form acceptable to the Department. Submission and review of plans shall not relieve the operator of such establishment or his or her successor from meeting all requirements of this section.

[(c) Except as specified in this section, no person shall operate a food service establishment or non-retail food processing establishment without a permit therefor issued by the Commissioner.]

(d) *A food service or non-retail food processing establishment may not operate without a permit for 21 days after submitting an application for a permit unless the Department has conducted an inspection and approved issuance of a permit.* If the Department does not make an inspection of the establishment during this 21 day period, operations may commence without a permit on the twenty-second day after submission of an application for a permit, and the establishment may continue operating without being in violation of this section until such time as the Department inspects the establishment and either approves issuance of a permit or issues an order to cease operation for cause [pursuant to §81.39 of this Article or other applicable provision of] in accordance with this Code.

[(d)] (e) A permit for a food service establishment or non-retail food

processing establishment shall be issued subject to the establishment being constructed, maintained and operated in compliance with this Code, and not presenting a danger to the health or safety of the consumer or to the public. The condition of the establishment, including its equipment, utensils, personnel, mode of operation, surroundings, water supply, sewage disposal, waste handling, furnishings, food and appurtenances, and, if applicable, past history of compliance or non-compliance, shall be considered in determining whether its operation may be dangerous or detrimental to the public health. If the pre-permitting inspection indicates that such conditions are unsatisfactory, the operator shall be advised of the violations which prevent issuance of such permit.

- [(e)] (f) Religious, fraternal and charitable organizations which provide food services more often than once a week shall obtain a permit pursuant to this Article; provided, however, that an organization providing food service less frequently than once a week shall notify the Department in writing of its intention to engage in such food service operations and shall obtain authorization from the Department. Such authorization may be issued for a term not to exceed two years. The payment of a fee for such authorization shall not be required. The provisions of this subsection shall not limit in any way the right of the Department to take any actions necessary to protect the public health.
- [(f)] (g) Every person using or contracting for use of shared kitchen space and equipment shall obtain a permit to operate a food service establishment unless such person is licensed or regulated by the Commissioner of Agriculture and Markets pursuant to Article 20-C, or any successor provision, of the Agriculture and Markets Law. However, a person holding a non-retail processing establishment permit to operate a shared kitchen shall be responsible for maintaining the condition of the establishment, its equipment, surroundings, water supply, waste handling, furnishings and other appurtenances in accordance with this Code.
- [(g)] (h) No person operating a shared kitchen shall rent space or equipment in the shared kitchen to an individual who intends to use the facility to prepare food for sale or service to the public and does not have a currently valid food service establishment permit issued by the Commissioner, unless such user is currently licensed or regulated by the Commissioner of Agriculture and Markets.
- [(h)] (i) Upon the request of the Department, the operator of a shared kitchen shall provide a copy of any agreement between the operator and the user. Such agreement shall indicate the purpose of using the shared kitchen, the type of food to be prepared, and the place where the food will be sold.
- [(i)] (j) A permit shall not be issued if the applicant or a principal of an entity applying for such has been denied a permit on the basis of violations of this Code which could have resulted in the suspension or revocation of a permit. A permit may be renewed, provided that the permittee meets all requirements for renewal, the permit has not been revoked or suspended, and the permittee has not been determined to have committed a violation that could be a basis for permit revocation or suspension under this Article.

Notes: Section 81.05 was amended by resolution adopted by the Board of Health at its XXX meeting, to amend subdivision (a) and the section title to require a permit prior to operation; and reletter the remaining subdivisions accordingly. Former subdivision (c), relettered as subdivision (d), includes a requirement inadvertently omitted during a prior amendment of the section.

RESOLVED, that subdivision (c) of section 81.06 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

- (c) *Prior approval required for certain foods and processing.*
[Prior approval] Approval by the Department of a food service establishment's HACCP plan shall be obtained prior to processing any potentially hazardous food on the food service establishment's premises by means of reduced oxygen packaging methods, drying, fermentation, curing, or smoking food products [on the premises of the food service establishment except that no]. No HACCP plan is required for processes that are conducted in accordance with the time and temperature requirements of §81.09 of this Article.

Notes: Subdivision (c) of §81.06 was amended by resolution of the Board of Health adopted XXX to clarify provisions relating to Department approval of food service establishments' HACCP plans.

RESOLVED, that subdivisions (a), (c),(d), (e), (g), (h), (j), (m) and (o) of section 81.07 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be

printed together with explanatory notes to read as follows:

§81.07 Food; sanitary preparation, protection against contamination.

- (a) *Food protection.* Food shall be free of and protected against contamination and shall be manufactured, prepared, processed or packed using clean and sanitary utensils and equipment.
 - (1) *Culinary sink.* A dedicated single compartment culinary sink shall be provided and used only for washing fruits, vegetables, meats, and aquatic animal foods prior to other preparation. However, where no culinary sink is provided, foods may be washed in (i) a food grade container or colander or (ii) one compartment of a multi-compartment sink. No sink used for washing foods shall be used as a slop, utility or hand washing sink. All sinks used for washing food shall be indirectly washed, cleaned and sanitized prior to washing food, and between washing raw meats and other foods.
 - (2) *[Food contact surfaces.* Surfaces with which food comes in contact shall be impervious.]
 - [(3)] *Prevention of cross-contamination.* Food that will not be washed or cooked shall be protected from cross-contamination from food which is required to be washed or cooked.
 - [(4)] (3) *Storage on ice or in water.* Packaged food shall not be stored in direct contact with ice or water if packaging allows the entry of water. Unpackaged food may be stored in direct contact with drained ice, except that whole, raw fruits or vegetables, cut, raw vegetables such as celery or carrot sticks or cut potatoes, and tofu, may be immersed in clean and sanitary undrained ice or water.
 - [(5)] (4) *Washing raw fruits and vegetables.* Raw fruits and vegetables shall be thoroughly washed with potable water before cutting or serving.
 - [(6)] (5) *Storage of raw chicken and fish.* Raw chicken and raw fish that are received in ice in shipping containers may remain in such condition, provided the required cold holding temperature is maintained while being stored or awaiting preparation, display, service or sale.

* * *
- (c) *Eggs.* Only clean, whole eggs with shells intact [and] that are free from cracks or splits; or pasteurized[,] liquid, frozen or dry eggs; or pasteurized dry egg products shall be used. [All containers in which eggs are received in a food service establishment or non-retail food processing establishment must identify the source of the eggs.] No unpasteurized liquid, frozen or dry eggs shall be kept or used in the establishment.
- (d) *Food storage.* [Food removed from original containers or packages shall be protected from contamination by storing in clean, sanitized and covered containers and by maintaining proper temperature.] Containers of food shall be stored at least six inches (14.24 centimeters) above the floor, in a refrigerator or dry storage area, or at a greater height if necessary to permit cleaning of the storage area. Potentially hazardous raw foods that are not properly packaged or in sealed containers and that may leak or drip shall not be placed in storage above other foods
- (e) *Food display.*
 - (1) *Containers.* Food shall be displayed only in equipment such as cleanable containers, cabinets, display cases or similar protective equipment that protects such food from contamination.
 - (2) *Protective shields.* Self-service equipment shall have protective shields or guards to prevent [unnecessary] potential contamination [or contact by patrons] of food.
 - (3) *Quantities to be limited.* The quantity of food displayed shall be minimized to that necessary to meet immediate needs.

* * *
- (g) *Ice [dispensing] for consumption.* Ice for consumption shall be dispensed with scoops, tongs or other utensils, or from automatic self-service ice-dispensing equipment. [Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice.]

(h) [Dispensing utensils] Utensils. Food dispensing utensils [shall] equipped with handles must be provided for [dispensing food] use by food workers and for self-service in dispensing food and ice. Between uses, food dispensing utensils shall be stored in the food with the handles extended [out of the] so that the handles do not come into contact with food; [shall be] kept clean and dry on a clean surface; [or shall be] kept in a dipper well with running water at an adequate velocity and volume to remove food residue during intervals between intermittent use; or kept in a container of water maintained at a temperature at or above 135 degrees Fahrenheit and changed at least every four hours and free from accumulated food residue. When stored, all clean and sanitized utensils must be segregated from unclean utensils and equipment to prevent contamination.

* * *

(j) Bare hand contact prohibited. Food shall be prepared and served without bare hand contact unless the food will be heated to at least the minimum temperature required under §81.09. Convenient and suitable utensils, [sanitary] disposable food grade gloves, waxed paper or an equivalent barrier shall be provided and used to prepare or serve food to eliminate bare hand contact and prevent contamination. Gloves must be changed after handling raw foods, performing tasks that do not involve food preparation or processing, handling garbage, or any other work where the gloves may have become soiled or contaminated.

* * *

(m) Animal slaughter prohibited. [Except for] No live animals, except fresh or saltwater finfish, crustaceans, or mollusks, [no live animals] shall be slaughtered at any food service or non-retail processing establishment. Tanks used to hold live fish or crustaceans intended for human consumption must be regularly cleaned and kept free of dead fish and algae.

* * *

(o) Drinking straws and other single service articles. Single service articles must be manufactured from clean non-toxic materials. Such items shall not be reused and must be discarded after use. Single service articles must be handled, transported, stored and dispensed without contaminating the food-contact and mouth-contact surfaces of such articles. Drinking straws shall not be offered to the consumer unless they are completely enclosed in a wrapper or dispensed from a sanitary device. [Drinking straws shall be discarded immediately after use.]

* * *

Notes: Section 81.07 was amended by resolution of the Board of Health adopted on XXX to clarify various provisions: Paragraph (2) of subdivision (a) was deleted and the remaining paragraphs renumbered; subdivision (c) was amended to prohibit use of unpasteurized egg products other than whole shell eggs; subdivision (d) was amended to delete repackaging requirements; paragraph (2) of subdivision (e) was amended to substitute the term "potential" for "unnecessary" contamination; subdivision (g) was amended to specify that the requirements to prevent contamination of ice applied only to ice that is for consumption; subdivision (h) was amended to clarify management of dispensing utensils; subdivision (j) was amended to add provisions related to use of gloves by food workers deleted from section 81.13; subdivision (m) was amended to add a requirement that tanks for marine life be regularly cleaned and sanitized; and subdivision (o) was amended to apply to all single service articles, where previously it only addressed straws.

RESOLVED, that section 81.09 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, regarding temperature controls for food safety, is hereby REPEALED and a new section 81.09 is added, to be printed together with explanatory notes to read as follows:

§81.09 Potentially hazardous (time and temperature control for safety) foods.

(a) Holding and storage temperatures. Potentially hazardous food must be stored or held at or below 41 degrees Fahrenheit (5 degrees Celsius) or at or above 140 degrees Fahrenheit (60 degrees Celsius) except as follows:

- (1) Immediate service. Food prepared for immediate service in response to an individual consumer order may be served at any temperature.
- (2) Eggs. Intact shell eggs must be stored at an ambient temperature of 45 degrees Fahrenheit (7.2 degrees Celsius) or below.
- (3) Processed fish. All processed fish products must be

prepared and stored at a temperature that does not exceed 38 degrees Fahrenheit (3.3 degrees Celsius) without interruption until served to the ultimate consumer, provided, however, that:

- (A) Processed fish that contains a water phase salt level of at least 17 percent shall not require refrigerated storage; and
- (B) Dry salted fish that contains a water phase level of at least 10 percent, salt water activity of less than 0.85 Aw, or a pH of 4.6 or lower, must be held at refrigerated temperatures that do not exceed 41 degrees Fahrenheit (5 degrees Celsius).

(4) Necessary preparation. Foods may be held out of temperature during active necessary preparation. Active necessary preparation of food does not include time food is being heated, cooled, cooked, reheated or stored and requires temperature control.

(5) Time as the sole public health control. When using time alone as a public health control in accordance with §81.10 of this Article.

(b) Freezing and storage of fish to be served raw, raw marinated or undercooked.

(1) Freezing required. To destroy parasites in fish or fish products that are to be consumed raw, undercooked or raw-marinated, such products must be frozen and stored prior to service as follows:

Minimum Freezing Temperature	Minimum Storage Temperature	Minimum Freezer Storage Time
-4 degrees F (-20 degrees C)	-4 degrees F (-20 degrees C)	168 hours (7 days); or
-31 degrees F (-35 degrees C)	-31 degrees F (-35 degrees C)	15 hours; or
-31 degrees F (-35 degrees C)	-4 degrees F (-20 degrees C)	24 hours.

(2) Exceptions to freezing requirement. Freezing is not required before serving raw or undercooked:

- (A) Molluscan shellfish; or
- (B) Tuna of the species Thunnus alalunga, Thunnus albacares (Yellowfin tuna), Thunnus atlanticus, Thunnus maccoyii (Bluefin tuna, Southern), Thunnus obesus (Bigeye tuna), Thunnus thynnus (Bluefin tuna, Northern); or
- (C) Aquacultured or farm raised fish, such as salmon that are:
 - (i) Raised in open water in net-pens or in land-based operations such as ponds or tanks, and
 - (ii) Fed formulated feed, such as pellets, that contains no live parasites infective to the aquacultured fish; or
- (D) Fish eggs that have been removed from the skin and rinsed.

(3) Records.

- (A) If purchased frozen. If fish products intended for raw or undercooked consumption are routinely purchased frozen, the establishment must obtain and retain a statement from the supplier on its letterhead that its fish is frozen in accordance with the US FDA Fish and Fisheries Products Hazards and Control Guidance, or successor recommendations.
- (B) If frozen by the establishment. If fish products are frozen by the establishment, the establishment must have a written standard operating procedure and make such procedure available to the Department for inspection.

(c) Cooking temperatures. All parts of potentially hazardous foods requiring cooking are to be heated to 140 degrees Fahrenheit (60 degrees Celsius) or above for 15 seconds, except as follows:

- (1) Poultry. Whole or ground poultry, poultry parts, all food containing poultry, poultry stuffing and poultry stuffing containing meat must be heated so all parts of the food are at least 165 degrees

Fahrenheit (73.9 degrees Celsius) for 15 seconds with no interruption of the cooking process.

- (2) Pork. Pork and food containing pork, other than whole pork roasts, and ground and comminuted pork, must be heated so all parts of the food are at least 150 degrees Fahrenheit (65.6 degrees Celsius) for 15 seconds, unless otherwise ordered by the consumer.
- (3) Whole meat roasts. Roast beef, beef steak, corned beef, lamb roasts, pork and cured pork roasts must be heated to and cooked at the following minimum temperatures for the corresponding time:

<u>Temperature °F (°C)</u>	<u>Cooking Time in Minutes</u>	<u>Temperature °F (°C)</u>	<u>Cooking Time in Minutes</u>
130 (54.4)	112	138 (58.9)	18
131 (55.0)	89	140 (60.0)	12
133 (56.1)	56	142 (61.1)	8
135 (57.2)	36	144 (62.2)	5
136 (57.8)	28	145 (62.8)	4

- (4) Ground and comminuted meat. Ground meats and comminuted meat products, other than poultry, and food containing ground meat must be heated so that all parts of the food are at least 158 degrees Fahrenheit (69.4 degrees Celsius) with no interruption of the cooking process, unless otherwise ordered by the consumer.
- (5) Stuffings and mechanically tenderized and injected meats. Stuffed meats, stuffed fish, stuffed ratites and stuffing containing ratites and fish, and meats whose exterior surface has been mechanically tenderized or injected by breaking, puncturing, or scoring must be heated to a temperature of at least 165 degrees Fahrenheit (73.9 degrees Celsius) with no interruption of the cooking process, unless otherwise ordered by the consumer.
- (6) Shell eggs and egg products. Unpasteurized raw eggs or foods containing unpasteurized raw shell eggs, including but not limited to, drinks, condiments, dressings, desserts and sauces, must be heated to 145 degrees Fahrenheit (62.8 degrees Celsius) or greater for 15 seconds, unless the consumer requests preparation of shell eggs in a style such as raw, poached or fried which in order to comply with the request must be prepared at a temperature less than 145 degrees Fahrenheit.
- (7) Microwaving. Raw animal foods cooked in a microwave oven must be covered during cooking; rotated or stirred during cooking to a temperature of at least 165 degrees Fahrenheit (73.9 degrees Celsius); and allowed to stand covered for 2 minutes after cooking.
- (8) Advisory for raw, undercooked foods. When menu items containing raw or undercooked eggs, meat, fish or other potentially hazardous foods including but not limited to steak tartare, rare duck breasts, uncooked dessert mousse, Caesar salad dressing, or ceviche are served, the consumer advisory required by §81.11 of this Article must be provided.

(d) Reheating previously cooked food. Potentially hazardous food that is cooked, cooled and reheated for hot holding must be reheated so that all parts of the food reach a temperature of at least 165 degrees Fahrenheit (73.9 degrees Celsius) for 15 seconds. The minimum temperature of 165 degrees Fahrenheit (73.9 degrees Celsius) must be reached within 2 hours of commencing reheating. Reheated food must be held at or above 140 degrees Fahrenheit (60 degrees Celsius) until served.

- (1) Microwave reheating. Food reheated in a microwave oven must be covered during heating; food must be rotated or stirred during heating, or otherwise manipulated according to label instructions, if provided, and must be reheated to a temperature of at least 165 degrees Fahrenheit (73.9 degrees Celsius) and allowed to stand covered for 2 minutes after reheating.
- (2) Heating commercially processed foods. Commercially processed pre-cooked potentially hazardous food in hermetically sealed containers and precooked potentially hazardous food in intact packages from non-retail food processing

establishments must be heated to 140 degrees Fahrenheit (60 degrees Celsius) within 2 hours of removal from container or package and held at such temperature until served.

(e) Cooling.

- (1) After cooking or removal from hot holding. Foods removed from cooking or hot holding that require refrigeration must be rapidly cooled from 140 degrees Fahrenheit (60 degrees Celsius) to 70 degrees Fahrenheit (21.1 degrees Celsius) within 2 hours and from 70 degrees Fahrenheit (21.1 degrees Celsius) to 41 degrees Fahrenheit (5 degrees Celsius) within 4 hours after cooking or removal from hot holding by placing containers of food in an ice bath, a rapid chill unit or adding ice to the food, and
 - (A) Placing the food in shallow pans or containers (less than 4 inches in height); and/or
 - (B) Dividing foods into smaller or thinner pieces or portions; and/or
 - (C) Using containers made of materials that facilitate heat transfer; and/or
 - (D) Stirring foods that are liquids or semi-liquid, and
 - (E) Arranging containers in cooling equipment to provide maximum heat transfer through container walls, not stacking or nesting; and
 - (F) Keeping containers loosely covered, or uncovered if protected from overhead contamination during the cooling period, to facilitate heat transfer from the surface of the food.

(2) Other cooling. Potentially hazardous foods removed from cold holding or prepared from or combined with ingredients at room temperatures must be cooled to 41 degrees Fahrenheit (5 degrees Celsius) or below within 4 hours of preparation using cooling methods described in paragraph (1) of this subdivision.

(f) Thawing frozen foods. Potentially hazardous food must be thawed as follows:

- (1) In refrigerated facilities at a temperature not to exceed 41 degrees Fahrenheit (5 degrees Celsius); or
- (2) Completely submerged under potable running water at a temperature of 70 degrees Fahrenheit (21.1 degrees Celsius) or below, with sufficient water velocity to agitate and float off loose particles into the overflow; or
- (3) In a microwave oven when the food will be immediately transferred to other conventional cooking equipment as part of a continuous cooking process, or when the entire uninterrupted cooking process takes place in the microwave oven; or
- (4) As part of the conventional cooking process, without interruption.
- (5) Whole frozen poultry, other than a single portion intended for service to an individual consumer, must be completely thawed prior to conventional cooking; a single portion may be thawed during the cooking process.

(g) Thermometers and other temperature measuring devices. Establishments must provide devices such as thermometers and thermocouples to measure internal temperatures of potentially hazardous foods during cooking, cooling, reheating, hot holding and cold holding. Such devices must be properly calibrated to plus or minus 2 degrees Fahrenheit (1.1 degrees Celsius), made from food grade materials that will not expose food to contamination and be kept readily accessible in the establishment's food preparation and hot and cold holding areas.

Notes: Section 81.09 was repealed and restated by resolution adopted by the Board of Health at its XXX meeting, to reorganize the provisions for handling various kinds of potentially hazardous or time and temperature control food according to the process involved, and to add a new provision adopting 2013 US FDA Food Code recommendations for freezing fish, with some exceptions, that will be served raw or undercooked, in order to kill parasites in the fish that are associated with food borne illness.

RESOLVED, that the section title and subdivisions (b), (c) and (d) and Table 1 of section 81.10 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

§81.10 Time as a public health control; exception to required holding temperatures of potentially hazardous (temperature control for safety) foods.

- (b) *Labeling.* All foods removed from temperature control in accordance with this section shall be labeled or marked as follows:
 - (1) *Four hour labeling.* Food to be held for up to four hours shall be labeled or marked at the time it is removed from temperature control with the [initial] date and time of removal, temperature at time of removal, and the discard time, four hours after removal from temperature control, when such food shall be discarded if not served.
 - (2) *Six hour labeling.* Food to be held for up to six hours shall be labeled or marked at the time it is removed from cold temperature control with the [initial] date and time of removal, temperature at time of removal, the time [removed from cold temperature control, times and temperatures] and temperature, measured four hours after removal from temperature control, and the time, six hours after removal from temperature control, when such food shall be discarded if not served.
 - (3) *Labels to be kept.* Labels or marked containers shall be legibly marked and labels and markings must be kept on food containers until foods have been served or discarded.
- (c) *Limits on use of time as a public health control.* Time shall not be used as the sole means of public health control, and §81.09 shall remain applicable as follows:
 - (1) Holding raw eggs prior to using such eggs in food prepared for (i) persons who may be at higher risk

- (2) Preparation and holding of [ready-to-eat] potentially hazardous foods sold by or in (i) mobile food vending units; (ii) food vending machines; (iii) temporary food service establishments operating in accordance with Article 88 of this Code; or (iv) self-service salad bars or buffets.
- (3) Preparation and holding of potentially hazardous foods consisting of smoked or vacuum-packed food products.
- (d) *Violations.*
 - (1) *§81.09 violations.* An establishment shall be in violation of §81.09 of this Code if the Department finds that, while using time as a public health control, the establishment (i) has not discarded food after the times specified in this section; or (ii) has not labeled or marked food as specified in this section.
 - (2) *§81.07 violations.* Food shall be deemed contaminated and an establishment shall be in violation of §81.07 (a) of this Code if the Department finds that while using time as a public health control, (i) cold potentially hazardous foods labeled for six hour holding are measured at or above temperatures of 70 degrees Fahrenheit (21 degrees Celsius) after removal from cold temperature control or (ii) food is returned to temperature control instead of being discarded.

§81.10 Table 1. Summary of procedures for using time as a public health control.

Summary of Procedures for Using Time as a Public Health Control				
Removal From:	Maximum Time out of Holding Temperature	When to Measure Temperature	What to Note on Required Labels	When to Discard
Cold holding at or below 41°F (5°C)	6 hours	When removed from cold holding, and, at 4 hours after removal	<ul style="list-style-type: none"> • The <u>date</u>, time and temperature when removed from cold holding, and, • The time and temperature 4 hours after removal, and • The time to discard, serve, or cook. 	If temperature is over 70°F (21° C) at 4 hours after removal <u>or</u> <u>If not served within 6 hours</u>
Hot holding at or above 140° F (60° C)	4 hours	When removed from hot holding	<ul style="list-style-type: none"> • The <u>date</u>, time and temperature when removed from hot holding, and, • The time 4 hours after removed from hot holding. This is the time when the food must be cooked, served, or discarded. 	If not served within 4 hours

Notes: Section 81.10 was amended by resolution adopted by the Board of Health at its XXX meeting to clarify labeling requirements and identifying violations.

RESOLVED, that Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended to add a new section 81.11 to be printed together with explanatory notes to read as follows:

§81.11 Consumer advisory: serving raw or undercooked foods.

- (a) *Written consumer advisory.* Effective January 1, 2016, when meat, fish, molluscan shellfish, or unpasteurized raw shell eggs are offered alone or as an ingredient in other foods, and are either raw or heated to a temperature below that required by this Code, written notice must be provided to consumers of the increased risk of food borne illness from eating such raw or undercooked foods.
 - (1) The statement “Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness” must appear on menus, menu boards, brochures, signage, food labels, table tents, or placards, with either:
 - (A) A description or identification of the specific

- foods being served raw or undercooked, such as “oysters on the half shell (raw oysters),” or “raw-egg Caesar salad dressing,” as applicable; or
- (B) Noted by an asterisk or other mark next to the listed food item on a menu or menu board with a footnote that references the statement in paragraph (1) of this subdivision.
- (C) Prior to January 1, 2016, an establishment must warn of the increased risk for foodborne illness when serving raw or undercooked foods. Such warning may be given orally and need not be in writing.
- (b) *Limitations on service.* Raw or undercooked meat, eggs, fish or molluscan shellfish, either alone, or as an ingredient in other menu items shall not be served in facilities that primarily serve persons who may be at a higher risk for food borne illnesses. Such facilities include those serving immunocompromised persons, senior centers, charitable feeding programs, custodial care facilities, hospitals and health care facilities, as defined in Article 28 of the Public Health Law or successor law; adult day care and assisted living programs; child care, children’s camps and pre-school

programs; and elementary and secondary schools.

Notes: Section 81.11 was added by Board of Health resolution adopted XXX to establish a requirement for a written consumer advisory, replacing the oral advisory that had appeared in subdivision (d) of section 81.09, and adopting a recommendation in the 2009 and 2013 editions of the USFDA Model Food Code.

RESOLVED, that subdivision (c) of section 81.12 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

- (c) [Food safety] On-site preparation, consumption, sale and distribution. Foods processed by ROP shall be prepared and consumed on the premises of the food service establishment, or off premises if the preparation site is properly permitted and wholly owned and operated by the same business entity as the food service establishment, and no ROP food products shall be sold or distributed to any other business entities or consumers.

* * *

Notes: The former title "Food safety" of subdivision (c) of §81.12 was amended by resolution of the Board of Health adopted at its XXX meeting to more accurately reflect the content of the provision.

RESOLVED, that subdivisions (b), (d), (e) and (g) of section 81.13 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

- (b) Hair restraints. Food workers shall wear caps, hats, hair nets or other hair coverings to effectively keep hair from [having contact with exposed] contaminating food or food contact surfaces[, and clean equipment or utensils that have contact with food]. This requirement shall not apply to counter staff [who serve only beverages and/or pre-packaged foods], bartenders, baristas, hosts or wait staff when they are preparing or serving beverages or serving food.

* * *

- (d) Hand washing. Food workers and other employees shall wash hands and exposed areas of arms thoroughly with soap and [warm] water before starting work and as often as necessary to remove soil and any substance that might lead to contamination. Thereafter, hands shall be washed thoroughly after using the toilet, smoking or using electronic cigarettes, sneezing, coughing, eating, drinking or when otherwise soiling hands before returning to work. When gloves are used as a barrier to protect ready-to-eat food from bare hand contact, hands shall be washed before gloves are put on. [Gloves shall be changed after handling raw foods, performing tasks that do not involve food preparation or processing, handling garbage, or any other work where the gloves may have become soiled or contaminated.]

* * *

- (g) Smoking. Food workers shall not smoke any substance, [or] use tobacco in any form [in an establishment] or use electronic cigarettes in any indoor or outdoor area of the premises used by a food service establishment.

* * *

Notes: Subdivisions (b), (d) and (g) of section 81.13 were amended by resolution of the Board of Health adopted at its XXX meeting. Subdivision (b) was amended to clarify which food workers are required to wear hair restraints; subdivision (d) was amended to delete provisions for use of gloves, which may now be found in §81.07 of the Article; and subdivision (g) was amended to add prohibitions on use of electronic cigarettes by food workers, consistent with the amended Smoke-Free Air Act in the City Administrative Code.

RESOLVED, that section 81.17 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended to amend subdivisions (d) and (e) and add new subdivisions (f) and (g), to be printed together with explanatory notes to read as follows:

§81.17 General requirements: design, construction, materials and maintenance.

- (d) Food contact surfaces. Food contact surfaces of utensils and equipment shall be constructed of food grade and impermeable materials, shall not be painted, and shall not contain lead, cadmium or any other substance that is toxic or may react with food, cleaning or sanitizing materials to form harmful compounds, or render food unwholesome or detrimental to health, and shall not impart any odor, color or taste to food.

- (1) Surfaces to be easily cleanable, [and] sanitized and

maintained. An establishment shall not use equipment, utensils or containers that are chipped, cracked, rusted, corroded, worn or in a condition where food and debris cannot be removed and such items cannot be easily cleaned and sanitized. Surfaces that come into contact with food such as cutting blocks and boards that are subject to scratching and scoring must be replaced or resurfaced if they can no longer be effectively cleaned and sanitized. Food and other debris must be removed from such surfaces and surfaces must be washed and sanitized as needed to prevent contamination.

- (2) Food grade lubricants. Establishments shall use food grade lubricants approved by the United States Food and Drug Administration to lubricate equipment. Such lubricants shall not leak or contact food or food contact surfaces. An establishment shall select and use equipment that requires only the use of simple tools for disassembly to encourage and facilitate cleaning and sanitizing of equipment. Such tools shall include, but not be limited to, mallets, screwdrivers, and open-end wrenches that are kept readily available near the equipment.

- (3) Cleaned in place equipment. Equipment designed for in-place cleaning by the circulation or flowing by mechanical means through a piping system shall be constructed so that cleaning and sanitizing solutions circulate through an effective fixed system that allows such solutions to contact all interior food-contact surfaces, and so that the system is self-draining or can be completely evacuated.

- (4) Cleaning and polishing food contact surfaces. No substance containing any cyanide preparation shall be used for cleaning or polishing copper, nickel, silver, silver plated ware or any utensils or appliances used in preparation or service of food. Cleaning and polishing formulations shall be used in accordance with the manufacturer's instructions so that such substances do not contaminate food.

- (5) Approved sanitizers. Only chemical sanitizers and antimicrobial agents approved by the U.S. Environmental Protection Agency shall be used to clean food and food contact surfaces.

- [(6) Single service articles. Single service articles shall be manufactured from clean, non-toxic materials and fulfill the requirements of the Food, Drug and Cosmetic Act, as amended. Such articles shall not be reused and shall be discarded immediately after use.]

- (e) Non-food contact surfaces.

- (1) Floors. Floors, floor coverings, and materials used to repair floors of food storage, food preparation, utensil washing areas, walk-in refrigerating units, dressing rooms, locker rooms, lavatories and rest rooms shall be constructed of a hard, smooth, durable, non-absorbent and easily cleanable material and shall be kept clean, without cracks, holes or gaps or other unintended openings at floor and wall junctions or around plumbing pipes and fixtures. Carpeting is prohibited on floors in food preparation areas. Mats and duckboards shall be designed to be removable and easily cleanable.

- (2) Walls and ceilings. Walls, ceilings, doors, panels, windows, and other interior components of rooms, and equipment such as walk-in refrigerators, and the materials used to repair such components shall be smooth and non-absorbent, constructed of hard, impermeable, light colored materials, and shall be easily cleanable, kept clean and without cracks, holes or gaps or other unintended openings at floor, wall and ceiling junctions or around plumbing pipes and fixtures. Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.

- (3) Equipment and fixtures. Equipment and fixtures, including but not limited to, light fixtures, vent covers and hoods, fans, ducts, and decorative materials[, and other materials affixed to walls and ceilings] shall be easily cleanable, and kept clean and in working order.

- [(4) Transportation.]

(f) Transporting food. Vehicles and other conveyances used for the transportation of food by an establishment shall be kept clean, sanitary, and free of pests, and shall have sufficient equipment in operating condition to maintain temperatures required by this Code for holding potentially hazardous foods.

(g) Toxic materials and hazardous substances; restrictions, labeling and storage. Toxic materials and other hazardous substances, as defined in Article 173 of this Code, must be used only when required to maintain sanitary conditions and in accordance with label directions.

- (1) Labels. Containers of such substances must be prominently labeled in accordance with applicable law and substances applied and removed without creating any risk to the health of any persons and without contaminating food, equipment, utensils and supplies.
- (2) Storage. Toxic and hazardous materials are to be stored in designated storage areas in which food, equipment and utensils are not stored. Bactericides and cleaning compounds shall not be stored with insecticides, rodenticides or other toxic materials. Insecticides and rodenticides are to be kept in their original containers.
- (3) Toxic residues. Bactericides, cleaning compounds or other compounds used on food contact surfaces must be rinsed and removed in accordance with label directions so as not to leave any toxic residues.
- (3) Phenolic compounds. Phenolic compounds may not be used for sanitizing food contact surfaces.
- (4) Medications. Medicinal first-aid supplies and medications must be kept in non-food storage areas in a manner that does not create a risk of food contamination.

Notes: Subdivisions (d) and (e) of §81.17 were amended and subdivision (f) and (g) were added by resolution adopted by the Board of Health at its XXX meeting. Paragraph (1) of subdivision (d) reflects recommendations in the 2013 USDA Model Food Code for cleaning of food contact surfaces; paragraph (6) ("Single service articles") was deleted and moved to §81.07. Clarifying changes were made to subdivision (e). Paragraph (4) of subdivision (e) was lettered as new subdivision (f). A new subdivision (g) "Toxic materials and hazardous substances" was deleted from §81.23 and added to this section with clarifications but no substantive changes.

RESOLVED, that paragraph 3 of subdivision (a) and paragraph 1 of subdivision (b) of section 81.18 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

(a) Refrigeration. Refrigerators shall be capable of maintaining and shall maintain potentially hazardous foods at or below 41 degrees Fahrenheit (5 degrees Celsius) at all times. Food preparation procedures should be conducted so that refrigerators are opened on only a limited basis.

* * *

(3) Thermometers. Refrigeration units shall have numerically scaled or digital indicating thermometers, calibrated to be accurate to (+) or (-) [3] 2 degrees Fahrenheit.

* * *

(b) Hot holding. Hot holding and storage equipment shall be capable of maintaining and shall maintain potentially hazardous foods at or above 140 degrees Fahrenheit (60 degrees Celsius) at all times.

(1) Thermometers. Hot holding units shall have numerically scaled or digital indicating thermometers, calibrated to be accurate to (+) or (-) [3] 2 degrees.

Notes: The degrees of calibration for thermometers required in hot and cold holding equipment was changed from (+) or (-) 3 degrees to (+) or (-) 2 degrees in paragraph (3) of subdivision (a) and paragraph (1) of subdivision (b) of §81.18 by resolution adopted by the Board of Health at its meeting on XXX.

RESOLVED, that section 81.20 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

§81.20 Plumbing and water supply.

(a) Potable water supply. Establishments at all times must have

adequate supplies of potable water, as defined in Part 5 of the State Sanitary Code (10 NYCRR Chapter 1). An establishment shall be equipped with plumbing and plumbing fixtures, in accordance with applicable law, that safely supply potable water[, as defined in Part 5 of the State Sanitary Code (10 NYCRR Chapter 1),] to all parts of the establishment. Plumbing and fixtures shall be properly connected, vented, and drained to prevent contamination of the potable water supply. Potable water supply fixtures or other equipment connected to the potable water supply shall be designed and constructed or equipped with a device that prevents back-flow or siphoning into, or cross connection with the water supply.

(b) Disposal of sewage and liquid waste. Sewage and liquid wastes [other than grease and oil waste] including but not limited to condensates discharged by equipment, such as refrigerators, ice machines, air conditioners, drain pans, evaporator trays, hoses and other plumbing or cooling lines and fixtures; fluids drained from culinary, slop or ware washing sinks; and fluids discarded after cooking shall be conveyed to the sewer or sewage disposal system so as to prevent contamination of the premises and its contents[. Grease] and so as not to create harborage conditions. Liquid wastes consisting of discarded grease and oil [wastes] shall be disposed of in accordance with applicable laws.

(1) Indirect waste connection required. There shall be no direct connection between the sewage system and any drains from plumbing fixtures and equipment used for hot and cold storage, or mechanical processing of food. Waste lines from equipment required to have indirect drains shall be installed to prevent back-flow from sewers and other drains and waste lines.

(2) Direct [drainage] connections required. Waste water [pipes] shall be discharged into [a] properly trapped, sewer-connected [clean, slop sink, or other acceptable method of drainage] plumbing lines.

(c) Condensation. Plumbing pipes shall be installed and maintained in a manner that prevents waste water, including condensation, from contact with food or equipment.

(d) Carbonated beverages. All plumbing lines conducting carbon dioxide gas or carbonated beverages shall be manufactured from stainless steel, food-grade plastic or other material that will not produce toxic substances when exposed to carbon dioxide or carbonated water.

Notes: Section 81.20 was amended by resolution of the Board of Health adopted XXX, amending subdivision (a) to require adequate supplies of potable water at all times, amending subdivision (b) to provide examples of and to clarify requirements for disposal of liquid wastes. Former subdivision (c) ("Condensation") was deleted, and subdivision (d) was relettered as subdivision (c).

RESOLVED, that subdivisions (a) and (b) of section 81.21 of Article 81 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes as follows:

§ 81.21 Hand wash sinks.

(a) Location. Hand washing sinks equipped with hot and cold potable running water shall be installed in food preparation, food service, and ware washing areas, and in or adjacent to employee and patron toilet rooms, and may be located between such areas.

(1) Sufficient sinks shall be provided so that a hand washing sink is no more than 25 feet from any food preparation, service or ware washing area.

(2) Any area in which a hand wash sink is located shall be unobstructed by doors or equipment, and access shall be kept clear to enable its use as required by this Code. Hand washing sinks shall not be used for purposes other than hand washing.

(3) An automatic hand washing sink shall be used in accordance with the manufacturer's instructions. A self-closing, slow-closing or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet. A steam mixing valve shall not be used.

(b) Soap, towels, trash receptacle. Soap or detergent; single use disposable towels or mechanical drying devices; and a [foot operated covered] trash receptacle shall be provided. A supply of towels or a towel dispenser shall be located immediately adjacent to the hand wash sink, and available without requiring the user to open drawers, cabinets or other enclosures that could lead to recontamination of hands.

Notes: Section 81.21 was amended by resolution of the Board of Health adopted XXX. Subdivision (a) was amended to add that potable water be provided in all hand wash sinks. Subdivision (b) was amended to eliminate a requirement for foot-operated covered trash receptacles.

RESOLVED, that section 81.22 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

§81.22 Employee and patron toilets.

- (a) *[Toilets] Toilet facilities required.* Toilet facilities shall be provided for employees and shall be equipped with a minimum number of water closets, urinals, and other plumbing fixtures as required by Chapter 4 of the New York City Plumbing Code, Administrative Code §28-PC 403, or any successor law.

* * *

- (c) *Toilet rooms.* All toilets shall be properly flushed and trapped[.]. Toilet rooms must be adequately lighted and mechanically or naturally ventilated, maintained in sanitary[,] operating condition, and furnished with supplies of toilet tissue and easily cleanable [covered] receptacles for waste paper and other refuse.
- (d) *Shared toilet facilities.* [Except where patrons would have to pass through a kitchen or food storage or preparation facility, the same toilet facilities may be used by both patrons and employees.] Patrons and employees may use the same toilet facilities, except if patrons would be required to walk through a kitchen, food preparation or storage area, or utensil washing area to access the toilet.

Notes: Section 81.22 was amended by resolution adopted by the Board of Health on XXX to clarify its provisions, but is substantively unchanged.

RESOLVED, that subdivision (d) of section 81.23 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, and further that subdivision (e) of the same section, regarding the storage of toxic materials is hereby REPEALED, to be printed together with explanatory notes to read as follows:

- (d) *Pesticide applications.* Pesticides shall be properly labeled, authorized for use, and used only by licensed pest professionals in accordance with the New York State Environmental Conservation Law and Title 6 of the New York Codes, Rules and Regulations (N.Y.C.R.R.) Part 325, or any successor regulation, and applied so that:
- (1) There is no hazard to employees or other persons.
 - (2) There is no pesticide spraying in food preparation and service areas while food is being processed, prepared or served, or where unprotected food, clean utensils or containers are displayed or stored.
 - (3) Food, equipment, utensils, linens, and single-service or single use articles are protected from contamination [or] and toxic residues that result from pesticide [drip, drain, fog, splash or spray on by removal,] application. Such items are to be protected by impermeable coverings or other measures[, and by cleaning and sanitizing] during pesticide application and must be cleaned and sanitized after pesticide application.
 - (4) The use of unprotected or unlocked bait stations is prohibited in food service establishments.

Notes: Subdivision (d) of §81.23 was amended by resolution adopted by the Board of Health at its meeting on XXX to clarify provisions related to pesticide applications, and add a prohibition on use of unprotected bait stations in a new paragraph (4), consistent with Part 14 of the State Sanitary Code. Former subdivision (e) of this section, "Toxic materials," was moved to §81.17.

RESOLVED, that section 81.24 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

§81.24 Garbage and waste disposal. Garbage and wastes shall be stored, handled, and disposed of in a manner that protects food and food-contact surfaces from contamination, and does not create a condition conducive to pests or a nuisance.

- (a) *Garbage [storage] and waste stored for removal.*
- [(1) Garbage] Prior to street placement and pickup, garbage and wastes shall be [removed from the establishment daily for collection or stored in a pest-proof room in the establishment] placed in

easily cleanable, watertight, rodent-resistant, and insect-resistant containers with tight fitting lids that must be securely fastened. Containers must be stored in a manner that does not attract pests or create pest harborage conditions.

- [(2)] (b) *Garbage and waste removal.* Solid and putrescible wastes placed on sidewalks for collection shall be disposed of in accordance with applicable law, including but not limited to Title 16 of the Administrative Code and the rules of the Department of Sanitation and the Business Integrity Commission, or successor agencies.
- [(b)] (c) *Containers to be cleaned after emptying.* Garbage receptacles and covers shall be cleaned after emptying and prior to reuse.

Notes: Paragraph (1) of subdivision (a) of §81.24 was amended to remove the paragraph designations and paragraph (2) of subdivision (a) was relettered as subdivision (b) by resolution of the Board of Health adopted XXX. As amended, subdivision (a) no longer requires garbage and wastes to be either removed from the establishment daily or stored in a pest proof room, but to be either stored in a pest proof room or other dedicated area until collected.

RESOLVED, that section 81.27 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

§81.27 Cleaning of premises, equipment and utensils.

- (a) *Non-food contact surface components.* Floors, walls, ceilings, and other non-food contact surfaces shall be kept free of accumulations of dust, dirt, food residue, grease, and other debris and shall be cleaned as necessary to prevent such accumulations.
- (b) *Food contact surfaces.* [Equipment food] Food contact surfaces, including food contact surfaces on equipment, and utensils shall be clean to sight and touch and shall be kept free of dust, dirt, food residues, grease deposits, and other contaminants. [Equipment food contact surfaces and utensils shall be cleaned:] Equipment must be disassembled for the purpose of cleaning unless specifically constructed to enable cleaning in place. Food contact surfaces must be cleaned and sanitized:
- (1) Before each use with a different type of raw animal food such as beef, fish, lamb, pork or poultry;
 - (2) Each time there is a change from working with raw to working with ready-to-eat foods; and
 - (3) At [any time when] other times as necessary to prevent accumulations of dirt, mold, encrusted food, grease or other substances or whenever contamination may have occurred.
- (c) *[Equipment with food contact surfaces.* Ice bins, coffee grinders, frozen dessert machines, culinary sinks and similar types of equipment with food contact surfaces shall be cleaned and sanitized at the frequency specified by the manufacturer or at a frequency necessary to prevent the accumulation of encrusted food, mold, grease or other contaminants. Unless specifically constructed to enable cleaning in place, equipment shall be disassembled prior to cleaning.
- (d)] *Cloths.* Cloths used for the cleaning and sanitizing of food contact and non-food contact surfaces shall be stored clean and dry, or in a sanitizing solution, between uses.
- (1) Moist cloths used for wiping food spills from kitchenware and food contact surfaces shall be used only for this purpose and shall be stored in a sanitizing solution between uses.
 - (2) Moist cloths used for wiping non-food contact surfaces shall be used only for this purpose and shall be stored in a sanitizing solution between uses.

Notes: Section 81.27 was amended by Board of Health resolution adopted at its meeting on XXX to clarify various provisions, without making substantive changes. Some provisions of former subdivision (c) that were considered duplicative were deleted and its remaining provisions combined with subdivision (b). Subdivision (d) was relettered as subdivision (c).

RESOLVED, that section 81.29 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, relating to the washing and drying of tableware, utensils, and

equipment, is hereby REPEALED and a new section 81.29 is added, to be printed together with explanatory notes to read as follows:

§81.29 Dishwashing and ware washing. Tableware, including dishes, utensils, and equipment must be cleaned and sanitized, as defined in §81.03 of this Article, manually or by machine using either heat or chemical means, in accordance with this section, except that other adequate methods acceptable to the Department may be used.

(a) Manual washing and sanitizing. A three compartment sink must be used when washing and sanitizing equipment, dishes and utensils by hand, except where otherwise indicated in this subdivision. All compartments of the sink must be large and deep enough to permit complete immersion of the largest equipment and utensils to be washed. Items must be:

- (1) Washed in the first compartment in a detergent solution;
- (2) Rinsed free of such solution in clean hot water in the second compartment; and
- (3) Sanitized in the third compartment with hot water or a chemical solution.

(A) Hot water sanitizing. Hot water used for sanitizing must be heated to and maintained at or above 170 degrees Fahrenheit (76.6 degrees Celsius). A numerically scaled, indicating or digital thermometer calibrated to be accurate to plus or minus 2 degrees Fahrenheit (1.1 degrees Celsius) must be used to measure water temperature. Items must be wholly immersed for at least 30 seconds to destroy surface pathogens.

(B) Chemical sanitizing. Only anti-microbial pesticides registered with the US Environmental Protection Agency shall be used for manual chemical sanitizing and must be used in sufficient amounts to achieve the sanitization levels required by subdivision (ii) of §81.03 of this Article, without leaving toxic residues on surfaces treated. A test kit or other device must be used to accurately measure the parts per million concentration of the solution used, and the pH of the solution when the pH level would affect the performance of the chemical sanitizer.

(C) Glassware. Glasses only may be washed in a two-compartment sink using a combination detergent and sanitizer in the first compartment and rinsed in clean water in the second compartment, if the manufacturer of the combination product indicates it may be used in this manner.

(b) Mechanical washing and sanitizing

(1) Heat requirements for mechanical washing. High temperature machines used for the cleaning and sanitizing of utensils, equipment, and food contact surfaces must be installed, maintained, and kept in working order. Machines must be equipped with thermometers, and operated so that all food contact surfaces achieve a surface temperature of at least 160 degrees Fahrenheit (71 degrees Celsius) in order to destroy surface pathogens.

(2) Chemical requirements for mechanical washing. Low temperature machines that use chemicals must be installed, maintained, kept in working order and operated so as to attain effective sanitization. A test kit or other device must be used to accurately measure the parts per million concentration of the solution used and the pH of the solution when the pH level would affect the performance of the chemical sanitizer and to ensure the chemical sanitizer is used in concentrations that will not leave toxic residues on surfaces treated.

(c) Drain boards; air drying. Drain boards of adequate size must be provided and used for the proper handling of soiled items prior to washing, and of clean items following sanitization. Drain boards must be self-draining, and located and constructed so that they do not interfere with the proper use of ware washing facilities. All tableware, utensils, and food contact equipment must be air dried after sanitizing.

Notes: Section 81.29 was repealed and restated by resolution of the Board of Health adopted at its meeting on XXX. The only substantive change is elimination of references to "manufacturers' instructions" for

use of machines and chemical sanitizing since such instructions either do not exist or are not being utilized, resulting in unreliable sanitizing results and unacceptable risks to public health.

RESOLVED, that subdivisions (a) and (b) of section 81.31 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

§81.31 Outdoor cooking, food and beverage preparation facilities.

(a) Street and sidewalk cooking prohibited; exceptions. There shall be no cooking, preparation, processing, or service of food, or storage of food, utensils or equipment on a street or sidewalk, except when an establishment is participating in an event as defined in Article 88 of this Code, or is a mobile food vending unit [is] being operated in accordance with Article 89 and other applicable law, or permission has been obtained from appropriate City agencies.

(b) Conducted on the premises owned by a food service establishment. When permission has been obtained from the Department of Buildings, Fire Department, and other agencies when required, a permitted food service establishment may cook outdoors at the establishment within the premises under the establishment's ownership, management, operation, and control, including, but not limited to, in the establishment's backyard, in accordance with this section, and other provisions of this Article

* * *

Notes: Section 81.31 was amended by resolution adopted by the Board of Health at its meeting on XXX to clarify its provisions, without making substantive changes.

RESOLVED, that Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, be amended to add a new section 81.46, to be printed together with explanatory notes to read as follows:

§81.46 Refillable, returnable containers

(a) Beverage containers. Employees or consumers may refill consumers' personal take-out beverage containers (such as thermally insulated bottles, non-spill coffee cups, and promotional beverage containers) with beverages that are not potentially hazardous foods, provided that beverages are dispensed in a manner that prevents contact with, or contamination of, the food-contact surfaces of the beverage dispensing equipment.

(b) Other containers. An establishment providing consumers with returnable containers must wash and sanitize all such containers before reuse in accordance with §81.29 of this Article.

(c) Container materials. Reusable containers that will be washed and sanitized must be made of food grade materials resistant under normal conditions of use to scratching, scoring, decomposition, crazing, chipping and distortion, and of sufficient weight and thickness to be washed and sanitized in accordance with §81.29 of this Article.

Notes: This section was added by resolution of the Board of Health adopted at its meeting on XXX to manage public health concerns associated with reuse of food containers, particularly that inadequately cleaned and sanitized containers could make other consumers and employees ill and contaminate an establishment's food supplies. It also prohibits refilling consumers' containers with beverages that contain primarily potentially hazardous foods such as smoothies or milk shakes. These provisions are consistent with 2013 US FDA Food Code §3-304.17.

RESOLVED, that section 81.53 of Article 81 of the New York City Health Code, set forth in title 24 of the Rules of the City of New York, regarding a maximum serving size for certain beverages, is hereby REPEALED, and explanatory notes are printed to read as follows:

Notes: §81.53 Maximum Beverage Size was repealed by resolution of the Board of Health adopted at its XXX meeting.

RESOLVED, that the schedule of section headings in Article 81 of the New York City Health Code, found in title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

ARTICLE 81

FOOD PREPARATION AND FOOD ESTABLISHMENTS

§81.01	Scope.
§81.03	Definitions.
§81.04	Approved sources of food.
§81.05	[Technical] Permit requirements; technical review and pre-permitting inspections for food service

- §81.06 establishments and non-retail food processing establishments.
- §81.07 Prevention of imminent or public health hazards. Food: sanitary preparation, protection against contamination.
- §81.08 Foods containing artificial trans fat.
- §81.09 Potentially hazardous [foods;] (time and temperature control for safety) foods.
- §81.10 Time as a public health control; exception to required holding temperatures of potentially hazardous (temperature control for safety) foods.
- §81.11 [repealed]Consumer advisory: serving raw or undercooked foods.
- §81.12 Reduced oxygen packaging; cook chill and *sous vide* processing.
- §81.13 Food workers: health; hygienic practices.
- §81.15 Food protection course.
- §81.17 General requirements: design, construction, materials and maintenance.
- §81.18 Cold and hot storage and holding facilities.
- §81.19 Lighting and ventilation.
- §81.20 Plumbing and water supply.
- §81.21 Hand wash sinks.
- §81.22 Employee and patron toilets.
- §81.23 Integrated pest management.
- §81.24 Garbage and waste disposal.
- §81.25 Live animals.
- §81.27 Cleaning of premises, equipment and utensils.
- §81.29 Dishwashing and ware washing.
- §81.31 Outdoor cooking, food and beverage preparation facilities.

[§81.33 repealed.]
 [§81.35 repealed.]
 [§81.37 repealed.]

- §81.39 Sealing unclean equipment, utensils and vehicles; denial, suspension and revocation of permits; enforcement; padlocking.
- §81.41 Dispensing devices used to dispense food; construction, cleanliness, refrigeration, safety.
- §81.43 Reporting complaints of patrons' illness, emergency occurrences.
- [§81.45 repealed.]
- §81.46 Refillable, returnable containers.
- [§81.47 repealed.]
- [§81.49 repealed.]
- §81.50 Posting of calorie information.
- §81.51 Grading of inspection results and posting of grades by certain food service establishments.
- [§81.53 Maximum Beverage Size.]
- §81.55 Modification by Commissioner.

Notes: The table of section headings was amended by resolution adopted by the Board of Health at its XXX meeting.

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 Health Code Provisions
Governing Food Service Establishments
REFERENCE NUMBER: DOHMH-46
RULEMAKING AGENCY: DOHMH

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

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

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

December 2, 2014
 Date

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

CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Amendment of Health Code Provisions Governing Food Service Establishments (Article 81)

REFERENCE NUMBER: 2014 RG 086

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

/s/ STEVEN GOULDEN
 Acting Corporation Counsel

Date: December 2, 2014

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HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

CITY OF NEW YORK
 DEPARTMENT OF HOUSING PRESERVATION & DEVELOPMENT
 (HPD) OFFICE OF MANAGEMENT AND BUDGET (OMB)
 COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER
 RECOVERY PROGRAM
**FINAL NOTICE AND PUBLIC EXPLANATION OF A
 PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN**

To: All Interested Agencies, Groups, and Individuals:

This publication gives notice that the City of New York (the City) has conducted an evaluation of several proposals under the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) grant, as required by Executive Order 11988 in accordance with HUD regulations 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. This evaluation is made to determine the potential affect that proposed activities in the floodplain will have on the human environment. Through the "Disaster Relief Appropriations Act, 2013" (Public Law 113-2, January 29), the City's initial allocation of CDBG-DR funds is \$1,772,820,000. Of this total, the City has allocated \$648 million in funding for assistance to address the various unmet housing needs. The focus of this notice is the NYC Build-It-Back: Multi-Family Building Rehabilitation Program, which will be administered by the Department of Housing Preservation & Development (HPD). Of the initial \$648 million of CDBG-DR funds allocated to housing, \$215 million would be provided to HPD for the rehabilitation of multifamily buildings (5+ units) and 3-4 unit buildings that are not owner-occupied. The properties shown below are subject to this public notice:

ADDRESS	BOROUGH	BLOCK/ LOT	LOT ACREAGE (APPROX.)	LOT ACREAGE WIN 100 YEAR FLOOD ZONE (APPROX.)
248-252 EAST 7 th STREET	MN	376/16	0.057	0.057
573 GRAND STREET	MN	263/8	4.87	0.19
4725 BEACH 47 th STREET	BK	7037/83	0.198	0.002
2626 HOMECREST AVENUE	BK	7456/6	0.839	0.839

This public notice and the associated maps for the affected properties listed above are available for viewing using the following link <http://www.nyc.gov/builditback> and then clicking on "Reports and Public Notices".

Proposed Action in the Floodplain:

Under the Multifamily Building Rehabilitation Program, actions may include rehabilitation and resiliency measures such as repair to structure and grounds; elevation of facilities including electrical, mechanical, plumbing and elevator equipment to the extent practicable; and in the event of substantial damage and substantial improvement, modifying structures to elevate residential use above the base flood elevation. Additionally, eligible homeowners could seek reimbursement for pre-award costs associated with reconstruction, rehabilitation and demolition work. Specific project descriptions for the properties which are subject to this notice are contained below:

248-252 East 7th Street, Manhattan – This property is a 46-unit, six-story cooperative complex that received flood water in the basement. There was extensive damage to the property's electrical system, water tank and structure. The owner is seeking reimbursement for completed repairs to the roof and lighting system. The rehabilitation scope includes additional items which are still in need of repair or replacement including the installation of boiler insulation, window replacement, and the replacement of doors, floor boards, hot water coils, and a meter base.

573 Grand Street, Manhattan - This property is a second floor unit within a 20-story building that received extensive damage due to flooding. Reimbursement is being sought for completed repairs and additional repairs are needed for damage to the floors and walls.

4725 Beach 47th Street, Brooklyn - This development is comprised of a two-story, eight-unit single room occupancy building. The proposed repairs include replacing the boiler and water heater as well as the attic skylight glazing. The applicant is additionally seeking reimbursement for completed repairs to the mechanical/electrical systems and interior structure.

2626 Homecrest Ave, Brooklyn – This development is comprised of a six-story building with 140 units. The ground floor units received extensive damage due to flooding and sewage back up requiring repairs to the utility systems, flooring, walls and unit finishings. Individual unit owners are seeking reimbursement for completed repairs to their units.

Public Explanation of a Proposed Activity in the 100-Year Floodplain:

The City has carried out the procedures required by Executive Order 11988 on Flood Plain Management including the consideration of a no-action alternative, to avoid adverse effects and incompatible development in the floodplain. *The no-action alternative would not achieve the City's goals of restoring the health and safety of hurricane-damaged multi-family housing for its residents, nor would it promote planning and implementation of resilience measures to mitigate damage from future weather extremes. Residents would continue to be displaced from their homes located in the floodplain, live in damaged, unsafe, and unsanitary housing within the hurricane-damaged neighborhoods or seek shelter elsewhere. Poor structural integrity of hurricane-damaged buildings within the floodplain would put residents at a greater risk should a flood event occur, especially if buildings do not meet current elevation requirements. Storm debris fields on the properties of residential buildings would potentially remain unaddressed, also posing a threat to public health and water quality.*

The City has considered alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values of the floodplain. It therefore proposes to support the projects because there is no practicable alternative to develop the projects totally outside the floodplain. To minimize potential harm to the floodplain, HPD will require that the projects implement the following mitigation measures:

- 1) Property owners will be required to purchase and maintain flood insurance for the life of the property or the term of federal assistance; and
- 2) All alterations and repair work must comply with the NYC Department of Buildings requirements for flood-resistant construction (Appendix G of the 2008 Building Code) and resiliency/mitigation measures described above will be implemented as practicable.

This notice is required by Section 2(a)(4) of Executive Order 11988 for Floodplain Management and is implemented by HUD Regulations found at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. All interested persons, groups and agencies are invited to submit written comments regarding the proposed use of federal funds to support activities located in a floodplain. Written comments should be sent to HPD at 100 Gold Street, New York, NY 10038, Attn: Patrick Blanchfield, AICP, Director of Environmental Planning, Office of Development, Room 9I-7. Comments may also be submitted electronically to nepa_env@hpd.nyc.gov. The minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication. All comments should be received by HPD on or before Decemebr 20th, 2014.

Bill de Blasio, Mayor
Vicki Been, Commissioner, HPD
City of New York, Office of Management and Budget, Dean Fuleihan,
Director

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PARKS AND RECREATION

■ INTENT TO AWARD

Construction Related Services

CONSTRUCTION SUPERVISION - Negotiated Acquisition - Available only from a single source - PIN#84615N0002, 84615N0011 - Due 12-19-14 at 4:30 P.M.

Department of Parks and Recreation, Capital Project Division, intends to enter into a Negotiated Acquisition with Haks Engineers Architects and Landsurveyors, P.C. for Construction Supervision Services citywide. Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available online at nyc.gov/selltonyc and in hard copy by calling the Vendor Enrollment Center at 212-857-1680.

● **CONSTRUCTION SUPERVISION** - Negotiated Acquisition - Available only from a single source - PIN#84615N0008, 84615N0013 - Due 12-19-14 at 4:30 P.M.

Department of Parks and Recreation, Capital Project Division, intends to enter into a Negotiated Acquisition with the Liro Group for Construction Supervision Services citywide. Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available online at nyc.gov/selltonyc and in hard copy by calling the Vendor Enrollment Center at 212-857-1680.

● **CONSTRUCTION SUPERVISION** - Negotiated Acquisition - Available only from a single source - PIN#84615N0005, 84615N0012 - Due 12-19-14 at 4:30 P.M.

Department of Parks and Recreation, Capital Project Division, intends to enter into a Negotiated Acquisition with Tectonic Engineering and Surveying Consultants P.C. for Construction Supervision Services citywide. Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available online at nyc.gov/selltonyc and in hard copy by calling the Vendor Enrollment Center at 212-857-1680.

● **CONSTRUCTION SUPERVISION** - Negotiated Acquisition - Available only from a single source - PIN#84615N0003, 84615N0009 - Due 12-19-14 at 4:30 P.M.

Department of Parks and Recreation, Capital Project Division, intends to enter into a Negotiated Acquisition with Hill International, Inc. for Construction Supervision Services citywide. Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available online at nyc.gov/selltonyc and in hard copy by calling the Vendor Enrollment Center at 212-857-1680.

● **CONSTRUCTION SUPERVISION** - Negotiated Acquisition - Available only from a single source - PIN#84615N0004 - Due 12-19-14 at 4:30 P.M.

Department of Parks and Recreation, Capital Project Division, intends to enter into a Negotiated Acquisition with MP Engineers P.C. for Construction Supervision Services citywide. Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing. You may join the City Bidders list by filling out the "NYC-FMS Vendor Enrollment Application" available online at nyc.gov/selltonyc and in hard copy by calling the Vendor Enrollment Center at 212-857-1680.

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. Karen General (718) 760-6897; Fax: (718) 760-6885; karen.general@parks.nyc.gov

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