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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

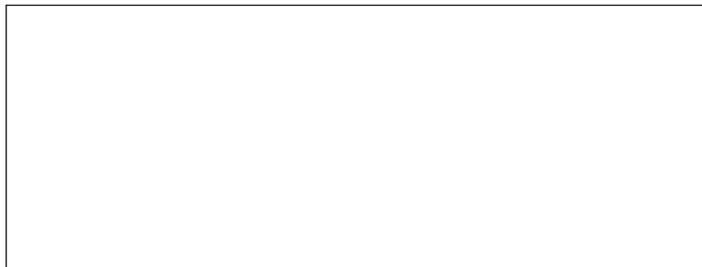
See Also: Procurement; Agency Rules

BOARD MEETINGS

MEETING

City Planning Commission

Meets in Spector Hall, 22 Reade Street, New York, NY 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.



City Council

Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, NY 10007, at 1:30 P.M.

Contract Awards Public Hearing

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.

Civilian Complaint Review Board

Generally meets at 10:00 A.M. on the second Wednesday of each month at 40 Rector Street, 2nd Floor, New York, NY 10006. Visit <http://www.nyc.gov/html/ccrb/html/meeting.html> for additional information and scheduling changes.

Design Commission

Meets at City Hall, Third Floor, New York, NY 10007. For meeting schedule, please visit nyc.gov/designcommission or call (212) 788-3071.

Department of Education

Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.

Board of Elections

32 Broadway, 7th Floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner.

Environmental Control Board

Meets at 100 Church Street, 12th Floor, Training Room #143, New York, NY 10007 at 9:15 A.M. once a month at the call of the Chairman.

Board of Health

Meets at Gotham Center, 42-09 28th Street, Long Island City, NY 11101, at 10:00 A.M., quarterly or at the call of the Chairman.

Health Insurance Board

Meets in Room 530, Municipal Building, Manhattan, NY 10007, at the call of the Chairman.

Board of Higher Education

Meets at 535 East 80th Street, Manhattan, NY 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.

Citywide Administrative Services

Division of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, NY 10004.

Commission on Human Rights

Meets on 10th Floor in the Commission's Central Office, 40 Rector Street, New York, NY 10006, on the fourth Wednesday of each month, at 8:00 A.M.

In Rem Foreclosure Release Board

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Franchise and Concession Review Committee

Meets in Spector Hall, 22 Reade Street, Main Floor, and other days, times and location as warranted.

Real Property Acquisition and Disposition

Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, commencing 10:00 A.M., and other days, times and location as warranted.

Landmarks Preservation Commission

Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise noticed by the Commission. For current meeting dates, times and agendas, please visit our website at www.nyc.gov/landmarks.

Employees' Retirement System

Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, NY 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.

Housing Authority

Board Meetings of the New York City Housing Authority are scheduled for the last Wednesday of each month (except August) at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, NY 10007 (unless otherwise noted). 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. For additional information, please visit NYCHA's website or contact (212) 306-6088.

Parole Commission

Meets at its office, 100 Centre Street, Manhattan, NY 10013, on Thursday, at 10:30 A.M.

Board of Revision of Awards

Meets in Room 603, Municipal Building, Manhattan, NY 10007, at the call of the Chairman.

Board of Standards and Appeals

Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.

Tax Commission

Meets in Room 936, Municipal Building, Manhattan, NY 10007, each month at the call of the President. Manhattan, monthly on Wednesdays, commencing 2:30 P.M.

BOROUGH PRESIDENT - BROOKLYN

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to Section 201 of the New York City Charter, the Brooklyn borough president will hold a public hearing on the following matters in the Community Room of Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, NY 11201, commencing at 6:00 P.M. on March 26, 2018.

Calendar Item 1 — 1601 DeKalb Avenue (180148 ZMK, 180149 ZRK)

Applications submitted by 1601 DeKalb Owner LLC, for zoning map and text amendments to the northern portion of a block, bounded by Hart Street, Wyckoff Avenue, DeKalb Avenue, and Irving Avenue. The amendments would change an R6 district to R6B, rezone an M1-1 district to R7A, and establish a C2-4 overlay along the Wyckoff Avenue frontage within the proposed R7A district, as well as designate the area of the proposed R7A zoning district, as a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of two residential buildings, with one at nine stories and another at six stories, together providing 122 units, of which approximately 27 would be made permanently affordable, pursuant to MIH option 1. The development would provide 46 enclosed and unenclosed parking spaces.

Calendar Item 2 — 1019 Fulton Street (180244 HAK, 180245 ZSK)

Applications submitted by the New York City Department of Housing Preservation and Development (HPD), seeking Urban Development Action Area Program (UDAAP) designation for the disposition of two City-Owned lots on a block bounded by Putnam Avenue, Downing Street, Fulton Street, and Grand Avenue, and a zoning special permit for a waiver of the 18 required accessory off-street parking spaces. Such actions would facilitate the development of an eight-story mixed-use building with ground-floor commercial retail space and 50 residential units, of which 15 would be permanently affordable, including 10

affordable to households at up to 80 percent of the Area Median Income (AMI), through the Voluntary Inclusionary Housing (VIH) program. The building would provide 25 bicycle parking spaces in the cellar.

Accessibility questions: Inna Guzenfeld (718) 802-3754, iguzenfeld@brooklynbp.nyc.gov, by: Monday, March 26, 2018, 12:00 P.M.



☛ m19-23

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that resolutions have been adopted by the City Planning Commission, scheduling a public hearing on the following matters to be held, at NYC City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, on Wednesday, March 28, 2018, at 10:00 A.M.

BOROUGH OF THE BRONX

**No. 1
EDENWALD YMCA**

CD 12 **C 180242 PPX**
IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one City-Owned property (Block 4905, Lot 2002), pursuant to zoning.

BOROUGH OF MANHATTAN

**No. 2
HUDSON BOULEVARD AND PARK TEXT AMENDMENT**

CD 4 **N 180238 ZRM**
IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article IX, Chapter 3 (Special Hudson Yards District) for the purpose of modifying floor area regulations in the Phase 2 Hudson Boulevard and Park.

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

* * *

ARTICLE IX - SPECIAL PURPOSE DISTRICTS

**Chapter 3
Special Hudson Yards District**

**93-00
GENERAL PURPOSES**

The "Special Hudson Yards District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to facilitate and guide the development of an environmentally beneficial, transit-oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation and avoidance of conflicts with vehicular traffic;
- (b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area, and the surrounding neighborhoods;
- (c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;
- (d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;
- (e) to preserve the low- and medium-scale residential character of the Hell's Kitchen area;
- (f) to provide a transition between the Hudson Yards District and the Clinton community to the north;
- (g) to provide a transition between the Hudson Yards District and the Garment Center to the east;
- (h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;
- (i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;

- (j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;
- (k) to provide a transition between the Hudson Yards District and the Hudson River to the west;
- (l) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations;
- (m) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City's tax revenues; and
- (n) to limit the amount of off-street parking based on regulations that address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit- and pedestrian-oriented neighborhood character.

* * *

**93-30
SPECIAL FLOOR AREA REGULATIONS**

* * *

**93-32
Floor Area Regulations in the Phase 2 Hudson Boulevard and Park**

In the #Phase 2 Hudson Boulevard and Park#, no #development# shall be permitted and, except as provided in Section 93-051 (Applicability of Article I, Chapter 1), no #building# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and Park# may be transferred to a receiving site in accordance with the provisions of Paragraph (a) of this Section.

For the purposes of this Section, a "granting site" shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a "receiving site" shall mean a #zoning lot#, or portion thereof, within Subareas A2 through A5 of the Large-Scale Plan Subdistrict A or Subareas D1 or D2 of Hell's Kitchen Subdistrict D, to which #floor area# from a granting site has been transferred.

Special regulations for certain #zoning lots# partially within the #Phase 2 Hudson Boulevard and Park# are set forth in Section 93-33.

(a) Transfer of floor area by certification

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# of a receiving site to be increased up to the maximum amount specified in Section 93-21 or 93-22, as applicable, through the transfer of #floor area# from a granting site, provided that:

- (1) the maximum amount of #floor area# transferred from a granting site shall not exceed the #floor area ratio# permitted on the granting site, as listed below, less any existing #floor area# to remain on the granting site:

District	Maximum #floor area ratio#
C2-8	7.5
C6-2	6.02
C6-4	10.0
M1-5	5.0

- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer, pursuant to Section 93-21 or 93-22, as applicable. In the event a granting site generates more #floor area# than is permitted on a receiving site, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers, pursuant to this Section; and
- (4) where all #floor area# shall be transferred from a granting site, pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area#, pursuant to this Paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in

Row B in the table in Section 93-21 and Row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the Hudson Yards District Improvement Fund#, pursuant to Section 93-31 (District Improvement Fund Bonus), an increase in #floor area#, pursuant to Paragraph (b) of this Section or Section 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or the Inclusionary Housing Program, pursuant to Section 23-154, as modified by Section 93-23.

An application filed with the Chairperson for the transfer of #floor area#, pursuant to this Paragraph (a) shall be made jointly by the owners of the granting site and receiving site, and shall include a site plan and #floor area# zoning calculations for the granting site and the receiving site, and a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with notice of the restrictions upon further development of the granting site and the receiving site.

Notices of restrictions shall be filed by the owners of the granting site and receiving site in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site which incorporates #floor area# transferred, pursuant to this Paragraph (a).

(b) Authorization for contribution-in-kind

The City Planning Commission may authorize a contribution-in-kind to the Hudson Yards District Improvement Fund# for a receiving site, provided that:

- 1. the conditions for transferring # floor area# set forth in Paragraph (a) of this Section have been met as of the date of the authorization or will be met in accordance with agreements or instruments entered into, pursuant to paragraph (b)(3) of this Section;

- (2) the granting site will be improved, at the applicant's expense, as a #public park# or #street#, as provided for on the City Map, prior to conveyance to the City; and

- (3) the applicant, or an affiliate of such applicant, has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the improvement of the granting site as a #public park# or #street#, pursuant to an agreed-upon construction schedule. The construction schedule may be adjusted from time to time in accordance with the provisions of such agreement or instruments and shall include progress milestones, including the date by which the improvements will be 50 percent complete, and a date by which the improvements will be substantially complete and usable by the public. In the event that the conditions for transferring #floor area# set forth in Paragraph (a) of this Section have not been completed as of the date of this authorization, such agreement or instruments shall also provide that such conditions will be met, to the extent applicable, pursuant to an agreed-upon schedule.

In order to grant such authorization, the Commission shall find that the #public park# or #street# has been designed in accordance with the approved plan for the Hudson Boulevard and Park, or as an appropriate interim design, in consultation with the Department of Parks and Recreation or Department of Transportation.

[All of the following text of this section, which was not previously indented, is indented 0.5" and included as part of Paragraph (b).]

The amount of increased #floor area# generated by the contribution-in-kind shall be as determined by the Commission, which The Commission shall determine the reasonable cost of such improvement, including any acquisition and site preparation costs, and shall permit a #floor area# bonus in relation thereto divide this reasonable cost by the contribution amount per square foot of the District Improvement Bonus, as determined, pursuant to Section 93-31, and in effect on the date of authorization of the contribution-in-kind, pursuant to this paragraph (b), in order to determine the amount of increased #floor area# generated by the contribution-in-kind. In making such determination, the Commission may consult with an appraiser or engineer at the applicant's expense. In the event the contribution-in-kind results in an amount of #floor area# in excess of what is permitted on the receiving site, the Commission shall authorize that such excess #floor area# be credited towards future #floor area# increases, pursuant to Section 93-31.

The owner of the receiving site shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted, pursuant to this Paragraph (b), and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion until the Chairperson has certified that the improvements are substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development#

or #enlargement# nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson. A restrictive declaration in a form acceptable to the Chairperson shall be recorded against the receiving site in the Office of the Register of the City of New York in order to implement such restrictions.

An application filed with the Chairperson of the Commission for the transfer of #floor area# contribution-in-kind, pursuant to this Section Paragraph (b) shall be made jointly by the owners or contract vendees of the granting site and receiving site and shall, in all instances, include the party responsible either directly or through its affiliate, for the improvement of the granting site as a #public park# or #street#, pursuant to the agreement or instruments entered into, pursuant to Paragraph (b)(3) of this Section, a site plan and #floor area# zoning calculations for the granting site and the receiving site, and a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with notice of the restrictions upon further development of the granting site and the receiving site.

Notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified executed copies thereof shall be a pre-condition of the agreement or instruments required, pursuant to Paragraph (b)(3) of this Section, and of copies of the recorded restrictive declaration, shall be a precondition to the issuance of any a building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site that incorporates a #floor area# bonus granted, pursuant to this paragraph (b).

In no event shall a building permit for a #development# or #enlargement# utilizing a #floor area# increase, pursuant to this Paragraph (b) be granted for the receiving site until the Chairperson provides notice to the Commissioner of Buildings that the applicant, or affiliate responsible for the improvement of the granting site, has provided acceptable evidence of site control for purposes of construction of the improvement.

**93-33
Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park**

* * *

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

m14-28

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 18 - Wednesday, March 21, 2018, 7:00 P.M., 1097 Bergen Avenue, Brooklyn, NY.

BSA#2018-29-BZ
Premises affected - 1637 Madison Place, between Avenue P and Quentin Road, Block 7702, Lot 28.

IN THE MATTER OF a special permit application filed, pursuant to Sections 73-621 and 23-142 of the Zoning Resolution of the City of New York, to request a Special Permit, to allow the enlargement of an existing single family home, located in a residential R3-2 Zoning District.

m15-21

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

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 13 - Tuesday, March 20, 2018, 7:00 P.M., VFW Post 5298, 143-17 Springfield Boulevard, Laurelton, NY.

#C140187 MMQ
219-01 to 219-25 North Conduit Avenue (Shopping Mall)
A public hearing for de mapping street. The improved accessory parking lot would have a capacity of approximately 47 spaces.

m14-20

COMPTROLLER

■ MEETING

The City of New York Audit Committee Meeting is scheduled for Wednesday, March 21, 2018, from 9:30 A.M., to NOON in The Comptroller's Board Room, at 1 Centre Street, Room 530. Meeting is open to the general public.

m14-21

BOARD OF EDUCATION RETIREMENT SYSTEM

■ MEETING

The Executive Committee of the Board of Trustees of the Board of Education Retirement System of the City of New York, will participate in a Common Investment Meeting of the New York City Pension Systems. The meeting will be held at 9:00 A.M., on Wednesday, March 21, 2018, at 1 Centre Street, 10th Floor (North Side), New York, NY 10007.

Accessibility questions: Leslie Kearns (929) 305-3742, lkearns2@bers.nyc.gov, by: Tuesday, March 20, 2018, 4:00 P.M.



m16-21

The Board of Trustees of the Board of Education Retirement System, will be meeting at 5:00 P.M., on Wednesday, March 21, 2018, at High School for Fashion Industries, located at 225 West 24th Street, New York, NY 10011.

Accessibility questions: Leslie Kearns (929) 305-3742, lkearns2@bers.nyc.gov, by: Tuesday, March 20, 2018, 2:00 P.M.



m15-21

HOUSING AUTHORITY

■ MEETING

The next Board Meeting of the New York City Housing Authority is scheduled for Wednesday, March 28, 2018, 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://www1.nyc.gov/site/nycha/about/board-calendar.page> 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.

For additional information, please visit NYCHA's website or contact (212) 306-6088.

Accessibility questions: Office of the Corporate Secretary by phone at (212) 306-6088 or by email at corporate.secretary@nycha.nyc.gov, by: Wednesday, March 14, 2018, 5:00 P.M.



m7-28

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York

(Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, March 27, 2018, a public hearing will be held, at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting, should contact the Landmarks Commission, no later than five (5) business days before the hearing or meeting.

295 Clinton Avenue - Clinton Hill Historic District

LPC-19-21631 - Block 1930 - Lot 14 - **Zoning:** R6B

CERTIFICATE OF APPROPRIATENESS

A Neo-Gothic style apartment building designed by the Cohn Brothers and built in 1927. Application is to remove finials.

265 New York Avenue - Crown Heights North Historic District II

LPC-19-16077 - Block 1256 - Lot 4 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style residence, designed by Chappell & Bosworth and built in c. 1909. Application is to install windows.

220 East 17th Street - Stuyvesant Square Historic District

LPC-19-18958 - Block 897 - Lot 65 - **Zoning:** R7B

CERTIFICATE OF APPROPRIATENESS

An Anglo-Italianate style house, built c. 1851-53. Application is to install an awning, decking, railings, and screens; and raise flues at the roof.

17 West 67th Street - Upper West Side/Central Park West Historic District

LPC-19-20028 - Block 1120 - Lot 17 - **Zoning:** R8

CERTIFICATE OF APPROPRIATENESS

A Neo-Renaissance style apartment building, with Romanesque style elements, designed by Gronenberg and Leuchtag, and built 1930-31. Application is to replace windows.

875 Fifth Avenue - Upper East Side Historic District

LPC-19-21951 - Block 1383 - Lot 69 - **Zoning:** R10 R8B

CERTIFICATE OF APPROPRIATENESS

A simplified Art Deco style apartment building, designed by Emery Roth & Sons and built in 1939-40. Application is to modify masonry openings, install an awning and HVAC units, and replace a solarium and a railing.

2 East 67th Street - Upper East Side Historic District

LPC-19-20395 - Block 1381 - Lot 69 - **Zoning:** R10

CERTIFICATE OF APPROPRIATENESS

A Neo-Italian Renaissance style apartment building, designed by Rosario Candela and built in 1927-28. Application is to install a balcony and lighting.

971 Lexington Avenue - Upper East Side Historic District Extension

LPC-19-19082 - Block 1405 - Lot 20 - **Zoning:** R9X

CERTIFICATE OF APPROPRIATENESS

An altered rowhouse, originally designed by Thom & Wilson and built in 1887-1888. Application is to install signage.

799 Fort Washington Avenue - Individual Landmark

LPC-19-20929 - Block 2179 - Lot 701 - **Zoning:** R7-2

CERTIFICATE OF APPROPRIATENESS

A museum complex composed of portions of medieval buildings and modern structures, designed by Charles Collens and constructed between 1934 and 1938. Application is to replace a window.

m14-27

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York (Sections 25-303, 25-307, 25-308, 25-309, 25-313, 25-318, 25-320) on Tuesday, March 20, 2018, a public hearing will be held, at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. The final order and estimated times for each application will be posted on the Landmarks Preservation Commission website, the Friday before the hearing. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should contact the Landmarks Commission no later than five (5) business days before the hearing or meeting.

34-47 87th Street - Jackson Heights Historic District

LPC-18-7842 - Block 1448 - Lot 43 - **Zoning:** R5

CERTIFICATE OF APPROPRIATENESS

An Anglo-American style garden home designed by Roger Tabban and built in 1925. Application is to legalize window replacement, areaway alterations and installation of mechanical equipment without Landmarks Preservation Commission permit(s).

1879 Putnam Avenue - Ridgewood South Historic District

LPC-19-09416 - Block 3471 - Lot 38 - **Zoning:** R6B

CERTIFICATE OF APPROPRIATENESS

A Renaissance and Romanesque Revival style tenement building designed by Louis Allmendinger and built in 1911. Application is to replace windows installed in non-compliance with Certificate of No Effect 14-2494.

76 St. Mark's Avenue - Park Slope Historic District Extension II

LPC-19-15382 - Block 936 - Lot 8 - **Zoning:** R7A R6B

CERTIFICATE OF APPROPRIATENESS

A Queen Anne style apartment building designed by Montrose W. Morris and built in 1885. Application is to install storefront infill and construct a rear yard addition.

608 5th Street - Park Slope Historic District

LPC-19-20425 - Block 1085 - Lot 35 - **Zoning:** R7B R7A

CERTIFICATE OF APPROPRIATENESS

A Romanesque Revival style townhouse designed by Magnus Dahlander, built in 1892. Application is to replace windows, modify masonry openings, and install a bulkhead and railings.

8-12 Jay Street - Tribeca West Historic District

LPC-19-17917 - Block 143 - Lot 7501 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

A Renaissance Revival style store and office building designed by John DeHart and built in 1896. Application is to modify masonry openings, replace storefront infill and windows, and install signage and a ramp.

140 Broadway - Individual Landmark

LPC-19-20734 - Block 48 - Lot 1 - **Zoning:** C5-5

CERTIFICATE OF APPROPRIATENESS

A mid-20th century modern style office tower designed by Skidmore, Owings & Merrill and built in 1964-68. Application is to install planters, paving, and lighting at the plaza.

62 Thomas Street, aka 137 Duane Street - Tribeca West Historic District

LPC-19-14629 - Block 147 - Lot 7509 - **Zoning:** C6-2A

CERTIFICATE OF APPROPRIATENESS

A Gothic Revival style store and loft building, built in 1863-64. Application is to install louvers, doors, a canopy, and lighting.

357 Canal Street - SoHo-Cast Iron Historic District

LPC-19-21071 - Block 228 - Lot 1 - **Zoning:** M1-5B

CERTIFICATE OF APPROPRIATENESS

A store and loft building designed by W.T. Beers, built in 1855, and altered in 1866. Application is to replace windows.

56 Bank Street - Greenwich Village Historic District

LPC-19-18570 - Block 623 - Lot 36 - **Zoning:** R6

CERTIFICATE OF APPROPRIATENESS

A Greek Revival style rowhouse, built in 1833. Application is to construct a rooftop addition, create lot line window openings, and replace windows.

6th Avenue and Waverly Place - Greenwich Village Historic District

LPC-19-15675 - Block - Lot - **Zoning:** R7-2, R6

CERTIFICATE OF APPROPRIATENESS

Southwest corner of 6th Avenue and Waverly Place. Application is to install a newsstand at the sidewalk.

971 Lexington Avenue - Upper East Side Historic District Extension

LPC-19-19082 - Block 1405 - Lot 20 - **Zoning:** R9X

CERTIFICATE OF APPROPRIATENESS

An altered rowhouse originally designed by Thom & Wilson and built in 1887-1888. Application is to install signage.

1065 Park Avenue - Park Avenue Historic District

LPC-19-13316 - Block 1516 - Lot 1 - **Zoning:** R10

CERTIFICATE OF APPROPRIATENESS

A Modern style apartment building designed by Stephen C. Lyras and built in 1969-73. Application is to establish a master plan governing the future installation of windows.

m7-20

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARINGS

April 10, 2018, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday morning, April 10, 2018, 10:00 A.M., in Spector Hall, 22 Reade Street, New York, NY 10007, on the following matters:

SPECIAL ORDER CALENDAR

933-28-BZ

APPLICANT – Gerard J. Caliendo, R.A., AIA, for RB Auto Repair/Roger Budhu, owner.

SUBJECT – Application October 16, 2015 – Extension of Term, Amendment & Waiver (11-413) for an extension of the term of a

variance which permitted the operation of an automotive repair facility and gasoline service station (UG 16) and an Amendment for the legalization of the enlargement with an insulated corrugated metal enclosure. R5 zoning district.

PREMISES AFFECTED – 125-24 Metropolitan Avenue, Block 9271, Lot 4, Borough of Queens.

COMMUNITY BOARD #9Q

170-47-BZ

APPLICANT – Eric Palatnik, P.C., for Dasueram LLC, owner. SUBJECT – Application November 28, 2017 – Extension of Term (§11-411) of a previously approved variance, permitting the operation of a (UG 16B) storage warehouse in the cellar, used in conjunction with a (UG 17B) factory on the first floor which expired on November 25, 2017. R7-1 zoning district.

PREMISES AFFECTED – 1982 Crotona Parkway, Block 3121, Lot 11, Borough of Bronx.

COMMUNITY BOARD #6BX

154-13-BZ

APPLICANT – Sheldon Lobel, P.C., for Sandy Bergen, LLC, owner. SUBJECT – Application February 22, 2018 – Extension of Time to Complete Construction of a previously approved Variance (§72-21), permitting the construction of a retail building (UG 6), contrary to use regulations (§22-10) which expired on February 4, 2018. R5 zoning district.

PREMISES AFFECTED – 1054-1064 Bergen Avenue, Block 8341, Lot(s) 118 & 121, Borough of Brooklyn.

COMMUNITY BOARD #18BK

292-13-BZ

APPLICANT – Sheldon Lobel, P.C., for The Edmond J. Safra Synagogue Inc., owner. SUBJECT – Application February 14, 2018 – Extension of Time to Complete Construction of a previously approved Variance (§72-21), permitting the development of a Use Group 4A house of worship (*Congregation Bet Yaakob*), contrary to floor area, open space ratio, front, rear and side yards, lot coverage, height and setback, planting, landscaping and parking regulations which expired January 28, 2018. R5, R6A and R5 Special Ocean Parkway Sub-District.

PREMISES AFFECTED – 2085 Ocean Parkway, Block 7109, Lot 50, Borough of Brooklyn.

COMMUNITY BOARD #15BK

105-15-BZ

APPLICANT – Eric Palatnik, P.C., for Aleksandr Finkelshtein, Contract Vendee. SUBJECT – Application May 12, 2015 – Variance (§72-21) to permit the development of a four (4) story building consisting of Use Group 6 commercial offices on the first and second floor and community facility uses on the third and fourth floors. R4 zoning district.

PREMISES AFFECTED – 2102-2124 Avenue Z, Block 7441, Lot 371, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEALS CALENDAR

2017-68-A thru 2017-96-A

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Joline Estates, LLC, owner.

SUBJECT – Applications March 27, 2017 – Proposed construction of twenty-nine (29) two-family residences, not fronting on a legally mapped street, contrary to General City Law 36. R3-X (SRD) zoning district.

PREMISES AFFECTED – 7 to 49 Torrice Loop and 11 to 16 Frosinone Lane, Block 7577, Various Lots, Borough of Staten Island.

COMMUNITY BOARD #3SI

2017-320-BZY

APPLICANT – Kramer Levin Naftalis & Frankel LLP by Gary Tarnoff, for Sutton 58 Holding Company, LLC, owner.

SUBJECT – Application December 19, 2017 – Proposed extension of time to complete construction for a minor development, pursuant to ZR §11-331 to renew building permits lawfully issued before November 30, 2017, the date of the modified tower-on-a-base regulation, to complete the required foundation of a proposed 64-story residential apartment building. R10 zoning district.

PREMISES AFFECTED – 428-432 East 58th Street, Block 1369, Lot 34, Borough of Manhattan.

COMMUNITY BOARD #6M

April 10, 2018, 1:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, April 10, 2018, 1:00 P.M., in Spector Hall, 22 Reade Street, New York, NY 10007, on the following matters:

ZONING CALENDAR

77-15-BZ

APPLICANT – Rothkrug Rothkrug & Spector LLP, for Arasu Jambukeswaran, owner. SUBJECT – Application April 9, 2015 – Variance (§72-21) to allow the alteration of an existing two-family dwelling on the second floor and an enlargement, located within an R2A zoning district.

PREMISES AFFECTED – 244-36 85th Avenue, Block 8609, Lot 22, Borough of Queens.

COMMUNITY BOARD #13Q

2016-4472-BZ

APPLICANT – Sheldon Lobel, P.C., for Marino Plaza 63-12, LLC, owner; Body By Fitness Health Club 1 Inc., lessee. SUBJECT – Application December 28, 2016 – Variance (§72-21) to permit the legalization of a Physical Culture Establishment (*Body By Fitness*) within the cellar and first floor of an existing building contrary to ZR §32-10. C1-3/R4 zoning district.

PREMISES AFFECTED – 245-01–245-13 Jamaica Avenue aka 245-13 Jericho Turnpike, Block 8659, Lot 1, Borough of Queens.

COMMUNITY BOARD #13Q

2017-31-BZ

APPLICANT – Akerman, LLP for ROCK 34, Inc., owner. SUBJECT – Application January 27, 2017 – Variance (§72-21) to permit the development of a three-story, three-family residential building on a narrow corner lot contrary to ZR §23-45 (front yard) and ZR §23-462 (a) (required side yards). R5 zoning district.

PREMISES AFFECTED – 107-17 34th Avenue, Block 1722, Lot 27, Borough of Queens.

COMMUNITY BOARD #3Q

2017-256-BZ

APPLICANT – Sahn Ward Coschignano, PLLC, for Archives L.L.C. c/o Rockrose Development L.L.C., owner; Peloton Interactive, Inc., lessee. SUBJECT – Application August 30, 2017– Special Permit (§73-36) to operate a physical culture establishment (*Peloton*) within an existing building contrary to ZR §32-10. C6-2 zoning district (United States Federal Building) (Historic Building).

PREMISES AFFECTED – 666 Greenwich Street, Block 604, Lot 33, Borough of Manhattan.

COMMUNITY BOARD #2M

2017-259-BZ

APPLICANT – Eric Palatnik, P.C., for Yisrael Grafstein, owner. SUBJECT – Application September 1, 2017 – Special Permit (§73-622) for the enlargement of an existing single family home contrary to floor area, open space and lot coverage (ZR §23-142); less than the required rear yard (ZR §23-47); and the proposed perimeter wall height exceeds 21'-0" contrary to (ZR §23-631(b)). R3-2 zoning district.

PREMISES AFFECTED – 1760 East 28th Street, Block 6810, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #15BK

2017-299-BZ

APPLICANT – Duane Morris LLP by Jon Popin, for Douglaston Shopping Center Owner LLC, owner. SUBJECT – Application November 14, 2017– Variance (§72-21), to permit the increase, the degree of non-conformance of the presently existing non-conforming shopping center by adding 15,181 square feet of retail floor area; adding approximately 1,116.10 square feet of signage and eliminate 101 parking spaces. R4 zoning district.

PREMISES AFFECTED – 242-02 61st Avenue, Block 8286, Lot 185, Borough of Queens.

COMMUNITY BOARD #11Q

Margery Perlmutter, Chair/Commissioner

Accessibility questions: Mireille Milfort (212) 386-0078, mmilfort@bsa.nyc.gov, by: Friday, April 6, 2018, 4:00 P.M.



☛ m19-20

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held, at 55 Water Street, 9th Floor, Room 945, commencing at, 2:00 P.M. on Wednesday, March 28, 2018. 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 333 West 84th Street Owners, Inc., to continue to maintain and use a stoop, stair, storage and planted area on the north sidewalk of West 84th Street, between West End Avenue and Riverside Drive, in the Borough of Manhattan. The proposed revocable consent is for a term of ten 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: **R.P. # 1895**

For the period July 1, 2014 to June 30, 2015 - \$1,558
For the period July 1, 2015 to June 30, 2016 - \$1,602

For the period July 1, 2016 to June 30, 2017 - \$1,646
 For the period July 1, 2017 to June 30, 2018 - \$1,690
 For the period July 1, 2018 to June 30, 2019 - \$1,734
 For the period July 1, 2019 to June 30, 2020 - \$1,778
 For the period July 1, 2020 to June 30, 2021 - \$1,822
 For the period July 1, 2021 to June 30, 2022 - \$1,866
 For the period July 1, 2022 to June 30, 2023 - \$1,910
 For the period July 1, 2023 to June 30, 2024 - \$1,954

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

#2 IN THE MATTER OF a proposed revocable consent authorizing AIMCO Properties, L.P., to construct, maintain and use an ADA lift with steps and railing in the south sidewalk of West 69th Street, between Columbus Avenue and Central Park West, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor, and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2428**

From the Approval Date to June 30, 2018 - \$3,000/per annum
 For the period July 1, 2018 to June 30, 2019 - \$ 3,053
 For the period July 1, 2019 to June 30, 2020 - \$ 3,106
 For the period July 1, 2020 to June 30, 2021 - \$ 3,159
 For the period July 1, 2021 to June 30, 2022 - \$ 3,212
 For the period July 1, 2022 to June 30, 2023 - \$ 3,265
 For the period July 1, 2023 to June 30, 2024 - \$ 3,318
 For the period July 1, 2024 to June 30, 2025 - \$ 3,371
 For the period July 1, 2025 to June 30, 2026 - \$ 3,424
 For the period July 1, 2026 to June 30, 2027 - \$ 3,477
 For the period July 1, 2027 to June 30, 2028 - \$ 3,530

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

#3 IN THE MATTER OF a proposed revocable consent authorizing Donna Furey, to construct, maintain and use a wheelchair lift and stairs with railing on the south sidewalk of Broadway east of 44th Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from Approval Date by the Mayor, and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. # 2404**

From the Approval Date by the Mayor to June 30, 2028-
 \$3,000/per annum
 For the period July 1, 2018 to June 30, 2019 - \$3,053
 For the period July 1, 2019 to June 30, 2020 - \$3,106
 For the period July 1, 2020 to June 30, 2021 - \$3,159
 For the period July 1, 2021 to June 30, 2022 - \$3,212
 For the period July 1, 2022 to June 30, 2023 - \$3,265
 For the period July 1, 2023 to June 30, 2024 - \$3,318
 For the period July 1, 2024 to June 30, 2025 - \$3,371
 For the period July 1, 2025 to June 30, 2026 - \$3,424
 For the period July 1, 2026 to June 30, 2027 - \$3,477
 For the period July 1, 2027 to June 30, 2028 - \$3,530

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

#4 IN THE MATTER OF a proposed revocable consent authorizing Mark Goodman and Judith Goodman, to continue to maintain and use a fenced-in area on the south sidewalk of East 70th Street, east of Lexington Avenue, in the borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027, and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1985**

From July 1, 2017 to June 30, 2027 - \$25/per annum

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

#5 IN THE MATTER OF a proposed revocable consent authorizing MIP One Wall Street Acquisition LLC, to continue to maintain and use eighty one (81) bollards along the south sidewalk of Wall Street, east of Broadway and north sidewalk of Exchange Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years

from July 1, 2017 to June 30, 2027 and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #1857**

For the period from July 1, 2017 to June 30, 2027 - \$10,125/per annum the maintenance of a security deposit in the sum of \$10,150 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#6 IN THE MATTER OF a proposed revocable consent authorizing St. John's Episcopal Health Services Inc., to continue to maintain and use a conduit under and across Plainview Avenue, west of Beach 19th Street, in the Borough of Queens. The proposed revocable consent is for a term of ten 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: **R.P. #757**

For the period July 1, 2015 to June 30, 2016 - \$2,470
 For the period July 1, 2016 to June 30, 2017 - \$2,537
 For the period July 1, 2017 to June 30, 2018 - \$2,604
 For the period July 1, 2018 to June 30, 2019 - \$2,671
 For the period July 1, 2019 to June 30, 2020 - \$2,738
 For the period July 1, 2020 to June 30, 2021 - \$2,805
 For the period July 1, 2021 to June 30, 2022 - \$2,872
 For the period July 1, 2022 to June 30, 2023 - \$2,939
 For the period July 1, 2023 to June 30, 2024 - \$3,006
 For the period July 1, 2024 to June 30, 2025 - \$3,073

the maintenance of a security deposit in the sum of \$3,100 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#7 IN THE MATTER OF a proposed revocable consent authorizing The Rector, Churchwardens and Vestrymen of Trinity Church, to continue to maintain and use a pipe under and across Vandam Street, east of Hudson Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027, and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #147**

For the period July 1, 2017 to June 30, 2018 - \$2,711
 For the period July 1, 2018 to June 30, 2019 - \$2,772
 For the period July 1, 2019 to June 30, 2020 - \$2,833
 For the period July 1, 2020 to June 30, 2021 - \$2,894
 For the period July 1, 2021 to June 30, 2022 - \$2,955
 For the period July 1, 2022 to June 30, 2023 - \$3,016
 For the period July 1, 2023 to June 30, 2024 - \$3,077
 For the period July 1, 2024 to June 30, 2025 - \$3,138
 For the period July 1, 2025 to June 30, 2026 - \$3,199
 For the period July 1, 2026 to June 30, 2027 - \$3,260

the maintenance of a security deposit in the sum of \$3,300 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#8 IN THE MATTER OF a proposed revocable consent authorizing Times Square Hotel Owner LLC to construct, maintain and use an overhead building projection consisting of balconies, escalators and stage on the east side of Seventh Avenue, between West 46th Street and West 47th Street, and on the south side of West 47th Street, between Seven Avenue and Sixth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Approval Date by the Mayor, and provides among other terms and conditions for compensation payable to the City according to the following schedule: **R.P. #2429**

From the Approval Date to June 30, 2028 - \$258,806/per annum
 For the period July 1, 2018 to June 30, 2019 - \$263,361
 For the period July 1, 2019 to June 30, 2020 - \$267,916
 For the period July 1, 2020 to June 30, 2021 - \$272,471
 For the period July 1, 2021 to June 30, 2022 - \$277,026
 For the period July 1, 2022 to June 30, 2023 - \$281,581
 For the period July 1, 2023 to June 30, 2024 - \$286,136
 For the period July 1, 2024 to June 30, 2025 - \$290,691
 For the period July 1, 2025 to June 30, 2026 - \$295,246
 For the period July 1, 2026 to June 30, 2027 - \$299,801
 For the period July 1, 2027 to June 30, 2028 - \$304,356

the maintenance of a security deposit in the sum of \$305,000 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million

Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#9 IN THE MATTER OF a proposed revocable consent authorizing Yarrow LLC, to continue to maintain and use steps on the west sidewalk of Front Street, north of Beekman Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027, and provides among other terms and conditions for compensation payable to the City according to the following schedule: R.P. #2003

- For the period July 1, 2017 to June 30, 2018 - \$863
- For the period July 1, 2018 to June 30, 2019 - \$878
- For the period July 1, 2019 to June 30, 2020 - \$893
- For the period July 1, 2020 to June 30, 2021 - \$908
- For the period July 1, 2021 to June 30, 2022 - \$923
- For the period July 1, 2022 to June 30, 2023 - \$938
- For the period July 1, 2023 to June 30, 2024 - \$953
- For the period July 1, 2024 to June 30, 2025 - \$968
- For the period July 1, 2025 to June 30, 2026 - \$983
- For the period July 1, 2026 to June 30, 2027 - \$998

the maintenance of a security deposit in the sum of \$5,400 and the insurance shall be in the amount of Two Million Dollars (\$2,000,000) per occurrence for bodily injury and property damage, One Million Dollars (\$1,000,000) for personal and advertising injury, Two Million Dollars (\$2,000,000) aggregate, and Two Million Dollars (\$2,000,000) products/completed operations.

#10 IN THE MATTER OF a proposed revocable consent authorizing Young Sun Bang and Kwon Suk Bang, to continue to maintain and use a fenced-in planted area and steps on the west sidewalk of 203rd Street, north of 42nd Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2017 to June 30, 2027, and provides among other terms and conditions for compensation payable to the City according to the following schedule: R.P. #2004

- For the period July 1, 2017 to June 30, 2018 - \$410
- For the period July 1, 2018 to June 30, 2019 - \$419
- For the period July 1, 2019 to June 30, 2020 - \$428
- For the period July 1, 2020 to June 30, 2021 - \$437
- For the period July 1, 2021 to June 30, 2022 - \$446
- For the period July 1, 2022 to June 30, 2023 - \$455
- For the period July 1, 2023 to June 30, 2024 - \$464
- For the period July 1, 2024 to June 30, 2025 - \$473
- For the period July 1, 2025 to June 30, 2026 - \$482
- For the period July 1, 2026 to June 30, 2027 - \$491

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

m8-28

COURT NOTICES

SUPREME COURT

BRONX COUNTY

NOTICE

**BRONX COUNTY
IA PART 21
NOTICE OF PETITION
INDEX NUMBER 42104/2018E
CONDEMNATION PROCEEDING**

IN THE MATTER OF the Application of the CITY OF NEW YORK Relative to Acquiring a Permanent Storm Sewer and Water Main Easements in Block 5636, Part of Lot 100 and a Permanent Storm Sewer Easement in Block 5636, Part of Lot 177, located in the Bronx, for the construction of the **CITY ISLAND WATER MAIN AND STORM SEWER OUTFALLS PROJECT**,

Located on land under the waters of Eastchester Bay in the vicinity of Kilroe Street, and both upland and lands under the waters of Eastchester Bay in the vicinity of Minnieford Avenue, in the Borough of the Bronx, City and State of New York.

PLEASE TAKE NOTICE that the City of New York (the "City") intend to make an application to the Supreme Court of the State of New York, Bronx County, IA Part 21, for certain relief.

The application will be made at the following time and place: At the Bronx County Courthouse, located at Room 704, in the Borough of Bronx, City and State of New York, on March 26, 2018 at 9:30 A.M., or as soon thereafter as counsel can be heard.

The application is for an order:

- a. Authorizing the City to file an acquisition map in the Office of the City Register;
- b. Directing that, upon the filing of the order granting the relief in this petition and the filing of the acquisition map, title to the property sought to be acquired and described below shall vest in the City;
- c. Providing that the compensation which should be made to the owners of the interest in real property sought to be acquired and described above be ascertained and determined by the Court without a jury;
- d. Directing that within thirty days of the vesting of title to the permanent easements, the City shall cause a notice of acquisition to be published in at least ten successive issues of The City Record, an official newspaper published in the City of New York, and shall serve a copy of such notice by first class mail on each condemnee or his, her, or its attorney of record;
- e. Directing that each condemnee shall have a period of one calendar year from the vesting date for this proceeding, in which to file a written claim, demand or notice of appearance with the Clerk of this Court and to serve a copy of the same upon the Corporation Counsel of the City of New York, 100 Church Street, New York, NY 10007.

The City, in this proceeding, intends to acquire permanent easements in, over, through and beneath the lands herein described, for the City's free right to enter into and upon the easement for the purpose of constructing, inspecting, using, operating, maintaining, repairing or replacing sewers and/or water mains, and, pursuant to the Terms of Permanent Easements, delineated below. The permanent easements to be acquired in the proceeding, for the construction of water mains and a sewer outfall, in the Borough of the Bronx, City and State of New York, are more particularly bounded and described as follows:

**PROPOSED SEWER AND WATER MAIN EASEMENTS IN LOT 100 BLOCK 5636
DAMAGE PARCEL 1- Part of Lot 100 in Block 5636**

All that certain plot, piece or parcel of land, with improvements thereof erected, situate, lying and being in the Borough and County of the Bronx, City and State of New York, as bounded and described as follows:

Beginning at a point of the westerly line of the said City Island Avenue, said point being distant 61.17 feet northwestwardly from the intersection of the southwesterly line of the said City Island Avenue with the northerly line of the said Kilroe Street;

Running thence, southeastwardly and along the southwesterly line of the said City Island Avenue, a distance of 60.00 feet to a point being distant 1.17 feet northwestwardly from the intersection of the southwesterly line of the said City Island Avenue (varied width) with the northerly line of the said Kilroe Street;

Thence, eastwardly, forming an interior angle of 257°23'42", with the previous course and through the bed of City Island Avenue, a distance of 40.74 feet to a northwesterly prolongation of a southwesterly line of City Island Avenue (80 feet wide).

Thence, southeastwardly, forming an interior angle of 101°12'06", with the previous course, along the said northwesterly prolongation of the southwesterly line of City Island Avenue (80 feet wide) and through the bed of City Island Avenue, a distance of 35.44 feet to a point on the northerly line of lot 645 as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883.

Thence, westwardly, forming an interior angle of 79°20'06", with the previous course and through the beds of City Island Avenue and the said Kilroe Street (westward extent of Kilroe Street not shown on Final Map) and along the said northerly line of lot 645 as shown on the "Map of Estate of Elizabeth R. B. King" and its westerly prolongation, a distance of 355.23 feet to point of the exterior line of the water grant to Benjamin Palmer and others, dated May 27, 1763.

Thence, northwestwardly, forming an interior angle of 98°59'51", with the previous course and along the said exterior line of water grant to Benjamin Palmer and others, dated May 27, 1763, a distance of 350.00 feet to a point.

Thence, southeastwardly, forming an interior angle of 41°00'18", with the previous course and through tax lot 100 in the Bronx tax block 5636, distance of 391.77 feet to a point.

Thence, eastwardly, forming an interior angle of 219°59'51", with the previous course and through tax lot 100 in the Bronx tax block 5636, a distance of 50.00 feet to the point of beginning.

This parcel consists of part of tax lot 100 in the Bronx tax block 5636 and comprises an area of 63,548 square feet or 1.45886 of an acre.

**PROPOSED SEWER EASEMENT IN LOT 177 BLOCK 5636
DAMAGE PARCEL 2 – Part of Lot 177 in Block 5636**

All that certain plot, piece or parcel of land, with improvements thereof erected, situated, lying and being in the Borough and County of the Bronx, City and State of New York, as bounded and described as follows:

Beginning at a point on the westerly line of Minnieford Avenue (48.10 feet wide) where the same is intersected by the northerly line of lot 629 as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883, said point being distant 75.70 feet northwardly from the intersection of the westerly line of the said Minnieford Avenue with the northerly line of the said Bridge Street;

Running thence, northwestwardly, forming an angle 63°26'30", on its northerly side with the westerly line of the said Minnieford Avenue and along the said northerly line of lot 629 as shown on the "Map of Estate of Elizabeth R. B. King", a distance 179 feet more or less to a point of the mean high water line as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883.

Thence, northeastwardly, forming an approximate interior angle of 65°17' with the previous course and along the said mean high water line as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883, through tax lot 177 in the Bronx tax block 5636, a distance of 28 feet more or less feet to a point on the said mean high water line.

Thence, northeastwardly, forming an approximate interior angle of 190°21' with the previous course and continuing along the said mean high water line as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883, through tax lot 177 in the Bronx tax block 5636, a distance of 10 feet more or less feet to a point.

Thence, southeastwardly, forming an approximate interior angle of 104°35' with the previous course, and through lot 177 in the Bronx tax block 5636, a distance of 147 feet more or less to a point of the westerly line of the said Minnieford Avenue.

Thence, southwardly, forming an interior angle of 116°33'30", with the previous course and along the westerly line of the said Minnieford Avenue, a distance of 39.13 feet to the point of beginning. This parcel consists of part of tax lot 177 in the Bronx tax block 5636 and comprises an area of approximately 5,687 square feet or 0.13056 of an acre more or less.

DAMAGE PARCEL 3 – Part of Lot 177 in Block 5636 and adjacent lands under water

All that certain plot, piece or parcel of land, with improvements thereof erected, situate, lying and being in the Borough and County of the Bronx, City and State of New York, as bounded and described as follows:

Commencing at a point on the westerly line of Minnieford Avenue (48.10 feet wide) where the same is intersected by the northerly line of lot 629 as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883, said point being distant 75.70 feet northwardly from the intersection of the westerly line of the said Minnieford Avenue with the northerly line of the said Bridge Street; thence northwestwardly, forming an angle of 63°26'30", on its northerly side with the westerly line of the said Minnieford Avenue and along the said northerly line of lot 629 as shown on the "Map of Estate of Elizabeth R. B. King", a distance of 179 feet more or less to a point on the mean high water line as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883, said point being the point of beginning;

Running thence, northwestwardly, continuing in the direction of the previous course, a distance of 20 feet more or less to a point on the mean high water line as located by NYC Department of Design and Construction in May 2014.

Thence, northeastwardly, forming an approximate interior angle of 78°23' with the previous course and along the said mean high water line, as located by NYC Department of Design and Construction in May 2014, a distance of 35.7 feet to a point of the said mean high water line.

Thence, southeastwardly, forming an approximate interior angle of 101°37' with the previous course, and part of the distance through tax lot 177 in the Bronx tax block 5636, a distance of 27 feet more or less to a point on the mean high water line as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883.

Thence, southwestwardly, forming an approximate interior angle of 75°25' with the previous course and along the said mean high water line as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883, through tax lot 177 in the Bronx tax block 5636, a distance of 10 feet more or less feet to a point.

Thence, forming an approximate interior angel of 169°39', with the previous course and continuing along the said mean high water line as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883, through tax lot 177 in the Bronx tax block 5636, a distance of 28 feet more or less feet to the point of beginning.

This parcel consists of an area between mean high water line as located by NYC Department of Design and Construction in May 2014 and the mean high water line as shown on the "Map of Estate of Elizabeth R. B. King", filed as Map No. 53 on May 26, 1883 partially located within tax lot 177 in the Bronx tax block 5636, and comprises an area of approximately 861 square feet or 0.00198 of an acre more or less. This property is being acquired subject to the interests of the State of New York, if any.

TERMS OF PERMANENT EASEMENTS

In order to allow the City, its agents, servants, workers or contractors, together with their tools, equipment, vehicle and materials, at all times to install, operate, maintain and reconstruct certain storm sewers and appurtenant structures, and/or water mains, the restrictions described below are placed in perpetuity upon the easement areas:

- a. No permanent structure of any kind shall be erected within, above, or under the easement areas without the prior written approval of the New York City Department of Environmental Protection.
- b. Vehicular access at all times shall be available to the City or its agents, public or private, to construct, reconstruct, lay, relay, maintain, operate and inspect the existing/proposed sewers and/or water mains within the easements.
- c. No materials or equipment of any kind shall be placed for storage within or over said easements.
- d. No trees or shrubs of any kind shall be planted within or over said easement areas.
- e. All new footing to be constructed for any new structures shall be completely outside of the easements and located at such elevation so that no loading of any kind is transmitted from the footing to the existing/proposed sewers.
- f. Within the easement areas the condemnee will be permitted to grade, place pavement for use as a parking area and erect any nonpermanent improvement, but if access to the sewers and/or water mains are required for the purpose of constructing, maintaining, repairing or reconstruction of the existing/proposed sewers and/or water mains within the easement areas, the condemnee, his heirs, assigns and successors shall bear the cost of removing and replacing the pavement and nonpermanent improvement installed by the condemnee.

Surveys, maps or plans of the property, to be acquired are on file in the office of the Corporation Counsel of the City of New York, 100 Church Street, New York, NY 10007.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Eminent Domain Procedure Law § 402(B)(4), any party seeking to oppose the acquisition must interpose a verified answer, which must contain specific denial of each material allegation of the petition controverted by the opponent, or any statement of new matter deemed by the opponent to be a defense to the proceeding. Pursuant to CPLR § 403, said answer must be served upon the office of the Corporation Counsel at least seven (7) days before the date that the petition is noticed to be heard.

Dated: February 12, 2018
New York, NY
ZACHARY W. CARTER
Corporation Counsel of the City of New York
Attorney for the Condemnor,
100 Church Street, New York, NY 10007
(212) 356-2140

See Map(s) On Back Pages

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RICHMOND COUNTY

■ NOTICE

**RICHMOND COUNTY
IA PART 81
NOTICE OF ACQUISITION
INDEX NUMBER CY4551/2017
CONDEMNATION PROCEEDING**

IN THE MATTER OF the Application of the CITY OF NEW YORK Relative to Acquiring a Permanent Sewer Easement in Block 2772, Part of Lots 36 and 37, located in Staten Island, for the construction of

TRAVIS NEIGHBORHOOD STORM WATER SEWER PROJECT - STAGE I

Located in the area generally located at, Cannon Avenue, Prices Lane, and Burke 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 February 9, 2018, and filed on February 21, 2018, the application of the City of New York to acquire certain interests in real property, where not heretofore acquired for the same purpose, for the acquisition of a permanent sewer easement, 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 by the Clerk of Richmond County on February 21, 2018. Title to the real property vested in the City of New York on February 21, 2018.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following interests in real property:

Damage Parcel	Block	Lot	Property Interest Acquired
1	2772	Part of 36	Permanent Sewer Easement
2	2772	Part of 37	Permanent Sewer Easement

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 interests in real property acquired in the above-referenced proceeding and having any claim or demand on account thereof has a period of two calendar years from the date of service of the Notice of Acquisition for this proceeding in which 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 interest 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 February 15, 2020, (which is two (2) calendar years from the title vesting date).

Dated: March 1, 2018
New York, NY
ZACHARY W. CARTER
Corporation Counsel of the City of New York
100 Church Street
New York, NY 10007
(212) 356-2170

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CITYWIDE ADMINISTRATIVE SERVICES

■ SALE

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

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

Vehicles can be viewed in person by appointment at: Kenben Industries Ltd., 1908 Shore Parkway, Brooklyn, NY 11214. Phone: (718) 802-0022

o11-m29

OFFICE OF CITYWIDE PROCUREMENT

■ NOTICE

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

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

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

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

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

j2-d31

HOUSING PRESERVATION AND DEVELOPMENT

■ PUBLIC HEARINGS

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

Address	Block/Lot(s)
425 Grand Concourse	2346/1

Under HPD's Mixed Income Program: Mix and Match, sponsors purchase City-Owned or privately owned land or vacant buildings and construct multifamily buildings in order to create affordable rental housing units with a range of affordability in which at least half of the units are affordable to low income households earning up to 60 percent of the Area Median Income ("AMI") and the remaining units are affordable to other low income households. Construction and permanent financing is provided through loans from private institutional lenders and from public sources including HPD, the New York City Housing Development Corporation, the State of New York, and the federal government. Additional funding may also be provided from the syndication of low-income housing tax credits.

Under the proposed project, the City will sell the Disposition Area to PH425 Housing Development Fund Corporation ("Sponsor") for the nominal price of one dollar per tax lot, and the Sponsor will convey beneficial ownership of the Disposition Area to Trinity Mid Bronx Residential Limited Partnership ("Partnership" and collectively with Sponsor, "Owner"). The Partnership will deliver an enforcement note and the Owner will deliver an enforcement mortgage for the remainder of the appraised value. The Owner will then construct one building containing a total of approximately 276 rental dwelling units, plus one unit for a superintendent, and approximately 12,103 square feet of commercial space and approximately 41,625 square feet of community facility space on the Disposition Area.

The Land Debt will be repayable out of resale or refinancing profits for a period of at least thirty (30) years following completion of construction. The remaining balance, if any, may be forgiven at the end of the term.

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

PLEASE TAKE NOTICE that a public hearing will be held on April 25, 2018, at 1 Centre Street, Manhattan, Mezzanine, at 10:00 A.M., or as soon thereafter as the matter may be reached on the calendar, at which time and place those wishing to be heard will be given an opportunity to be heard concerning the proposed sale of the Disposition Area, pursuant to Section 695(2)(b) of the General Municipal Law and Section 1802(6)(j) of the Charter.

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

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POLICE

■ NOTICE

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

The following list of properties is in the custody of the Property Clerk Division without claimants:
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

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

INQUIRIES

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

FOR MOTOR VEHICLES (All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j2-d31

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

ADMINISTRATION FOR CHILDREN'S SERVICES

■ AWARD

Human Services/Client Services

CHILD CARE SERVICES - Line Item Appropriation or Discretionary Funds - Available only from a single source - PIN#06818L0001001 - AMT: \$709,605.00 - TO: Bethany Day Nursery, Inc., 224 West 152nd Street, New York, NY 10039.

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CITYWIDE ADMINISTRATIVE SERVICES

■ SOLICITATION

Goods

GRP: STERLING TRUCK PARTS - Competitive Sealed Bids - PIN#8571800211 - Due 4-17-18 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at www.nyc.gov/cityrecord. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 386-0044, or by fax at (212) 669-7603.

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York NY 10007-1602. Anne-Sherley Almonor (212) 386-0419; aalmonor@dcas.nyc.gov

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OFFICE OF CITYWIDE PROCUREMENT

AWARD

Goods

DUST MOP HEADS/FRAMES/HANDLE - Competitive Sealed Bids - PIN#8571800020 - AMT: \$737,772.00 - TO: Circle Janitorial Supplies Inc, 5 East 12th Street, Paterson, NJ 07524.

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SOLICITATION

Goods

BAKING PRODUCTS AND BAKED GOODS - Competitive Sealed Bids - PIN#8571800182 - Due 4-4-18 at 10:00 A.M.

A copy of the bid can be downloaded from the City Record Online site at www.nyc.gov/cityrecord. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone (212) 386-0044, or by fax at (212) 669-7585.

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007-1602. Mirta A Jarret (212) 386-6345; mjarrett@dcas.nyc.gov

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CARS, PASSENGER, HYBRID ELECTRIC PLUG-IN - Competitive Sealed Bids - PIN#8571800213 - Due 4-11-18 at 10:30 A.M.

A copy of the bid can be downloaded from the City Record Online site at www.nyc.gov/cityrecord. Enrollment is free. Vendors may also request the bid by contacting Vendor Relations via email at dcasdmssbids@dcas.nyc.gov, by telephone at (212) 386-0044, or by fax at (212) 669-7603.

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

Citywide Administrative Services, 1 Centre Street, 18th Floor, New York, NY 10007-1602. Rashad Le Monier (212) 386-0412; rlemonier@dcas.nyc.gov

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DESIGN AND CONSTRUCTION

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATION

Construction/Construction Services

EXTENSION OF HIGH LEVEL STORM SEWERS AND APPURTENANCES IN 130TH ROAD, ETC.-BOROUGH OF QUEENS - Competitive Sealed Bids - PIN#85018B0097 - Due 4-10-18 at 11:00 A.M.

PROJECT NO.: SEQ200529/DDC PIN: 8502018SE0019C Bid document deposit-\$35.00 per set-company check or money order only-no cash accepted-late bids will not be accepted. Special experience requirements. Apprenticeship participation requirements apply to this contract. Bid documents are available at: http://ddcbiddocuments.nyc.gov/inet/html/contrbid.asp.

As of August 1, 2017, the New York City Mayor's Office of Contract Services (MOCS) has launched the Procurement and Sourcing Solutions Portal (PASSPort), a new procurement system that will replace the paper - VENDEX process.

All organizations intending to do business with the City of New York should complete an online disclosure process to be considered for a contract. This disclosure process was formerly completed using Vendor Information Exchange System (VENDEX) paper-based forms. In anticipation of awards, bidders/proposers must create an account and enroll in PASSPort, and file all disclosure information. Paper submissions, including Certifications of No Changes to existing VENDEX

packages will not be accepted in lieu of complete online filings. You can access PASSPort from the following link: http://www.nyc.gov/passport

THIS PROJECT IS SUBJECT TO HireNYC

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

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

Design and Construction, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101. Brenda Barreiro (718) 391-1041; csb_projectinquiries@ddc.nyc.gov

Accessibility questions: Disability Services Facilitator (718) 391-2815, email at DDCEO@ddc.nyc.gov, by: Friday, March 30, 2018, 5:00 P.M.



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AWARD

Construction/Construction Services

CONSTRUCTION OF SANITARY AND STORM SEWERS AND APPURTENANCES IN 229TH STREET BETWEEN 145TH AND 147TH AVENUE-BOROUGH OF QUEENS - Competitive Sealed Bids - PIN#85017B0085 - AMT: \$72,721,954.35 - TO: C.A.C. Industries, Inc, 54-08 Vernon Boulevard, Long Island City, NY 11101.

REHABILITATION OF SANITARY AND COMBINED SEWERS BY USING DEP APPROVED LINING METHOD IN VARIOUS LOCATIONS - CITYWIDE - Competitive Sealed Bids - PIN#85017B0105 - AMT: \$6,971,898.75 - TO: En-Tech Corporation, 91 Ruckman Road, Closter, NJ 07624.

40TH PRECINCT POLICE STATION CONSTRUCTION-BOROUGH OF THE BRONX - Competitive Sealed Bids - PIN#85017B0084 - AMT: \$57,700,000.00 - TO: Dobco Inc, 30 Galesi Drive, Suite 202A, Wayne, NJ 07470.

WALT WHITMAN LIBRARY ROOF REPLACEMENT-BOROUGH OF BROOKLYN - Competitive Sealed Bids - PIN#85017B0119 - AMT: \$569,932.00 - TO: Alliance Tri-State Construction, Inc, 111 14th Street, Brooklyn, NY 11215.

CONSTRUCTION OF ACCELERATED WATER MAIN REPLACEMENT AND SEWER REHABILITATION AND REPLACEMENT-BOROUGH OF THE BRONX - Competitive Sealed Bids - PIN#85017B0035 - AMT: \$16,951,742.60 - TO: Triumph Construction Corporation, 1354 Seneca Avenue, Bronx, NY 10474.

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HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

INTENT TO AWARD

Goods

SUPPLIES, MAINTENANCE, AND REPAIRS OF SU99 ELITE NEXGEN PLATFORM DEVICES - Sole Source - Available only from a single source - PIN#19TB007101R0X00 - Due 4-3-18 at 10:00 A.M.

DOHMH intends to enter into a Sole Source contract with WestPrime Systems, Inc., to provide maintenance, repairs and supplies for the SU 99 Elite NexGen™ Platform Devices, located at all four DOHMH Bureau of Tuberculosis Chest Centers (BTBC). The SU 99 Elite NexGen™ Platform Devices are required by the BTBC to obtain necessary sputum specimens for the identification of patients with the active Tuberculosis disease, which enables DOMHH physicians to initiate effective treatment. DOHMH has determined that WestPrime Systems, Inc., is a Sole Source provider as they are the sole manufacturer of the SU 99 Elite NexGen™ Platform Devices and are the only party authorized to service and maintain these products; there are no other agents or dealers authorized to represent these products. If any party other than WestPrime Systems, Inc. performs services on these products, the warranty would no longer be valid.

Any vendor who believes that they may also be able to provide these products and services are welcome to submit an expression of interest via email, to abuchhalter@health.nyc.gov, no later than 10:00 A.M., on 4/3/2018. All questions and concerns 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, 17th Floor, Queens, NY 11101-4132. Andrew Buchhalter (347) 396-6704; abuchhalter@health.nyc.gov

m16-22

HUMAN RESOURCES ADMINISTRATION

■ AWARD

Goods

RENEWAL OF INSTALLATION OF SYSTIMAX STRUCTURED CABLING SYSTEMS - Renewal - PIN#09615O0005001R002 - AMT: \$2,000,000.00 - TO: Mason Technologies Inc, 517 Commack Road, Deer Park, NY 11729.

Contract Term: 11/1/2017 - 10/31/2019.

☛ m19

LAW DEPARTMENT

■ SOLICITATION

Services (other than human services)

SECURITIES LITIGATION COUNSEL - Competitive Sealed Proposals - Judgment required in evaluating proposals - PIN#02518X100004 - Due 4-18-18 at 5:00 P.M.

The New York City Law Department (the "Department"), on behalf of the New York City pension funds and retirement systems and retirement savings plans, is seeking to establish a pool of appropriately qualified law firms to, upon request, serve as evaluation counsel to the Department (services that will entail evaluating potential securities claims and recommending courses of action with respect to particular litigation matters), and to serve as litigation counsel or as co-counsel with the Department in specific domestic securities litigation matters undertaken on behalf of the pension funds and retirement systems and retirement savings plans. Counsel in the pool may also recommend and participate in recovery efforts outside of the United States. The Department seeks to enter into contracts with several law firms that may be asked, from time to time, to serve as evaluation counsel or litigation counsel to these entities in accordance with selection processes described in the RFP. To be considered, proposers must possess expertise in securities litigation, including class actions and shareholder derivative litigation, as well as corporate governance and shareholder rights issues, and the resources to conduct extensive discovery and proceed through trial, judgment and appeals in complex securities lawsuits. Law firms with expertise in securities litigation, especially litigation on behalf of public pension funds, are encouraged to request a copy of the RFP and to submit a proposal in response.

A Pre-Proposal Conference will be held on March 29, 2018, from 2:00 P.M. to 3:00 P.M., in the offices of the Department, located at 100 Church Street, New York, NY. The purpose of the Conference is to answer any questions prospective proposers may have regarding the RFP and the requested services. Attendance is not mandatory.

An electronic copy of the RFP may be obtained, beginning March 15, 2018, by sending an email to afajans@law.nyc.gov. Completed proposals are due no later than 5:00 P.M., on April 18, 2018. If you have questions about the RFP, or if you plan to attend the Pre-Proposal Conference, please contact Anita Fajans, Deputy Agency Chief Contracting Officer and Senior Counsel, by sending an email to afajans@law.nyc.gov, copy to Esther Tak, Senior Counsel, etak@law.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.

Law Department, 100 Church Street, Room 5-207, New York, NY 10007. Anita Fajans (212) 356-1121; Fax: (212) 356-1148; afajans@law.nyc.gov

Accessibility questions: Anita Fajans, afajans@law.nyc.gov, (212) 356-1121, by: Wednesday, March 28, 2018, 11:00 A.M.



m15-19

PARKS AND RECREATION

■ VENDOR LIST

Construction Related Services

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

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

The vendors selected for inclusion in the General Construction PQL will be invited to participate in the NYC Construction Mentorship. NYC Construction Mentorship focuses on increasing the use of small NYC contracts, and winning larger contracts with larger values. Firms participating in NYC Construction Mentorship will have the opportunity to take management classes and receive on-the-job training provided by a construction management firm.

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

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

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

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

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

Parks and Recreation, Olmsted Center Annex, Flushing Meadows-Corona Park, Flushing, NY 11368. Alicia H. Williams (718) 760-6925; Fax: (718) 760-6885; dmwbe.capital@parks.nyc.gov

j2-d31

■ SOLICITATION

Goods and Services

REQUEST FOR PROPOSALS FOR THE DEVELOPMENT, OPERATION, AND MAINTENANCE OF A FOOD SERVICE FACILITY AT RAILROAD PARK, IN THE BRONX - Request for Proposals - PIN#X32-SB - Due 5-7-18 at 3:00 P.M.

In accordance with Section 1-13 of the Concession Rules of the City of New York, the New York City Department of Parks and Recreation ("Parks") is issuing, as of the date of this notice a significant Request for Proposals ("RFP") for the development, operation, and maintenance of a food service facility at Railroad Park, in the Bronx.

There will be a recommended proposer site tour on Monday, April 2, 2018, at 11:00 A.M. We will be meeting at the proposed concession site (Block #2409 and Lot #73), which is located at, Courtlandt Avenue and East 161st Street, Railroad Park, Bronx. We will be meeting in front of Railroad Park comfort station. If you are considering responding to this RFP, please make every effort to attend this recommended meeting. All proposals submitted in response to this RFP must be submitted no later than Monday, May 7, 2018, at 3:00 P.M.

Hard copies of the RFP can be obtained, at no cost, commencing on Friday, March 16, 2018 through Monday, May 7, 2018, between the hours of 9:00 A.M. and 5:00 P.M., excluding weekends and holidays, at the Revenue Division of the New York City Department of Parks and Recreation, which is located at 830 Fifth Avenue, Room 407, New York, NY 10065.

The RFP is also available for download, on Friday, March 16, 2018 through Monday, May 7, 2018, on Parks' website. To download the RFP, visit <http://www.nyc.gov/parks/businessopportunities> and click on the "Concessions Opportunities at Parks" link. Once you have logged in, click on the "download" link that appears adjacent to the RFP's description.

For more information or to request to receive a copy of the RFP by mail, prospective proposers may contact Darryl Milton, Project Manager, at (212) 360-3490 or at darryl.milton@parks.nyc.gov.

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.

Parks and Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10065. Darryl Milton (212) 360-3490; Fax: (917) 849-6437; darryl.milton@gmail.com



m16-29

TRANSPORTATION

BRIDGES

AWARD

Construction/Construction Services

TOTAL DESIGN AND CONSTRUCTION SUPPORT SERVICES: RECONSTRUCTION OF METROPOLITAN AVE. BRIDGE/CSX, QUEENS - Request for Proposals - PIN#84117QUBR059 - AMT: \$7,241,394.00 - TO: Parsons Transportation Group of NY Inc, 100 Broadway, Floor 20, New York, NY 10005.

m19

CONTRACT AWARD HEARINGS

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS/TRANSLATORS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, PUBLIC HEARINGS UNIT, 253 BROADWAY, 9TH FLOOR, NEW YORK, NY 10007, (212) 788-7490, NO LATER THAN TEN (10) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICES.

COMPTROLLER

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Public Hearing will be held in the David N. Dinkins Municipal Building, One Centre Street, Room 2230 Conference Room, April 3, 2018, at 11:00 A.M., on the matter of a proposed contract between the Office of the Comptroller and T. R. Joy & Associates, Inc., 86-38 188th Street, Jamaica, NY 11432, in the amount not to exceed \$326,135.24, to provide ongoing security system maintenance, monitoring and upgrade services.

The term of the contract shall be for a period of three years with options to renew for up to three additional years.

The proposed contractor was selected, pursuant to a negotiated acquisition (PIN#015201829419) in accordance with Section 3-04 of the PPB Rules.

A copy of the contract or excerpts thereof, can be seen at the Office of the Comptroller, One Centre Street, Room 1225, New York, NY 10007, Monday through Friday, excluding holidays, commencing, March 19, 2018 through April 3, 2018, between 9:00 A.M. to NOON and 1:30 P.M. to 4:00 P.M.

m19

AGENCY RULES

CONSUMER AFFAIRS

NOTICE

Notice of Adoption

Notice of Adoption of an amended Rule to simplify compliance for garage and parking lot license applicants who have previously been approved for a license at same location; align license application requirements with the current practices of New York City; and remove references to outdated information.

NOTICE IS HEREBY GIVEN, PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 2203(f) of the New York City Charter and Sections 20-104(b) and 20-330 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Sections 2-161 of Title 6 of the Rules of the City of New York.

This rule was proposed and published on January 12, 2018. The required public hearing was held on February 12, 2018.

Statement of Basis and Purpose of Rule

The NYC Department of Consumer Affairs ("DCA") is amending subdivisions (a) and (b) of Section 2-161 of Subchapter Q of Chapter 2 of Title 6 of the Rules of the City of New York, in relation to the Department's regulation of Garages and Parking Lots. This rule:

- Eliminates the requirement that a garage and parking lot license may not be issued "unless certificates have been forwarded to the commissioner by the Fire Department, the Department of Buildings, the Bureau of Gas and Electricity in the Department of General Services, and the Department of Ports and Trade when applicable; stating that the premises proposed to be licensed comply with all applicable laws and regulations."
- Replaces the certificate requirement with a self-certification from the applicant that "the premises proposed to be licensed comply with all applicable laws and regulations" and that the applicant is in compliance with all relevant local, state and federal laws.
- Eliminates references to the "Department of Ports and Trade" and "Certificates of Completion," because they do not currently exist.
- Eliminates the requirement that the "maximum motor vehicle capacity of each garage and parking lot" be taken from an approved Certificate of Occupancy issued by the Department of Buildings."
- Amends the rule as it relates to maximum motor vehicle capacity to provide that: (1) for applicants that will operate from previously licensed premises, DCA may use the maximum capacity from the previous license; and (2) for applicants that will operate from newly licensed premises, DCA shall require the applicant to provide documents to show the maximum motor vehicle capacity allowed by local, state or federal law, as applicable.

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

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

Rule

Section 1. Subdivisions a and b of Section 2-161 of Subchapter Q of Chapter 2 of Title 6 of the Rules of the City of New York are amended as follows:

- (a) Except within the discretion of the Commissioner, no license may be issued or renewed unless [certificates have been forwarded to the commissioner by the Fire Department, the Department of Buildings, the Bureau of Gas and Electricity in the Department of General Services, and the Department of Ports and Trade when applicable; stating] the applicant

certifies, in such form and manner as determined by the Commissioner, that the premises proposed to be licensed comply with all applicable Local, State And Federal laws and regulations.

- (b) The determination of the maximum motor vehicle capacity of each garage and parking lot, which shall appear on the face of the license, shall be made as follows: (1) for previously licensed premises, by adopting the maximum vehicle capacity as stated on the previous license document; and (2) for newly licensed premises and for previously licensed premises seeking an increase in maximum vehicle capacity from the previous license document, by requiring that the applicant submit documents to show the maximum vehicle capacity allowed by local, state or federal laws and regulations, as applicable. Both previously and newly licensed premises must certify, in such form and manner as determined by the Commissioner, that the maximum vehicle capacity being requested complies with Local, State And Federal laws and regulations. [approved Certificate of Occupancy issued by the Department of Buildings or on the approved Certificate of Completion issued by the Department of Ports and Trade, whichever is] as applicable.

◀ m19

HEALTH AND MENTAL HYGIENE

■ NOTICE

BOARD OF HEALTH

Notice of Opportunity to Comment on the Amendment of Provisions of Article 207 of the New York City Health Code

What are we proposing? The New York City Department of Health and Mental Hygiene (“Department” or “DOHMH”) is proposing that the Board of Health (“Board”) amend Article 207 of the Health Code to allow certain direct descendants and other family members to access the birth and death records of their deceased relatives prior to those records becoming public.

When and where is the hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. until 12:00 P.M., on April 23, 2018. The hearing will be at:

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

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

- **Website:** You may submit comments to the Department through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email:** You may email comments to resolutioncomments@health.nyc.gov
- **Mail:** You may mail 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 may fax 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 may sign up before the hearing by calling Svetlana Burdeynik at (347) 396-6078. You may also sign up in the hearing room before or during the hearing on April 23, 2018. You may 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 April 23, 2018.

What if I need assistance to participate in the hearing? You must tell the Office of General Counsel 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) 396-6078/6116. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by April 9, 2018.

This location is wheelchair-accessible.

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 amendment?

Section 558(b), (c), and (g) of the Charter empowers the Board to amend the Health Code and to include in the Health Code all matters to which the Department’s authority extends. Section 558(c) of the Charter authorizes the Board to include in the Health Code provisions related to maintaining a registry of births and deaths. Section 556(c)(1) of the Charter authorizes the Department to supervise and control the registration of births and deaths. Section 17-169 of the New York City Administrative Code authorizes the Department to issue certified copies of birth and death records and certifications of birth. Section 1043(a) of the Charter grants rulemaking powers to the Department.

Where can I find the Department rules and the Health Code?

The Department’s rules and the Health Code are located in Title 24 of the Rules of the City of New York.

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

The proposed amendment of these provisions were not included in the Department’s regulatory agenda for this fiscal year because it was not contemplated when the Department published the agenda.

Statement of Basis and Purpose

Introduction

Birth and death records are considered private records during a person life and for an appropriate period after death, and are protected from access by the general public because they contain individually identifiable information. However, they are also historical documents of interest to family members and persons researching their ancestries. For these reasons, the Board of Health recently fixed schedules for making these records public and transferring them to the Department of Records and Information Services (“DORIS”). Section 207.21 of the Health Code makes birth records public records after 125 years after birth, and death records public records after 75 years after death.

The schedule set in Section 207.21 of the Health Code drew numerous comments from the public. Many of these comments emphasized a keen community interest in third parties being able to access birth and death records prior to their transfer to DORIS. The comments also made a variety of different suggestions, from making all birth and death records immediately available to the public, to releasing birth and death records to family members prior to the records becoming public. The Department agrees that certain family members should have access to birth and death records prior to the records becoming public, and is therefore now proposing amendments to Section 207.11 of the Health Code for this purpose. The Department believes these new provisions will allow family members to access information while protecting the confidentiality of vital records for appropriate periods of time.

Current Administrative and Health Code provisions allowing release of birth and death records

The proposal is consistent with Administrative Code Section 17-169(a), which delineates who may have access to birth records. While Section 17-169(a)(1) restricts who may obtain a certified copy of a record of birth, Section 17-169(a)(2) authorizes the Department to honor requests for certifications of birth when providing the information is “necessary or required for a proper purpose.” As noted below, the Department believes that ascertaining facts related to one’s family history is a proper purpose.

Section 17-169(b) of the Administrative Code provides for access to death records when “necessary or required for a proper purpose.” Section 207.1(b) of the Health Code provides that death records can be made available to the following persons:

- (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.

Proposed amendments to expand vital records access to certain family members

The Department is proposing to expand the group of family members who can access birth and death records prior to their public release. The proposed group is within a close degree of consanguinity (blood relation) to the individual whose records are sought. Specifically, the Department proposes to expand the list of relatives given in Health Code Section 207.11(b)(1) who can request a death certificate to also include great-great grandchildren, nephews, nieces, aunts, uncles, grandnephews, and grandnieces, and to allow spouses, domestic partners, parents of a children over the age of 18, children, siblings, nieces, nephews, aunts, uncles, grandchildren, great grandchildren, grandnieces, and grandnephews to request of the certification of birth of a deceased individual. As noted in the comments received related to the proposed adoption of Health Code Section 207.21, this group often seeks such documents for genealogic and various official purposes. The Department proposes that allowing such access is within the meaning of "proper purpose" as used in the Administrative and Health Codes.

Statutory Authority

Pursuant to Section 556(c) of the Charter and Section 17-166 of the Administrative Code, the Department is responsible for supervising and controlling the registration of births and deaths that occur in New York City. Section 558(c) of the Charter requires the Board to include in the Health Code provisions related to maintaining a registry of births and deaths, as well as provisions related to changes or alterations of any birth or death certificate upon proof satisfactory to the Commissioner of Health and the manner in which these certificates may be issued and otherwise examined. Administrative Code Section 17-169 and Health Code Sections 3.25 and 207.11 make birth and death records confidential and restrict access to these records beyond certain classes of specified people. Section 207.21 of the Health Code sets the time periods by which birth and death records are transferred to DORIS and become public records. Section 558(b) of the Charter specifically authorizes the Board to add to, alter, and amend the Health Code.

RESOLVED, that Section 207.11 of Article 207 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes, to read as follows:

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

- (a) Except as provided in [§§] Sections 201.07, 203.07 [and], 205.07, and 207.21 of this Code, 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 [§] Section 3.25 of this Code and [§] Section 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 to inspect vital records 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 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.
 - (1) 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 Section 17-169 of the Administrative Code, 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.
 - (2) A request for a certification of birth made by the following persons must be accompanied by proof that the individual named on such certification of birth is deceased: spouse, domestic partner, parent of a child over the age of 18, child, sibling, niece, nephew, aunt, uncle, grandchild, great grandchild, grandniece, or grandnephew. Proof of death for this purpose may include, but is not limited to, certified copies of death certificates and letters testamentary.
- (b) Except as provided in Section 205.07 of this Code, no transcript, paper, file, report, record, or proceeding concerning a death shall be provided, except to:
 - (1) the spouse, domestic partner, parent, child, sibling, niece, nephew, aunt, uncle, grandparent, [or] grandchild, great

grandchild, great-great grandchild, grandniece, or grandnephew 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.
- (c) Except as provided in [§] Section 205.07 (a) of this Code, the Commissioner or the Commissioner's designee may grant access to unidentifiable line or cell vital records data or identifiable vital records information to qualified researchers for scientific purposes. Researchers shall submit a written request for access to such information to the Commissioner or the Commissioner's designee for review. The Commissioner or the Commissioner's designee may require such researcher to agree to conditions governing the possession and use of the data by the researcher. No person shall violate any term or condition of a written data use agreement filed with the Department upon which the Department or the Commissioner has relied to grant access to information or data.
 - (d) Proof satisfactory to the Department of the identity of the person making a request to inspect vital records or data such as a government issued identification record which may include a birth certificate, passport and other photographic identification, shall be provided to Department prior to inspection.

NOTE: This provision was adopted on _____, to expand access to birth and death records for certain family members.

**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: Family Access to Birth and Death Records

REFERENCE NUMBER: DOHMH-89

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

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

March 9, 2018
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: Family Access to Birth and Death Records

REFERENCE NUMBER: 2018 RG 020

RULEMAKING AGENCY: Board of Health

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 9, 2018

Accessibility questions: Svetlana Burdeynik (347) 396-6078,
ResolutionComments@health.nyc.gov, by: Monday, April 9, 2018, 5:00 P.M.



• m19

Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to Articles 43 of the New York City Health Code

What are we proposing? The Department of Health and Mental Hygiene (“the Department”) is proposing that the Board of Health (“the Board”) amend Article 43 (School-based Programs for Children Ages Three Through Five) of the New York City Health Code (“the Health Code”) to promote the health and safety of children attending school-based programs for children aged three through five.

When and where is the hearing? The Department will hold a public hearing on the proposed Health Code amendments at 10:00 A.M. on April 18, 2018. The hearing will be held 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 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 April 18, 2018. 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 April 18, 2018.

What if I 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by April 4, 2018.

This is an accessible location.

Can I review the comments made on the proposed amendments? Comments made online on the proposed amendments can be reviewed 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 to make these amendments? Sections 556, 558, and 1043 of the City Charter authorize the Board to make the proposed amendments. Portions of the proposed rule were not included in the Department’s regulatory agenda for this Fiscal Year because they were 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 laws govern the rulemaking process? The Board 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

Article 43 of the New York City Health Code governs school-based programs for children aged three through five. The Department of Health and Mental Hygiene proposes to add requirements for tooth brushing, for maintaining epinephrine auto-injectors on site and for certain teacher training. The basis for the proposed changes is set forth below.

Tooth Brushing

The Department is proposing to mandate that school-based programs for children aged three through five assist children with brushing their teeth at least once each day. Tooth decay (caries) is the most common chronic childhood disease. Consequences of early childhood caries include a higher risk of developing additional caries in both primary and permanent teeth,¹ difficulty eating and speaking,² increased hospitalizations and emergency room visits³ and greater risk for delayed physical growth and development.⁴ National data show that nearly one in four preschool-age children has had caries.⁵ The Department’s 2014 Child Dental Health Survey (CDHS) found that at least 15 percent⁶ of children in New York City child care programs had experienced caries and 45 percent of children consumed between-meal sugary snacks or sugary drinks four or more times a day, a major risk factor for caries. Caries prevalence increases as children get older, with 42 percent of third grade children having experienced caries.⁷

Caries is a preventable disease. Relatively simple measures such as tooth brushing can significantly reduce risk. The American Dental Association recommends that tooth brushing twice per day begin at the eruption of a child’s first tooth. Despite the established benefits of tooth brushing, the oral hygiene practices of young children in New York City remain inadequate. According to the CDHS⁸, among those surveyed, 40 percent of children aged 0 to 6 brushed their teeth only once a day or less frequently, and 45 percent of children aged 0 to 2 did not use fluoride toothpaste.

Requiring tooth brushing for school-based programs will promote tooth brushing and help prevent caries. CDHS findings indicate that children with at least one tooth who are enrolled in Early Learn centers—which are required under the federal Head Start program to have a daily tooth brushing routine—are two and a half times as likely to brush their teeth the recommended two or more times per day than children in other programs. Including tooth brushing requirements in Article 43 will set children up for a lifetime of good oral hygiene practices.

Epinephrine Auto-Injectors

The Centers for Disease Control and Prevention estimates that four to six percent of children nationally have a food allergy; such food allergies include ones that are life-threatening. Rapid administration of an epinephrine auto-injector following a life-threatening allergen exposure is critical to preventing significant negative outcomes, including death. Having epinephrine auto-injectors on the premises at all times can save the lives of children with life-threatening food allergies who do not bring an epinephrine auto-injector with them to the school-based program, and of children who have life-threatening food allergies identified for the first time while the child is there.

In 2016, the New York State Public Health Law was amended⁹ to allow certain entities, including child care providers, to obtain non-patient specific epinephrine auto-injectors and to administer them in an emergency. This new State law creates the opportunity for such programs to have this critical, lifesaving medication available. Accordingly, the Department is proposing to add a mandate that school-based programs maintain on site at least two unexpired epinephrine auto-injectors in each dosage appropriate for children who

- 1 Al-Shalan TA, Erickson PR, Hardie NA. Primary incisor decay before age 4 as a risk factor for future dental caries. *Pediatr Dent* 1997;19(1):37-41.
- 2 American Academy on Pediatric Dentistry; Policy on early childhood caries (ECC): classifications, consequences, and preventive strategies. *Pediatr Dent*. 2008-2009;30 (7 Suppl):40-3.
- 3 Ladrillo TE, Hobbell MH, Caviness C. Increasing prevalence of emergency department visits for pediatric dental care 1997-2001. *J Am Dent Assoc* 2006;137(3):379-85.
- 4 Acs G, Lodolini G, Kaminsky S, Cisneros GJ. Effect of nursing caries on body weight in a pediatric population. *Pediatr Dent* 1992;14(5):302-5.
- 5 Dye BA, Thornton-Evans G, Li X, Iafolla TJ. Dental caries and sealant prevalence in children and adolescents in the United States, 2011–2012. NCHS data brief, no 191. Hyattsville, MD: National Center for Health Statistics. 2015.
- 6 This is likely underreported as it is self-reported information and children may have had undiagnosed caries (of which parents were unaware) when parents responded to the survey.
- 7 New York State Department of Health Third Grade Survey.
- 8 DOHMH’s Oral Health Program conducted a survey to determine risk and protective behaviors for tooth decay among children in New York City group daycare centers. Over 1,800 parents and caregivers from 67 daycare centers reported risk and protective behaviors for tooth decay of their children and themselves.
- 9 NYS Public Health §3000-C. Epinephrine Auto-injector devices. Effective March 28, 2017.

may be in the program, stored so they are easily accessible to staff and inaccessible to children. Programs would be required to have at least one staff person on site, whenever children are present, trained to recognize signs and symptoms of anaphylactic shock and to administer epinephrine as appropriate. The proposal also requires the program to monitor the auto-injectors' expiration dates and call 911 after any administration, as required by the medication directions. Programs would be mandated to obtain parental consent at the time the child is enrolled in the program. All staff would be required to be trained in preventing and responding to emergencies related to food allergies.

Training requirements

The Department is proposing to expand teacher training requirements to enhance child safety, and assure alignment with the health and safety training requirements in the federal Child Care Development Block Grant Act (CCDBG) Act of 2014, which apply to any program enrolling a child whose enrollment is paid for by federal child care subsidies.

The Department's authority to promulgate these proposed amendments is found in Sections, 556, 558, and 1043 of the New York City Charter (the "Charter"). Sections 558(b) and (c) of the Charter empower the Board to amend the Health Code and to include all matters to which the Department's authority extends. Section 556 of the Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Section 1043 grants the Department rule-making authority.

Accordingly, the Department is proposing that the Board amend Health Code Article 43 as follows:

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

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

RESOLVED, that Paragraph (7) of Subdivision (b) of Section 43.07 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:

(7) Staff training: new employee orientation; training curricula; procedures for child supervision and discipline; child abuse and neglect recognition and reporting; provision of pediatric first aid and pediatric cardiopulmonary resuscitation, and other emergency medical assistance; emergency preparedness and response planning for emergencies resulting from natural disasters or a human-caused events, including procedures for evacuation, relocation, shelter-in-place and lockdown, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of infants, toddlers, and children with disabilities or chronic medical conditions; prevention of and response to emergencies due to food and allergic reactions; reporting of child injury and illness; fire safety and fire drills; child and staff evacuation procedures; activity specific training for assigned activities; administration of medication, consistent with standards for parental consent; building and physical premises safety, including protection from hazards, bodies of water, and vehicular traffic; handling and storage of hazardous materials and appropriate disposal of biocontaminants; safe transportation of children if applicable; use of safe sleep practices and prevention of sudden infant death syndrome ("SIDS"); prevention of abusive head trauma ("shaken baby syndrome") and child maltreatment; and tooth brushing hygiene and infection control; and process to document attendance at staff training.

NOTE: Paragraph amended by vote of Board of Health on [xxx], 2018.

RESOLVED, that Paragraph (2) of Subdivision (a) of Section 43.07 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:

(2) Immunizations.

(C) In addition, for children in foster care and children experiencing homelessness, there shall be a 90-day grace period to obtain the required immunizations after enrollment.

([C]D) A school that fails to maintain documentation showing that each child in attendance has either received each vaccination required by this subdivision, or is exempt from such a requirement pursuant to paragraph A or B of this subdivision or eligible for the grace period specified in paragraph C of this subdivision, will be subject to fines for each child not meeting such requirements, as provided for under this Code.

([D]E) All children shall have such additional immunizations as the Department may require.

NOTE: Paragraph amended by vote of Board of Health on [xxx], 2018.

RESOLVED, that Section 43.07 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended to

include a new Subdivision (g), to be printed together with explanatory notes, to read as follows:

(g) Daily tooth brushing. At least once a day, school-based programs shall have staff assist each child aged two or older with brushing their teeth using a small amount of toothpaste containing fluoride.

(1) School-based programs shall maintain a tooth brushing log to document the date and time of tooth brushing as well as the name(s) of staff leading the activity. Such log shall be kept on site and made available to the Department upon request

(2) School-based programs shall have children brush their teeth while seated or standing around a table.

(3) School-based programs shall have children shall brush their teeth with a soft bristled, child-sized toothbrush and using fluoride toothpaste that has the American Dental Association seal of acceptance.

(4) School-based programs shall have staff dispense a separate small amount of toothpaste for each child onto a sheet of wax paper or a disposable plate, and shall scoop the amount dispensed for each child from the plate onto the child's toothbrush. Toothpaste shall not be dispensed directly onto any toothbrush.

(5) School-based programs shall have teaching staff or shelter child supervision staff demonstrate tooth brushing technique to all children. Programs shall have staff instruct children to brush the outside, inside, and chewing surfaces of all teeth. Programs shall have children brush the top teeth and then the bottom teeth.

(6) School-based programs shall have staff rinse each toothbrush individually under tap water or have each child rinse his or her toothbrush under tap water.

(7) School-based programs may refrain from implementing tooth brushing, or use toothpaste provided by the parent or guardian, for any child whose parent or guardian submits a signed written statement requesting that such child be exempted from the tooth brushing requirement or that a different toothpaste be used. Such statements shall be kept on site and made available to the Department upon request.

NOTE: Subdivision (g) added by vote of Board of Health on [XXX], 2018.

RESOLVED, that Section 43.21 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:

§ 43.21 Health; emergencies.

(a) Emergency procedures and notices. Written policies and procedures for managing health and other emergencies shall be included in the written health and safety plan. Persons in charge of a school shall provide notice of the location and contact telephone numbers of the school to local hospitals, police precincts, fire houses and emergency transport services and information about emergency policies and procedures shall be provided to parents. Emergency procedures and emergency telephone contact numbers (for Police, Fire Department, Poison Control Center, Child Abuse Hotline, and the Department of Health and Mental Hygiene) shall be conspicuously posted in each classroom or area used by children.

(b) Necessary emergency medical care. When a child is injured, or becomes ill under such circumstances that [immediate] emergency care is needed, the person in charge of a school or designee shall obtain [necessary] such emergency medical care in accordance with the requirements of this section and immediately notify the child's parent or guardian.

- (1) The person in charge of a school-based program or their designee must:
 - (A) At the time of the child's admission into the program, obtain written consent from a parent or guardian authorizing the program or other caregivers to obtain emergency medical care for the child; and
 - (B) Secure emergency medical care when needed, and notify a parent or guardian immediately; and
 - (C) Arrange for any needed transportation of any child in need of emergency health care and ensure that the supervision ratios required by §43.09 of this Article are maintained for the children remaining in the program; and
 - (D) Advise a parent or guardian, or the person authorized to pick up the child that day, of any developing symptoms of illness or minor injury sustained while the child is in the program.
- (2) Where a parent has provided a written, individualized health care plan indicating the specific medications that can be administered and the schedule of such administration(s) for their child, including in cases of emergency, and there is a direct conflict between such plan and any provision of this

section, the program shall follow the child's individualized health care plan.

(c) Epinephrine auto-injectors.

- (1) Each person in charge of a school-based program shall maintain on site at the school-based program facility at least two epinephrine auto-injectors in each dosage appropriate for children who may be in the program, stored in an area inaccessible to children and maintained in an unexpired, operable condition such that they are available for immediate use in case of need for emergency administration to a child.
- (2) Each person in charge of a school-based program shall designate a sufficient number of staff to be trained to administer an epinephrine auto-injector to a child in accordance with New York State Public Health Law §3000-c, or any successor statute or applicable regulation. At least one staff person trained to administer such epinephrine auto-injector shall be on-site in the school-based program at all times children are present. The epinephrine auto-injector training must include:
 - (A) How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;
 - (B) Recommended dosage for adults and children;
 - (C) Standards and procedures for the storage and use of an epinephrine auto-injector; and
 - (D) Emergency follow-up procedures.
- (3) Each person in charge of a school-based program shall designate at least one staff person to be responsible for the storage, maintenance, control, disposal, and general oversight of such epinephrine auto-injector to ensure such device remains available for use in an unexpired, operable condition.
- (4) Staff trained in accordance with the requirements of paragraph (2) of this subdivision may administer an epinephrine auto-injector to a child, whether or not there is a prior or known history of severe allergic reaction in such child.
- (5) Immediately following any emergency administration of an epinephrine auto-injector to a child, the person in charge of a school-based program or designee shall contact 911 for emergency medical care and notify the child's parent or guardian.
- (6) Within 24 hours following any emergency administration of an epinephrine auto-injector, the person in charge of a school-based program or designee shall contact the Department to report the incident.
- (7) Each epinephrine auto-injector shall be disposed of in accordance with applicable law.

([c]d) First aid supplies. A first aid kit, completely stocked for emergency treatment of cuts and burns, shall be provided by the person in charge of a school and shall be easily accessible for use. The first aid kit shall be kept out of reach of children and inspected periodically.

([d]e) Incident [L]og [of children's illnesses, and accidents]. The school shall maintain an incident log of illnesses, accidents, epinephrine auto-injector administrations, and injuries sustained by children in the school, in a form provided or approved by the Department. The school shall provide a child's parent with information concerning such incident[s] pertaining to the child[,] on the date of such incident and shall report same [serious injuries] to the Department within 24 hours. Logged entries shall include the name and date of birth of the child, the place, date and time of the [accident or injury,] incident, names and positions of staff and other adults present, a brief statement [as to how] describing the incident, [accident, or injury occurred,] emergency treatment obtained, if any, and parental notification made or attempted. The incident log shall be made available to the Department upon request.

NOTE: Section amended by vote of Board of Health on [xxx], 2018.

RESOLVED, that Section 43.25 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:

§ 43.25 Modification of provisions.

When the strict application of any provision of this article presents practical difficulties, or unusual or unreasonable hardships, the Commissioner in a specific instance may modify the application of such provision consistent with the general purpose and intent of these articles and upon such conditions as in [his] the Commissioner's opinion are necessary to protect the health of the children. The denial by the Commissioner of a request for modification may be appealed to the Board in the manner provided by 24 RCNY § 5.21.

NOTE: Section amended by vote of Board of Health on [XXX], 2018.

RESOLVED, that Article 43 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 43.27, to read as follows:

§ 43.27 Inspections.

School-based programs will allow credentialed Department staff to visit the programs while in operation and inspect the documents that are required by this Article to be kept on the premises and provided upon request. Such inspections will occur at least once per year.

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: Proposed Amendment of Article 43 of the New York City Health Code

REFERENCE NUMBER: DOHMH-91

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

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

March 8, 2018
 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: Proposed Amendment of Article 43 of the New York City Health Code

REFERENCE NUMBER: 2018 RG 021

RULEMAKING AGENCY: Department of Health and Mental Hygiene (DOHMH)

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: 3/8/2018

Accessibility questions: Svetlana Burdeynik (347) 396-6078, ResolutionComments@health.nyc.gov, by: Wednesday, April 4, 2018 1:00 A.M.



BOARD OF HEALTH

Notice of Adoption of Amendments to Articles 11 and 13 of the New York City Health Code

In accordance with §1043(b) of the New York City Charter (the "Charter") and, pursuant to the authority granted to the Board of Health (the "Board") by §558 of the Charter, a notice of intention to amend Articles 11 and 13 of the New York City Health Code (the "Health Code") was published in the City Record on September 20, 2017 and a public

hearing was held on October 25, 2017. Two written comments were received; no witnesses testified at the public hearing. In consideration of the comments, one change was made to the original proposal. At its meeting on March 13, 2018, the Board adopted the following resolution.

Statement of Basis and Purpose

The Department's Division of Disease Control conducts disease surveillance and control activities for most of the diseases listed in Article 11 (Reportable Diseases and Conditions) of the Health Code. The Division of Disease Control also enforces Article 13 (Clinical Laboratories) of the Health Code, which regulates how laboratory tests must be performed and the reporting of test results. In addition, the Department must comply with various provisions of Part 2 of the New York State Sanitary Code, found in Title 10 of the New York Codes, Rules and Regulations, with respect to control of communicable diseases.

To conduct more effective, timely, and complete disease surveillance and control, the Board is amending Health Code Articles 11 and 13 as follows:

Hepatitis B Reporting

The Board is amending Health Code §13.03(b)(3)(B) (previously §13.03(b)(3)(A)) to require laboratories to report all hepatitis B virus (HBV) DNA test results, including negative results. The Health Department previously required laboratories to report only positive HBV DNA results, in addition to other positive HBV test results.

HBV DNA testing is performed on individuals who have tested positive for HBV. HBV DNA tests measure viral load and whether the patient has chronic (active) HBV, requiring treatment. For patients already diagnosed with chronic HBV, DNA test results provide important information regarding infectiousness, treatment eligibility, and risk for development of liver cancer. For patients being treated for HBV, DNA test results provide information regarding treatment outcome (i.e., the extent to which the patient cleared the infection).

The number of HBV cases is rising nationally and in New York City. More than 100,000 New Yorkers are estimated to be living with chronic HBV, with 8,439 new cases diagnosed in 2016, an increase of 18.8% since 2013. The majority of individuals infected with HBV as adults will clear the virus on their own, but many New Yorkers will develop chronic HBV. Chronic HBV can lead to serious health issues, including cirrhosis and liver cancer. All persons with chronic HBV infection require linkage to care and regular monitoring for liver damage and other complications; a subset require treatment with antiviral medications.

Without negative HBV DNA test results, the Health Department would have limited knowledge regarding whether patients who have tested positive for HBV are receiving appropriate follow-up testing and treatment. Mandated reporting of negative HBV DNA test results will allow the Health Department to estimate the proportion of New Yorkers infected with HBV who are appropriately tested and linked to care; identify gaps in access to care; develop targeted interventions to increase linkage to care and improve provider knowledge of HBV testing and treatment guidelines; and increase monitoring to reduce HBV-related morbidity and mortality.

In consideration of a comment received, the proposed amendment has been modified to exempt blood bank laboratories and other laboratories that perform hepatitis B DNA tests on donated blood from the requirement to report negative and indeterminate hepatitis B DNA test results for such donated blood.

Carbapenem-resistant Enterobacteriaceae Reporting

The Board is amending Health Code §11.03(a) to require laboratories to report carbapenem-resistant Enterobacteriaceae (CRE), an emerging bacterial threat. CRE are a family of bacteria that are difficult to treat because they have high levels of resistance to many antibiotics including carbapenem antibiotics. Carbapenem antibiotics are often used as the last line of treatment for infections caused by highly resistant bacteria, including those in the Enterobacteriaceae family.

As explained by the Centers for Disease Control and Prevention (CDC): "The emergence and dissemination of carbapenem resistance among Enterobacteriaceae in the United States represents a serious threat to public health. These organisms cause infections that are associated with high mortality rates and they have the potential to spread widely. Decreasing the impact of these organisms will require a coordinated effort involving all stakeholders including healthcare facilities and providers, public health, and industry."¹ CDC has designated CRE an "urgent" threat, the highest threat level in its list of antibiotic resistant threats in the United States.²

1 Centers for Disease Control and Prevention, National Center for Emerging and Zoonotic Infectious Diseases. Facility Guidance for Control of Carbapenem-resistant Enterobacteriaceae (CRE). November 2015 Update – CRE Toolkit. <https://www.cdc.gov/hai/pdfs/cre/cre-guidance-508.pdf>.

2 Centers for Disease Control and Prevention. Antibiotic Resistant Threats in the United States, 2013. <https://www.cdc.gov/drugresistance/pdf/ar-threats-2013-508.pdf>.

CRE infections are common in hospitals, nursing homes, and other healthcare settings. Patients whose care requires devices like ventilators, urinary catheters, or intravenous catheters, and patients who are taking long courses of certain antibiotics are most at risk for CRE infections.³ In 2015, hospitals in NYS reported 3,618 CRE cases via the CDC's National Healthcare Safety Network (NHSN); 1,727 of these were reported by the 51 participating New York City facilities.⁴ As only hospitals submit CRE data to the NHSN, the number of CRE infections in New York is probably significantly larger.

Mandated reporting will provide vital epidemiological information regarding incidence and evolution of CRE and assist in the identification of new strains, clusters, and outbreaks. This will enable the Department to help ensure infection control precautions are being taken. Mandated reporting of CRE is also aligned with recently released Council of State and Territorial Epidemiologists guidelines.⁵ Based on a 2016 survey, 27 jurisdictions require some form of CRE reporting.⁶

Minor changes to other parts of §11.03(a) are being made for purposes of consistency.

Statutory Authority

The Board's authority to promulgate these proposed amendments is found in Sections 556, 558, and 1043 of the New York City Charter (the "Charter"). Sections 558(b) and (c) of the Charter empower the Board to amend the Health Code and to include all matters to which the Department's authority extends. Section 556 of the Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Section 1043 grants the Board rule-making authority.

The rule is as follows:

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

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

RESOLVED, that subdivision (a) of Section 11.03 of Article 11 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be amended, to be printed together with explanatory notes to read as follows:

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

Amebiasis
 Anaplasmosis (Human granulocytic anaplasmosis)
 Animal bite, or exposure to rabies
 Anthrax
 Arboviral infections, acute (including but not limited to the following viruses: chikungunya virus, Zika virus, dengue virus, Eastern equine encephalitis virus, Jamestown Canyon virus, Japanese encephalitis virus, La Crosse virus, Powassan virus, Rift Valley fever virus, St. Louis encephalitis virus, Western or Venezuelan equine encephalitis virus, West Nile virus and yellow fever)
 Babesiosis
 Botulism (including infant, foodborne and wound botulism)
 Brucellosis (undulant fever)
 Campylobacteriosis
 Chancroid
 Chlamydia trachomatis infections
 Cholera
 Creutzfeldt-Jakob Disease
 Cryptosporidiosis
 Cyclosporiasis
 Diphtheria
 Drownings, defined as the process of experiencing respiratory impairment from submersion/immersion in liquid whether resulting in death or not
 Ehrlichiosis (Human monocytic ehrlichiosis)
 Encephalitis
Enterobacteriaceae, carbapenem-resistant (CRE), laboratory-confirmed (reporting requirement applicable to laboratories only)
Escherichia coli O157:H7 infections

3 Centers for Disease Control and Prevention. Carbapenem-resistant Enterobacteriaceae in Healthcare Settings. CDC website. <https://www.cdc.gov/hai/organisms/cre/index.html>.

4 NYS Healthcare Associated Infections in New York State, 2015. Part 2: Technical Report. March 2017.

5 Council of State and Territorial Epidemiologists. Infectious Disease Committee Position Statement 17-ID-04: Public Health Reporting and National Notification of Carbapenemase Producing Carbapenem-Resistant Enterobacteriaceae for *E. coli*, *Klebsiella* spp. and *Enterobacter* spp. July 2017.

6 Council of State and Territorial Epidemiologists. State Reportable Conditions Assessment (SRCA). <http://srca.querytool.cste.org/>.

Falls from windows in multiple dwellings by children sixteen (16) years of age and under

Food poisoning occurring in a group of two or more individuals, including clusters of diarrhea or other gastrointestinal symptoms; or sore throat which appear to be due to exposure to the same consumption of spoiled, contaminated or poisonous food, or to having eaten at a common restaurant or other setting where such food was served. Also includes one or more suspected cases of neurologic symptoms consistent with foodborne toxin-mediated, including but not limited to botulism, combroid or ciguatera fish poisoning, or neurotoxic or paralytic shellfish poisoning.

Giardiasis

Glanders

Gonococcal infection (gonorrhoea)

Granuloma inguinale

Hantavirus disease

Hemolytic uremic syndrome

Hemophilus influenzae (invasive disease)

Hepatitis A; B; and C

Herpes simplex virus, neonatal infections (in infants 60 days or younger)

Hospital associated infections as defined in Title 10 New York Codes, Rules and Regulations (NYCRR) Section 2.2 (New York State Sanitary Code) or its successor law, rule or regulation

Influenza, novel strain with pandemic potential

Influenza, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only)

Influenza-related deaths of a child less than 18 years of age

Legionellosis

Leprosy

Leptospirosis

Listeriosis

Lyme disease

Lymphocytic choriomeningitis virus

Lymphogranuloma venereum

Malaria

Measles (rubeola)

Melioidosis

Meningitis, bacterial causes (specify type)

Meningococcal, invasive disease

Monkeypox

Mumps

Norovirus, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only)

Pertussis (Whooping cough)

Plague

Poisoning by drugs or other toxic agents, including but not limited to lead poisoning consisting of a blood lead level of 10 micrograms per deciliter or higher (see also §11.09(a) of this Code); carbon monoxide poisoning and/or a carboxyhemoglobin level above 10%; and including confirmed or suspected pesticide poisoning as demonstrated by:

- (1) Clinical symptoms and signs consistent with a diagnosis of pesticide poisoning; or
- (2) Clinical laboratory findings of blood cholinesterase levels below the normal range; or
- (3) Clinical laboratory findings or pesticide levels in human tissue above the normal range.

Poliomyelitis

Psittacosis

Q fever

Rabies

Respiratory syncytial virus, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only)

Ricin poisoning

Rickettsialpox

Rocky Mountain spotted fever

Rotavirus, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only)

Rubella (German measles)

Rubella syndrome, congenital

Salmonellosis

Severe or novel coronavirus

Shiga toxin-producing *Escherichia coli* (STEC) (which includes but is not limited to *E. coli* O157:H7)

Shigellosis

Smallpox (variola)

Staphylococcal enterotoxin B poisoning

Staphylococcus aureus, methicillin-resistant, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only)

Staphylococcus aureus, vancomycin intermediate and resistant (VISA and VRSA)

Streptococcus, Group A (invasive infections)

Streptococcus, Group B (invasive infections)

Streptococcus pneumoniae invasive disease

Syphilis, all stages, including congenital

Tetanus

Toxic shock syndrome

Trachoma

Transmissible spongiform encephalopathy

Trichinosis

Tuberculosis, as demonstrated by:

- (1) Positive culture for *Mycobacterium tuberculosis* complex; or
- (2) Positive DNA probe, polymerase chain reaction (PCR), or other technique for identifying *Mycobacterium tuberculosis* from a clinical or pathology specimen; or
- (3) Positive smear for acid-fast bacillus, with final culture results pending or not available, on either a microbiology or a pathology specimen; or
- (4) Clinically suspected pulmonary or extrapulmonary (meningeal, bone, kidney, etc.) tuberculosis, such that the physician or other health care professional attending the patient has initiated or intends to isolate the patient or initiate treatment for tuberculosis, or to continue or resume treatment for previously incompletely treated disease, or, if the patient is not available, that the physician or other health care professional would initiate isolation or treatment if the patient were available; or
- (5) Biopsy, pathology, or autopsy findings in lung, lymph nodes or other tissue specimens, consistent with active tuberculosis disease including, but not limited to presence of acid-fast bacilli, caseating and non-caseating granulomas, caseous matter, tubercles and fibro-caseous lesions; or
- (6) Positive reaction to the purified protein derivative (PPD) Mantoux test, blood-based tests positive for tuberculosis infection, or other recognized diagnostic test positive for tuberculosis infection in a child less than five years of age, regardless of whether such child has had a BCG vaccination.

Tularemia

Typhoid fever

Vaccinia disease, defined as

- (1) Persons with vaccinia infection due to contact transmission; and
- (2) Persons with the following complications from smallpox vaccination: eczema vaccinatum, erythema multiforme major or Stevens-Johnson syndrome, fetal vaccinia, generalized vaccinia, inadvertent inoculation, myocarditis or pericarditis, ocular vaccinia, post-vaccinal encephalitis or encephalomyelitis, progressive vaccinia, pyogenic infection of the vaccination site, and any other serious adverse events (i.e., those resulting in hospitalization, permanent disability, life-threatening illness or death)

Varicella, laboratory-confirmed (only required through the Department's electronic reporting mechanism set forth in § 13.03(c) of this Code) reporting requirement applicable to laboratories only)

Vibrio species, non-cholera (including *parahaemolyticus* and *vulnificus*)

Viral hemorrhagic fever

Yersiniosis

Note: Section 11.03(a) was revised by the Board on March 13, 2018, to require laboratories to report CRE.

RESOLVED, that subparagraph (B) of paragraph (3) of subdivision (b) of Section 13.03 of Article 13 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) With regard to hepatitis B, all DNA test results must be reported, including positive, negative, and indeterminate results. In addition, all hepatitis B surface antigen and hepatitis B surface antibody test results, including positive, negative, and indeterminate, for children ages 0 days to 1,825 days (birth up to the fifth birthday) must be reported electronically in accordance with subdivision (c) of this section when patient age is known. Blood bank laboratories and other laboratories that perform hepatitis B DNA tests on donated blood are exempt from reporting negative and indeterminate hepatitis B DNA test results for such donated blood.

Note: Section 13.03(b)(3)(B) was revised by the Board on March 13, 2018, to require reporting of all DNA test results for hepatitis B, including positive, negative, and indeterminate results.

• m19

Board of Health

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

What are we proposing? The Department of Health and Mental Hygiene (“the Department”) is proposing that the Board of Health (“the Board”) amend Article 47 (Child Care Programs and Family Shelter-Based Drop-Off Child Supervision Programs) of the New York City Health Code (“the Health Code”) to promote the health and safety of children under six years old attending child care programs or family shelter-based drop-off child supervision programs.

When and where is the hearing? The Department will hold a public hearing on the proposed Health Code amendments at 10:00 A.M. on April 18, 2018. The hearing will be held 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 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 April 18, 2018. 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 April 18, 2018.

What if I 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by April 4, 2018.

This is an accessible location.

Can I review the comments made on the proposed amendments? Comments made online on the proposed amendments can be reviewed 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 to make these amendments? Sections 556, 558, and 1043 of the City Charter authorize the Board to make the proposed amendments. Portions of the proposed rule were not included in the Department’s regulatory agenda for this Fiscal Year because they were 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 laws govern the rulemaking process? The Board 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

Article 47 of the Health Code governs center-based child care. The Department proposes to clarify the Article’s requirements by simplifying terminology and reorganizing certain provisions, and to add requirements for tooth brushing, maintaining epinephrine auto-injectors on site, and for training of staff. The basis for the proposed changes is set forth below.

Clarifying Requirements

The Department proposes several amendments to clarify requirements and facilitate compliance. For example, the proposed clarifying changes include adding definitions for “certified group teacher” and “corporal punishment,” and adding details to current definitions, including for “assistant teacher” and “education director.”

Currently, the Code requires that documentation be provided under certain provisions but not under others. The proposed changes

create uniformity and enable the Department to effectively evaluate compliance with documentation requirements.

The Department is also proposing to add specificity to certain requirements, such as those regarding program capacity, supervision, and response to medical emergencies.

Tooth Brushing

The Department is proposing to mandate that child care programs and family shelter-based child supervision programs assist children aged two or older with brushing their teeth at least once each day. Tooth decay (caries) is the most common chronic childhood disease. Consequences of early childhood caries include a higher risk of developing additional caries in both primary and permanent teeth,ⁱ difficulty eating and speaking,ⁱⁱ increased hospitalizations and emergency room visitsⁱⁱⁱ and greater risk for delayed physical growth and development.^{iv} National data show that nearly one in four preschool-age children has had caries.^v The Department’s 2014 Child Dental Health Survey (CDHS) found that at least 15 percent^{vi} of children in New York City child care programs had experienced caries and 45 percent of children consumed between-meal sugary snacks or sugary drinks four or more times a day, a major risk factor for caries. Caries prevalence increases as children get older, with 42 percent of third grade children having experiencing caries.^{vii}

Caries is a preventable disease. Relatively simple measures such as tooth brushing can significantly reduce risk. The American Dental Association recommends that tooth brushing twice per day begin at the eruption of a child’s first tooth. Despite the established benefits of tooth brushing, the oral hygiene practices of young children in New York City remain inadequate. According to the CDHS^{viii}, among those surveyed, 40 percent of children aged 0 to 6 years brushed their teeth only once a day or less frequently, and 45 percent of children ages 0 to 2 years did not use fluoride toothpaste.

Requiring tooth brushing while in child care or child supervision programs will promote tooth brushing and help prevent caries. CDHS findings indicate that children with at least one tooth who are enrolled in Early Learn centers—which are required under the federal Head Start program to have a daily tooth brushing routine—are two and a half times as likely to brush their teeth the recommended two or more times per day than children in other programs. Including tooth brushing requirements in Article 47 will set children up for a lifetime of good oral hygiene practices.

Epinephrine Auto-Injectors

The Centers for Disease Control and Prevention estimates that four to six percent of children nationally have a food allergy; such food allergies include ones that are life-threatening. Rapid administration of an epinephrine auto-injector following a life-threatening allergen exposure is critical to preventing significant negative outcomes, including death. Having epinephrine auto-injectors on the premises at all times can save the lives of children with life-threatening food allergies who do not bring an epinephrine auto-injector with them to child care or shelter-base child supervision programs, and of children who have life-threatening food allergies identified for the first time while the child is in such programs.

In 2016, the New York State Public Health Law was amended^{ix} to allow certain entities, including child care providers, to obtain non-patient specific epinephrine auto-injectors and to administer them in an emergency. This new State law creates the opportunity for such programs to have this critical, lifesaving medication available. Accordingly, the Department is proposing to add a mandate that child care and child supervision programs maintain on site at least two unexpired epinephrine auto-injectors in each dosage appropriate for children who may be in the program, stored so they are easily accessible to staff and inaccessible to children. Programs would be required to have at least one staff person on site, whenever children are present, trained to recognize signs and symptoms of anaphylactic shock and to administer epinephrine as appropriate. The proposal also requires the program to monitor the auto-injectors’ expiration dates and call 911 after any administration, as required by the medication directions. Programs would be mandated to obtain parental consent at the time the child is enrolled in the program. All staff would be required to be trained in preventing and responding to emergencies related to food allergies.

Training requirements

The Department is proposing to expand staff training requirements to promote high quality learning environments, enhance child health and safety, and align with the health and safety training requirements in the federal Child Care Development Block Grant (CCDBG) Act of 2014, which apply to any program enrolling a child whose enrollment is paid for by CCDBG subsidies.

First, the Department is proposing to require that trainings currently required only for assistant teachers be mandated for all teaching staff. These core trainings address fundamental issues including preventing, recognizing signs and reporting injuries, infectious disease, lead poisoning and asthma; scheduling and

conducting guided and structured physical activity; and childhood growth and development.

The Board's authority to codify these proposed amendments is found in Sections, 556, 558, and 1043 of the New York City Charter (the "Charter"). Sections 558(b) and (c) of the Charter empower the Board to amend the Health Code and to include all matters to which the Department's authority extends. Section 556 of the Charter provides the Department with jurisdiction to protect and promote the health of all persons in the City of New York. Section 1043 grants the Department rule-making authority.

Accordingly, the Department is proposing that the Board amend Health Code Article 47 as follows:

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

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

RESOLVED that Section 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 to read as follows:

§ 47.01 Definitions.

(a) *Abuse* shall mean any act or failure to act, performed intentionally, knowingly or recklessly, which causes or is likely to cause harm to a child, including, but not limited to:

(1) inappropriate use of a physical restraint, isolation, medication or other means that harms or is likely to harm a child; and

(2) an unlawful act, a threat or menacing conduct directed toward a child that results and/or might be expected to result in fear or emotional or mental distress to a child.

(b) *Assistant teacher* shall mean a person who is part of the teaching staff, works under the supervision of an educational director, group teacher or infant/toddler teacher, and whose assignment to a group of children may be considered in calculating compliance with required staff/child ratios.

(c) *Child care program*.

(1) Child care program means any program providing child care for five (5) or more hours per week, for more than 30 days in a 12-month period, to three (3) or more children under six (6) years of age.

(2) Child care program shall not mean:

(A) Any State-regulated informal child care program, a group family or family day care home, or school age child care program, or a foster care program;

(B) A kindergarten or pre-kindergarten class operated as part of or located within any elementary school; except that school programs that provide care to children younger than three years of age shall be deemed child care programs subject to this Code. "Operated as part of an elementary school" shall mean that there is identical ownership, operation, management and control of kindergarten or pre-kindergarten classes and elementary school classes.

(C) "Mommy and me" or equivalent programs where each child is accompanied by a parent or another adult escorting the child, who is not employed by the child care program; or

(D) Children's camps operating seasonally at any time between June and September that are required to have a permit, pursuant to Article 48 of this Code; or

(E) Adult physical fitness, spa or other recreational facilities, or retail establishments, or other businesses providing supervision for children of patrons or employees of the facility, establishment or business while parents are on the premises, unless children are registered or enrolled and individual children are spending more than eight hours/week in care.

(F) Churches or religious organizations where congregants' children are supervised by employees or members of the congregation while parents attend services.

(d) *Child supervisor* shall mean a person who, under the supervision of a shelter child care liaison, is responsible for the supervision of children at a family shelter-based drop-off child supervision program.

(e) *Corrective action plan* shall mean a written safety assessment required to be prepared, pursuant to 24 RCNY § 47.21, that shall be submitted to and approved by the Department when a permittee hires, plans to hire, or plans to utilize the services of, certain persons, or in such circumstances as are specified in this Article, or as may otherwise be required by the Department to show that a particular person at, or the continuing operation of, a child care program shall not pose a danger to children.

(f) *Educational director* shall mean a person whose responsibilities shall include, but not be limited to, coordination and development of

an age appropriate curriculum and program, teaching and other staff training, and supervision of teachers.

(g) *Facility* shall mean interiors and exteriors of buildings, structures and areas of premises under the control of a permittee where services are provided and that are subject to the permit.

(h) *Family shelter-based drop-off child supervision program* shall mean any program provided by any family shelter operated by, or through contracts with, the Department of Homeless Services, the Human Resources Administration, or a successor agency, under Title 18 of the New York Code of Rules and Regulations, that provides child supervision services to children under six years old housed in the shelter.

(i) *Fill and draw pool* shall mean a pool that is not equipped with a recirculation system, but is cleaned by complete removal and disposal of used water and replacement with water at periodic intervals, whose use at any facility regulated by this Article is prohibited.

(j) *Group size* shall mean the maximum number of children that may be cared for as a unit. Group size shall be used to determine the minimum staff/child ratio based upon the age of the children in the group.

(k) *Group teacher* shall mean a person who, under the supervision of an educational director, is responsible for planning and supervising age appropriate activities for a given group of children.

(l) *Health care provider* shall mean a New York State licensed physician, physician's assistant, nurse practitioner or registered nurse, as defined in the State Education Law.

(m) *Imminent or public health hazard* shall mean any violation, combination of violations, conditions or combination of conditions occurring in a facility making it probable that illness, physical injury or death could occur or the continued operation of the program could result in injury or be otherwise detrimental to the health and safety of a child. Any of the following shall be imminent or public health hazards which require the Commissioner or designee to order its immediate correction or to order the permittee to cease operations immediately and institute such corrective action as may be required by the Department or provided by this Code. Imminent or public health hazards shall include, but not be limited to:

(1) Failure to maintain constant and competent supervision of children: for the purpose of this Article, supervision is constant and competent if it

(i) complies with the staff/child ratios required by this Article;

(ii) consists of line of sight observation of all children at all times; and

(iii) is provided by qualified and cleared staff;

(2) Use of corporal punishments or of frightening or humiliating methods of behavior management;

(3) Failure to report instances of alleged child abuse, maltreatment, or neglect to the Department and the Statewide Central Register of Child Abuse and Maltreatment and to take appropriate corrective action to protect children when allegations of such abuse or maltreatment have been reported to or observed by the permittee;

(4) Refusal or failure to provide access to the facility to an authorized employee or agent of the Department;

(5) Uncontained sewage in any part of the facility;

(6) Transporting children in the bed of a truck or trailer or in any other part of any motor vehicle that is not designed for passenger occupancy; or transporting children without adequate supervision; or failing to use appropriate child restraints in vehicles;

(7) Failure to provide two approved means of egress or obstructing any means of egress or a required fire exit;

(8) Failure to properly store flammable liquids or other toxic substances;

(9) Failure to maintain firefighting or fire detection equipment in working order;

(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.

(11) Contamination of the potable water supply by cross connection or other faults in the water distribution or plumbing systems;

(12) Serving food to children from an unknown or unapproved source; serving food that is adulterated, contaminated or otherwise unfit for human consumption, or re-serving food that was previously served;

(13) Failing to exclude from work at the program a person with a communicable disease who is required to be excluded, pursuant to Article 11 of this Code;

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

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

(16) Failure to screen any person who has, or will have the potential for, unsupervised contact with children in accordance with 24 RCNY § 47.19; or

(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.

(n) *Infant* means a child younger than 12 months of age.

(o) *Infant / toddler care program* shall mean a program of child care that, during all or part of the day or night, provides care to children younger than 24 months of age.

(p) *Infant-toddler teacher* shall mean a person who, under the supervision of an educational director or group teacher, is responsible for a group of children younger than 24 months.

(q) *Night care program* shall mean any child care program, as defined in this section, that accepts children for care starting at 5 P.M., provides child care between the hours of 5 PM and 8 AM, and operates more than one (1) night per week, for more than 30 days in a 12 month period.

(r) *Parent* shall mean a natural or adoptive parent, guardian or other person lawfully charged with a minor child's care or custody.

(s) *Permittee* shall mean a person, organization or other entity that has been issued a permit to operate a program, pursuant to this Article.

(t) *Program* shall mean any child care program or family shelter-based drop-off child supervision program.

(u) *Semester hour* shall mean a credit, point, or other unit granted for the satisfactory completion of a college or university course which requires at least 15 clock hours (of 50 minutes each) of instruction and at least 30 hours of supplementary assignments, as defined in 8 NYCRR § 50.1. This basic measure shall be adjusted proportionately to translate the value of other academic calendars and formats of study in relation to the credits granted for study during the two semesters that comprise an academic year.

(v) *Serious injury* shall mean a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(w) *Services* shall mean any child care or child supervision provided by a child care program or family shelter-based drop-off child supervision program.

(x) *Shelter child care liaison* shall mean a person who is employed in a family shelter-based drop-off child supervision program and whose responsibilities shall include but not be limited to: referring families to child care programs, the Early Intervention Program, and Committees on Preschool Special Education; helping families apply for child care services; arranging in-service training of all staff as required by this Article; and keeping a daily log, to be provided to the Department upon request, reflecting the number of families admitted to the shelter, the number of children under the age of six admitted to the shelter, the number of children referred to licensed child care programs, and the number of enrollments of referred children in licensed child care programs.

(y) *Spa pool, "hydrotherapy pool," "whirlpool," "hot spa," or "hot tub"* shall mean a pool primarily designed for therapeutic use or relaxation that is generally not drained, cleaned or refilled for individual use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral bath, air induction, bubbles or any combination thereof. Spa pools shall have a maximum water depth of 4 feet at any point and may be equipped with aquatic seats within the perimeter of the pool. Spa pools shall not be used for swimming, wading or diving activities at any facility regulated by this Article.

(z) *Staff/child ratio* shall mean the minimum number of individual group and assistant teachers and teacher aides required to be present to care for a given number of children in a child care program, or the minimum number of child supervisors required to supervise a given number of children in a family shelter-based drop-off child supervision program.

(aa) *Supervision* shall mean the presence of qualified teaching or supervisory staff, within line of sight and hearing of children at all times so that such staff can act to protect the health and safety of such children. Supervision shall not mean mechanical audio or video devices.

(bb) *Toddler* shall mean a child between 12 and 24 months of age.

(cc) *Volunteer* shall mean a person who is an unpaid member of the staff or who otherwise donates any services to a facility regulated by this Article.

(Amended City Record 9/20/2017, eff. 10/10/2017)]

(a) Abuse shall mean any act or failure to act, performed intentionally, knowingly or recklessly, which causes or is likely to cause harm to a child, including, but not limited to:

(1) inappropriate use of a physical restraint, isolation, medication or other means that harms or is likely to harm a child; and

(2) an unlawful act, a threat or menacing conduct directed toward a child that results and/or might be expected to result in fear or emotional or mental distress to a child.

(b) Assistant teacher shall mean a person who is part of the teaching staff and works under the supervision of an education director or group teacher.

(c) Certified group teacher shall mean an individual who qualifies as a group teacher pursuant to Section 47.13(d)(1) of this Code.

(d) Child care program.

(1) Child care program shall mean any program providing child care for five or more hours per week, for more than 30 days in a 12-month period, to three or more children under six years of age.

(2) Child care program shall not mean:

(A) Any State-regulated informal child care program, a group family or family day care home, or school age child care program, or a foster care program;

(B) A kindergarten or pre-kindergarten class operated as part of or located within any elementary school; except that school programs that provide care to children younger than three years of age shall be deemed child care programs subject to this Code. "Operated as part of an elementary school" shall mean that there is identical ownership, operation, management and control of kindergarten or pre-kindergarten classes and elementary school classes.

(C) "Mommy and me" or equivalent programs where each child is accompanied by a parent or another adult escorting the child, who is not employed by the child care program; or

(D) Children's camps operating seasonally at any time between June and September that are required to have a permit, pursuant to Article 48 of this Code; or

(E) Adult physical fitness, spa or other recreational facilities, or retail establishments, or other businesses providing supervision for children of patrons or employees of the facility, establishment or business while parents are on the premises, unless children are registered or enrolled and individual children are spending more than eight hours/week in the Program.

(F) Churches or religious organizations where congregants' children are supervised by employees or members of the congregation while parents attend services.

(e) Competent supervision includes awareness of and responsibility for the ongoing activity of each child, performed via direct observation and not by mechanical, audio, or video device. It requires that all children be within a caregiver's line of sight and that the caregiver be near enough to respond when redirection or intervention strategies are needed. Competent supervision takes into account the child's age, emotional, physical, and cognitive development, and must be provided by qualified and cleared staff and in compliance with the minimum staff/child ratios required by Section 47.23(f) of this Article.

(f) Corporal punishment shall mean punishment inflicted by program staff, or any other individual working for or at a program, directly on the body of a child, including, but not limited to, physical restraint, spanking, biting, shaking, slapping, twisting or squeezing; demanding excessive physical exercise, prolonged lack of movement or motion, or strenuous or bizarre postures; and compelling a child to eat or have in the child's mouth soap, foods, hot spices or irritants or the like.

(g) Corrective action plan shall mean a written safety assessment required to be prepared, pursuant to Section 47.21 of this Code, that shall be submitted to and approved by the Department when a permittee hires, plans to hire, or plans to utilize the services of, certain persons, or in such circumstances as are specified in this Article, or as may otherwise be required by the Department to show that a particular person at, or the continuing operation of, a child care program shall not pose a danger to children.

(h) Early childhood education shall mean education of children under the age of eight.

(i) Education director shall mean a person whose responsibilities include, but are not limited to, coordination and development of an age

and developmentally appropriate curriculum and program, training of teaching and other staff, and supervision of group teachers.

(j) Facility shall mean interiors and exteriors of buildings, structures and areas of premises under the control of a permittee where services are provided and that are subject to the permit.

(k) Family shelter-based drop-off child supervision program shall mean any program provided by any family shelter operated by, or through contracts with, the Department of Homeless Services, the Human Resources Administration, or a successor agency, under Title 18 of the New York Code of Rules and Regulations, that provides child supervision services to children under six years old housed in the shelter.

(l) Fill and draw pool shall mean a pool that is not equipped with a recirculation system, but is cleaned by complete removal and disposal of used water and replacement with water at periodic intervals.

(m) Group size shall mean the maximum number of children that may be cared for as a unit. Group size shall be used to determine the minimum staff/child ratio based upon the age of the children in the group.

(n) Group teacher shall mean a person who, under the supervision of an education director, is responsible for planning and supervising age and developmentally appropriate activities for a given group of children.

(o) Health care provider shall mean a New York State licensed physician, physician's assistant, nurse practitioner or registered nurse, as defined in the State Education Law.

(p) Imminent or public health hazard shall mean any violation, combination of violations, conditions or combination of conditions occurring in a facility making it probable that illness, physical injury or death could occur or the continued operation of the program could result in injury or be otherwise detrimental to the health and safety of a child. Any of the following shall be imminent or public health hazards which require the Commissioner or designee to order its immediate correction or to order the permittee to cease operations immediately and institute such corrective action as may be required by the Department or provided by this Code. Imminent or public health hazards shall include, but not be limited to:

(1) Failure to maintain constant and competent supervision of children;

(2) Use of corporal punishments or of frightening or humiliating methods of behavior management;

(3) Failure to immediately report instances of alleged child abuse, maltreatment, or neglect to the Department and the Statewide Central Register of Child Abuse and Maltreatment and to take appropriate corrective action to protect children when allegations of such abuse or maltreatment have been reported to or observed by the permittee;

(4) Refusal or failure to provide access to the facility to an authorized employee or agent of the Department;

(5) Uncontained sewage in any part of the facility;

(6) Transporting children in the bed of a truck or trailer or in any other part of any motor vehicle that is not designed for passenger occupancy; or transporting children without adequate supervision; or failing to use appropriate child restraints in vehicles;

(7) Failure to provide two approved means of egress or obstructing any means of egress or a required fire exit;

(8) Failure to properly store flammable liquids or other toxic substances;

(9) Failure to maintain firefighting or fire detection equipment in working order;

(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.

(11) Contamination of the potable water supply by cross connection or other faults in the water distribution or plumbing systems;

(12) Serving food to children from an unknown or unapproved source; serving food that is adulterated, contaminated or otherwise unfit for human consumption, or re-serving food that was previously served;

(13) Failing to exclude from work at the program a person with a communicable disease who is required to be excluded, pursuant to Article 11 of this Code;

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

(15) Conducting construction, demolition, painting, scraping, or any repairs other than emergency repairs while children are present in

the facility; failing to remove children from areas and rooms while such activities are in progress;

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

(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.

(q) Infant shall mean a child younger than 12 months of age.

(r) Infant/toddler child care program shall mean a child care program that, during all or part of the day or night, provides care to children younger than 24 months of age.

(s) Night child care program shall mean a child care program, as defined in this section, that accepts children for care starting at 5 P.M., provides child care services between 5 P.M. and 8 A.M., and operates more than one night per week, for more than 30 days in a 12-month period.

(t) Parent shall mean a natural or adoptive parent, guardian or other person lawfully charged with a minor child's care or custody.

(u) Permittee shall mean a person, organization or other entity that has been issued a permit to operate a program, pursuant to this Article.

(v) Program shall mean any child care program or family shelter-based drop-off child supervision program.

(w) Semester hour shall mean a credit, point, or other unit granted for the satisfactory completion of a college or university course which requires at least 15 clock hours (of 50 minutes each) of instruction and at least 30 hours of supplementary assignments, as defined in 8 NYCRR §50.1. This basic measure shall be adjusted proportionately to translate the value of other academic calendars and formats of study in relation to the credits granted for study during the two semesters that comprise an academic year.

(x) Serious injury shall mean a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(y) Services shall mean any child care or child supervision provided by a child care program or family shelter-based drop-off child supervision program.

(z) Shelter child supervision liaison shall mean a person who is employed in a family shelter-based drop-off child supervision program and whose responsibilities shall include but not be limited to: referring families to child care programs, the Early Intervention Program, and Committees on Preschool Special Education; helping families apply for child care services; arranging in-service training of all staff as required by this Article; and keeping a daily log, to be kept on site and made available to the Department upon request, reflecting the number of families admitted to the shelter, the number of children under the age of six admitted to the shelter, the number of children referred to licensed child care programs, and the number of enrollments of referred children in licensed child care programs.

(aa) Shelter child supervision staff shall mean shelter child supervision liaisons and child supervisors.

(bb) Shelter child supervisor shall mean a person who, under the supervision of a shelter child supervision liaison, is responsible for the supervision of children at a family shelter-based drop-off child supervision program.

(cc) Spa pool, "hydrotherapy pool," "whirlpool," "hot spa," or "hot tub" shall mean a pool primarily designed for therapeutic use or relaxation that is generally not drained, cleaned or refilled for individual use. It may include, but is not limited to, hydrojet circulation, hot water, cold water, mineral bath, air induction, bubbles or any combination thereof. Spa pools shall have a maximum water depth of 4 feet at any point and may be equipped with aquatic seats within the perimeter of the pool. Spa pools shall not be used for swimming, wading or diving activities at any facility regulated by this Article.

(dd) Staff/child ratio shall mean the minimum number of teaching staff required to be present to care for a given number of children in a child care program, or the minimum number of shelter child supervisors required to supervise a given number of children in a family shelter-based drop-off child supervision program.

(ee) Teacher aide shall mean an individual at least 18 years of age who is part of the teaching staff and works under the supervision of an education director, group teacher, or assistant teacher.

(ff) Teaching staff shall mean a child care program's education director, group teachers, assistant teachers, and teacher aides.

(gg) Toddler shall mean a child between 12 and 24 months of age.

(hh) Volunteer shall mean a person who donates any services to a program regulated by this Article.

RESOLVED that Section 47.03 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 to read as follows:

§ 47.03 Permit required.

(a) *Permit required.* No person shall operate a program as defined in this Article without a permit issued by the Commissioner, provided, however, that a pre-kindergarten or kindergarten that is part of or located in and operated by an elementary school may voluntarily apply for and hold a permit as a child care program. Child care program permits issued before the effective date of this Article will be deemed to be child care program permits.

(b) *Term of permit.* The term of a permit shall be determined by the Department, but in no case shall exceed two years.

(c) *Permits not transferable.* A permit shall be issued to a person, as defined in Section 1.03 of this Code, to conduct a program at a specific facility and location. Permits shall specify the number of children that may be cared for in each type of program operated at the facility by the permittee. Permits shall not be transferable or assignable by a permittee to any other person or entity; and shall not be applicable to any other facility or location. Separate permits shall be required for child care programs providing infant/toddler child care, those providing care for children aged two through five, and night child care programs. Any change in building address or location, capacity or permittee not authorized or approved by the Department shall void a permit, and may result in the closure of the program.

(d) Inspections. Permittees will allow credentialed Department staff to visit the program while in operation and inspect the documents that are required by this Article to be kept on the premises and provided upon request. Such inspections will occur at least once per year.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Sections 47.05 through 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, be amended to read as follows:

§ 47.05 Program capacity and limitation on hours per child.

(a) *Maximum number of children on premises.* Each permit shall specify the maximum number of children to be allowed in each specific type of program at any time. The Department shall determine the maximum number of children allowed based upon the number of children for which adequate facilities and teachers or child supervisors are provided, in accordance with the supervision and space requirements of this Code. The total number of children receiving care, pursuant to each permit shall be counted for all purposes, including calculating qualified staff/child ratios, and shall include children or foster children of the individual permittee or other staff or volunteers.

(b) *Capacity not to be exceeded.* A program shall not have children in attendance in excess of the number(s) prescribed in its permit.

(c) *Limitation on hours per child.* Family shelter-based drop-off child supervision programs must provide no more than 20 hours of services in any week to any child who has resided in the shelter for more than 90 days.

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.07 Permit: required approvals and clearances.

No permit shall be issued unless the permit applicant has obtained and submitted to the Department:

(a) *Certificate of Occupancy.* A Certificate of Occupancy, or a statement of approval from the Department of Buildings that the premises comply with all applicable building laws and codes and may be used as a child care or child supervision facility. Where a Certificate of Occupancy is not required by law, the permit applicant shall submit a current inspection report from the Department of Buildings showing that there are no outstanding uncorrected violations of the City's Building Code.

(b) *Fire safety statement.* A statement or report from the Fire Department that the premises have been inspected and currently comply with all applicable laws and regulations pertaining to fire control and prevention. A permit shall not be issued or renewed, unless a statement or report is submitted demonstrating compliance with such laws, based upon the Fire Department's determination on an inspection made within 12 months of the date of submitting the permit renewal application.

(c) *Criminal justice and child abuse screening.* Documentation satisfactory to the Department that the permit applicant has submitted all necessary forms and requests for all persons requiring criminal justice and State Registry of Child Abuse and Maltreatment screening in accordance with § 47.19 of this Code.

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.09 Applications for permits.

A person or entity that has never held a permit issued by the Commissioner to operate a program and that proposes to operate such a program subject to such permit, shall attend a pre-permit orientation session held by the Department and shall thereafter submit an application for a permit to the Department.

(a) *New application.* An application for a new permit shall be submitted on forms approved or provided by the Department and shall include, but not be limited to the following:

(1) Facility pre-permit technical plan. Each plan, consisting of blueprints, architectural or engineering drawings, shall be drawn to scale, and labeled to show floor layout, all indoor rooms and outdoor areas to be occupied or used by the program, dimensions of such rooms and areas, and intended use of each area; outdoor spaces location in relation to actual distance and location from indoor spaces; and all toilets, sinks and kitchen(s) to be used by children and staff.

(2) A copy of a current certificate of occupancy issued by the Department of Buildings, or if no certificate of occupancy is required by applicable law, a statement from the Department of Buildings that the premises and facility to be used for child care or child supervision comply with all applicable building laws and codes.

(3) A report of an inspection or a statement issued by the Fire Department finding that the premises comply with all laws and regulations pertaining to fire prevention and control in a program.

(4) Written safety plan required by this Code.

(5) Proof that teachers' or child supervisors' credentials required by this Code have been submitted for review to and have been verified by an agent designated by the Department; and that the permit applicant has documentation of all required health examinations and immunizations.

(6) Permit fee set forth in Article 5 of this Code.

(7) Proof of workers' compensation and disability benefits insurance covering all employees.

(8) Proof of the program's ability to receive electronic communications. An email address shall be provided for the educational director or the shelter child care liaison and for one or more other persons designated by the permittee or other person in control of a program as persons to receive electronic communications from the Department. The Department shall be notified of changes in email addresses for the educational director, the shelter child care liaison, or other designees when such changes become effective.

(9) Names, including aliases, and other identifying and contact information for all individual owners, managers, or other persons with a controlling interest in the program, officers, directors and board members of a permittee corporation, members of an LLC, partners, educational directors, shelter child care liaisons, executive and administrative director, if any. Identifying information must include the New York State Identification or NYSID number assigned to these individuals when they were fingerprinted by the New York State Division of Criminal Justice Services, in accordance with 24 RCNY § 47.19.

(b) *Notifications of deaths, serious injuries and civil and criminal actions.* Permittees and applicants for new permits shall submit, on forms provided by the Department, such information as may be required by the Department concerning all staff misdemeanor or felony arrests, deaths or serious injuries of children that have occurred, or are alleged to have occurred while such children were in the care of the applicant or permittee, or in the care of any owner, director, employee, or volunteer of the applicant or permittee, or while in the care of any agent of the permittee or applicant; and shall identify, in such detail as may be required by the Department, any related civil or criminal action already adjudicated or currently pending in any jurisdiction related to such serious injuries, deaths, or felony or misdemeanor arrests.

(c) *Renewal application.* An application for renewal of a permit shall be submitted on forms provided by the Department no later than 90 days before the expiration date of the current permit, and shall include the permit fee, and a full description of any changes in teaching staff, written safety plan, written health plan, email communication information, physical facilities, required staff training or program which occurred after submission of the previous permit application.

(d) *Pre-renewal inspection.* A renewal permit shall not be issued unless the Department has conducted an inspection of the program while it is in operation and has found the program to be in substantial compliance with this Code and other applicable law.

(e) *Renovations and modifications.* A permittee shall submit for approval to the Department a request for modification of an existing permit prior to undertaking renovations affecting the size, configuration, or location of rooms or areas used by children.

(f) *Applications to be complete.* No permit shall be issued until the Department has received and has approved all documentation, records,

reports, or other information required by this Code. The Commissioner may reject any incomplete application for a new or renewal permit and order an existing program closed and its permit suspended if the permit application contains misleading information, or information is omitted.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.11 Written safety plan.

(a) *Safety plan required.* Every current permittee and every applicant for a new permit shall develop, review annually and update, in accordance with changed circumstances, conditions or activities, or as required by the Department, a written safety plan. The written safety plan shall be approved by the Department if it includes all the information required in this Article. Upon permit renewal, if no changed circumstances require changes to a previously approved written safety plan, the permittee shall state in writing that no changes were needed or made to the plan. The safety plan shall be implemented by the permittee, provided to parents on request, kept in an accessible location at the facility. The program must provide all staff and volunteers with copies of the safety plan and training in implementing the policies and procedures of the plan. This training shall include, but not be limited to, training and drills in medical and other critical and emergency response procedures, including evacuation of the premises. Documentation showing that staff have received copies of the plan and training and drills in implementing its provisions must be maintained by the permittee and made available for inspection by the Department while staff remain employed at the program.

(b) *Scope and content.* The written safety plan shall establish policies and procedures for safe operation, including teaching and other staff duties, facility operation and maintenance, fire safety, general and activity-specific safety, emergency management, staff and child health and medical requirements, staff training and parent/child orientation. The written safety plan shall consist of, at a minimum, a table of contents and the following components:

- (1) *Staff:* organization chart, job descriptions, responsibilities and supervisory responsibilities.
- (2) *Program operation and maintenance:* including, but not limited to, schedules and designated staff for facility inspection, cleaning and maintenance, schedule for boiler/furnace and HVAC system maintenance, maintenance of adequate water pressure, protection of the potable water supply from submerged inlets and cross-connections in the plumbing system, schedule for the annual lead paint survey, inspection of window guards, indoor and outdoor equipment inspection and replacement schedule, evaluation of injury prevention procedures, equipment and structures, identification of procedures for transportation vehicle maintenance, food protection procedures during receipt, storage and preparation, identity of individuals certified in food protection, schedule for sanitization procedures of food prep areas and identification of approved food sources.
- (3) *Fire safety:* evacuation of buildings and property, assembly, supervision, and accounting for children and staff; fire prevention; coordination with local fire officials; fire alarm and detection systems and their operation, maintenance, and routine testing; type, location and maintenance of fire extinguishers; inspection and maintenance of exits; required fire drills and log; electrical safety; and reporting to the Department within 24 hours fires which destroy or damage any facilities, or which result in notification of the fire department, or are life or health threatening.

(4) *Health care plan:* statement of policies and procedures to show how the health and medical requirements of this Code shall be implemented for maintaining children's medical histories; addressing individual children's restrictions on activities, policies for medication administration and special needs, if any; initial health screening for children and staff; daily health surveillance of children; procedures for providing basic first aid, handling and reporting medical emergencies and outbreaks; procedures for response to allegations of child abuse; identification of and provisions for medical, nursing and emergency medical services addressing special individual needs; names, qualifications and duties of staff certified in first aid and CPR; description of separation facilities, supervision and other procedures for ill children to be provided by the program until a parent arrives; storage of medications; location and use of first aid and CPR supplies; maintenance of a medical log; description of universal precautions for blood borne pathogens; reporting of child and staff illness and injuries; and sanitary practices. When the permittee has a medication administration policy, the permittee shall immediately notify the Department of any changes in designated exempt or certified staff.

(5) *Corrective action plans:* actions to be taken to protect children on receipt of reports of alleged and confirmed teaching and other staff criminal justice or child abuse histories.

(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 program, in accordance with 24 RCNY § 47.65;

(B) Recreational and trip supervision and staffing for specific outdoor and off-site activities in accordance with 24 RCNY § 47.57;

(C) Sleep and rest period supervision;

(D) Bathroom use supervision;

(E) Transportation supervision in accordance with 24 RCNY § 47.65;

(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 program operation.

(7) *Infant sleep safety:* practices and policies that establish a safe sleeping environment, promote an infant's comfort and well-being and reduce the risk of suffocation or death occurring while infants are in cribs or asleep. Such practices and policies must be based on current recommendations of the American Academy of Pediatrics, American Public Health Association, and the National Resource Center for Health and Safety in Child Care and Early Education, Caring for our children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 3rd edition, 2011, or successor recommendations. The plan must include procedures for actively observing and evaluating infants for overheating, breathing status, and other signs of physical or medical distress that may require intervention, at intervals not to exceed 15 minutes. Documentation must be maintained, on forms provided or approved by the Department, of staff infant observations. The infant/toddler education director or the family shelter must maintain the forms for two weeks. Forms with entries indicating problems observed in an individual infant shall be kept in the child's medical record while the child remains enrolled in the program. Observation forms shall be made available for inspection by the Department. The use of infant movement monitors or infant apnea monitors does not relieve the program of the responsibility to conduct and note required observations.

(8) *Staff training:* new employee orientation; training curricula, including how staff will be trained in the provisions of the written safety plan and be made aware of its contents of and any changes to the safety plan; procedures for child supervision, infant sleep safety; behavior management; child abuse recognition and reporting; provision of first aid and emergency medical assistance; reporting of child injury and illness; managing and reporting incidents where children are lost to supervision; fire safety and fire drills; child and staff evacuation procedures; activity specific training for assigned activities; and process to document attendance at staff training.

(9) *Emergency evacuation:* age-specific plans for removal of children from the premises for each shift and program where care is provided. Primary emphasis shall be placed on the immediate evacuation of children in premises which are not fireproof. Emergency evacuation procedures, implementing Fire Department recommendations, shall be posted in conspicuous places throughout the facility. The emergency evacuation plan shall include the following:

(A) How children and staff will be made aware of the emergency;

(B) Primary and secondary routes of egress;

(C) Methods of evacuation, including where children and staff will meet after evacuating the building, and how attendance will be taken;

(D) Roles of the staff and chain of command;

(E) Notification of authorities and the children's parents.

(10) *Parent / child orientation:* orientation curriculum outline; tour of premises; reporting and management of illnesses, injuries and other incidents; evacuation plan; lost child plan; lightning plan; fire safety and fire drills; evacuation procedures; activity specific training for assigned activities; trips (if provided).

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.13 Teaching staff qualifications in child care services for children ages two to six.

(a) *Accreditation.* In determining teacher and educational director qualifications, the Department may accept documentation from schools, colleges and universities approved by the State Education Department or other teacher accreditation organizations acceptable to the Department certifying that such persons have met the specific Code requirements. All teacher documentation must be submitted for review to an agency designated by the Department.

(b) *Pending certifications.* A permittee may temporarily employ an educational director or individual group teachers pending certification by the State Education Department or other accreditation organization

or while a teacher's study plan for obtaining certification is pending approval by the Department, provided that the permittee has complied with criminal justice and State Registry of Child Abuse and Maltreatment screening requirements for staff set forth in this Article.

(c) *Educational director.* Every child care service shall designate a qualified teacher as the educational director who shall be in charge of staff training, educational and child development programs and shall supervise all teaching staff at each permitted child care service.

(1) Coverage for educational director. When an educational director is not present to supervise a child care service, the permittee shall designate a certified group teacher to act as educational director. In addition, the permittee must notify the Department in writing within five business days of the termination or resignation of the educational director. When the educational director will be on anticipated leave for more than five business days, the permittee must notify teaching staff in writing that a certified teacher has been designated as educational director and make this written communication available to the Department for inspection upon request.

(2) *Teaching duties.* The educational director shall have no teaching duties when more than 40 children are enrolled in the child care service. If the child care service holding a permit is part of an elementary school offering classes from grades one through six, and has either child care programs for children under three years of age or has voluntarily applied for a permit, pursuant to this Article, and such school also has a principal with no teaching duties, the educational director shall not have any teaching duties when more than 60 children are enrolled in the child care service.

(3) *Qualifications.* The education director shall have:

(A) A baccalaureate degree in early childhood education or related field of study and State Education Department teacher certification in early childhood education or equivalent certification, pursuant to paragraph (2) of subdivision (d) of this section, and

(B) At least two years of experience as a group teacher in a program for children under six years of age.

(d) *Group teacher.* No person shall be in charge of a group of children in a child care service unless s/he is certified or qualified, pursuant to paragraph (1), (2), (3) or (4) of this subdivision.

(1) *Baccalaureate degree and State certification.* A baccalaureate degree in early childhood education or related field of study and current valid certification issued by the State Education Department, pursuant to 8 NYCRR §80 or successor rule or equivalent certification from another jurisdiction, as a teacher in the field of early childhood education; or

(2) *Equivalent certification.* Certification from a public or private certifying or teacher accrediting organization or agency granted reciprocity by the New York State Department of Education; or

(3) *Baccalaureate degree.* A baccalaureate degree in early childhood education or related field and five years of supervised experience in a pre-school program if currently employed in a permitted child care service; or

(4) *Study plan eligibility.* The person has proposed a plan for meeting the requirements of paragraph (1), (2) or (3) of this subdivision within seven years, and has obtained approval of this plan by an accredited college. A person who is study plan eligible shall submit documentation to the Department indicating proof of enrollment in such college and specifying the time required for completion of training.

(A) The course of study may include the following study areas:

(i) Sociological, Historical, Philosophical Foundations of Education or

(ii) Sociology of Education or History of Education or Philosophy of Education

(iii) Child Development or Child Psychology

(iv) Educational Developmental Psychology or Psychological Foundations of Education

(v) Instructional Materials and Methods Courses - three (3) courses required, including one on the pre-kindergarten or kindergarten level including, but not limited to, such courses as:

(aa) Teaching of Reading, Teaching of Math, Teaching Science to Young Children

(bb) Teaching of Music, Teaching of Art, Methods of Teaching of Language Arts

(cc) Teaching of Computer Technology to Young Children

(vi) Parent Education and Community Relations or Urban Education or Sociology of the Family or Parent, Child, School.

(B) To be study plan eligible, a person shall have:

(i) Associate's (AA or AS) degree in early children education, practicum included; or

(ii) Ninety or more undergraduate college credits and one year classroom experience teaching children in pre-kindergarten, kindergarten or grades 1-2; or

(iii) Baccalaureate in any other academic subject and one year classroom experience teaching children up to third grade.

(e) *Group teacher for children with special needs.* A group teacher for children with special needs shall be certified in special education, or early childhood education, with additional appropriate training in working with special needs children, in accordance with applicable law.

(f) *Assistant teacher.* An assistant teacher shall be at least 18 years of age and have a high school diploma or equivalent (GED).

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.15 Teaching staff qualifications for infant-toddler child care services.

A child care service authorized to provide care for children under 24 months of age may employ staff with either the qualifications listed in 24 RCNY § 47.13 for each title or the following alternative qualifications; all documents and credentials must be submitted for review to an agency designated by the Department:

(a) *Educational director.* Every infant-toddler child care service shall have an educational director who shall be in charge of staff training, educational and child development programs and shall supervise all teaching staff at each permitted infant-toddler child care service. The permittee must notify the Department in writing within five business days of the termination or resignation of an educational director.

(1) *Qualifications:*

(A) Baccalaureate degree in early childhood education or related field of study, and

(B) At least one year of experience as a group teacher or child care provider in a child care service for children under 24 months of age, or six college credits in infant-toddler coursework, or a study plan leading to six college credits in infant-toddler coursework

(b) *Infant/Toddler teacher.* A teacher for an infant-toddler program shall be at least 21 years of age and have the following qualifications:

(1) Associate's (AA or AS) degree in early childhood education; or

(2) Child Development Associate (CDA) certification and a study plan leading to an associate's degree in early childhood education within 7 years; or

(3) High school diploma or equivalent (GED); nine college credits in early childhood education or child development; two years experience caring for children, and a study plan leading to an associate's degree in early childhood education within seven years; or

(4) High school diploma or equivalent (GED) and five years of supervised experience in an infant-toddler classroom if currently employed in a permitted child care service; or

(5) High school diploma or equivalent (GED); and a study plan that is acceptable to the Department leading to nine credits in early childhood education or childhood development within two years; and a study plan leading to an associate's degree in early childhood education within seven years, if currently employed in a permitted child care service.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.17 Teaching staff qualifications for night child care services.

(a) Permittees offering night care services shall comply with all requirements of this Article except when such requirements are inconsistent with the provisions of this section, in which case the provisions of this section shall control. All documents and certifications required by this section must be submitted for review to an agency designated by the Department.

(b) *Educational director.* The educational director shall be qualified in accordance with 24 RCNY § 47.13; or hold a baccalaureate degree, including 12 college credits in early childhood education, and have two years of experience in a licensed program with children younger than six years of age. When the educational director is not present to supervise the teachers in a night care service, the permittee shall designate a group teacher qualified, pursuant to 24 RCNY § (d) to act as educational director. The permittee must notify the Department in writing within five business days of the termination or resignation of an educational director.

(c) *Assistant teacher.* An assistant teacher in a night care service shall be at least 18 years of age and have the following qualifications:

(1) High school diploma or equivalent (GED); nine college credits in early childhood education or child development; and two years of experience caring for children; or

(2) High school diploma or equivalent (GED) and five years of supervised experience in a permitted child care service; or

(3) High school diploma or equivalent (GED); and a study plan that is acceptable to the Department leading to completion of nine credits in early childhood education or childhood development within two years.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.18 Shelter child care liaison and child supervisor requirements and qualifications.

(a) Every family shelter-based drop-off child supervision program must designate at least one qualified individual as a shelter day care liaison for every 30 children enrolled in the program. If a site has more than one liaison, one must be designated head liaison.

(1) *Coverage for shelter child care liaison.* When a shelter child care liaison is not present to supervise a drop-off child care program, the permittee shall designate an interim liaison to act as the liaison. In addition, the permittee must notify the Department in writing within five business days of the termination or resignation of a required shelter child care liaison. When a shelter child care liaison will be on anticipated leave for more than five business days, the permittee must notify families and program staff in writing of the name of the designated interim liaison. This written communication must be made available to the Department for inspection upon request.

(2) *Qualifications.* Each shelter child care liaison must have a baccalaureate degree from an accredited college or university in the social sciences, applied health sciences, human service, or a related degree approved by the Department.

(3) *Accreditation.* In determining shelter child care liaison qualifications, the Department may accept documentation from schools, colleges and universities approved by the State Education Department or other accreditation organization acceptable to the Department certifying that the liaison has met the specific Code requirements. All liaison documentation must be submitted to the Department for review.

(b) A child supervisor in a family shelter-based drop-off child supervision program must have at a minimum an associate's degree in the social sciences, applied health sciences, or human services, or a related degree that is approved by the Department, or a Child Development Associate (CDA) certification.

(Added City Record 9/20/2017, eff. 10/10/2017)

§ 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 program, and shall include, but not be limited to: individual owners, permittees, partners, members and shareholders of corporations, limited liability companies or other entities who are the owners or operators of the program; educational, child supervision, administrative and maintenance employees; employees who are school bus drivers or who are assigned to accompany children during transportation to and from the program; 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 program. Employees of independent contractors providing maintenance, construction, transportation, food or any other goods or services to a program 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 program unless such person is working under the direct supervision and within the line of sight of a screened employee of the program. These requirements shall not apply to persons authorized by parents to escort or transport children to and from programs where the parents have privately arranged for such escort or transportation.

(b) *Pre-employment verification.* A permittee shall obtain and verify credentials, including certificates and educational transcripts, as applicable, and references prior to employment of all persons listed in subdivision (a) of this section.

(c) *Screening.* A permittee shall arrange for (1) fingerprinting, (2) review of records of criminal convictions and pending criminal actions, and (3) inquiry of the Statewide Central Register of Child Abuse and Maltreatment (hereinafter "SCR") for all prospective employees, and other persons listed in subdivision (a), and for current employees shall repeat the inquiry to the SCR every two years.

(d) *Individual consent.* A permittee shall obtain written consent from each such person for fingerprinting and criminal record review, and shall provide written notice to such persons that there will be an inquiry submitted to the SCR, pursuant to Social Services Law § 424-

a(1), or successor law, and that copies of the reports received by the permittee as a result of such review and screening shall be provided to the Department.

(e) *Refusal to consent.* A permittee shall not hire or retain as an employee, or otherwise allow on its premises any person who is required to have, but refuses to consent to, fingerprinting and criminal record review. The permittee shall not hire or retain any person who has a record of criminal convictions or arrests, subject to and consistent with Article 23-A of the New York State Correction Law, except as provided in subdivision (h) of this section.

(f) *Employee to notify permittee.* Employees required to have criminal justice and child abuse screening shall notify the permittee within 24 hours when such employees are arrested, or when such employees receive a notice that an allegation of child abuse or maltreatment has been filed concerning such employees.

(g) *Reports to the Department.* Permittees shall notify the Department within 24 hours when they have received an indicated report from the SCR; an employee report that an allegation has been filed against the employee; and a record or report of criminal conviction(s), pending criminal action, or arrest or criminal charge for any misdemeanor or felony for any person required to have a criminal record review or SCR screening. Permittees must also notify the Department within 24 hours whenever a child attending a program has been seriously injured, has died, or a child in their care or supervision has been unaccounted for, left behind at any location outside the child's assigned classroom or where supervision has not been maintained in the manner required by this Code for any period of time while in the care of the permittee.

(h) *Actions required.* Consistent with Article 23-A of the New York State Correction Law, and except where the permittee has submitted and obtained Department approval of a corrective action plan in accordance with 24 RCNY § 47.21:

(1) A permittee shall not hire, retain, utilize or contract for the services of a person who:

(A) Has been convicted of a felony at any time, or who has been convicted of a misdemeanor within the preceding ten years; or

(B) Has been arrested and charged with any felony or misdemeanor, and where there has been no disposition of the criminal matter; or

(C) Is the subject of an indicated child abuse and maltreatment report, in accordance with a determination made after a fair hearing, pursuant to § 422(8) of the Social Services Law.

(2) A permittee shall not dismiss or permanently deny employment to current and prospective staff solely because they are defendants in pending criminal actions, but may suspend current employees or defer employment decisions on prospective employees until disposition of the pending criminal action.

(3) A permittee shall prohibit unsupervised contact with children by any person who has not received screening clearance for criminal convictions or by the SCR, or as specified in paragraph (1) of this subdivision.

(i) *References.* For all prospective staff, the permittee shall make a written inquiry to an applicant's three most recent employers and shall obtain three references prior to hiring. If prospective staff have not had three prior employers, references may be accepted from persons who are not family members and who state, in writing, that the applicant is well-known to them as a student, volunteer, or other stated capacity, and that the applicant is suited by character, fitness, and ability to work with children.

(j) *Services for certain children.* Permittees must allow access to children receiving assessments and services of professional consultants retained by Early Intervention program providers or New York City Department of Education committees on preschool special education, or successor programs, without requiring proof of consultants' fingerprinting, SCR clearances or references.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.05 Program capacity and limitation on hours per child.

(a) *Maximum number of children on premises.* Each permit shall specify the maximum number of children to be allowed on the premises of each specific type of program at any time that the program is in operation. The total number of children on the premises of the program shall be included for this purpose, regardless of whether such children are enrolled in the program. The Department shall determine the maximum number of children allowed based upon the number of children for which adequate facilities and teaching staff or shelter child supervision staff are provided, in accordance with:

(1) the supervision and space requirements of this Code; and

(2) the maximum number of persons permitted by the certificate of occupancy issued by the New York City Department of Buildings

(DOB) or, if applicable, another government entity with the authority to issue a certificate of occupancy to the facility.

(b) *Capacity not to be exceeded.* A program shall not have children in attendance in excess of the number(s) prescribed in its permit.

(c) *Limitation on hours per child.* Family shelter-based drop-off child supervision programs must provide no more than 20 hours of services in any week to any child who has resided in the shelter for more than 90 days.

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.07 Permit: required approvals and clearances.

No permit shall be issued unless the permit applicant has obtained and submitted to the Department:

(a) *Certificate of occupancy.* A Certificate of occupancy, or a statement of approval that the premises comply with all applicable building laws and codes and may be used as a child care or child supervision facility, issued by DOB or, if applicable, another government entity with the authority to issue a certificate of occupancy to the facility. Where a certificate of occupancy is not required by law, the permit applicant shall submit a current inspection report issued by DOB or, if applicable, an appropriate state or federal government entity certifying that there are no outstanding uncorrected violations of the applicable building code(s). Such documentation shall be kept on site and made available to the Department upon request.

(b) *Fire safety statement.* A statement or report from the New York City Fire Department (FDNY) or, if applicable, the appropriate state or federal government entity, that the premises have been inspected and currently comply with all applicable laws and regulations pertaining to fire control and prevention. A permit shall not be issued or renewed, unless a statement or report is submitted demonstrating compliance with such laws, based upon FDNY's or, if applicable, the appropriate state or federal government entity's, determination on an inspection made within 12 months of the date of submitting the permit renewal application. Such documentation shall be kept on site and made available to the Department upon request.

(c) *Criminal justice and child abuse screening.* Documentation satisfactory to the Department that the permit applicant has submitted all necessary forms and requests for all persons requiring criminal justice and State Registry of Child Abuse and Maltreatment screening in accordance with Section 47.19 of this Code. Such documentation shall be kept on site and made available to the Department upon request.

§ 47.09 Applications for permits.

A person or entity that has never held a permit issued by the Commissioner to operate a program and that proposes to operate such a program subject to such permit, shall attend a pre-permit orientation session held by the Department and shall thereafter submit an application for a permit to the Department.

(a) *New application.* An application for a new permit shall be submitted on forms approved or provided by the Department and shall include, but not be limited to the following:

(1) *Facility pre-permit technical plan.* Each plan, consisting of blueprints, architectural or engineering drawings, shall be drawn to scale, and labeled to show floor layout, all indoor rooms and outdoor areas to be occupied or used by the program, dimensions of such rooms and areas, and intended use of each area; outdoor spaces location in relation to actual distance and location from indoor spaces; and all toilets, sinks and kitchen(s) to be used by children and staff.

(2) A copy of a current certificate of occupancy issued by DOB or, if applicable, the other government entity with the authority to issue a certificate of occupancy to the facility, or, if no certificate of occupancy is required by applicable law, a statement from DOB or the appropriate state or federal government entity that the premises and facility to be used for child care or child supervision comply with all applicable building laws and codes.

(3) A report of an inspection or a statement issued by FDNY or, if applicable, the appropriate state or federal government entity, finding that the premises comply with all laws and regulations pertaining to fire prevention and control in a program.

(4) Written safety plan required by this Code.

(5) Proof that teaching staff or shelter child supervision staff "credentials required by this Code have been submitted for review to and have been verified by an agent designated by the Department; and that the permit applicant has documentation of all required health examinations, immunizations, and that at least one staff member has the pediatric cardiopulmonary resuscitation (CPR) and pediatric first aid training required by Section 47.31(d) of this Code.

(6) Permit fee set forth in Article 5 of this Code.

(7) Proof of workers' compensation and disability benefits insurance covering all employees.

(8) *Proof of the program's ability to receive electronic communications.* Email addresses shall be provided for the permittee, the education director or the shelter child supervision liaison, and for one or more other persons designated by the permittee or other person in control of a program as persons to receive electronic communications from the Department. The Department shall be notified of changes in email addresses for the permittee, the program, the education director, the shelter child care liaison, and other designees when such changes become effective.

(9) *Names, including aliases, and other identifying and contact information for all individual owners, managers, or other persons with a controlling interest in the program, officers, directors and board members of a permittee corporation, members of an LLC, partners, education directors, shelter child supervision liaisons, executive and administrative director, if any.* Identifying information must include the New York State Identification or NYSID number assigned to these individuals when they were fingerprinted by the New York State Division of Criminal Justice Services, in accordance with Section 47.19 of this Code.

(b) *Notifications of deaths, serious injuries and civil and criminal actions.* Permittees and applicants for new permits shall submit, on forms provided by the Department, such information as may be required by the Department concerning all staff misdemeanor or felony arrests, deaths or serious injuries of children that have occurred, or are alleged to have occurred while such children were in the care of the applicant or permittee, or in the care of any owner, director, employee, or volunteer of the applicant or permittee, or while in the care of any agent of the permittee or applicant; and shall identify, in such detail as may be required by the Department, any related civil or criminal action already adjudicated or currently pending in any jurisdiction related to such serious injuries, deaths, or felony or misdemeanor arrests.

(c) *Renewal application.* An application for renewal of a permit shall be submitted on forms provided by the Department no later than 60 days before the expiration date of the current permit, and shall include the permit fee; a full description of any changes in teaching staff, written safety plan, written health plan, email communication information, physical facilities, required staff training or program which occurred after submission of the previous permit application; and specification of any existing modifications of provisions of this Article that the permittee is requesting to be renewed in connection with the new permit.

(d) *Pre-renewal inspection.* A renewal permit shall not be issued unless the Department has conducted an inspection of the program while it is in operation and has found the program to be in substantial compliance with this Code and other applicable law.

(e) *Renovations and modifications.* A permittee shall submit for approval to the Department a request for modification of an existing permit prior to undertaking renovations affecting the size, configuration, or location of rooms or areas used by children.

(f) *Applications to be complete.* No permit shall be issued until the Department has received and has approved all documentation, records, reports, or other information required by this Article or by Section 5.05 of this Code. The Commissioner may reject any incomplete application for a new or renewal permit and order an existing program closed and its permit suspended or revoked if the permit application contains misleading information, or information is omitted.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.11 Written safety plan.

(a) *Safety plan required.* Every current permittee and every applicant for a new permit shall develop, review annually and update, in accordance with changed circumstances, conditions or activities, or as required by the Department, a written safety plan. The written safety plan shall be approved by the Department if it includes all the information required in this Article. Upon permit renewal, if no changed circumstances require changes to a previously approved written safety plan, the permittee shall state in writing that no changes were needed or made to the plan. The safety plan shall be implemented by the permittee, provided to parents on request, kept in an accessible location at the facility. The program must provide all staff and volunteers with copies of the safety plan and training in implementing the policies and procedures of the plan. This training shall include, but not be limited to, training and drills in medical and other critical and emergency response procedures, including evacuation of the premises. Documentation showing that staff received copies of the plan and training and drills in implementing its provisions must be maintained on site by the permittee and made available to the Department upon request while staff remain employed at the program.

(b) *Scope and content.* The written safety plan shall establish policies and procedures for safe operation, including teaching and other staff duties, facility operation and maintenance, fire safety, general and activity-specific safety, emergency management, staff and child health and medical requirements, staff training and parent/child orientation.

The written safety plan shall consist of, at a minimum, a table of contents and the following components:

- (1) Staff: organizational chart and job descriptions.
- (2) Program operation and maintenance: schedules and designated staff for facility inspection, cleaning and maintenance, and schedule for boiler/furnace and HVAC system maintenance, maintenance of adequate water pressure, protection of the potable water supply from submerged inlets and cross-connections in the plumbing system, schedule for the annual lead paint survey, inspection of window guards, indoor and outdoor equipment inspection and replacement schedule, evaluation of injury prevention procedures, equipment and structures, identification of procedures for transportation vehicle maintenance, food protection procedures during receipt, storage and preparation, identity of individuals certified in food protection, schedule for sanitization procedures of food prep areas, and identification of approved food sources.
- (3) Fire safety: evacuation of buildings and property, assembly, supervision, and accounting for children and staff; fire prevention; coordination with local fire officials; fire alarm and detection systems and their operation, maintenance, and routine testing; type, location and maintenance of fire extinguishers; inspection and maintenance of exits; required fire drills and log; electrical safety; and reporting to the Department within 24 hours any fire of which the FDNY or other appropriate state or federal government entity is notified, or that damages any facilities, is threatening to life or health.
- (4) Health care plan:
 - (A) a statement of policies and procedures specifying how the health and medical requirements of this Code shall be implemented, including but not limited to the following topics:
 - (i) individual children's restrictions on activities, needs for medication administration, and other special needs, if any;
 - (ii) initial health screenings and required immunizations for children and staff, and collection of related documentation prior to enrollment of a child or hire of a staff member;
 - (iii) daily health surveillance of children;
 - (iv) provision of basic pediatric first aid, and handling and reporting medical emergencies and outbreaks;
 - (v) storage of the epinephrine auto-injectors, including its storage location, which must be readily accessible to trained staff but not accessible to children; procedures for inspection of the epinephrine auto-injectors to determine whether they have reached their expiration dates, and for replacement when necessary; and procedures for use of the epinephrine auto-injectors. The name and title of the individual responsible for the epinephrine auto-injectors' inspection and maintenance must be included in the plan and kept current;
 - (vi) response to allegations of child abuse;
 - (vii) medical, nursing, and emergency medical services addressing special individual needs;
 - (viii) names, qualifications, and duties of staff certified in pediatric first aid and pediatric CPR;
 - (ix) separation facilities, supervision, and procedures for caring for ill children until a parent, guardian, or other care giver arrives;
 - (x) storage of medications;
 - (xi) location and use of first aid and CPR supplies;
 - (xii) maintenance of a medical log, to be kept on site and provided to the Department upon request;
 - (xiii) universal precautions for blood borne pathogens;
 - (xiv) reporting of child and staff illness and injuries; and
 - (xv) sanitary practices.
 - (B) If the permittee has a medication administration policy, the permittee shall immediately notify the Department of any changes in designated exempt or certified staff.
- (5) Corrective action plans: actions to be taken to protect children on receipt of reports of alleged and confirmed teaching and other staff criminal justice or child abuse histories.
- (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 program, in accordance with Section 47.27(a) of this Code;

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

(C) Sleep and rest period supervision;

(D) Bathroom use supervision;

(E) Transportation supervision in accordance with Section 47.65 of this 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 program operation.

(7) Infant sleep safety: practices and policies that establish a safe sleeping environment, promote an infant's comfort and well-being and reduce the risk of suffocation or death occurring while infants are in cribs or asleep. Such practices and policies must be based on current recommendations of the American Academy of Pediatrics, American Public Health Association, and the National Resource Center for Health and Safety in Child Care and Early Education, Caring for our children: National Health and Safety Performance Standards: Guidelines for Early Care and Education Programs, 3rd edition, 2011, or successor recommendations. The plan must include procedures for actively observing and evaluating infants for overheating, breathing status, and other signs of physical or medical distress that may require intervention, at intervals not to exceed 15 minutes. A log, on forms provided or approved by the Department, must be maintained. The log for the immediately prior 14 days must be kept on site for two weeks after observations take place, and must be made available to the Department upon request. Forms with entries indicating problems observed in an individual infant shall be kept in the child's medical record while the child remains enrolled in the program. The use of infant movement monitors or infant apnea monitors does not relieve the program of the responsibility to conduct and note required observations.

(8) Staff training: new employee orientation; training curricula, including how staff will be trained in the provisions of the written safety plan and be made aware of its contents of and any changes to the safety plan; procedures for child supervision, infant sleep safety; behavior management; child abuse recognition and reporting; prevention of shaken baby syndrome; prevention of emergencies related to food or allergic reaction; provision of first aid and emergency medical assistance, including but not limited to cardiopulmonary resuscitation and response to emergencies related to food or allergic reaction, including but not limited to use of an epinephrine auto-injector; reporting of child injury and illness; managing and reporting incidents where children are lost to supervision; fire safety and fire drills; child and staff evacuation procedures; activity specific training for assigned activities; handling and storage of hazardous materials and appropriate disposal of biochemicals; and process to document attendance at staff training.

(9) Emergency evacuation: age-specific plans for removal of children from the premises for each shift and program where care is provided. Primary emphasis shall be placed on the immediate evacuation of children in premises which are not fireproof. Emergency evacuation procedures, implementing recommendations of FDNY or, if applicable, the appropriate state or federal government entity, shall be posted in conspicuous places throughout the facility. The emergency evacuation plan shall include the following:

(A) How children and staff will be made aware of the emergency;

(B) Primary and secondary routes of egress;

(C) Methods of evacuation, including where children and staff will meet after evacuating the building, and how attendance will be taken;

(D) Roles of the staff and chain of command;

(E) Notification of authorities and the children's parents.

(10) Parent / child orientation: orientation curriculum outline; tour of premises; reporting and management of illnesses, injuries and other incidents; evacuation plan; lost child plan; lightning plan; fire safety and fire drills; evacuation procedures; activity specific training for assigned activities; trips (if provided).

(Amended City Record 9/20/2017, eff. 10/10/2017)

§47.13 Teaching staff qualifications and coverage in child care programs.

(a) Accreditation. In determining teaching staff qualifications, the Department may accept documentation from schools, colleges and universities approved by the State Education Department or other teacher accreditation organizations acceptable to the Department certifying that such persons have met the specific Code requirements. All documents pertaining to teaching staff qualifications must be

submitted for review to an agency designated by the Department. All foreign language documents pertaining to teaching staff qualifications shall be accompanied by an English language translation of such documents performed by a translator on the list of foreign language evaluation services maintained by the Department of Citywide Administrative Services.

(b) *Pending certifications.* A permittee may temporarily employ an education director or group teacher whose application for certification is fully submitted and pending certification by the State Education Department or other accreditation organization or whose study plan for obtaining certification is fully submitted and pending approval by the Department, provided that the permittee has complied with criminal justice and State Registry of Child Abuse and Maltreatment screening requirements for staff set forth in this Article. No individual qualifying as an education director under this subsection may serve in that capacity with a pending certification for a total of more than six months.

(c) *Education director.* Except as provided in Section 47.15 or 47.17, every child care program shall designate a certified group teacher as the education director, who shall be in charge of staff training, educational and child development programs and shall supervise all teaching staff at each permitted child care program. An education director can serve in such capacity for a maximum of two programs, and only if such programs are co-located.

(1) Coverage for education director. Except as provided herein, a program's education director must be on site at all times while the program is caring for one or more children. At any time when the education director is not on the premises to supervise a child care program, the permittee shall designate an individual to act as education director. Except as provided in Section 47.15 or 47.17, such individual shall be a certified group teacher or a group teacher whose application for certification is fully submitted and pending certification by the State Education Department or other accreditation organization, or whose study plan for obtaining certification is fully submitted and pending approval by the Department, provided that the permittee has complied with criminal justice and State Registry of Child Abuse and Maltreatment screening requirements for staff set forth in this Article. In addition, the permittee must notify the Department in writing within five business days of the separation from service of the education director. When the education director is separated from service or will be on leave for more than five business days, the permittee must notify teaching staff and the Department in writing of the certified teacher who has been designated as education director and make this written communication available to the Department for inspection upon request.

(2) *Teaching duties.* The education director shall have no teaching duties when the attendance at a child care program is greater than 40 children, or if the education director is serving in such capacity for two co-located programs. If the child care program holding a permit is part of an elementary school offering classes from grades one through six, and has either child care programs for children under three years of age or has voluntarily applied for a permit, pursuant to this Article, and such school also has a principal with no teaching duties, the education director shall not have any teaching duties when more than 60 children are enrolled in the child care program.

(3) *Qualifications.* Except as provided by Section 47.15 or 47.17, the education director shall have the following qualifications, documentation of which shall be kept on site and made available to the Department upon request:

(A) A baccalaureate degree in early childhood education or a related field of study approved by the Department and at least two years of documented experience as a group teacher in a program for children under six years of age; and

(B) Valid certification issued by the State Education Department, pursuant to 8 NYCRR §80 or successor rule; or

(d) *Group teacher.* Except as provided in Section 47.15 or 47.17, no person shall be placed in charge of a group of children in a child care program unless qualified pursuant to paragraph (1), (2), or (3) of this subdivision. All relevant documentation shall be kept on site and made available to the Department upon request.

(1) *Baccalaureate degree and State certification.* A baccalaureate degree in early childhood education or a related field of study approved by the Department and valid certification issued by the State Education Department, pursuant to 8 NYCRR §80 or successor rule; or

(2) *Baccalaureate degree and experience.* A baccalaureate degree in early childhood education or a related field of study approved by the Department and two years of supervised and documented relevant experience in a pre-school program if currently employed in a permitted child care program; or

(3) *Study plan.* The person has proposed a plan for meeting the requirements of paragraph (1) or (2) of this subdivision within seven years, and has obtained approval of this plan by an accredited college. A person who is eligible pursuant to a study plan shall submit

documentation to the Department indicating proof of enrollment in such college and specifying the time, not to exceed seven years, required for completion of the study plan.

(A) The course of study may include the following study areas:

(i) Sociological, Historical, Philosophical Foundations of Education or

(ii) Sociology of Education or History of Education or Philosophy of Education

(iii) Child Development or Child Psychology

(iv) Educational Developmental Psychology or Psychological Foundations of Education

(v) Instructional Materials and Methods Courses - three courses required, including one on the pre-kindergarten or kindergarten level including, but not limited to, such courses as:

(aa) Teaching of Reading, Teaching of Math, Teaching Science to Young Children

(bb) Teaching of Music, Teaching of Art, Methods of Teaching of Language Arts

(cc) Teaching of Computer Technology to Young Children

(vi) Parent Education and Community Relations or Urban Education or Sociology of the Family or Parent, Child, School.

(B) To be study plan eligible, a person shall have:

(i) Associate's (AA or AS) degree in early children education, practicum included; or

(ii) Ninety or more undergraduate college credits and one year classroom experience teaching children in pre-kindergarten, kindergarten or grades 1-2; or

(iii) Baccalaureate in any other academic subject and one year classroom experience teaching children up to third grade.

(e) *Group teacher for children with special needs.* A group teacher for children with special needs shall be certified in special education, or early childhood education, with additional appropriate training in working with special needs children, in accordance with applicable law.

(f) *Assistant teacher.* An assistant teacher shall be at least 18 years of age and have a high school diploma or equivalent (GED).

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§47.15 Teaching staff qualifications for infant/toddler child care programs.

A child care program authorized to provide care for children under 24 months of age may employ staff with either the qualifications listed in Section 47.13 of this Code for each title or the following alternative qualifications. All documents and credentials must be submitted for review to an agency designated by the Department and shall be kept on site and made available to the Department upon request:

(a) *Education director qualifications.*

(1) Baccalaureate degree in early childhood education or related field of study, and

(2) At least one year of experience as a group teacher or on the teaching staff in a child care program for children under 24 months of age, or six college credits in infant/toddler coursework, or a study plan leading to six college credits in infant/toddler coursework

(b) *Group teacher in an infant/toddler program.* A group teacher for an infant/toddler program shall be at least 21 years of age and have the following qualifications:

(1) Associate's (AA or AS) degree in early childhood education; or

(2) Child Development Associate (CDA) certification and a study plan leading to an associate's degree in early childhood education within seven years; or

(3) High school diploma or equivalent (GED); nine college credits in early childhood education or child development; two years' experience caring for children, and a study plan leading to an associate's degree in early childhood education within seven years; or

(4) High school diploma or equivalent (GED) and five years of supervised experience in an infant/toddler classroom if currently employed in a permitted child care program; or

(5) High school diploma or equivalent (GED); and a study plan that is acceptable to the Department leading to nine credits in early childhood education or childhood development within two years; and a study plan leading to an associate's degree in early childhood education within seven years, if currently employed in a permitted child care program.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.17 Teaching staff qualifications for night child care programs.

(a) Night child care programs may employ staff with either the qualifications listed in Section 47.13 of this Code for each title or the following alternative qualifications. All documents and certifications required by this section must be submitted for review to an agency designated by the Department and shall be kept on site and made available to the Department upon request.

(b) *Education director qualifications.* The education director shall be qualified in accordance with Section 47.13 of this Code; or hold a baccalaureate degree, including 12 college credits in early childhood education, and have two years' experience in a licensed program with children younger than six years of age.

(c) *Assistant teacher.* An assistant teacher in a night child care program shall be at least 18 years of age and have the following qualifications:

(1) High school diploma or equivalent (TASC or GED); nine college credits in early childhood education or child development; and two years' experience caring for children; or

(2) High school diploma or equivalent (TASC or GED) and five years of supervised experience in a permitted child care program; or

(3) High school diploma or equivalent (TASC or GED); and a study plan that is acceptable to the Department leading to completion of nine credits in early childhood education or childhood development within two years.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.18 Shelter child supervision liaison and shelter child supervisor requirements and qualifications.

(a) Every family shelter-based drop-off child supervision program must designate at least one qualified individual as a shelter child supervision liaison for every 30 children enrolled in the program. If a site has more than one liaison, one must be designated head liaison.

(1) *Coverage for shelter child supervision liaison.* When a shelter child supervision liaison is not present to supervise a family shelter-based drop-off child supervision program, the permittee shall designate an interim liaison. In addition, the permittee must notify the Department in writing within five business days of the separation from service of a required shelter child supervision liaison. When a shelter child supervision liaison is separated from service or will be on leave for more than five business days, the permittee must notify families and program staff in writing of the name of the designated interim liaison. This written communication must be kept on site and made available to the Department upon request.

(2) *Qualifications.* Each shelter child supervision liaison must have a baccalaureate degree from an accredited college or university in the social sciences, applied health sciences, or human services, or a related degree approved by the Department.

(3) *Accreditation.* In determining shelter child supervision liaison qualifications, the Department may accept documentation from schools, colleges, and universities approved by the State Education Department or other accreditation organization acceptable to the Department certifying that the liaison has met the specific Code requirements. All liaison documentation must be submitted to the Department for review and shall be kept on site and made available to the Department upon request.

(b) A shelter child supervisor must have at a minimum an associate's degree in the social sciences, applied health sciences, or human services, or a related degree that is approved by the Department, or a Child Development Associate (CDA) certification. In determining shelter child supervision liaison qualifications, the Department may accept documentation from schools, colleges, and universities approved by the State Education Department or other accreditation organization acceptable to the Department certifying that the liaison has met the specific Code requirements. All liaison documentation must be submitted to the Department for review and shall be kept on site and made available to the Department upon request.

(Added City Record 9/20/2017, eff. 10/10/2017)

§ 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 program, and shall include, but not be limited to: individual owners, permittees, partners, members and shareholders of corporations, limited liability companies or other entities who are the owners or operators of the program; educational, child supervision, administrative and

maintenance employees; employees who are school bus drivers or who are assigned to accompany children during transportation to and from the program; 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 program. Employees of independent contractors providing maintenance, construction, transportation, food or any other goods or services to a program 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 program unless such person is working under the direct supervision and within the line of sight of a screened employee of the program. These requirements shall not apply to persons authorized by parents to escort or transport children to and from programs where the parents have privately arranged for such escort or transportation.

(b) *Pre-employment verification.* A permittee shall obtain and verify credentials, including certificates and educational transcripts, as applicable, and references prior to employment of all persons listed in subdivision (a) of this section. All such documents, along with any English language translations required pursuant to Section 47.13(a), shall be kept on site and made available to the Department upon request.

(c) *Screening.* The permittee shall not permit any employee or individual in any other capacity specified in Section 47.19(a) to begin work in any area, vehicle, or facility owned, occupied, or used by the program until either:

(1) the following, arranged by the permittee, have been completed: (a) fingerprinting, and receipt and review of records of criminal convictions and pending criminal actions, and (b) receipt and review of report from the Statewide Central Register of Child Abuse and Maltreatment (hereinafter "SCR"), and either:

(A) the results of the screenings are satisfactory; or

(B) if any of the results of the screenings are unsatisfactory, the permittee has received approval of a corrective action plan submitted pursuant to Section 47.21 of this Code; or

(2) the permittee has ensured that the individual shall be continuously supervised by a satisfactorily screened staff member with authority to intervene in the actions of such individual.

For all employees, the permittee shall request a new report from the SCR every two years. All documents obtained in accordance with the requirements of this section, along with any required English language translations, shall be kept on site and made available to the Department upon request.

(d) *Individual consent.* A permittee shall obtain written consent from each such person for fingerprinting and criminal record review, and shall provide written notice to such persons that there will be an inquiry submitted to the SCR, pursuant to Social Services Law §424-a(1), or successor law, and that copies of the reports received by the permittee as a result of such review and screening shall be provided to the Department.

(e) *Refusal to consent.* A permittee shall not hire or retain as an employee, or otherwise allow on its premises any person who is required to have, but refuses to consent to, fingerprinting and criminal record review. To the extent consistent with Article 23-A of the New York State Correction Law, the permittee shall not hire or retain any person who has a record of criminal convictions or arrests, except as provided in subdivision (h) of this section.

(f) *Employee to notify permittee.* Permittees shall require all employees to have criminal justice and child abuse screening and to notify the permittee immediately or as soon thereafter as possible upon being arrested, and immediately upon receiving notice of the filing of an allegation of child abuse, maltreatment, neglect, or other inappropriate behavior that could threaten the welfare of a child.

(g) *Reports to the Department.* Permittees shall notify the Department within 24 hours when they have received an indicated report from the SCR; an employee report that an allegation has been filed against the employee; or a record or report of criminal conviction(s), pending criminal action, or when they learn or should have learned of an arrest or criminal charge for any misdemeanor or felony for any person required to have a criminal record review or SCR screening. Permittees must also notify the Department within 24 hours whenever a child attending a program has been seriously injured, has died, or a child in their care or supervision has been unaccounted for, left behind at any location outside the child's assigned classroom or where supervision has not been maintained in the manner required by this Code for any period of time while in the care of the permittee.

(h) *Actions required.* To the extent consistent with Article 23-A of the New York State Correction Law, and except where the permittee has submitted and obtained Department approval of a corrective action plan in accordance with Section 47.21 of this Code:

(1) A permittee shall not hire, retain, utilize or contract for the services of a person who:

(A) Has been convicted of a felony at any time, or who has been convicted of a misdemeanor within the preceding ten years; or

(B) Has been arrested and charged with any felony or misdemeanor, and where there has been no disposition of the criminal matter; or

(C) Is the subject of an indicated child abuse and maltreatment report, in accordance with a determination made after a fair hearing, pursuant to §422(8) of the Social Services Law.

(2) A permittee shall not dismiss or permanently deny employment to current and prospective staff solely because they are defendants in pending criminal actions, but may suspend current employees or defer employment decisions on prospective employees until disposition of the pending criminal action.

(3) A permittee shall prohibit unsupervised contact with children by any person who has not received screening clearance for criminal convictions or by the SCR, or as specified in paragraph (1) of this subdivision.

(i) References. For all prospective staff, the permittee shall make a written inquiry to an applicant's three most recent employers and shall obtain three references prior to hiring. If prospective staff have not had three prior employers, references may be accepted from persons who are not family members and who state, in writing, that the applicant is well-known to them as a student, volunteer, or other stated capacity, and that the applicant is suited by character, fitness, and ability to work with children. Such documentation shall be kept on site and made available to the Department upon request.

(j) Services for certain children. Permittees must allow access to children receiving assessments and services of professional consultants retained by Early Intervention program providers or New York City Department of Education committees on preschool special education, or successor programs, without requiring proof of consultants' fingerprinting, SCR clearances or references.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.21 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 to read as follows:

§ 47.21 Corrective action plan.

(a) *Approved corrective action plan required.* A corrective action plan shall be submitted by the permittee to the Department within five business days for review and approval by the Department:

(1) Prior to the permittee hiring, retaining or utilizing the services of persons listed in subdivision (a) of [24 RCNY §]Section 47.19 of this Code when such persons are reported as having:

(A) A criminal conviction as specified in [24 RCNY §]Section 47.19(h) of this Code; or

(B) Pending criminal charges as specified in [24 RCNY §]Section 47.19(h) of this Code; or

(C) SCR reported incidents of child abuse or maltreatment which have been indicated or which are under investigation.

(2) When a death or serious injury of a child or an incident involving a lost child has occurred while under the care or supervision of an applicant for a permit or a permittee, or of any owner, director, employee, or volunteer of the applicant or permittee or of any agent of the permittee, or if a related criminal or civil action has been already adjudicated or adjudication is pending in any jurisdiction with respect to such death or serious injury or incident involving a lost child.

(3) When required by the Department, including but not limited to after the permittee has been cited for violations or conditions deemed imminent health hazards, or when the Department determines that the permittee has been operating with serious or uncorrected violations over a period of time, to demonstrate the permittee's willingness and ability to continue in operation in accordance with applicable law.

(b) *Contents of corrective action plan.* A corrective action plan shall assess the risk to children in the program, and shall clearly and convincingly demonstrate that such person presents no danger to any child, or other persons. The plan shall include, but not be limited to, consideration of the following factors:

(1) Seriousness of the incident(s) or crimes cited in the report(s);

(2) Seriousness and extent of injuries, if any, sustained by the child(ren) named or referred to in the indicated report(s) or disclosed upon investigation of the criminal charge;

(3) Any detrimental or harmful effect on child(ren) as a result of the person's actions or inactions and relevant events and circumstances surrounding these actions and inactions as these relate to any report(s);

(4) The age of the person and child at the time of the incident(s);

(5) Time elapsed since the most recent incident(s);

(6) Number of indicated incident(s) or crimes; where more than one incident or crime, an evaluation of each separately, and an assessment of the total effect of all indicated incidents on risks to children currently under care or supervision;

(7) Duties of the person under consideration; degree of supervision, interaction, opportunity to be with children on regular, substantial basis and if position may involve being alone with children or will always involve presence of other adults;

(8) Information provided by person, re: rehabilitation, i.e., showing positive, successful efforts to correct the problems resulting in the indicated child abuse or criminal report so that children in [care] the program will not be in danger, demonstrated by no repeated incidents or showing that the person has undergone successful professional treatment;

(9) Employment or practice in a child care field without incident involving injuries to children;

(10) Extra weight and scrutiny shall be accorded child abuse and maltreatment reports involving fatality, sexual abuse, subdural hematoma, internal injuries, extensive lacerations, bruises, welts, burns, scalding, malnutrition or failure to thrive; and crimes involving homicides, sexual offenses (misconduct, rape, sodomy, abuse); kidnapping; felony possession or sale of a controlled substance; felony promotion of prostitution; obscenity offenses; disseminating indecent material involving, or to, minors; incest; abandonment of a child; endangering welfare of a child; promoting sexual performance by a child; felony weapon possession; assault; reckless endangerment; coercion; burglary; arson and robbery; driving while intoxicated or under the influence of alcohol if the person will have responsibilities for unsupervised contact or driving motor vehicles at the program.

(c) *Contents of corrective action plan for imminent health hazards or serious repeat violations.* When the Department requires a corrective action plan to show that imminent health hazards or patterns of serious repeat violations are being corrected, the permittee must:

(1) Address each hazard, condition or violation;

(2) Identify their causes; and

(3) Provide a plan satisfactory to the Department showing that the causes have been addressed, and that the conditions or violations have been corrected and will not recur.

(d) *Implementing the plan.* If the Department determines that such plan adequately safeguards the health and safety of children, the permittee shall be responsible for implementation of the plan, subject to periodic monitoring by the Department.

(e) *Rejection of plan.* If the Department determines that such plan fails to provide adequate safeguards, a permittee that intends to hire or retain the employee shall resubmit the plan until it is acceptable to Department and shall not allow such employee to have unsupervised contact with any children until the plan is approved by the Department.

[(f) *Remedies.* Any person aggrieved by the action of the Department in enforcing this section may request that the Department provide him or her with an opportunity to be heard in accordance with 24 RCNY § 7-02(a)(1) (24 RCNY Chapter 7). The decision of the Department after such opportunity to be heard shall be a final agency determination.]

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.23 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 to read as follows:

§ 47.23 Supervision; staff/child ratios and group size.

(a) *Constant supervision required.* Staff included in the staff/child ratios set forth below shall maintain direct line of sight, visual supervision of children at all times. Children shall be supervised by qualified staff at all times in each type of program for which a permit is issued. In the event of breaks, lunch periods, and short term absence, no more than three (3) days, the required staff/child ratio in a child care program may be maintained with assistant teaching staff.

(1) When any program is in operation, the number of qualified staff required by this Code shall be assigned and on duty to protect the health and safety of the children in care or supervision.

(2) No child or group of children shall be unsupervised at any time.

(b) *Group teacher.* Except in night care, a group teacher in a child care program shall be in charge of each group of children ages two to six years.

(c) *Infant / toddler program supervision.* An educational director or a group teacher with equivalent qualifications shall be present at all times of a child care program's operation to supervise an infant/toddler program.

(d) *Infant/Toddler teacher.* An infant/toddler teacher in a child care program, under the supervision of the educational director, may be in charge of individual groups of infants and toddlers, or children in night care.

(e) *CPR and first aid certifications.* At least one staff member certified in cardiopulmonary resuscitation and first aid shall be on the premises of a program during all hours when children are present

(f) *Minimum staff/child ratios.*

(1) The minimum ratios of staff to children in a child care program shall be as follows:

AGE OF CHILDREN	MINIMUM STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
under 12 months	1:4 or 1:3	8 per room/area
12 to 24 months	1:5	10
2 years to under 3	1:6	12
3 years to under 4	1:10	15
4 years to under 5	1:12	20
5 years to under 6	1:15	25

(2) The minimum ratios of staff to children in a family shelter-based drop-off child supervision program shall be as follows:

AGE OF CHILDREN	MINIMUM STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
under 3 years	1:4 or 1:3	10 per room/area
3 years to under 6	1:8	16

(3) When children 12 months of age and older are in a group of mixed but contiguous ages, the minimum staff/child ratio and group size shall be based on the predominant age of the children in the group.

(4) Programs that maintain a staff/child ratio of 1:4 for children under 12 months of age shall demonstrate through their Written Safety Plan that they have sufficient staff in the program at all times to provide a staff/child ratio of 1:3 for the safe evacuation of children younger than 12 months of age during emergency situations.

(g) *Mixed groups.* Infants shall not be placed in older age groups.

(h) *Night care program supervision.*

(1) Staff included in the staff/child ratios set forth above shall be awake at all times, and shall maintain direct line of sight, visual supervision of children.

(2) An educational director or a staff teacher with equivalent qualifications, or a child supervisor, shall be present at all times to supervise the night care program and may not have a specific classroom assignment if more than 40 children are receiving night care or nighttime supervision.

(3) If a family-shelter based child drop-off program requires more than one child supervisor to be present at any time to attain the required child/staff ratio, the permittee must designate one child supervisor to be the lead child supervisor, responsible for directing the supervision of children during that time period.

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.23 Supervision; staff/child ratios and group size.

(a) Constant competent supervision required. Staff included in the staff/child ratios set forth below shall maintain direct line of sight, constant competent supervision of all of the children in the program at all times. Children in a child care program shall be competently supervised by a qualified group teacher or education director at all times in each type of child care program for which a permit is issued, with the sole exception that in the event of breaks or lunch periods, absence of no more than three days, the required staff/child ratio in a child care program may be maintained with assistant teachers and teacher aides, so long as at least one assistant teacher is included for each group of children in attendance. Children in a family shelter-based drop-off child supervision program shall be competently supervised by shelter child supervision staff at all times.

(1) When any program is in operation, the number of qualified staff required by this Code shall be assigned and on duty to protect the health and safety of the children on the program's premises, and in the case of trips off-site the required number of staff shall accompany the children at all times wherever the children travel.

(2) Each program shall maintain a daily log, to be kept on site and provided to the Department upon request, reflecting the arrival

and departure time of each member of the teaching staff or shelter child supervision staff.

(b) *Group teacher.* Except in a night child care program, a group teacher in a child care program shall be in charge of each group of children ages two to five years.

(c) *Infant/toddler child care program supervision.* An education director or a group teacher with equivalent qualifications shall be present at all times of a child care program's operation to supervise an infant/toddler child care program.

(d) *Infant/Toddler teacher.* An infant/toddler teacher in a child care program, under the supervision of the education director, may be in charge of individual groups of infants and toddlers, or children in a night child care program m.

(e) *CPR and first aid certifications.* The permittee shall ensure that at least one staff member certified in CPR and first aid is on the premises of the program during all hours when children are present. Upon application for a new permit or for renewal of an existing permit, such certifications must be in pediatric CPR and pediatric first aid, and must be based on successful completion of appropriate training that includes hands-on skill tests.

(f) *Minimum staff/child ratios.*

(1) The staff of a child care program for purposes of staff/child ratios shall include only the teaching staff.

The minimum ratios of staff to children in a child care program shall be as follows:

AGE OF CHILDREN	MINIMUM STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
under 12 months	1:4 or 1:3	8 per room/area separated from other rooms/areas by a physical barrier
12 to 24 months	1:5	10
2 years to under 3	1:6	12
3 years to under 4	1:10	15
4 years to under 5	1:12	20
5 years to under 6	1:15	25

(2) The staff of a family shelter based child supervision program for purposes of staff/child ratios shall include only shelter liaisons and shelter child supervision staff. Volunteers may count as staff for these purposes only if they meet all of the requirements to qualify as shelter child supervisors. The minimum ratios of staff to children in a family shelter-based drop-off child supervision program shall be as follows:

AGE OF CHILDREN	MINIMUM STAFF/CHILD RATIO	MAXIMUM GROUP SIZE
under 3 years	1:4 or 1:3	10 per room/area separated from other rooms/areas by a physical barrier
3 years to under 6	1:8	16

(3) When children 12 months of age and older are in a group of mixed but contiguous ages, the minimum staff/child ratio and group size shall be based on the predominant age of the children in the group.

(4) Programs that maintain a staff/child ratio of 1:4 for children under 12 months of age shall demonstrate through their Written Safety Plan that they have sufficient staff in the program at all times to provide a staff/child ratio of 1:3 for the safe evacuation of children younger than 12 months of age during emergency situations.

(g) *Mixed groups.* Infants shall not be placed in older age groups.

(h) *Night child care program supervision.*

(1) Staff included in the staff/child ratios set forth above shall be awake at all times, and shall maintain direct line of sight, visual supervision of children.

(2) An education director or a group teacher with equivalent qualifications, or a member of the child supervision staff, shall be present at all times to supervise the night child care program and may not have a specific classroom assignment if more than 40 children are receiving night care or nighttime supervision.

(3) If a family shelter-based child drop-off child supervision program requires more than one shelter child supervisor to be present at any time to attain the required child/staff ratio, the permittee must designate one shelter child supervisor to be the lead shelter child

supervisor responsible for directing the supervision of children during that time period.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 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, be amended to read as follows:

§ 47.25 Health; children's examinations and immunizations.

(a) *Required examinations, screening and immunizations.*

(1) *Physical examinations and screening.* Prior to admission, all children shall receive a complete age appropriate medical examination, including but not limited to a history, physical examination, developmental assessment, nutritional evaluation, lead poisoning screening, and, if indicated, screening tests for dental health, tuberculosis, vision, and anemia.

(2) *Immunizations.*

(A) All children shall be immunized against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, varicella, hepatitis B, pneumococcal disease and haemophilus influenzae type b (Hib), in accordance with New York Public Health Law § [2164, or successor law. Exemption from specific immunizations may be permitted if the immunization may be detrimental to the child's health or on religious grounds, in accordance with Public Health Law § [2164. In addition, there shall be a 90-day grace period after enrollment for children in foster care receiving services in a child care program, and all children receiving services in a family shelter-based drop-off child supervision program, to obtain the required immunizations. Documentation of all immunizations and exemptions shall be kept on site and made available to the Department upon request except as otherwise required by law.

(B) (i) Children aged from 6 months to 59 months shall be immunized each year before December 31 against influenza with a vaccine approved by the U.S. Food and Drug Administration as likely to prevent infection for the influenza season that begins following July 1 that calendar year, unless the vaccine may be detrimental to the child's health, as certified by a physician licensed to practice medicine in this state, or the parent, parents, or guardian of a child hold genuine and sincere religious beliefs which are contrary to the practices herein required. The permittee may require additional information supporting either exemption.

(ii) The permittee may refuse to allow any child to attend a program without acceptable evidence of the child meeting the requirements of clause (i) of this subparagraph. A parent, guardian, or other person in parental relationship to a child denied attendance by a permittee may appeal by petition to the commissioner. A child who first enrolls in a program after June 30 of any year is not required to meet the requirements of clause (i) of this paragraph for the flu season that ends before July 1 of that calendar year.

(C) A permittee that fails to maintain documentation showing that each child in attendance has received each vaccination required by this subdivision or is exempt from such a requirement, pursuant to paragraph A or B of this subdivision will be subject to fines for each child not meeting such requirements as provided for under this Code. Documentation required by A of this subdivision must be kept on site and made available to the Department upon request.

(D) All children shall have[such] any additional immunizations required by[as] the Department[may require].

(b) *Form with results of examination.* Health care providers examining children, pursuant to this section shall furnish permittees with a signed statement, in a form provided or approved by the Department, containing a summary of the results of examination, past medical history, and, if a disease or condition which affects the child's ability to participate in program activities is found, a summary of the evaluation and findings associated with that condition. The examination form shall include the health care provider's recommendations for exclusion or treatment of the child, modifications of activities, and plans for any necessary health supervision.

(c) *Periodic examinations.* Each child shall have periodic medical examinations at 2, 4, 6, 9, 12, 15, 18 and 24 months and 3, 4, 5 and 6 years of age.

(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 program and make the file available for review by the Department upon request. This file shall include:

(1) A cumulative record consisting of a form provided or approved by the department, including: child's name, address, date of admission and date of birth; parents' names, home and business addresses and telephone numbers; names and telephone contact information of person(s) to contact in case of emergency, including name, address and telephone number of the child's primary health care provider; pertinent family medical history, and child's history of allergies, medical

illnesses, special health problems and medications, immunization records; and parental consent for emergency treatment.

(2) Copies of all individual health records required by this Code, including new admission and periodic medical examination forms, parents' and health care provider notes regarding episodic illnesses, and a history of all illnesses, accidents, and other health data.

(e) *Records to be confidential.* All records required by this section shall be maintained as confidential records and shall not be made available for inspection or copying by any persons other than parents, other persons who present a written authorization from a parent, or authorized staff of the Department.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Sections 47.27 through 47.29 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 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 and arrival and departure time.

(b) *Daily health inspections.* A health inspection of each child shall be made daily by the educational director, designated teachers, shelter child care liaisons, or child supervisors who are familiar with such child and trained to recognize signs or symptoms of illnesses in accordance with guidelines or training provided or approved by the Department.

(c) *Management of ill children and reporting.*

(1) An area shall be provided for separating ill children under direct adult supervision until parents remove children from the program.

(2) All health care provider diagnoses, pursuant to Article 11 of this Code shall be reported to the Department by the permittee.

(3) The Department shall be notified by the permittee within 24 hours of the occurrence of a death or serious injury to a child while in the care or supervision of the program.

(4) When any child is unexpectedly absent from the program, the permittee shall notify the child's parent of the absence by telephone, text or email message or other means of immediate communication within one hour of the child's scheduled time of arrival and shall maintain a record of having made such notification and the information obtained in the log required by 24 RCNY § 47.29(d).

(d) *Parent reports of absences.* Permittees must notify parents when children are initially enrolled in the program that parents must report children's absences to the program as follows:

(1) *Daily.* Parents must notify the program 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 program 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.

(e) *Reports of vaccine preventable illnesses.* The permittee shall report to the Department by telephone, within 24 hours, any child who has any vaccine preventable illness, or meningitis or tuberculosis, or if there is any outbreak or unusual occurrence of any disease or condition at the facility.

(f) *Exclusions, pursuant to Article 11 of this Code.* The permittee shall exclude a child who is a case, contact, or carrier of a communicable disease if the child is required to be isolated or excluded by Article 11 of this Code. Such child shall not be permitted to return to the program without a written statement of recovery from a health care provider if the child was a case of measles, mumps, rubella, pertussis (whooping cough), scarlet fever, meningitis (all types), or poliomyelitis, or if the child was a case, carrier, or contact of any other communicable disease reportable, pursuant to Article 11 of this Code. The statement shall indicate that the child is free from such disease in communicable form and that the period of isolation or exclusion required by Article 11 of this Code has ended.

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.29 Health; emergencies.

(a) *Emergency procedures and notices.* Written policies and procedures for managing health and other emergencies shall be included in the written health and safety plans and approved by the Department prior to the issuance of a permit. Permittees shall provide notice of the location and contact telephone numbers of the program to local hospitals, police precincts, fire houses and emergency transport services and information about emergency policies and procedures shall be provided to parents. Emergency procedures and emergency telephone contact numbers (for Police, Fire Department, Poison Control Center, Child Abuse Hotline, and the Department of Health and Mental Hygiene) shall be conspicuously posted in each classroom or area used by children.

(b) *Necessary emergency medical care.* When a child is injured, or becomes ill under such circumstances that immediate care is needed, the permittee or designee shall obtain necessary medical care and immediately notify the child's parent.

(c) *First aid supplies.* A first aid kit, completely stocked for emergency treatment of cuts and burns, shall be provided by the permittee and shall be easily accessible for use. The first aid kit shall be kept out of reach of children and inspected periodically.

(d) *Log of children's illnesses and accidents.* The permittee shall maintain a log of illnesses, accidents, and injuries sustained by children in the program, in a form provided or approved by the Department. The permittee shall provide a child's parent with information concerning such incidents pertaining to the child, and shall report serious injuries to the Department. Logged entries shall include the name and date of birth of the child, the place, date and time of the accident or injury, names and positions of staff and other adults present, a brief statement as to how the accident or injury occurred, emergency treatment obtained, if any, and parental notification made or attempted.

(Amended City Record 9/20/2017, eff. 10/10/2017)]

§ 47.27 Health; daily requirements; reports of absences; communicable disease

(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 and arrival and departure time.

(b) *Daily health inspections.* A health inspection of each child shall be made daily by the education director, designated teachers, or shelter child supervision staff who are familiar with such child and trained to recognize signs or symptoms of illnesses in accordance with guidelines or training provided or approved by the Department. All such inspections shall be documented upon performance in a daily log that shall be kept on site and made available, with redactions of personally identifying information pertaining to the child, to the Department upon request.

(c) *Management of ill children and reporting.*

(1) An area shall be provided for separating ill children under direct adult supervision until parents remove children from the program.

(2) All health care provider diagnoses, pursuant to Article 11 of this Code shall be reported to the Department by the permittee.

(3) The permittee shall notify the Department within 24 hours of the death or serious injury to a child while in the care or supervision of the program.

(4) When any child is unexpectedly absent from the program, the permittee shall notify the child's parent of the absence by telephone, text or email message or other means of immediate communication within one hour of the child's scheduled time of arrival and shall maintain a record of having made such notification and the information obtained in the log required by Section 47.29(d) of this Code.

(d) *Parent reports of absences.* Permittees must notify parents when children are initially enrolled in the program that parents must report children's absences to the program as follows:

(1) Daily. Parents must notify the program 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 program 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 influenzae 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.

(e) *Reports of vaccine preventable illnesses.* The permittee shall report to the Department by telephone, within 24 hours of learning of any child who has any vaccine preventable illness, or meningitis or tuberculosis, or if there is any outbreak or unusual occurrence of any disease or condition at the facility.

(f) *Exclusions, pursuant to Article 11 of this Code.* The permittee shall exclude a child who is a case, contact, or carrier of a communicable disease if the child is required to be isolated or excluded by Article 11 of this Code. Such child shall not be permitted to return to the program without a written statement of recovery from a health care provider if the child was a case of measles, mumps, rubella, pertussis (whooping cough), scarlet fever, meningitis (all types), or poliomyelitis, or if the child was a case, carrier, or contact of any other communicable disease reportable, pursuant to Article 11 of this Code. The statement shall indicate that the child is free from such disease in communicable form and that the period of isolation or exclusion required by Article 11 of this Code has ended.

(g) *Daily tooth brushing.* At least once a day, teaching staff or shelter child supervision staff shall assist each child aged two or older with brushing their teeth using a small amount of toothpaste containing fluoride.

(1) Permittees shall maintain a tooth brushing log to document the date and time of tooth brushing as well as the name(s) of staff leading the activity. Such log shall be kept on site and made available to the Department upon request

(2) Permittees shall have children brush their teeth while seated or standing around a table.

(3) Permittees shall have children brush their teeth with a soft bristled, child-sized toothbrush and using fluoride toothpaste that has the American Dental Association seal of acceptance.

(4) Permittees shall have staff dispense a separate small amount of toothpaste for each child onto a sheet of wax paper or a disposable plate, and shall scoop the amount dispensed for each child from the plate onto the child's toothbrush. Toothpaste shall not be dispensed directly onto any toothbrush.

(5) Permittees shall have teaching staff or shelter child supervision staff shall demonstrate tooth brushing technique to all children. Children shall be instructed to brush the outside, inside, and chewing surfaces of all teeth. Children shall brush the top teeth and then the bottom teeth.

(6) Permittees shall have staff shall each toothbrush individually under tap water or have each child rinse his or her toothbrush under tap water.

(7) Permittees may refrain from implementing tooth brushing, or use toothpaste provided by the parent or guardian, for any child whose parent or guardian submits a signed written statement requesting that such child be exempted from the tooth brushing requirement or that a different toothpaste be used. Such statements shall be kept on site and made available to the Department upon request.

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.29 Health; emergencies.

(a) *Emergency procedures and notices.* Written policies and procedures for managing health and other emergencies shall be included in the written health and safety plans and approved by the Department prior to the issuance of a permit. Permittees shall provide notice of the location and contact telephone numbers of the program to local hospitals, police precincts, fire houses and emergency transport services and information about emergency policies and procedures shall be provided to parents. Emergency procedures and emergency telephone contact numbers (for NYPD, FDNY, Poison Control Center, Child Abuse Hotline, and the Department) shall be conspicuously posted in each classroom or area used by children.

(b) *Necessary emergency medical care.* When a child is injured, or becomes ill under such circumstances that emergency care is needed, the permittee or designee shall obtain such emergency medical care in accordance with the requirements of this section and immediately notify the child's parent or guardian.

(1) Each permittee must:

(A) at the time of the child's admission into the program, obtain written consent from a parent or guardian authorizing the permittee or other caregivers to obtain emergency health care for the child; and

(B) secure emergency care when needed, and notify a parent or guardian immediately and

(C) arrange for any needed transportation of any child in need of emergency health care and ensure that the staff/child ratios required by Section 47.23 of this Code are maintained for the children remaining in the program; and

(D) advise a parent or guardian, or the person authorized to pick up the child that day, of any developing symptoms of illness or minor injury sustained while the child is in the program.

(2) Where a parent has provided a written, individualized health care plan indicating the specific medications that can be administered and the schedule of such administration(s) for their child, including in cases of emergency, and there is a direct conflict between such plan and any provision of this section, nm the permittee shall follow the child's individualized health care plan.

(c) Epinephrine auto-injectors.

(1) Each permittee shall maintain on site at the program facility at least two epinephrine auto-injectors in each dosage appropriate for children who may be in the program, stored in an area inaccessible to children and maintained in an unexpired, operable condition such that they are available for immediate use in case of need for emergency administration to a child.

(2) Each permittee shall designate a sufficient number of staff to be trained to administer an epinephrine auto-injector to a child in the program in accordance with New York State Public Health Law §3000-c, or any successor statute or applicable regulation. At least one staff person trained to administer an epinephrine auto-injector shall be on site at all times children are present. The epinephrine auto-injector training must include:

- (A) How to recognize signs and symptoms of severe allergic reactions, including anaphylaxis;
- (B) Recommended dosage for adults and children;
- (C) Standards and procedures for the storage and use of an epinephrine auto-injector; and
- (D) Emergency follow-up procedures.

(3) Each permittee shall designate at least one staff person to be responsible for the storage, maintenance, control, disposal, and general oversight of each such epinephrine auto-injector to ensure such device remains available for use in an unexpired, operable condition.

(4) Notwithstanding the requirements of Section 47.31(e) of this Article, and subject to the terms of a child's individualized health plan as described in Section 47.29(b)(2) of this Code, if a child appears to be experiencing anaphylactic symptoms, staff trained in accordance with the requirements of Section 47.29(b)(2) of this Code may administer an epinephrine auto-injector to such child, whether or not there is a prior or known history of severe allergic reaction in such child.

(5) Immediately following any emergency administration of an epinephrine auto-injector to a child, the permittee shall contact 911 for emergency medical care and notify the child's parent or guardian.

(6) Within 24 hours following any emergency administration of an epinephrine auto-injector, the permittee shall contact the Department to report the incident.

(7) Each epinephrine auto-injector shall be disposed of in accordance with applicable law.

(d) First aid supplies. A first aid kit, completely stocked for emergency treatment of cuts and burns, shall be provided by the permittee and shall be easily accessible for use. The first aid kit shall be kept out of reach of children and inspected periodically.

(e) Incident log. The permittee shall maintain a log, to be kept on site and made available to the Department upon request, of illnesses, accidents, epinephrine auto-injector administrations, and injuries sustained by children in the program, in a form provided or approved by the Department. The permittee shall provide a child's parent with information concerning each such incident pertaining to the child, on the date of such incident, and shall report same to the Department within 24 hours. Logged entries shall include the name and date of birth of the child, the place, date and time of the incident, names and positions of staff and other adults present, a brief statement describing the incident, emergency treatment obtained, if any, and parental notification made or attempted. The incident log shall be maintained on site and made available to the Department upon request.

(f) The Department may promulgate rules to specify how permittees shall comply with this section.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.31 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 to read as follows:

§ 47.31 Health; medication administration.

(a) *Medication policy required.* Each permittee shall establish a policy as to whether the permittee will or will not administer medication, and incorporate such policy in the program's health care

plan component of the written safety plan required by Section 47.11 of this Code. Notwithstanding any program's general policy not to administer medication, such policy shall indicate that the program may be required to administer medication to a child with a disability, pursuant to the Americans with Disabilities Act.

(b) *Exempt staff.* A program that employs staff who are also currently State licensed physicians, physician[s] assistants, registered nurses, nurse practitioners, licensed practical nurses, or emergency medical technicians may administer medications without such staff obtaining additional qualifications or certification.

(c) *Health care consultant and duties.* All permittees that choose to administer medications to children shall designate a health care consultant of record, who shall be a health care provider as defined in this Article. The permittee shall confer with the health care consultant and shall obtain approval of the consultant for the portion of the health care plan regarding policies and procedures related to the administration of medications. The consultant shall review documentation of all staff authorized to administer medications and determine if staff have required professional licenses or certificates of completion of required training. A health care plan shall be valid for two years and shall be updated when designated staff has changed. The health care consultant shall visit the program at least once every two years and shall review the permittee's health care policies, procedures, documentation, practice and compliance with its health care plan for administering medications. If the consultant determines that the approved health care plan is not being reasonably followed by the permittee, the consultant may revoke his or her approval of the plan. If the consultant revokes his or her approval of the health care plan, the health care consultant shall immediately [notify] provide written notification to the permittee and the Department, upon which notification the program shall immediately cease administering medication, and immediately notify all parents and guardians of children in the program of such cessation, until such time as a new health care plan is approved. All relevant documentation shall be kept on site and made available to the Department upon request.

(d) *Staff members certified to administer medications.* Only a trained, designated staff person may administer medications to children, except where the only administration of medications will be over-the-counter ("OTC") topical ointments, including sunscreen lotion and topically applied insect repellent. The staff person administering medications to children shall be at least 18 years of age, possess current certifications in first aid, [cardio-pulmonary resuscitation (] CPR)], and medication administration training (MAT) in a course approved or administered by the Department or the State Office of Children and Family Services. MAT certificates shall be made available for inspection by the Department on request. MAT certifications shall be effective for a period of three years from the date of issuance. Recertification training shall extend certification for additional three-year periods. If a designated staff person ceases to work in a program for a continuous period of one year, certification shall automatically lapse. Where certification lapses, the person may be recertified after repeating initial MAT or recertification training, as required by the Department. Where a permittee has failed to comply with requirements for the administration of medications set forth in this section, the Department may require retraining or may prohibit the permittee from administering medications.

(e) *Medication administration procedures.* Except as provided in Section 47.29(c) of this Code, [Permittees]permittees and designated staff may administer prescription and[nonprescription (over-the-counter)] OTC medications for eyes or ears, oral medications, topical ointments and medications, and inhaled medications in accordance with the provisions of this section.

(1) A copy of the permittee's written policies regarding the administration of medications shall be reviewed, [and] explained, and provided to parents at the time of enrollment[, and provided to parents].

(2) The permittee shall obtain from a child's parent and health care provider a statement in writing that indicates medicine to be administered and schedule of administration.

(3) A parent, or other adult authorized in writing by the parent, may administer medications to a child while the child is attending a program at any time.

(4) [The permittee shall maintain a medication administration log to document name of child, date, time and name of staff, parent, or other adult authorized by a parent to administer medications.] The permittee shall maintain a medication administration log, to be kept on site and made available to the Department upon request, to document the name of the child to whom medication was administered, the date and time of administration, the type and quantity of medication administered, and name of the staff member, parent, or other parentally authorized adult who administered the medication.

(5) Permittees and designated staff may not administer medications by injection, vaginally or rectally, except as follows:

(A) Epinephrine auto-injector devices when necessary to prevent anaphylaxis for an individual child when the parent and the child's healthcare provider have indicated such treatment is appropriate; or

(B) For a child with special health care needs where the parent, program and the child's health care provider have agreed on a plan, pursuant to which the permittee or designated staff may administer medications by injection, vaginally or rectally; or

(C) Where the permittee or designated staff hold a valid New York State license as a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse, or advanced emergency medical technician.

(6) Nothing in this section shall be deemed to require any permittee to administer any medication, treatment, or other remedy except to the extent that such medication, treatment or remedy is required under the provisions of the Americans with Disabilities Act.

(7) Permittees who agree to administer medications shall do so, unless they observe circumstances specified by a child's health care provider, if any, under which medication shall not be administered. In such instances, the permittee shall contact the parent immediately.

(8) Medication may only be administered with written consent of the parent in accordance with written instructions from the child's health care provider including, but not limited to circumstances, if any, under which the medication or prescription shall not be administered. Medication shall be returned to the parent when no longer required by the child.

(9) When the permittee has written parental consent and written instructions from a health care provider authorizing administration of a specified medication if the permittee observes a specific condition or change of condition in the child while the child is in [care] the program, the permittee may administer the medication without obtaining additional authorization from the child's parent or health care provider.

(10) To the extent that such information is not included on the medication label, written instructions by the health care provider shall include:

- (A) child's name;
- (B) health care provider's name, telephone number, and signature;
- (C) date authorized;
- (D) name of medication and dosage;
- (E) frequency the medication is to be administered;
- (F) method of administration;
- (G) date the medication shall be discontinued or length of time, in days, the medication is to be given;
- (H) reason for medication (unless this information shall remain confidential, pursuant to law);
- (I) most common side effects or reactions; and
- (J) special instructions or considerations, including but not limited to possible interactions with other medications the child is receiving or concerns regarding the use of the medication as it relates to a child's age, allergies, or any pre-existing conditions.

(11) Medications shall be kept in the original labeled bottle or container. Over-the-counter medication shall be kept in the originally labeled container and shall be labeled with the child's first and last name. Prescription medications shall contain the original pharmacy label.

(12) If medication is to be given on an ongoing, long-term basis, the parent's consent and health care provider's written instructions shall be renewed in writing at least once every six months. Any changes in the original medication shall require a permittee to obtain new written instructions from the health care provider.

(13) A permittee may administer over-the-counter topical ointments, including sunscreen lotion and topically applied insect repellent, upon the written instructions of the parent. Such administration shall be consistent with any directions for use noted on the original container, including but not limited to precautions related to age and special health conditions, and no additional certifications to administer medications are required by the permittee or designated staff. If the only administration of medication offered by the program will be the administration of over-the-counter topical ointment, including sunscreen lotion and topically applied insect repellent, a designated health care consultant is not required. The permittee or designated staff shall record in the medication log applications of such topically applied ointments, sunscreen lotions and topically applied insect repellents, with the name of the child, date and time administered, and staff signature.

(14) For all children for whom the permittee administers over-the-counter medications, pursuant to this paragraph, copies of parental written consent and instructions shall be maintained in the child's medical record file.

(15) Medications shall be kept in a clean area that is inaccessible to children. If refrigeration is required, medications shall be stored in either a separate refrigerator or a leak-proof container in a designated area of a food storage refrigerator, separated from food and inaccessible to children. Permittees shall comply with all applicable law for secure storage of all medications.

(16) Staff shall document dosages and times that medications are given, observable side effects, reasons for not giving medication and medication administration errors, and shall report to the parent and to the child's health care provider, in accordance with the provider's written instructions; medication errors shall be immediately reported to the Department.

(17) No children shall independently self-administer medications or assist in the administration of their own medications except under direct supervision of designated staff.

(18) Nothing in this section shall prevent a parent, guardian or other legally authorized individual in relation to a child from administering medication to a child while such child is in a program. In these circumstances, the permittee shall document the dosages and time that the medications were administered to the child by such individual. If the only administration of medication in such [service] program is done by such individual, no certifications to administer medication are required by the permittee or staff.

(f) *Repealed.*

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 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, be amended to read as follows:

47.33 Health; staff.

(a) *Staff to be excluded.* The permittee shall exclude any staff person from work in accordance with Article 11 of this Code, if such staff person reports having an illness or symptoms of a communicable disease reportable, pursuant to Article 11 of this Code. Such staff person shall not be permitted to return to the program without a written statement of recovery from a health care provider if the staff person was a case of measles, mumps, rubella, pertussis (whooping cough), scarlet fever, meningitis (all types), or poliomyelitis, or if the staff person was a case of any other communicable disease reportable, pursuant to Article 11.

(b) *Physical examination certificates.* No member of the teaching staff or shelter child supervision staff, or educational director, shelter child care liaison, teacher, substitute, volunteer worker, office worker, kitchen worker, maintenance worker, child supervisor, or other staff member who regularly associates with children shall be permitted to work in a program unless such person is healthy and capable of carrying out the responsibilities of the job. Prior to commencing work, all such [staff and volunteers] individuals 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] individual 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 on paper or electronically, on the premises of the program, and shall be kept confidential and separate from all other personnel or employment records and made available for review by the Department upon request.

(c) *Staff immunizations.* Each staff person and volunteer shall obtain a report from a health care provider who is a licensed physician, nurse practitioner, physician's assistant, or doctor of osteopathy certifying that such person has been immunized against measles; mumps; rubella; varicella (chicken pox); and tetanus, diphtheria and acellular pertussis (Tdap) in accordance with recommendations of the CDC Advisory Committee on Immunization Practices (ACIP). Persons born on or before December 31, 1956 are not required to have measles, mumps or rubella vaccines. A history of having health care provider documented varicella or herpes zoster disease shall be accepted in lieu of varicella vaccine. A history of having measles, mumps or rubella disease shall not be substituted for the measles, mumps, or rubella vaccine. A laboratory test demonstrating detectable varicella, measles, mumps, or rubella antibodies shall also be accepted in lieu of varicella, measles, mumps and rubella vaccine. An employee may be exempted from this immunization requirement for ACIP-recognized medical contraindications upon submission of appropriate documentation from a licensed physician. Each staff person and volunteer shall submit such report of immunization to the permittee. Reports of immunizations shall be confidential and shall be kept by the permittee in a paper or electronic file with other staff and volunteer health information, except that such reports shall be kept on site and made available to the [

department] Department upon request. Documentation of exemption from immunization shall also be kept on site and made available to the Department upon request.

(d) *Test for tuberculosis infection.* The Department may require testing for tuberculosis at any time of any persons in a program when such testing is deemed necessary for epidemiological investigation.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.35 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 to read as follows:

§ 47.35 Personal hygiene practices; staff and child.

(a) *Hand washing.* Staff and children shall wash hands with soap and water before and after tooth brushing, handling children's toothbrushes, toileting or diaper changes, after contact with a child in ill health, and prior to handling or preparing any food and after playing outdoors.

(b) *Signs.* Hand washing signs provided by or approved by the Department shall be prominently posted in each lavatory and by each sink.

(c) *Individual personal care.* Hair brushes or cloth towels shall not be provided for use. If toothbrushes, combs, or washcloths are provided, each child shall have items for his/her exclusive use and they shall be stored in an individually labeled container[.] or holder. Toothbrushes shall be individually labeled and stored in holders that provide a clean surface and position the bristle end of each toothbrush up to air dry and prevent the toothbrush bristles from touching any surface or touching or dripping onto another toothbrush. Toothbrushes shall be handled and distributed without touching their heads or bristles. At least once a week, toothbrush holders shall be either cleaned with soap and water or replaced. Paper toothbrush holders shall be replaced whenever soiled. Toothbrushes shall be replaced if bristles look frayed or worn, the toothbrush becomes dirty or contaminated, or after an extended period of non-use such as a summer vacation.

(d) *Changes of clothing.* At least one change of weather-appropriate clothing shall be available so that any child who soils clothing may receive a change. Soiled clothing and cloth diapers shall be handled in a manner that protects occupants from exposure to wastes and maintains an appropriately sanitary environment.

(e) *Bathing.* Children shall not be regularly bathed on premises; but shall be washed in case of accidents.

(f) *Self-care/hygiene routines for night child care programs.* Permittees shall establish procedures and policies that [require] permit children to brush teeth at bedtime and after meals; comb hair upon awakening, and follow a routine for toileting, dressing, and undressing.

(g) *Safety precautions relating to blood.* Permittees shall implement the following safety precautions for all staff having any exposure to, or contact with blood:

(1) Disposable gloves shall be immediately available and worn whenever there is a possibility for contact with blood, including but not limited to:

- (A) Changing diapers where there is blood in the stool;
- (B) Touching blood or blood-contaminated body fluids;
- (C) Treating cuts that bleed; and
- (D) Wiping surfaces stained with blood.

(2) In an emergency, a child's safety and well-being shall take priority. A bleeding child shall not be denied care because gloves are not immediately available.

(3) Disposable gloves shall be discarded after each use.

(4) If blood is touched accidentally, exposed skin shall be thoroughly washed with soap and running water.

(5) Clothes contaminated with blood shall be placed in a securely tied plastic bag and returned to the parent at the end of the day.

(6) Surfaces that have been blood stained shall be cleaned and disinfected with a germicidal solution.

(h) *Smoking prohibited.* There shall be no smoking of tobacco or other substances, or use of e-cigarettes, in any indoor or outdoor area of any premises on which a program is located.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Sections 47.37 through 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, be amended to read as follows:

[§ 47.37 Training.

(a) *Educational director/shelter child care liaison responsibility.* The educational director of a child care program and the shelter child care

liaison of a family shelter-based drop-off child supervision program shall arrange for and verify continuing in-service training of all employees and any other staff or volunteers, as required by this Article. The educational director or the liaison may be certified to conduct such training or may designate other teaching staff to obtain such certification and conduct such training. The educational director or shelter child care liaison shall maintain copies of certificates verifying completion of required training; shall document written safety plan training, including dates and times that emergency response drills were conducted, evaluation of staff performance, and recommendations for improvements in training or amendments to the safety plan; and shall make such records available for inspection by the Department.

(b) *All employees.*

(1) *Child abuse and maltreatment.* All employees, and any other staff or volunteers or other persons who have, will have, or have the potential for, unsupervised contact with children in a program, shall receive two hours of training in child abuse and maltreatment identification, reporting, and prevention, and requirements of applicable statutes and regulations. Such training shall be provided by a New York State Office of Children and Family Services certified trainer. New employees shall receive such training within six (6) months of hire. All employees shall receive such training every 24 months.

(2) *Infection control.* All teachers and child supervisors shall receive training in infection control and reporting infectious diseases.

(3) *Emergency procedures.* The permittee shall provide A(ii) (bb)47.37(b)(3)A(iii) annual training to all staff, volunteers and other individuals providing services on a regular basis in the emergency procedures contained in the approved written safety plan, including:

- (i) in-depth review of the provisions of the plan; and
- (ii) announced and unannounced real-time drills demonstrating competency of all staff members in:

- (A) Emergency medical response;
- (B) CPR and first aid proficiency of certified staff
- (C) Critical incident response; and
- (D) Evacuation procedures other than the monthly fire drills required by 24 RCNY § 47.59(d).

(c) *Infant/toddler and night care program staff, and child supervisors.* In addition to the training requirements in paragraph (1) above, infant/toddler and night care program staff and child supervisors shall complete sudden infant death syndrome ("SIDS") and "shaken baby" identification and prevention training.

(d) *Assistant teachers.* Assistant teachers shall complete 15 hours of training every 24 months, including the mandatory child abuse prevention and identification training in paragraph (1), and other subjects related to child health and safety, and early childhood development. The educational director shall develop a training curriculum based on assessment of the professional development needs of individual assistant teachers. The curriculum shall include, but not be limited to, the following topics:

- (1) Preventing, recognizing signs of, and reporting injuries, infectious diseases, other illnesses and medical conditions;
- (2) First aid and CPR;
- (3) Lead poisoning prevention;
- (4) Physical activities, scheduling and conducting guided and structured physical activity;
- (5) Asthma prevention and management;
- (6) Setting up and maintaining staff and child health records including immunizations;
- (7) Growth and child development; including:
 - (A) Early intervention;
 - (B) Early childhood education curriculum development and appropriate activity planning;
 - (C) Appropriate supervision of children;
 - (D) Meeting the needs of children with physical or emotional challenges;
 - (E) Behavior management;
 - (F) Meeting nutritional needs of young children;
 - (G) Parent, staff, and volunteer, communication and orientation: roles and responsibility;
 - (H) The selection of appropriate equipment and classroom arrangement; and

(I) Safety and security procedures for fire safety, emergency evacuation, playgrounds, trips and transportation.

(e) *Child care liaisons and supervisors.* In addition to the other training required by this section, child care liaisons and supervisors shall receive the following training at least every 24 months:

- (1) Mental health first aid training;
- (2) Social-emotional learning training; and
- (3) Family engagement training.

(f) The Department may provide the training required by this section, or any part thereof, or accept training provided by others found satisfactory to the department. All trainers' qualifications must be submitted for review to an agency designated by the Department. Persons who enroll in workshops conducted by the Department may be charged a reasonable fee to defray all or part of the costs incurred by the Department for workshop registration materials, training, testing, and certificate issuance.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.39 Space allowance; reservation for children's use.

(a) *Space for children's exclusive use.* Rooms, areas and other spaces utilized by children in a program shall be reserved for their exclusive use and shall not be shared with other children or adults while the program is in operation.

(b) *Minimum square footage / child.* The minimum allowance of space for each child in a classroom or a room used for a family shelter-based drop-off child supervision program shall be 30 square feet of wall to wall space.

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.41 Indoor physical facilities.

(a) *Egress.* All programs receiving a first permit after January 1, 1989, shall have two means of egress. Fire escapes shall not be counted as a second means of egress.

(b) *No child care or child supervision provided above third floor.* No programs receiving a first permit after January 1, 1989, shall allow children to utilize any rooms, areas or other spaces above the third floor of a building, except that the Department may allow programs to occupy spaces above the third floor where the Department of Buildings and Fire Department have approved such use and the Department has approved the applicant or permittee's evacuation plan.

(c) *Infant / toddler care or supervision limited to first floor.* No infant/toddler care program, or family shelter-based drop-off child supervision program that supervises infants or toddlers, receiving a first permit on or after September 1, 2008, shall provide services in any room, area or other space above the first floor or below the ground level floor of a building, except that the Department may allow such programs to occupy spaces above the first floor or one level below the ground level floor of a building, where the Department of Buildings and Fire Department have approved such use and the Department has approved the applicant or permittee's evacuation plan.

(d) *Basements.* A program receiving a first permit on or after September 1, 2008, shall not allow children to utilize any rooms, areas or other spaces lower than one level below the ground level floor of a building.

(e) *Window guards.* Windows guards shall be installed in accordance with specifications provided or approved by the Department on all windows in all rooms, hallways, and stairwells, except windows giving access to fire escapes.

(f) *Passageways free of obstruction.* All corridors, doorways, stairs, and exits shall be kept unobstructed at all times.

(g) *Protective barriers in stairways.* Protective barriers shall be provided in all stairways used by children. Stairways shall be equipped with low banisters or handrails for use of children. Protective barriers providing visual access shall be installed in lofts used by children.

(h) *Shielding required.* Columns, radiators, pipes, poles, and any other free-standing or attached structures in classrooms and play areas shall have protective guards.

(i) *Door locks.* No door to a bathroom, closet or other enclosed space shall be equipped with a lock that allows the door to be locked from inside the space, except that devices may be used to secure privacy if they can be overridden from the outside in an emergency.

(j) *Finishes and maintenance.* Walls, ceilings and floors shall be finished with non-toxic finishes, constructed of materials enabling thorough cleaning, and maintained in good repair, with no holes, missing tiles, peeling plaster, or other defects.

(k) *Securing entrances and exits.*

(1) *Monitoring.* All interior entrances and exits of the 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 program. Panic bars must be installed on all exterior doors of the facility. 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 facility must be secured with pass key identification or other means that effectively limit access to staff, parents and other authorized persons.

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.37 Training.

(a) *Education director / shelter child supervision liaison responsibility.* The education director of a child care program and the shelter child supervision liaison of a family shelter-based drop-off child supervision program shall arrange for and verify all required training of all teaching staff and shelter child supervision staff. The education director or the shelter child supervision liaison may be certified to conduct such training or may designate other teaching staff or shelter child supervision staff to obtain such certification and conduct such training. The education director or shelter child supervision liaison shall maintain copies of certificates verifying completion of all required training; shall document written safety plan training, including dates and times that emergency response drills were conducted, evaluation of staff performance, and recommendations for improvements in training or amendments to the safety plan. All documents relevant to compliance with this section shall be kept on site and made available to the Department upon request.

(b) *Employees*

(1) *Child abuse, maltreatment, and neglect.* All teaching staff and shelter child supervision staff shall receive at least two hours of training every 24 months in preventing, identifying, and reporting child abuse, maltreatment, and neglect, and requirements of applicable statutes and regulations. Such training shall be provided by a New York State Office of Children and Family Services certified trainer. New teaching and shelter child supervision staff shall receive such training within three months of hire or of the effective date of this rule, whichever is later. Training completed while employed at a different program holding a permit under this Article shall count for purposes of compliance with this subsection. Certificates of completion of all training required pursuant to this subsection shall be kept on site and made available to the Department upon request.

(2) *Infection control, administration of medication, protection from hazards, and additional safety topics.* Within three months of hire or of the effective date of this rule, whichever is later, all teaching staff and shelter child supervision staff shall receive training in infection control, reporting infectious diseases; administration of medication; protection from hazards; handling and storage of hazardous materials; appropriate disposal of biocontaminants; building and physical premises safety; including protection from hazards, bodies of water, and vehicular traffic; and, if applicable, safe transportation of children. Training completed while employed at a different program holding a permit under this Article shall count for purposes of compliance with this subsection. Certificates of completion of all training required pursuant to this subsection shall be kept on site and made available to the Department upon request.

(3) *Emergency procedures.*

(A) Except as provided in Section 47.37(b)(3)(A)(ii) (aa), all new teaching staff and shelter child supervision staff shall receive, within three months of hire or of the effective date of this rule, whichever is later, and, all staff, volunteers, and other individuals regularly providing services shall receive on an annual basis, training in the emergency procedures contained in the approved written safety plan, including:

(i) In-depth review of the provisions of the plan;

(ii) Announced and unannounced real-time drills demonstrating competency of all staff members in:

(aa) Emergency medical response, including:

(1) Pediatric CPR and pediatric first aid training approved by the Department. Such training is required only for staff and must be completed before staff begin providing services or within three months of the effective date of this rule, whichever is later, and every two years thereafter. Upon application for a new permit or for renewal of an existing permit, for those staff whose presence will be used for compliance with Section 47.23 of this Article, such training must include successful completion of hands-on skill tests and certification; and

(2) Administration of epinephrine auto-injector. Such training is required only for those staff selected by the permittee for compliance with Section 47.29(c) of this Code; and

(bb) Emergency preparedness and response planning for emergencies resulting from natural disasters or a human-caused events, including procedures for evacuation other than the monthly fire drills required by Section 47.59(d) of this Code, relocation, shelter-in-place and lockdown, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of infants, toddlers, and children with disabilities or chronic medical conditions. This training shall include response to critical incidents such as

- (1) Loss of a child;
- (2) Situation requiring lockdown;
- (3) Gas, sewer, or water main break; and
- (4) Extreme weather event; and

(B) Training completed while employed at a different program holding a permit under this Article shall count for purposes of compliance with this subsection. Certificates of completion of all training required by this subsection shall be kept on site and made available to the Department upon request.

(4) SIDS, safe sleep practices, and abusive head trauma ("shaken baby syndrome"). All child care program staff and shelter child supervision staff shall complete sudden infant death syndrome ("SIDS"), safe sleep practices, and "shaken baby syndrome" identification and prevention training before beginning to provide services or within three months of the effective date of this rule, whichever is later. Certificates of completion of such training shall be kept on site and made available to the Department upon request.

(5) Tooth brushing. All teaching staff providing care to children ages two and older, and all shelter child supervision staff, shall receive training in tooth brushing within one year of hire or of the effective date of this rule, whichever is later. Certificates of completion of such training shall be kept on site and made available to the Department upon request.

(6) Additional topics.

(A) All teaching staff and shelter-based child supervision staff shall receive training every 24 months on the following topics:

- (i) Cognitive social, emotional, and physical development;
- (ii) Family engagement; and
- (iii) Mental health first aid for children.

(B) All teaching staff shall complete at least 15 hours of training every 24 months, including the mandatory child abuse prevention and identification training in paragraph (1), and other subjects related to child health and safety, and early childhood development. The educational director shall develop a training curriculum based on assessment of the professional development needs of individual assistant teachers. The curriculum shall include, but not be limited to, the following topics:

- (i) Preventing, recognizing signs of, and reporting injuries, infectious diseases, lead poisoning, asthma, and other illnesses and medical conditions;
- (ii) Providing first aid and CPR;
- (iii) Scheduling and conducting guided and structured physical activity;
- (iv) Setting up and maintaining staff and child health records including records of immunizations;
- (v) Growth and child development; including:
 - (aa) Early intervention;
 - (bb) Early childhood education curriculum development and appropriate activity planning;
 - (cc) Appropriate supervision of children;
 - (dd) Meeting the needs of children with physical or emotional challenges;
 - (ee) Behavior management;
 - (ff) Meeting nutritional needs of young children;
 - (gg) Parent, staff, and volunteer, communication and orientation regarding roles and responsibilities;
 - (hh) The selection of appropriate equipment and classroom arrangement; and
- (ii) Safety and security procedures for fire safety, emergency evacuation, playgrounds, trips, and transportation.

(C) Certificates of completion of such training shall be kept on site and made available to the Department upon request.

(c) The Department may provide the training required by this section, or any part thereof, or accept training provided by others found satisfactory to the Department. All trainers' qualifications must be submitted for review to an agency designated by the Department. Persons who enroll in workshops conducted by the Department may be charged a reasonable fee to defray all or part of the costs incurred by the Department for workshop registration materials, training, testing, and certificate issuance.

(d) The Department may promulgate rules to specify how permittees shall comply with this section.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.39 Space allowance; reservation for children's use.

(a) Space for children's exclusive use. Rooms, areas and other spaces utilized by children in a program, including bathrooms, shall be reserved for their exclusive use and shall not be shared with other children or adults while the program is in operation.

(b) Minimum square footage/child. The minimum allowance of space for each child in a room/area separated from other rooms/areas by a physical barrier shall be 30 square feet of wall to wall space.

(Amended City Record 9/20/2017, eff. 10/10/2017)

§ 47.41 Indoor physical facilities.

(a) Egress. All buildings in which child care or supervision is provided by programs that received their first permit after January 1, 1989, shall have two unobstructed means of egress, separated by at least half the diagonal dimension of the occupied space of the building or as otherwise specified by applicable building code. Fire escapes shall not be counted as means of egress.

(b) No child care or child supervision provided above third floor. No programs receiving a first permit after January 1, 1989, shall allow children to utilize any rooms, areas or other spaces above the third floor of a building, except that the Department may allow programs to occupy spaces above the third floor where DOB and FDNY or other appropriate government entities have approved such use and the Department has approved the applicant or permittee's evacuation plan.

(c) Infant/toddler child care or supervision limited to first floor. No infant/toddler child care program, or family shelter-based drop-off child supervision program that supervises infants or toddlers, receiving a first permit on or after September 1, 2008, shall provide services in any room, area or other space above the first floor or below the ground level floor of a building, except that the Department may allow such programs to occupy spaces above the first floor or one level below the ground level floor of a building, where DOB and FDNY or other appropriate government entities have approved such use and the Department has approved the applicant or permittee's evacuation plan.

(d) Basements. A program receiving a first permit on or after September 1, 2008, shall not allow children to utilize any rooms, areas or other spaces lower than one level below the ground level floor of a building.

(e) Window guards. Windows guards shall be installed in accordance with specifications provided or approved by the Department on all windows in all rooms, hallways, and stairwells, except windows giving access to fire escapes.

(f) Passageways free of obstruction. All corridors, doorways, stairs, and exits shall be kept unobstructed at all times.

(g) Protective barriers in stairways. Protective barriers shall be provided in all stairways used by children. Stairways shall be equipped with low banisters or handrails for use of children. Protective barriers providing visual access shall be installed in lofts used by children.

(h) Shielding required. Columns, radiators, pipes, poles, and any other free-standing or attached structures in classrooms and play areas shall have protective guards.

(i) Door locks. No door to a bathroom, closet or other enclosed space shall be equipped with a lock that allows the door to be locked from inside the space, except that such devices may be used to secure privacy if they can be overridden from the outside in an emergency, and may otherwise be used as required for compliance with applicable law or regulations regarding lockdown procedures.

(j) Finishes and maintenance. Walls, ceilings and floors shall be finished with non-toxic finishes, constructed of materials enabling thorough cleaning, and maintained in good repair, with no holes, missing tiles, peeling plaster, or other defects.

(k) Securing entrances and exits.

(1) Monitoring. All interior entrances and exits of the 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 program. Panic bars must be installed on all exterior doors of the facility. 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 facility must be secured with pass key identification or other means that effectively limit access to staff, parents and other authorized persons.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.43 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 to read as follows:

§ 47.43 Plumbing; toilets, hand wash, and diaper changing facilities.

(a) Plumbing installation. Plumbing shall be installed only by a licensed plumber and shall be free of cross-connections and other hazards to health. Drinking water from faucets and fountains shall be tested for lead content by an existing permittee upon the effective date of this provision or by a new permittee within 60 days of receiving a permit and by all permittees every five years thereafter using a method approved by the Department. Copies of test results must be sent to the Department upon receipt by mail, email or fax and the permittee shall investigate and take remedial action if lead levels at or above 15 parts per billion (ppb) are detected. Remedial action must be described in a corrective action plan to be submitted to the Department with reports of elevated test results. Until remedial action is completed, the permittee must provide and use bottled potable water from a source approved by the Department or the State Department of Health.

(b) Adequate toilets and sinks to be provided. One toilet and one hand wash sink shall be provided for every 15 children ages 24 months and older, or fraction thereof, based on permit capacity. When an extended hand wash facility is equipped with several faucets supplying tempered water, each faucet shall be considered the equivalent of one hand wash sink.

(c) Located near children's rooms. Toilets and hand wash sinks shall be located as close as practicable to children's playrooms and classrooms.

(d) Staff toilets. Separate adult toilets shall be provided for staff.

(e) Sink water supply. Hand wash sinks with an adequate supply of hot and cold running water shall be provided in or adjacent to toilets. Water temperature in hand wash sinks used by children shall not exceed 115 degrees Fahrenheit (46.11 degrees Celsius).

(f) Accessibility to children. Toilets and hand wash sinks shall be installed at a height that allows unassisted use by children. If adult-size toilets or hand wash sinks are in place, platforms with easily cleaned surfaces shall be provided for use by children. Such platforms shall be permanently installed securely affixed to a permanent structure and free of hazards.

(g) Soaps and drying devices. All sinks shall be equipped with liquid soap dispensers, individual paper towels or sanitary driers, located within easy reach of the children.

(h) Diaper changing.

(1) A firm, non-absorbent, easily cleanable, counter height surface directly adjacent to a sink with running hot and cold water shall be provided in or adjacent to the classroom for diaper changing when needed.

(2) A disposable covering shall be provided on diaper changing counters and shall be changed after each use. The counter surface shall be disinfected after each use.

(3) A readily accessible receptacle with secure lid and removable plastic liner shall be provided for the disposal of diapers; separate equipment shall be provided for cloth diapers, if used. A properly labeled spray bottle of approved disinfectant shall be provided.

(4) Staff changing diapers shall wear disposable rubber or other barrier gloves.

(5) Potties shall be used only in bathroom or toilet facilities, and shall be washed and disinfected after each use in a designated utility sink that is not used by staff or children as a hand wash sink.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.45 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 to read as follows:

§ 47.45 Ventilation and lighting.

(a) Ventilation. Ventilation, by natural or artificial means, shall be provided in each room used by children. Internal temperature and humidity shall be regulated so the facility is free of nuisance conditions, including, but not limited to excessive heat, dust, fumes, vapors, gases, odors or condensate. The windows, inlets, outlets and

artificial ventilation shall be located and the rate of air flow shall be controlled so as not to subject the children to drafts.

(b) Lighting. All parts of a building used for the care or supervision of children shall be adequately lighted by natural or artificial means. All lighting shall be evenly distributed and diffused, free from glare, flickering or shadows. The following lighting levels shall be provided and maintained at children's activity level:

(1) Fifty foot-candles of light in all classrooms used for partially sighted children;

(2) Thirty foot-candles of light in all other classrooms, study halls or libraries;

(3) Twenty foot-candles of light in recreation rooms;

(4) Ten foot-candles of light in auditoriums, cafeterias, locker rooms, washrooms, corridors containing lockers;

(5) Five foot-candles of light in open corridors and store rooms; and

(6) Five foot-candles of light shall be provided during sleeping hours in bathrooms, sleeping areas and exit paths.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.47 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 to read as follows:

§ 47.47 Outdoor play areas and facilities.

(a) Adequate, easily accessible outdoor play areas shall be provided at child care programs and may be provided at family shelter-based drop-off child supervision programs. They shall be kept clean and safe, and shall be suitable for children's use.

(b) Outdoor play areas located on the premises of a facility shall be enclosed by climb-proof fencing that is a minimum of five (5) feet in height. No razor or barbed wire shall be used at the top of a fence, unless the fence is more than six and one half (6-1/2) feet in height.

(c) Rooftop play areas may be provided in fireproof buildings, when such use is approved by the Department, [the Department of Buildings] DOB, and the Fire Department [FDNY or other appropriate government entities]. Rooftop play areas shall be enclosed by a climb-proof fence, at least 10 feet in height with an additional 45° inwardly angled panel.

(d) Outdoor equipment, including, but not limited to, swings, slides, and climbing apparatus, shall be age and developmentally appropriate, shall be installed, maintained and used in accordance with manufacturers' specifications and instructions, approved by the U.S. Consumer Product Safety Commission, and maintained in good repair.

(e) Outdoor play areas shall be maintained free of broken glass or other debris, poison ivy or other poisonous vegetation, pest harborages, or other hazards.

(f) Resilient surfaces, approved by the U.S. Consumer Product Safety Commission, that do not contain asphalt or cement, shall be provided under and surrounding climbing and other elevated equipment.

(g) Play equipment shall be in good repair, and free from hazards such as sharp edges or pointed parts, or toxic or poisonous finishes or materials, including but not limited to, lead and arsenic.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.49 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 to read as follows:

§ 47.49 General sanitation and maintenance.

(a) Maintenance. Indoor and outdoor rooms, play areas, and other spaces, including cellars, basements, and adjoining yards and courts, and all furnishings and equipment shall be kept clean of food and debris and maintained in good condition. Interior rooms used by children shall not be cleaned by dry sweeping in the presence of children.

(b) Trash and garbage. Trash and garbage shall be stored in rodent proof containers with tightly fitted lids. Trash, garbage, and combustible materials shall not be stored in the furnace or boiler rooms or in rooms or outdoor areas adjacent to the facility that are ordinarily occupied by or accessible to children.

(c) Toxic and poisonous materials to be contained. All matches, lighters, medicines, drugs, cleaning materials, detergents, aerosol cans and other poisonous or toxic materials shall be stored in their original containers. Such materials shall be used in such a way that they will not contaminate play surfaces, equipment, food or food preparation areas or constitute a hazard to children. Such materials shall be kept in places that are inaccessible to children, and that can be securely locked.

(d) *Environmentally sensitive cleaning products.* Whenever feasible, programs shall utilize environmentally sensitive cleaning products, as defined in State Education Law § 1409-i, or successor statute.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.51 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 to read as follows:

§ 47.51 Rodents, insects and other pests prohibited; pesticide application notice.

(a) *Pest free premises.* Premises shall be kept free of rodents, insects and other pests and free of any condition conducive to rodent, insect and other pest life.

(b) *Pest control.* Pest control methods shall emphasize prevention of pest infestation by preventing the free movement of pests into, and within the premises and by eliminating the conditions conducive to pests such as clutter and the availability of food and water. Such methods shall include, but not be limited to: closing and filling holes, cracks, and gaps at baseboards, where plumbing, radiator and other pipes and conduits enter the premises, where food storage cabinets join walls, and where shelves meet food storage cabinet interiors, using plaster, spackle, caulk or other appropriate sealants; storing all food products in sealed insect and rodent proof containers; installing door sweeps to prevent pest movement between rooms and areas. When necessary to control pests, permittees shall utilize pest control services provided by exterminators certified to apply pesticides by the New York State Department of Environmental Conservation (NYSDEC). Extermination logs shall be kept on site and maintained for inspection by the NYSDEC. Permittees shall request that exterminators utilize the least toxic methods and substances to control infestations, including but not limited to the use of: boric acid, diatomaceous earth, silica gel, insecticidal baits and gels for cockroaches; and shall not utilize glue traps [and or rodenticidal bait [only if] unless inserted in tamper-resistant containers and placed in locations inaccessible to children. Routine extermination shall not include the use of insecticidal aerosol sprays or foggers. Exterminators' logs of pesticide applications equivalent in content to NYSDEC Form 44-15-26 (Applicator/ Technician Pesticide Report) shall be kept on site for three years and made available to [maintained for inspection by] the Department [for three years] upon request.

(c) *Notice of pesticide applications.* Notice of pesticide applications shall be provided to parents not less than 48 hours before such application and shall include: (1) location and specific dates of applications; (2) pesticide product name and U.S. EPA registration number; (3) the name and telephone number of a program staff person to contact for more information; and (4) the following statement: "This notice is to inform you of a pending pesticide application at this child care program/family shelter-based drop-off child supervision program. You may wish to discuss with a representative of the child care program/family shelter-based drop-off child supervision program what precautions are being taken to protect your child from exposure to these pesticides. Further information about the product or products being applied, including any warnings that appear on the label of the pesticide or pesticides that are pertinent to the protection of humans, animals, or the environment, can be obtained by calling the National Pesticide Telecommunication Network Information line at 1-800-858-7378 or the NYS Department of Health Center for Environmental Health Info Line at 1-800-458-1158."

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.53 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 to read as follows:

§ 47.53 Pet animals.

No reptiles, dogs, cats, [and] or any other animals whose possession is prohibited by [24 RCNY §] Section 161.01 of this Code, or successor rule, shall be harbored in a facility. Any animals that are harbored in a facility shall be in good health, show no evidence of carrying any disease, and shall pose no threat to children. Pets shall be kept in cages, and waste material within cages shall be cleaned daily or more often, if needed.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 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 to read as follows:

§ 47.55 Equipment and furnishings.

(a) *Furnishings.* Tables, chairs, furniture and equipment shall be age and size appropriate, finished with non-toxic surface coverings, easily cleanable, and cleaned and sanitized as needed, in a manner consistent with the health and safety of the children in the program.

(b) *Naps.*

(1) A separate firm sanitary cot, crib, mat, playpen or other sleeping arrangement specifically approved by the Department shall be provided for each child who spends more than four hours a day in the program.

(2) Stackable cribs shall be prohibited.

(3) Cots or other sleep equipment shall be placed at least two feet apart unless separated by a screen or partition.

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

(5) A clean sheet shall be provided for the exclusive use of each child.

(6) Blankets that are sufficient to maintain adequate warmth shall be made available for each child and shall be used when necessary.

(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.

(c) *Space for clothing.* Space shall be provided and arranged so that each child's outer garments may be hung separately, safely and within each child's reach.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.57 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 to read as follows:

§ 47.57 Safety; general requirements.

(a) *Telephone service.* The permittee shall provide and maintain at least one dedicated land line listed telephone for emergency use, and shall conspicuously post adjacent to the telephone current telephone numbers and instructions for obtaining fire, police and emergency medical assistance, contacting the Department's poison control hotline and Bureau of Child Care, or successor program, and the SCR child abuse hotline.

(b) *Eliminate safety hazards.* Precautions shall be taken to eliminate all conditions in areas accessible to children that pose a safety or health hazard.

(c) *Choking hazards.* Handbags, backpacks, briefcases, or other personal items belonging to adults or children, plastic bags, toys and objects small enough for children to swallow shall be stored in manner that they are not accessible to children.

(d) *Cold weather.* When outdoor temperatures are below 55°F, and children are on premises, permittees shall maintain indoor air temperatures between 68°F and 72°F in all rooms, areas and other spaces used by children.

(e) *Heat advisories.* On designated heat advisory, excessive heat warnings or watches, or ozone or other air pollution advisory days, the permittee shall maintain physical comfort levels of children and staff by providing adequate facility ventilation and/or air conditioning. The permittee shall implement policies to increase children's fluid intake and facilitate adequate hydration. Activities shall be modified to protect children from heat associated disorders and conditions, including but not limited to heat stress and heat strain, and scheduled activities shall be otherwise restricted or cancelled in response to restrictions or recommendations of the New York City Office of Emergency Management or the National Weather Service. During severe weather or other advisories, the permittee shall take appropriate action to protect the safety and health of children, including but not limited to, early dismissal, closing of the program, and employing appropriate precautions during transportation. Such precautions shall be described in the written safety plan.

(f) *Approved areas to be used.* Children shall not be kept for any period of time in any areas of a building or other premises not previously approved by the Department and by [the New York City Fire Department and Department of Buildings] FDNY and DOB or other appropriate government entities for such use. Such approval shall not be granted by the Department unless the premises and the area surrounding the premises are free from fire, traffic, and other safety or health hazards.

(g) *Environmental hazards.* Programs obtaining a first permit after September 1, 2008, shall not be co-located in any building or other premises containing commercial or manufacturing establishments associated with environmental hazards including, but not limited to those associated with dry cleaners, gas stations and petrochemical storage and distributors, automotive dealerships/maintenance or repair facilities, commercial printing, industrial/manufacturing plants and machine/equipment servicing, nuclear laboratories or power plants, or on premises identified as a federal or state superfund or other cleanup site, or any property with known contaminated ground or water supplies. No permit shall be issued or renewed for any program located in any building or other premises unless such building or premises are free of environmental hazards including but not limited

to those identified above, or any other condition dangerous to life and health. When the permittee or the operators or other persons in control of any premises occupied by any program learn of a current or prior commercial activity or condition that may result in potential exposure to environmental hazards, such persons shall submit written notification on a form provided by or satisfactory to the Department of the existence of such activity or condition. When the Department determines that a condition may expose children or other persons to environmental hazards at the premises occupied by any program, it may order the abatement or remediation of such condition. In such cases as it deems necessary the Department may conduct and/or order the owner or other persons in control of the premises occupied by the program to conduct an environmental assessment consisting of but not limited to environmental sampling and to take such other action as it deems essential to protect the public health.

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

(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 program. 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 facility.

(2) *Notification to parents.* The permittee must notify parents that the Health Code requires that no child is permitted to leave the program at any time with any person whose name is not on file at the program as an authorized escort. If any other person appears to escort a child out of the program, the permittee must immediately verify with the parent that the parent has authorized the escort before allowing the child to leave the program.

(i) *Instructional swimming and aquatic activities.* Programs shall obtain written approval of the Department prior to offering any swimming or other aquatic activities. Aquatic activities for group child care programs or family shelter-based drop-off child supervision programs are limited to learn to swim or water safety programs that use a supervision protocol approved by the State Commissioner of Health to protect children from injury or drowning. When authorized by the Department, such activities shall be conducted in accordance with the program's written safety plan and the following requirements:

(1) *Facilities and equipment.*

(A) Programs may utilize only swimming pools operating, pursuant to a permit issued by the Department, or other State permit issuing official, in accordance with Article 165 of this Code and Subpart 6-1 of the New York State Sanitary Code, or successor regulations.

(B) Swimming at bathing beaches, spa pools and in "fill and draw" pools is prohibited.

(C) Swimming pools or other bodies of water within the grounds of a facility shall be surrounded by a barrier sufficient to form an obstruction to children having access to such body of water in accordance with Article 165 of this Code.

(D) Barrier walls, fences and gates shall be at least six (6) feet high, except for wading pools, which shall be enclosed by barriers at least four (4) feet high, and shall be firmly attached to the adjacent ground, and shall completely enclose the pool or body of water.

(E) Pathways, walkways, decks, or other connecting entrance to the pool or body of water shall be obstructed by barriers that prevent children from having access to the pool or body of water.

(2) *Supervision: aquatic staff responsibilities and qualifications.*

(A) At least one qualified lifeguard shall be provided by the pool or the program for every 25 children or portion thereof and for every 3,400 square feet of pool surface area. Qualified lifeguards, as defined in Article 165 of this Code, shall actively supervise children participating in swimming and aquatic activities, as detailed in the written safety plan, and shall not be engaged in any other duties or activities that distract them from direct supervision of children in the pool.

(B) The permittee shall identify an employee to act as an aquatics director responsible for direct supervision of all swimming and aquatic activities. The aquatics director shall be present during all swimming and aquatic activities; shall establish and oversee all such activities on and off-site; and shall supervise all staff, volunteers, and children participating in these activities.

(C) During all swimming and aquatics activities, the aquatics director or designee shall have in his or her possession the approved written safety plan; and shall maintain for each swimming session an accountability system detailed in the written safety plan and approved by the Department for recording the name of each child, the swimming area to which the child is assigned, the adult to whom

the child is assigned in the swimming area, and the dates and times of initiation and cessation of aquatic and swimming activities.

(D) The aquatics director shall:

(i) be at least 18 years of age;

(ii) possess either: a current [cardiopulmonary resuscitation (CPR)] certificate, not exceeding one year in duration, in CPR for the Professional Rescuer issued by the American Red Cross (ARC); or a current CPR certificate, not exceeding one year in duration, issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of CPR training; and

(iii) be either:

(aa) a progressive swimming instructor who is a currently certified ARC water safety instructor or possesses a current certificate issued by certifying agency determined by the State Commissioner of Health to provide an adequate level of similar training; or

(bb) a qualified lifeguard, as specified in the New York State Sanitary Code § [7-2.5(g)], or successor regulation, who meets lifeguarding, first aid and CPR certification requirements detailed in Part 6 of the State Sanitary Code including minimum lifeguard supervision level IIa.

(E) The permittee shall restrict swimming and aquatic activities to group sizes [per 24 RCNY §] consistent with Sections 47.23(e)(f) and 165.15 of this Code.

(F) At least one progressive swimming instructor (PSI) shall be provided by the pool or permittee during all learn-to-swim programs, and shall provide instruction to no more than 10 children in the water at one time. A PSI shall be in the water at all times with the children and shall not be engaged in any other duties or activities that distract from direct instruction of children in the pool. The PSI shall be:

(i) at least [eighteen (18)] years of age; and

(ii) be a water safety instructor currently certified by the American Red Cross, or possess a current certificate issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of similar training; and

(iii) possess either: a [current cardiopulmonary resuscitation (CPR)] certificate, not exceeding one year in duration, in CPR for the Professional Rescuer issued by the American Red Cross (ARC); or a current CPR certificate, not exceeding one year in duration, issued by a certifying agency determined by the State Commissioner of Health to provide an adequate level of CPR training.

(G) There shall be at least one staff member, parent, [or] volunteer, or PSI located in the water in close proximity to children in the water, so as to provide immediate assistance to children in distress, with direct visual surveillance of:

(i) every two children in water that is less than chest deep as measured on the children; or

(ii) every one child in water that is greater than chest deep as measured on the children; or

(iii) every three children in the water if children are wearing non-inflatable, properly fitted flotation devices that are secured to their bodies. [

(iv) The PSI may be included in the above staff:child ratios.]

(H) Staff members, parents, or volunteers in the water shall not be engaged in any other duties or activities that distract from direct supervision and support of children in the pool, and shall:

(i) be at least [eighteen (18)] years of age.

(ii) have their ability to swim established by the PSI prior to supervising children in the water. The PSI must assess their swimming capability, record the results, and incorporate them in the written safety plan which is maintained on file by the permittee.

(I) Learn-to-swim programs shall operate in water less than chest deep for all PSI, staff members, parents, and volunteers in the water.

(J) At least one staff member certified in [infant, child or] pediatric CPR shall be present during all swimming and aquatic activities.

(3) *Child safety.*

(A) Children under 3 years of age are prohibited from participating in all swimming and aquatic activities.

(B) The written safety plan shall incorporate the safety requirements and supervision procedures applicable to swimming activities.

(C) An accountability system for supervising and accounting for children shall be established and detailed in the written safety plan

approved by the Department, and shall be established for supervising and accounting for children, that shall include, but not be limited to:

(i) an accountability system which identifies each child by name, the swimming area to which the child is assigned, the adult to whom the child is assigned in the pool, and a record of the dates and times of initiation and cessation of aquatic and swimming activities.

(ii) accountability checks of the children are made at least every 15 minutes and results recorded in an accountability log or in accordance with the accountability system detailed in the program's written safety plan approved by the Department. Any logs maintained in connection with this requirement shall be kept on site and made available to the Department upon request.

(D) The program's written safety plan shall specify duties of all staff in case of swimming and aquatic activity emergencies, including but not limited to emergency procedures for "lost swimmers."

(E) Prior to each swimming and aquatic activity, the aquatics director shall meet with all staff and volunteers assigned to the activity and review their roles and duties at the area, including the children to whom each adult is assigned, and emergency procedures for "lost swimmers."

(F) Prior to every trip to an off-site swimming facility not owned by the program, the permittee shall obtain and maintain on file for each child a written consent from a parent or guardian. A consent form approved by the Department shall be incorporated in the written safety plan and shall include the child's name and age, the destination and type of activities authorized during the field trip, and the date of the trip.

(j) *Taking children off-site.* When scheduling off-site trips or activities, the permittee must designate from among the staff accompanying the children on the trip or activity a staff member to serve as a trip coordinator. The trip coordinator is responsible for overall child supervision and must accompany each group of children when they go to off-site locations. Staff/child ratios for each group on the trip or participating in the activity must be at least the same as the ratios required by [24 RCNY §] Section 47.23 of this Code.

(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/child ratios required by [24 RCNY §] Section 47.23 of this Code. The duties of the trip coordinator and instructions for determining the number of additional staff must be included in the program'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 facility, upon arrival at the offsite location, at periodic intervals while at the location, before departing from the location and upon arrival back at the facility.

(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 program, but shall not include any child's given or family name.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.43 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 to read as follows:

§ 47.59 Fire safety.

(a) All exits shall have clear and legible illuminated exit signs. All exit signs and emergency lighting shall be maintained in working condition.

(b) Programs shall have approved fire extinguishers in good working order and have them inspected as required by the Fire Department.

(c) In a program holding a permit for more than 30 children, an approved interior fire alarm system shall be provided. All programs applying for a new permit or that are located in premises undergoing material alterations must be equipped with Fire Department approved interior fire alarm systems. Infant-toddler child care programs, and family shelter-based drop-off child supervision programs that supervise infants or toddlers, obtaining a new permit or that are located in premises undergoing material alterations must be equipped with a sprinkler system that complies with the New York City Building Code.

(d) Fire drills shall be conducted monthly and logged. Such logs shall be kept on site and made available to the Department and the [for] Fire Department [inspection] upon request.

(e) Heating apparatus shall be equipped with adequate protective guards. Space heaters shall not be used.

(f) Premises shall be free of electrical, chemical, mechanical and all other types of hazards.

(g) Smoke and carbon monoxide detectors with audible alarms shall be provided in accordance with applicable law or as required by the Department or the Fire Department, and shall be maintained in working condition.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 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, be amended to read as follows:

§ 47.61 Food and food safety.

(a) Food shall be stored, served to, and prepared for children in accordance with Article 81 of this Code, except that no additional permit to operate a food service establishment shall be required. The permittee shall designate as a supervisor of food service operations a person who has a certificate in food protection issued, pursuant to [24 RCNY §] Section 81.15(a)(1) or (2) of this Code, or successor rule. Such person shall be on premises to supervise all food storage, preparation, cooking, holding, and cleaning activities, whenever such activities are in progress.

(b) Food supplied to children shall be wholesome, of good quality, properly prepared in accordance with nutritional guidelines provided or approved by the Department, age-appropriate in portion size and variety, and served at regular hours at appropriate intervals.

(1) Beverages with added sweeteners, whether artificial or natural, shall not be provided to children.

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

(3) When milk is provided, children ages two and older shall only be served milk with 1% or less milk-fat unless milk with a higher fat content is medically required for an individual child, as documented by the child's medical provider.

(4) Water shall be made available and shall be easily accessible to children throughout the day, including at all meals. Potable drinking water supplies shall be located in or near classrooms and playrooms. Except when bubbler fountains are used, individual disposable drinking cups shall be provided within reach of children. If bubbler fountains are used, they shall be of the angle jet type with suitable guards and shall have water pressure sufficient to raise the water high enough above the spout to avoid contamination.

(5) Any special diet shall be provided only in accordance with a note from a physician.

(6) The provisions of this subdivision shall not apply to programs operated by a religious organization in instances where religious dietary requirements would be inconsistent with such provisions.

(c) When parents or other responsible persons provide meals, such foods shall be properly refrigerated and the operator shall provide such persons with age-appropriate nutritional guidelines approved or provided by the Department.

(d) Milk shall be stored at a temperature below 41 degrees Fahrenheit, may not be kept beyond its expiration date, and may not be dispensed or served by children except under adequate supervision.

(e) Dry food shall be stored in insect and rodent-proof containers.

(f) All utensils, dishes and other materials used in association with food shall be properly cleaned and sanitized as required by the Department or disposed of after each use.

(g) Feeding bottles shall be marked with the child's full name and date of preparation.

(h) Unused portions of formula milk and/or baby food shall be discarded after each feeding or meal.

(i) Bottles shall not be propped or kept by children while sleeping. No styrofoam cups shall be used by children two years or younger.

(j) The food service at a night child care program shall be provided as follows:

(1) Evening meals shall be served at the same time daily.

(2) Breakfast shall be provided for all children who have been at the facility through the night and are present between 6 a.m. and 8 a.m.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.63 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 to read as follows:

§ 47.63 Lead-based paint restricted.

(a) *Peeling lead-based paint prohibited.*

(1) There shall be no peeling lead-based paint or peeling paint of unknown lead content on any surface in a facility.

(2) Peeling lead-based paint and peeling paint of unknown lead content shall be immediately abated or remediated upon discovery by the permittee, or the owner of a building in which a program is located, regardless of whether there has been an inspection or order issued by the Department, in accordance with [24 RCNY §] Section 173.14 of this Code.

(3) When there has been an order to abate or remediate lead-based paint hazards issued by the Department, the permittee, or the owner of the building in which the program is located shall use only the methods specified in such order.

(4) When the Department finds a lead-based paint hazard as defined in [24 RCNY §] Section 173.14(b) of this Code, or a lead dust hazard as defined in EPA 40 C.F.R. 745.227(h)(3)(i), on the interior of the facility, or concentrations of lead in the paint of the exterior surfaces of the facility, that may be creating a danger to health, it may in such cases as it deems essential, order the abatement or remediation of any such condition in a manner and under such safety conditions as it may specify. The Department may also order the removal or covering of soil appurtenant to any facility when it determines that there are concentrations of lead in such soil which exceed allowable limits of the U.S. Environmental Protection Agency published in 40 C.F.R. Part 745 or successor regulations and further determines that such concentrations may be dangerous to health.

(5) The work practices of [24 RCNY §] Section 173.14 of this Code shall not apply to repair and maintenance work in a facility which disturbs surfaces of less than two (2) square feet of peeling lead-based paint per room or ten (10%) percent of the total surface area of peeling paint on a type of component with a small surface area, such as a window sill or door frame.

(6) Maintenance staff workers in facilities that contain lead based paint or paint of unknown lead content, and who regularly do repair work that may disturb such paint, shall attend a HUD/EPA approved 8-hour course on lead safe work practices in accordance with [24 RCNY §] Section 173.14(2)(b) of this Code.

(7) Children shall not be present and shall not have access to any room undergoing abatement, remediation or other work which disturbs lead-based paint or paint of unknown lead content until after completion of final clean-up and clearance dust testing.

(8) The permittee, or the owner of a building in which a program is located, in which paint has not been tested by X-ray fluorescent (XRF) analysis by or on behalf of the Department for lead content, may object to an order issued to remediate peeling lead-based paint or peeling paint of unknown lead content, by submitting evidence satisfactory to the Department that the surface of any component cited in the order as requiring remediation does not contain lead-based paint, as follows:

(A) Such evidence shall consist of a sworn written statement by the person who performed the testing on behalf of the permittee, or building owner supported by: lead-based paint testing or sampling results, including a description of the testing methodology and manufacturer and model of instrument used to perform such testing or sampling; a copy of the certificate of training of the certified lead-based paint inspector or risk assessor; a copy of the inspection report of the inspector or risk assessor, including a description of the surfaces in each room where such testing or sampling was performed; and a copy of the results of XRF testing and/or such laboratory tests of paint chip samples performed by an independent laboratory certified by the state of New York where such testing has been performed.

(B) Such written statement and all supporting documentation shall be submitted to the department not later than [thirty (30)] days before the date set for compliance with an order to remediate, and shall only be submitted where the Department has not performed an XRF test prior to issuing such order. Receipt by the Department of a complete application in accordance with this paragraph including such written statement and such supporting documentation shall toll the time period to comply with the order. Receipt of an incomplete application shall not toll the time period for compliance with the order.

(C) The Department shall notify the applicant of its determination in writing, and, if the Department rejects the application, such notice shall set a date for compliance.

(D) The performance of lead-based paint testing shall be in accordance with the definition of lead-based paint established in [24 RCNY §] Section 173.14 of this Code. Laboratory analysis of paint chip samples shall be permitted only where XRF tests fall within the inconclusive zone for the particular XRF machine or where the configuration of the surface or component to be tested is such that an XRF machine cannot accurately measure the lead content of such surface or component. Laboratory tests of paint chip samples, where performed, shall be reported in mg/cm², unless the surface area of a paint chip sample cannot be accurately measured, or if an accurately measured paint chip sample cannot be removed, in which circumstance the laboratory test may be reported in percent by weight. Where paint chip sampling has been performed, the sworn written statement by the person who performed the testing shall include a statement that such

sampling was done in accordance with 40 CFR § [745.227 or successor provision.

(E) Testing for lead-based paint may only be conducted by a person who has been certified as a lead-based paint inspector or risk assessor in accordance with subparts L and Q of 40 CFR part 745 or successor provisions and such testing shall be performed in accordance with 40 CFR § 745.227(a) and (b) or successor provisions.

(b) *Child care programs in operation prior to May 1, 1997.* No child care program permit shall be issued or renewed, unless all interior window sills and window wells accessible to children, chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces, and such other surfaces in the facility as may be determined by the Department, containing or covered with lead-based paint or paint of unknown lead content shall have been abated or remediated in accordance with [24 RCNY §] Section 173.14 of this Code or as otherwise directed by the Department.

(c) *Programs commencing operation on or after May 1, 1997.* No program which received its first permit or which, if no permit was previously required, commenced operation after May 1, 1997, shall be issued a permit where there is lead-based paint on any interior surface in its facility.

(d) All paint or other similar surface coating material on furniture and equipment shall be lead-free.

(e) *Annual survey.* Each year the permittee operating a program in which any surfaces are covered with lead-based paint or paint of unknown origin shall conduct a survey of the condition of all such surfaces, note the results of the survey on a form provided by or satisfactory to the Department, and shall provide to the Department a copy of the results of such survey. Submission of such survey shall be on or before the permit issuance date, or the anniversary thereof. Copies of such survey results may be submitted by mail, fax or electronically.

(f) *Declaration, pursuant to Administrative Code § [17-145.* The existence of a lead-based paint hazard in a facility, or failure to comply with this Section or [24 RCNY §] Section 173.14 of this Code in correcting such hazard, is hereby declared to constitute a public nuisance and a condition dangerous to life and health, pursuant to § [17-145 of the Administrative Code. Every person obligated to comply with the provisions of this section of this Code is hereby ordered to abate or remediate such nuisance by complying with any order or direction issued by the Department.

(g) *Failure to comply with Department orders.* In the event that the Department determines that a permittee, or the owner of a building in which a program is located has failed to substantially comply with an order issued, pursuant to this section within [forty-five (45)] days after service thereof, the Department shall, in accordance with § [17-911(d) of the Administrative Code, request an agency of the City to execute such order, pursuant to the provisions of § [17-147 of the Administrative Code.

(h) *Definitions.* Except as otherwise provided, all terms used in this section shall have the same meanings as the terms defined in [24 RCNY §] Section 173.14 of this Code.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 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, be amended to read as follows:

§ 47.65 Transportation.

(a) Motor vehicles used to transport children to or from a program shall comply with all requirements of the New York State Department of Transportation specified in 17 NYCRR Part 720 or successor rule, and shall prominently display a current certificate of inspection issued by or on behalf of the State Department of Transportation, and shall be operated in accordance with all applicable law.

(b) A program that provides transportation facilities shall supervise the transportation so as to preserve the health, safety and comfort of the children.

(c) All children shall be secured in safety seats or by safety belts as appropriate for the age of the child in accordance with the requirements of the Vehicle and Traffic Law before any child may be transported in a motor vehicle where such transportation is provided for or arranged for by the operator.

(d) When transportation is provided by or on behalf of the program, the driver of the vehicle may not be included in the staff/child ratios.

(e) A transportation schedule shall be arranged so that no child will regularly travel more than one hour between his or her home and the place where the program is operated.

(f) *Parental consent.* [

(1)] The permittee shall obtain and maintain on file written consent from the parent or guardian for any transportation of children

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 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 program and drivers of school buses and other vehicles provided by the program or by a transportation service under contract with the program and must incorporate its policies and procedures for transfers and transportation in the program's 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. Such logs shall be kept on site and made available to the Department upon request.

(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 permittee 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 permittee when children arrive at the facility.

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

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.67 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 to read as follows:

§ 47.67 Child development policies, activities, rest periods and clothing.

(a) *Activities.* A program's activities shall be varied in order to promote the physical, intellectual, and emotional well-being of the children. Corporal punishment and humiliating or frightening methods of control shall be prohibited. Food, rest or isolation shall not be used as a means of punishment. Punitive methods of toilet training are prohibited.

(b) *Schedules.* A written daily schedule of program activities and routines which offer reasonable regularity, including snack and meal periods, nap and rest periods, indoor and outdoor activities, and activities which provide children with opportunities for learning and self-expression in small and large groups is required. When night child care is provided, this schedule shall include routine personal hygiene, including changing into night clothes, brushing teeth, and washing before bed in the manner to be agreed between the parent and the operator.

(c) *Child behavior management.* A written [statement on the philosophy of] policy regarding [managing] management of the behavior of children, consistent with the requirements of this Article, shall be distributed to every staff member, posted in a prominent location within the facility and made available to parents upon request. Permittees shall act consistently with such policy.

(d) *Parents.*

(1) *Unrestricted access.* Parents shall have unrestricted access to their children at all times, unless an Order of Protection prevents access.

(2) *Enrollment and orientation.* At the time children are enrolled in a program, parents must be provided with information that acquaints parents with the policies and procedures of the program for supervision, attendance, admission, discharge, emergency and illness management as specified in the written safety plan and the requirements of this Code, and a copy of the Department brochure, "How to Get Information about Child Care Programs in New York City," or successor publication.

(3) *Video surveillance.* The parents of all children receiving care or supervision in a facility equipped with video surveillance cameras installed for the purpose of allowing parents to view their children in the facility by means of the internet shall be informed in writing that cameras will be used for this purpose. All staff of the program also shall be informed in writing if video surveillance cameras will be

used for this purpose. The program shall make available copies of such notices to the Department upon request.

(A) All parents of children enrolled in the program and all staff of the program shall be made aware of the locations of all video surveillance cameras used at the facility.

(B) Programs opting to install and use video surveillance equipment shall comply with all law applicable to the use of such equipment.

(C) Video surveillance cameras may not be used as a substitute for competent direct supervision of children.

(D) Programs opting to allow parents to view their children in the child care setting by means of the internet shall use and maintain adequate internet security measures at all times. Such measures include but are not limited to: passwords that are frequently changed that enable parents to access the internet site for viewing children; filtering measures that prohibit public access to or viewing of child care or supervision activities via the internet; and immediate corrective action in response to any report of abuse of the system or inappropriate access. Such programs shall also advise the parents having access to views of the program through the internet of the importance of security in regard to such viewing and of the importance of the privacy rights of other children who may be viewed.

(E) Video surveillance cameras shall be used only to transmit images of children in common rooms, hallways and play areas. Bathrooms and changing areas shall remain private and free of all video surveillance equipment.

(F) Programs that use video surveillance equipment shall allow inspectors and other representatives of the Department to have access to such equipment and to have viewing privileges as required by the Department.

(e) Children shall be comforted when distressed.

(f) *Safe sleep environment for infants.*

(1) An infant/toddler child care program or family shelter-based drop-off child supervision program providing services to infants or toddlers must provide a safe sleep environment for each infant, consisting of a single crib or bassinet per child that is approved by the U.S. Consumer Product Safety Commission, and that complies with standards of the American Society for Testing and Materials (ASTM) International for infant sleep equipment; and a firm crib mattress specifically designed for the equipment used, covered by a tight fitting sheet flush with the sides of the crib/bassinet. The crib or bassinet must be free of bumper pads, pillows or sleep positioning devices not medically prescribed, loose bedding, blankets, toys and other possible suffocation risks.

(2) *Positioning.* Infants must be placed in a supine position unless written medical instructions directing otherwise are provided by the infant's primary health care provider. The program must maintain written medical instructions and make the instructions available for inspection by the Department. Infants capable of turning over by themselves in any direction may remain in the position the infant attains.

(3) *Prohibitions.* Infants must not be allowed to sleep or nap in a car safety seat except during transportation. Infants must not be allowed to sleep on bean bag chairs, futons, bouncy seats, infant swing or highchairs, playpens or other furniture/equipment not designed and approved for infant sleep purposes and meeting safe sleep environment criteria. Infants found sleeping in other than a safe sleep environment must be moved to a safe sleep environment upon discovery. Only one infant may occupy a single crib or bassinet at any given time.

(4) *Bedding.* Bedding must be changed prior to placing an infant in a crib or bassinet previously occupied by another infant.

(5) *Choking, tangling hazards.* Bibs, necklaces, and garments with ties or hoods must be removed prior to placing an infant in a crib or bassinet.

(g) Each child in full time child care shall have a quiet, relaxed period of approximately one hour a day. Shorter, comparable periods of quiet and relaxation shall be provided for each child who spends less time in a program.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.69 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 to read as follows:

§ 47.69 Night child care.

(a) *Information required.* A night child care program shall include in each child's record the arrangements provided for care when the child is not in night child care as well as information regarding family bedtime routines and other information which would assist staff in providing a smooth transition for the child.

(b) *Time in night child care program limited.* No child shall spend more than 12 hours in a night child care[setting] program in any 24 hour period.

(c) *Services.* A night child care program shall have services that incorporate the following elements:

(1) When possible, children shall be left for care before and picked up after their normal sleeping period so that there are minimal disturbances of the child during sleep.

(2) The program shall facilitate a relaxed atmosphere characterized by informal quiet activities.

(3) Scheduling shall reflect the need for regularity in meeting basic needs such as relaxation, meals, self-care/hygiene and sleep.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 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, be amended to read as follows:

§ 47.71 Physical activity and limits on television viewing.

(a) *Physical activity.* Each program shall provide age and developmentally appropriate physical activity.

(1) Children ages 12 months or older attending a full-day program shall be scheduled to participate in at least 60 minutes of physical activity per day. Children attending less than a full day program shall be scheduled to participate in a proportionate amount of such activities. For children ages three[(3)] and older, at least 30 of the 60 minutes shall be structured and guided physical activity. The remainder of the physical activity may be concurrent with other active play, learning and movement activities.

(2) Structured and guided physical activity shall be facilitated by teachers and/or caregivers and shall promote basic movement, creative movement, motor skills development, and general coordination.

(3) Permittees shall document structured and guided physical activities, [and make such] Such documentation shall be kept on site and made available to the Department upon request. This documentation shall be included in the program daily schedule and program lesson/activity plans.

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

(b) *Play equipment.* In the indoor and outdoor play areas, the permittee shall make available sufficient equipment, appropriate to the stage of development of the children, and designed to foster physical and motor development, and that shall enable all children to engage in structured and guided physical activities.

(c) *Outdoor play.*

(1) Adequate periods of outdoor play shall be provided daily for all children, except during inclement weather.

(2) During outdoor play, children shall be dressed appropriately for weather and temperature. In inclement weather, active play shall be encouraged and supported in safe indoor play areas.

(d) *Television viewing.*

(1) Television, video and other visual recordings shall not be used with children under two years of age.

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

(3) Children attending less than a full-day program shall be limited to a proportionate amount of such viewing.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.73 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 to read as follows:

§ 47.73 Required postings.

(a) The permittee shall maintain an updated copy of this Code and make it available to all staff.

(b) The permittee shall post the following at the front door of its public entrance where staff, parents and others may review them:

(1) The current permit securely encased in a weather-resistant glass or plastic protective frame[, and];

(2) A sign provided or approved by the Department stating that the Department's most recent summary inspection report for the program may be obtained from the Department's website, or by calling

311, and that complaints about the program may be made to, and more information about requirements for operation of programs may be obtained by calling 311[.]; and

(3) The valid relevant performance summary card posted in accordance with Chapter 3 of Title 24 of the rules of the City of New York.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Section 47.75 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 to read as follows:

§ 47.75 Modification of provisions.

(a) *Modification of provisions.* When the strict application of any provision of this article presents practical difficulties, or unusual or unreasonable hardships, the Commissioner in a specific instance may modify the application of such provision consistent with the general purpose and intent of this Code and upon such conditions as in his/her opinion are necessary to protect the health of the children. Unless a shorter duration is specified by the Department, all modifications shall remain in effect for the remainder of the permit period in which they are issued and shall expire at the end of the permit period.

(b) *Fee waiver.* Upon the submission of proof satisfactory to the Commissioner that an applicant for a permit is a program which is fully funded by the Administration for Children's Services (ACS), the New York City Human Resources Administration, the New York City Department of Homeless Services, or a successor agency, as an ACS Group Child Care Center, Head Start or other child care or supervision program, the permit fee required by Article 5 of this Code shall be waived. Such waiver shall continue in effect provided the applicant program remains fully funded.

(Amended City Record 9/20/2017, eff. 10/10/2017)

RESOLVED that Sections 47.77 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 to read as follows:

§ 47.77 Closing and enforcement.

(a) *Imminent health hazards.*

(1) When the Department determines that any program is being operated in a manner that may give rise to an imminent health hazard, or is maintaining one or more conditions that constitute an imminent health hazard, or that its operation otherwise presents a risk of endangering the health or safety of children or other persons, the Commissioner may order such program to close and to discontinue operations, suspending its permit, without further proceedings, by service of an order upon the permittee, or other person(s) managing or in control of such program. An order issued, pursuant to this section shall provide the permittee, or other person(s) in control, an opportunity to be heard and to show cause why such program should not remain closed until there are changed circumstances, or the correction, removal or abatement of the dangerous or detrimental condition(s).

(2) The Commissioner may require any permittee that consistently fails to correct imminent or repeat, serious violations to prepare a corrective action plan in which factors contributing to violations are analyzed and a plan is created to address and correct violations. When, in the opinion of the Commissioner, a permittee is unable or unwilling to write or implement a corrective action plan that adequately protects the health and safety of children, the Commissioner shall provide the permittee with an opportunity to show cause at a hearing why its permit should not be suspended or revoked.

(b) *Operating without a permit.* Operating any program without a currently valid permit shall be deemed to present an imminent health hazard to children in attendance, for which such program shall be ordered closed without further proceedings.

(c) *Additional operating terms and conditions authorized.* If the Department determines that the reopening of a program that has been ordered closed and its continuing operation will not present any risk to any person, the Department may authorize such reopening and may impose such additional conditions upon continuing operation that it deems necessary to avoid recurrence of imminent health hazards.

(d) *Service of orders.* Service of any order issued, pursuant to this Article may be made upon any person to whom the order is addressed, to a permittee, to a person required to hold a permit or upon any other person of suitable age and discretion who is asserting ownership, management or control of such program. Service of any order may be made in any manner provided in [24 RCNY § Section 3.05(b) of this Code, or successor provision, and may be delivered to the home or business address of the permittee listed in the permit issued by the Commissioner, or in the permit application or at the place where the program is being operated.

(e) *Posting orders to close; notifying parents.* Upon issuing an order to close a program for any reason, the Department shall post a copy

of the order at the entrance to the premises subject to such order, and shall notify and provide a copy of the closing order to the parents or other persons who arrive at the program to pick up children attending the program.

(f) *Padlocking.* Upon finding that any order issued, pursuant to this section has not been complied with, the Department may, without further notice, seal or padlock the premises where services are provided and take any other measures deemed necessary to obtain compliance with the order.

(g) *Operation in violation of order prohibited.* No person shall remove a padlock, seal or an order posted, pursuant to this section, or open to the public or operate a program in violation of an order issued, pursuant to this section.

(h) *Other actions.* In addition to any action authorized by this article Article or Article 5 of this Code, the Commissioner may refuse to renew, or may revoke or deny issuance of a permit if:

(1) the program's permit was ordered suspended more than once during the past 36 months, or

(2) the program's permit was previously ordered suspended for having lost a child, or another instance of inadequate supervision or inappropriate behavioral management of children; or

(3) the permittee failed to submit or implement a fully responsive corrective action plan; or

(4) a permit applicant or permittee continued operating a program when a permit was either ordered suspended or the program was ordered closed for operating without a permit; or

(5) the Commissioner determines that a permittee is unable or unwilling to correct a pattern of serious, repeated violations including, but not limited to, those defined as imminent health hazards; or

(6) the Commissioner finds out after issuing a permit that a previous or current permit, license, registration or other authorization to operate a program, held by the permittee, or any officer, manager or director of the permitted entity, was or is being suspended or revoked in any jurisdiction.

(i) *Department authority not limited by this section.* Nothing herein shall be construed to limit the authority of the Department to take any action it deems appropriate, including issuance of notices of violation seeking monetary penalties for violations cited by the Department, or commencement of a proceeding or action provided for by this Code or other applicable law, including actions or issuance of orders to deny, suspend or revoke denying, suspending, or revoking permits.

(j) *Effect of permit revocation.* When a permit has been ordered revoked by the Commissioner, and the Commissioner finds that the circumstances resulting in revocation show that the permittee or other persons exercising management and control are unable or unwilling to operate a program in compliance with this Code, an application for a new permit will not be accepted for at least five years from the date revoked from either the permittee or from any individual person exercising management and control of the program that had its permit revoked.

(Amended City Record 9/20/2016, eff. 10/20/2016; amended City Record 9/20/2017, eff. 10/10/2017)

- i Al-Shalan TA, Erickson PR, Hardie NA. Primary incisor decay before age 4 as a risk factor for future dental caries. *Pediatr Dent* 1997;19(1):37-41.
- ii American Academy on Pediatric Dentistry; Policy on early childhood caries (ECC): classifications, consequences, and preventive strategies. *Pediatr Dent*. 2008-2009;30 (7 Suppl):40-3.
- iii Ladrillo TE, Hobdell MH, Caviness C. Increasing prevalence of emergency department visits for pediatric dental care 1997-2001. *J Am Dent Assoc* 2006;137(3):379-85.
- iv Acs G, Lodolini G, Kaminsky S, Cisneros GJ. Effect of nursing caries on body weight in a pediatric population. *Pediatr Dent* 1992;14(5):302-5.
- v Dye BA, Thornton-Evans G, Li X, Iafolla TJ. Dental caries and sealant prevalence in children and adolescents in the United States, 2011–2012. NCHS data brief, no 191. Hyattsville, MD: National Center for Health Statistics. 2015.
- vi This is likely underreported as it is self-reported information and children may have had undiagnosed caries (of which parents were unaware) when parents responded to the survey.
- vii New York State Department of Health Third Grade Survey.
- viii DOHMH's Oral Health Program conducted a survey to determine risk and protective behaviors for tooth decay among children in New York City group daycare centers. Over 1,800 parents and caregivers from 67 daycare centers reported risk and protective behaviors for tooth decay of their children and themselves.
- ix NYS Public Health §3000-C. Epinephrine Auto-injector devices. Effective March 28, 2017.

**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: Proposed Amendment of Article 47 of the New York City Health Code

REFERENCE NUMBER: DOHMH-90

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 violations pose significant risks to public health and safety.

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

March 8, 2018
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: Proposed Amendment of Article 47 of the New York City Health Code

REFERENCE NUMBER: 2018 RG 021

RULEMAKING AGENCY: Department of Health and Mental Hygiene (DOHMH)

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: 3/8/2018

Accessibility questions: Svetlana Burdeynik (347) 396-6078, ResolutionsComments@health.nyc.gov, by: Wednesday, April 4, 2018, 1:00 A.M.



m19

**Board of Health
Notice of Adoption of Amendment
to Article 207 of the New York City Health Code**

In compliance with Section 1043(b) of the New York City Charter ("the Charter") and pursuant to the authority granted to the Board of Health by Section 558 of said Charter, a notice of intention ("NOI") to amend Article 207 of the New York City Health Code ("the Health Code") was published in the New York City Record on September 20, 2017, and a public hearing was held on October 24, 2017. At the hearing, 31 people testified, 18 of whom also submitted written comments. In all, 5,028 written comments were received, 3,884 of which were signatures to a petition and many of these signatories also submitted their own written comments. No changes have been made to the proposed amendment to Article 207 based on the comments received, as discussed below. The Department is, however, separately proposing to the Board, in response to comments received, amendments to the Health Code to expand the categories of qualified applicants who may access birth and death records before the records are transferred to the Department of Records and Information Services ("DORIS") and

become public. At its meeting on March 13, 2018, the Board of Health adopted the following resolution.

Statement of Basis and Purpose

Introduction

Birth and death records are protected from access by the general public because they contain individually identifiable information, which is considered private. A birth certificate contains the first and last name of the person whose birth is being registered, date of birth, sex, home address, and mother's maiden name. In addition to information about the decedent, a death certificate contains the first and last name of parents, surviving spouse, and individual reporting the death. This is individually identifiable information within the meaning of Health Code Section 3.25 that, as the notes accompanying that section's adoption state, "will be treated with the utmost confidentiality." Yet, birth and death records are also important historical documents that at some point should be available to historians and families researching their ancestries. For this reason, Administrative Code Section 17-170(b) charges the Board with deciding when the original records of births and deaths filed with the Department, and the indexes to such records, should become public records and transferred to the Department of Records and Information Services ("DORIS").

This Health Code amendment establishes fixed schedules for making birth and death records public and transferring them to DORIS. Specifically:

- a birth record become a public record on January 31st of the year following 125 years after the date of birth, and
- a death record becomes a public record on January 31st of the year following 75 years after the date of death.

The Department believes that these schedules balance the need to protect the personal information of people who may be alive, especially as it relates to the problem of identity theft as well as other privacy issues, with the public's right to access historically important records, including the specific interests of families, genealogists and other researchers. The schedules also avoid the transfer of records to DORIS that are, in the Department's experience, still subject to amendment by the individual to whom the record pertains, the Office of Chief Medical Examiner, the courts, or family members.

Background

Birth and death records

In New York City, as in most vital records jurisdictions nationwide, the certificate of birth collects a wealth of information, pertaining both to the person registered on the record and their family members. On the birth record, this includes: the registrant's date of birth, location of birth, and sex; the mother's and father's names prior to first marriage, places of birth, and dates of birth; as well as the number of children delivered at the time of birth, and a home address. Death certificates, in addition to presenting date and cause of death, include date of birth, location of death, names of parents, as well as information on the surviving spouse and the living person known as the informant, including their name, relationship to decedent and mailing address. This type of personal identifying information ("PII") is protected in other contexts under multiple Federal,¹ State,² and Local³ privacy laws.

Necessary and appropriate use of birth and death certificates and information

Information included in birth records and birth certifications is required by multiple governmental agencies and private entities to receive a benefit or service, or to support the issuance of other documents often used for identity purposes, such as obtaining a driver's license. Birth records are considered "foundational documents," meaning they are often the first document obtained that enables the holder to then obtain other important documents. For example, the information contained in a birth certificate can also be used in the process of getting a U.S. passport or Social Security card and accessing public benefits such as Medicaid.

Death records and the PII included in them are used to open or close decedents' bank accounts, notify federal agencies such as the Internal Revenue Service and the Social Security Administration of a death, and to start the probate process in court. They are also needed

1 See, e.g., the Privacy Act of 1974 as amended (5 U.S.C. § 552a); the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191, 110 Stat. 1936 (1996)) Privacy Rule (45 C.F.R. Part 160 and Subparts A and E of Part 164); the Driver's Privacy Protect Act (18 U.S.C. § 2721 et seq.); and the Identity Theft and Assumption Deterrence Act of 1998 (18 U.S.C. § 1028).
 2 See, e.g., the Personal Privacy Protection Law (NYS Public Officers Law Article 6A) and 10 NYCRR §§ 35.2 and 35.4 making birth and death records maintained by NYS agencies confidential except in limited circumstances. Also see NYS Public Officers Law §§ 87(2)(b) and 89(2)(b), which protect date of birth information from public release.
 3 See, e.g., NYC Charter § 2604(b)(4) prohibiting City employees and officials from disclosing any confidential information obtained as a result of his/her official duties and NYC Administrative Code Title 10, Chapter 5 concerning disclosures of security breaches.

to access payments such as life insurance and survivor's benefits in pensions and other programs.

Amendment and correction of birth and death records/issuance of new birth certificates

Birth and death certificates are considered "living" documents in that their content can be changed in certain circumstances. Pursuant to Article 207 of the Health Code, the content of a birth or death certificate may be amended or corrected, or a new birth certificate issued, to correct errors made in the originals or to reflect changes in circumstances, such as adoption or change in gender. These are common requests from Vital Records customers. During the five-year period from 2012 to 2016, the Department processed 1,030 birth record corrections and amendments for individuals born in 1940 and earlier, including 24 delayed registrations of birth and amendments for individuals aged 90 and above. During the same five year period, the Department also processed 257 death record corrections and amendments for individuals who died in 1970 and earlier. These are legal changes to records requested by living New Yorkers or their survivors. Pursuant to Health Code § 207.01(a), the Commissioner of Health or his or her designee may make these changes to the actual records.

When such changes are made to birth certificates, Administrative Code Section 17-167(c) requires the substitution of the new birth record for the one on file. If a record has been transferred to DORIS and made public, the ability for the Department to substitute a new record for it is substantially compromised. For these reasons, it is important that the Department not make birth and death records publically available while they still may be subject to corrections and amendments. The Board declines to issue "For Information Only" or similar uncertified documents related to birth and death records, as many comments suggested. The Board believes that there is a similar risk of misuse of the information on copies of birth and death records, whether the records are certified or not.

Privacy concerns

Privacy concerns also attest to the importance of maintaining the confidentiality of birth and death certificate PII during a person's lifetime and for an appropriate period after. For example, a teenage mother named on the death certificate of an infant may still be alive 75 years after her infant had died or the birth certificate of a transgender person may reveal information that person may prefer to keep private, especially if the certificate has not been amended.

New Yorkers are living longer

New Yorkers are living longer than ever before. The 2010 US Census showed that almost a half-million New York City residents were over the age of 75.

Age	Total
75 – 79	178,019
80 – 84	142,272
85 – 89	90,375
90 – 94	37,270
95 – 99	11,665
100+	2,096
Total	461,697

Another half million were between the ages of 65 and 74.⁴ Since 2010, the American Community Survey estimates that the total number of New York City residents age 75 and over had increased to more than 492,000, with more than 1.25 million over the age of 65.⁵ In 2005, 585 New Yorkers died between the ages of 100 and 114. In 2014, that number rose to 806 deaths between the ages of 100 and 114, a 38% increase, and in 2015 the number rose to 901. Birth and death data should be protected to adequately reflect these trends to guard against identity theft and fraud.

Fraudulent and inappropriate use of birth and death certificates and information

The PII found on birth and death certificates has the potential to be used in various fraudulent ways, including identity theft. Identity theft involves appropriating PII and, in the name of that person, incurring debt, taking money from financial accounts, opening new accounts, accessing medical information or services, or receiving a

4 <http://www1.nyc.gov/site/planning/data-maps/nyc-population/census-2010.page>
 5 <http://www1.nyc.gov/site/planning/data-maps/nyc-population/american-community-survey.page>.

tax refund, among other things.⁶ Indeed, in addition to “foundational documents,” birth certificates are also referred to as “breeder documents” because they can be used to obtain other valid forms of identity.⁷ Information from death certificates can be used in a similar manner, sometimes referred to as “ghosting.”⁸

Health Code Amendment

The Board is amending the Health Code to establish a fixed schedule for making birth and death certificates public and transferring them to DORIS. A birth record will become a public record on January 31st of the year following 125 years after the date of birth, and a death record will become public on January 31st of the year following 75 years after death. This schedule balances the need to protect the personal information of people who may be alive with the public’s right to access historically important records, including the specific interests of families, genealogists and other researchers. The schedule also precludes the transfer of records to DORIS that are still subject to amendment by the individual to whom the record pertains, the Office of Chief Medical Examiner, the courts, or family members. This schedule was supported in comments submitted by both the New York State Department of Health and the National Association for Public Health Statistics and Information Systems (NAPHSIS), the national nonprofit membership organization representing the 57 vital records and public health statistics offices in the United States.

The Board recognizes there is a keen interest in accessing birth and death records for the sake of tracing genealogy and family health issues, as evidenced by the many comments received on the topic. The Board will therefore consider an amendment to the Health Code to allow direct descendants and other close relatives to access birth and death records before they become public.

Statutory Authority

Pursuant to Section 556(c) of the Charter and Section 17-166 of the Administrative Code, the Department is responsible for supervising and controlling the registration of births and deaths that occur in the City of New York. Section 558(c) of the Charter requires the Board to include in the Health Code provisions related to maintaining a registry of births and deaths, as well as provisions related to changes or alterations of any birth or death certificate upon proof satisfactory to the Commissioner of Health and the manner in which these certificates may be issued and otherwise examined. Administrative Code Section 17-169 and Health Code Sections 3.25 and 207.11 make birth and death records confidential and restrict access to these records beyond certain classes of specified people. Section 17-170(b) of the Administrative Code authorizes the Board to determine when birth and death records are transferred to DORIS. Section 558(b) of the Charter specifically authorizes the Board to add to, alter, and amend the Health Code.

The amendment is as follows:

RESOLVED, that a new Section 207.21 of Article 207 of the New York City Health Code, set forth in Title 24 of the Rules of the City of New York, be adopted, to be printed together with explanatory notes, to read as follows:

§ 207.21. Birth and death records to be public records; transfer to the department of records and information services

Notwithstanding any other provision of this Code, a birth record in the Department’s possession and control becomes a public record on January 31st of the year following 125 years after the date of birth and a death record in the Department’s possession and control becomes a public record on January 31st of the year following 75 years after the date of death. The Department shall transfer to the City’s department of records and information services all public birth records, death records, and index books.

NOTE: This provision was adopted on March 13, 2018, to establish fixed schedules for making birth and death records accessible to the public. Prior to this adoption, a Board of Health vote was required for every transfer of documents to the City’s department of records and information services.

6 See, e.g., NYS Penal Law Article 190; Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, “Identity Theft,” accessible online at <https://www.bjs.gov/index.cfm?ty=tp&tid=42>; U.S. Federal Trade Commission Consumer Sentinel Data Book for January – December 2016 (“FTC 2016 Data Book”), accessible online at https://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-january-december-2016/csn_cy-2016_data_book.pdf.
7 *Birth Certificate Fraud*, U.S. Department of Health & Human Services, Office of Inspector General (OEI-07-99-00570 September 2000).
8 See, e.g., NYS Department of State, Division of Consumer Protection, “After Death” accessible online at <https://www.dos.ny.gov/consumerprotection/scams/afterdeath.html>.

SPECIAL MATERIALS

HOUSING PRESERVATION AND DEVELOPMENT

■ NOTICE

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

Notice Date: March 12, 2018

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
	250 West 132 nd Street, Manhattan	10/18	February 2, 2015 to Present
	129 West 136 th Street, Manhattan	15/18	February 13, 2015 to Present
	263 West 131 st Street, Manhattan	18/18	February 15, 2015 to Present
	58 West 91 st Street, Manhattan	20/18	February 23, 2015 to Present
	429 West 147 th Street, Manhattan	23/18	February 28, 2015 to Present
	1323 Dean Street, Brooklyn	11/18	February 5, 2015 to Present
	17 Jefferson Avenue, Brooklyn	12/18	February 7, 2015 to Present
	465 Halsey Street, Brooklyn	21/18	February 23, 2015 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**.

m12-20

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

Notice Date: March 12, 2018

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
	78 Greenpoint Avenue, Brooklyn	16/18	October 4, 2004 to Present
	109 Franklin Street, Brooklyn a/k/a 109A Franklin Street	17/18	October 4, 2004 to Present

Authority: Greenpoint-Williamsburg Anti-Harassment Area, Zoning Resolution §§23-013, 93-90

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**.

m12-20

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

Notice Date: March 12, 2018

To: Occupants, Former Occupants, and Other Interested Parties

Property:	Address	Application #	Inquiry Period
	355 REAR West 39 th Street, Manhattan	13/18	June 21, 2004 to Present
	357 West 39 th Street, Manhattan	14/17	June 21, 2004 to Present

Authority: Special Hudson Yards District, Zoning Resolution §93-90

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**.

m12-20

MAYOR'S OFFICE OF CONTRACT SERVICES

■ NOTICE

Notice of Intent to Issue New Solicitation(s) Not Included in FY 2018 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be issuing the following solicitation(s) not included in the FY 2018 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter §312(a):

Agency: Department of Parks and Recreation
 Description of services sought: Construction Supervision Services for FY19 Trees and Sidewalks Contracts (84618B0175 and 84618B0176)
 Start date of the proposed contract: 7/1/2018
 End date of the proposed contract: 6/30/2019
 Method of solicitation the agency intends to utilize: Task Order
 Personnel in substantially similar titles within agency: Project Managers, Associate Project Managers, Construction Project Managers, Construction Project Manager Interns
 Headcount of personnel in substantially similar titles within agency: 162

◀ m19

Notice of Intent to Extend Contract(s) Not Included in FY 2018 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be entering into the following extension(s) of (a) contract(s) not included in the FY 2018 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter §312(a):

Agency: Fire Department of the City of New York
 FMS Contract #: 20131403458
 Vendor: Adil Business Systems, Inc.
 Description of services: Temporary personnel services to meet the needs of FDNY operations.
 Award method of original contract: Competitive Sealed Bid
 FMS Contract type: CT1
 End date of original contract: 10/11/17
 Method of renewal/extension the agency intends to utilize: Extension
 New start date of the proposed renewed/extended contract: 6/30/2018
 New end date of the proposed renewed/extended contract: 10/11/2018
 Modifications sought to the nature of services performed under the contract: None
 Reason(s) the agency intends to renew/extend the contract: Continuity of services
 Personnel in substantially similar titles within agency: Computer Programmer, Nurse, Buyer, Accounts Payable, Photographer, Research Clerical Associate, and Web Editor.
 Headcount of personnel in substantially similar titles within agency: 37

◀ m19

Notice of Intent to Extend Contract(s) Not Included in FY 2018 Annual Contracting Plan and Schedule

NOTICE IS HEREBY GIVEN that the Mayor will be entering into the following extension(s) of (a) contract(s) not included in the FY 2018 Annual Contracting Plan and Schedule that is published, pursuant to New York City Charter §312(a):

Agency: DOITT
 FMS Contract #: 858 20187204381
 Vendor: Kforce
 Description of services: The BMC Remedy Tool Infrastructure Coordinator will be responsible for executing technical discovery, design, and deployment deliverables for the designated systems for BMC Remedy. This will include conducting documentation of technical requirements, architecture designs, and configuration request forms. The Infrastructure Coordinator will work closely with service owner teams and stakeholders to ensure efficient provisioning of seamless integration of data regardless of source (Server, Storage, Network, Database, Service Desk) to align with DOITT's requirements. The Infrastructure Coordinator will cover all aspects of system implementation and integration within an enterprise IT production environment and will participate in DOITT requirements gathering sessions, meetings, workshops and calls. Additional responsibilities include: Installation and configuration of BMC Remedy ITSM Suite, integration of Remedy with Netcool, Jasper Reporting and Edge technology dashboards, integration or-Remedy CMDB with BMC ADDM.
 Award method of original contract: ITCS
 FMS Contract type: Consultant
 End date of original contract: 3/11/2018
 Method of renewal/extension the agency intends to utilize: Extension
 New start date of the proposed renewed/extended contract: 3/12/2018
 New end date of the proposed renewed/extended contract: 11/30/2018
 Modifications sought to the nature of services performed under the contract: None
 Reason(s) the agency intends to renew/extend the contract: This resource is needed to work on the Remedy Tech Refresh/Site Resiliency project that's currently in progress. Project tasks can be provided if needed
 Personnel in substantially similar titles within agency: None
 Headcount of personnel in substantially similar titles within agency: None

Agency: DOITT
 FMS Contract #: CTA1 858 20187207892
 Vendor: GCOM Software LLC
 Description of services: "The Edge Portal technology will require an Infrastructure Coordinator that will be responsible for executing technical discovery, design, and deployment deliverables for the designated systems for Edge Portal. This will include documentation of technical requirements, architecture designs, and configuration request forms. The Infrastructure Coordinator will work closely with service owner teams and stakeholders, to ensure efficient provisioning of seamless integration of data regardless of source (Server, Storage, Network, Database, Service Desk) to align with DOITT's requirements. The Infrastructure Coordinator will have an extensive technical background covering all aspects of system implementation and integration with an enterprise IT production environment. The onsite resources will participate in DOITT requirements gathering sessions, meetings, workshops and calls"
 Award method of original contract: ITCS
 FMS Contract type: Consultant

End date of original contract: 4/24/2018
Method of renewal/extension the agency intends to utilize: Extension
New start date of the proposed renewed/extended contract: 4/25/2018
New end date of the proposed renewed/extended contract: 11/30/2018
Modifications sought to the nature of services performed under the contract: None

Reason(s) the agency intends to renew/extend the contract: This resource is needed to work on the Refresh/Site Resiliency project and related Integrations that's currently in progress. Project tasks can be provided if needed.

Personnel in substantially similar titles within agency: None
Headcount of personnel in substantially similar titles within agency: None

m19

CHANGES IN PERSONNEL

DEPARTMENT OF SANITATION
FOR PERIOD ENDING 02/09/18

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Sanitation.

DEPARTMENT OF SANITATION
FOR PERIOD ENDING 02/09/18

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Sanitation.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Sanitation.

BUSINESS INTEGRITY COMMISSION
FOR PERIOD ENDING 02/09/18

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Business Integrity Commission.

DEPARTMENT OF FINANCE
FOR PERIOD ENDING 02/09/18

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Finance.

DEPARTMENT OF TRANSPORTATION
FOR PERIOD ENDING 02/09/18

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Transportation.

DEPARTMENT OF TRANSPORTATION
FOR PERIOD ENDING 02/09/18

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE, AGENCY. Lists personnel changes for the Department of Transportation.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 02/09/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
ADINIYAYA	JESSICA	21306	\$51000.0000	APPOINTED	YES	01/28/18	846
ADKINS	CHRISTOP S	82950	\$130000.0000	INCREASE	YES	01/28/18	846
ALVAREZ	LAURA	56058	\$65000.0000	INCREASE	YES	01/21/18	846
ANGELLELLA	NICOLETT	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
ANTIQUA	MARLON	56058	\$68000.0000	INCREASE	YES	01/28/18	846
APOLLON	PARIS	10026	\$145000.0000	INCREASE	NO	01/28/18	846
APONTE	JANYLL	56058	\$68000.0000	INCREASE	YES	01/28/18	846
AUGUSTIN	JESSICA K	56058	\$60000.0000	APPOINTED	YES	01/24/18	846
BARCELO	MARIA A	56058	\$58000.0000	INCREASE	YES	01/28/18	846
BARROW	LENNOX J	34201	\$57958.0000	APPOINTED	NO	01/07/18	846
BELLO	EDGAR	20127	\$88000.0000	APPOINTED	YES	01/28/18	846
BERNARD	NICOLE K	91406	\$13.5000	APPOINTED	YES	01/18/18	846
BROWN	MATTHEW	56058	\$60000.0000	INCREASE	YES	01/28/18	846
BUREY	RONALD M	60421	\$47135.0000	RESIGNED	YES	01/09/18	846
CALLWOOD	MICHAEL A	13631	\$76764.0000	APPOINTED	NO	01/16/18	846
CARTA	PEDRO D	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
CHEN	FRANK	34201	\$47860.0000	APPOINTED	NO	01/07/18	846

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 02/09/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
CHEN	MARCO P	34201	\$55170.0000	APPOINTED	NO	01/08/18	846
CHEERY	DARYL A	56058	\$64000.0000	RESIGNED	YES	01/19/18	846
CHIMA	CHRISTOP	21310	\$61104.0000	APPOINTED	YES	01/21/18	846
CLEARY	IAN A	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
COLORUNDO	JOANNE V	1002C	\$67667.0000	RETIRED	NO	01/26/18	846
COLUCCI	PETER M	90641	\$37444.0000	RETIRED	YES	02/01/18	846
COWAN	MICHAEL D	90641	\$38560.0000	DISMISSED	YES	01/20/18	846
DALY	JOHN J	60421	\$41242.0000	RESIGNED	YES	10/14/16	846
DAVIS JR JR	BOBBY L	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
DE LOS SANTOS J	IVAN I	34201	\$55723.0000	APPOINTED	NO	01/08/18	846
DEROSA	MICHAEL A	56058	\$58000.0000	INCREASE	YES	01/28/18	846
EDWARDS	TONYA A	22427	\$83000.0000	APPOINTED	YES	01/28/18	846
ELSHAMY	HESHAM A	20215	\$90181.0000	RETIRED	NO	01/26/18	846
ESTRELLA JR	DIEGO	13631	\$76764.0000	APPOINTED	NO	01/16/18	846
FAJARDO	HAYDEE M	60422	\$54973.0000	INCREASE	YES	12/31/17	846
FELIX	LOUIS R	34201	\$55170.0000	APPOINTED	NO	01/08/18	846
FERNANDEZ	ENID	80633	\$9.6200	RESIGNED	YES	10/14/14	846
FREIN	LAWRENCE	91644	\$60.8400	RETIRED	YES	01/24/18	846
GARCIA	ANTHONY R	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
GARGAS	ANDRZEJ M	34201	\$47860.0000	APPOINTED	NO	01/07/18	846
GILBERT	WILLIAM A	06364	\$120000.0000	INCREASE	YES	01/21/18	846
GONZALEZ	HENRY J	81111	\$67664.0000	DECREASE	NO	01/28/18	846
GREENAN	JAMES D	10025	\$142000.0000	INCREASE	NO	01/28/18	846
HAMPTON	PHILLIP C	81361	\$51000.0000	APPOINTED	YES	01/21/18	846
HERSH	SUSANA C	1002D	\$125000.0000	INCREASE	NO	01/28/18	846
HOQUE	MD E	34201	\$47860.0000	APPOINTED	NO	01/07/18	846
HOWARD	CRYSTAL J	10033	\$112000.0000	INCREASE	YES	01/28/18	846
JURGIELEWICZ	LINDSAY A	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
KANE	SHANNON R	60421	\$47135.0000	RESIGNED	YES	01/29/18	846
KHANDOKER	MOHAMED A	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
KRAMER	BENJAMIN T	05146	\$95000.0000	INCREASE	YES	01/28/18	846
LANGSAM	JACQUELI	05387	\$145000.0000	INCREASE	YES	01/21/18	846
LEGAS	EYOB M	13631	\$80092.0000	APPOINTED	NO	01/16/18	846
LENDOF	VICTORIA J	56058	\$65000.0000	APPOINTED	YES	01/28/18	846
LEWIS	SHAVAR W	34201	\$55170.0000	APPOINTED	NO	01/08/18	846
LIU	AARON	34201	\$55000.0000	APPOINTED	NO	01/21/18	846
MCENERNEY	MATTHEW B	56058	\$70000.0000	APPOINTED	YES	01/30/18	846
MCNEAL	KIM	06362	\$135000.0000	INCREASE	YES	01/28/18	846
MERCADO	RAYMOND	81111	\$70640.0000	RETIRED	NO	01/26/18	846
MONTAS	ELIAS S	34201	\$57958.0000	APPOINTED	NO	01/07/18	846
ANGLE	SAFIYA M	56058	\$65000.0000	INCREASE	YES	01/28/18	846
NAVARRO	EDDIE M	90641	\$15.4800	APPOINTED	YES	01/04/18	846
NAVARRO AGUIRRE	NANETTE N	22427	\$71000.0000	RESIGNED	YES	01/28/18	846
NEWMAN	KERRY-AN A	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
NIE	YAN MEI	60421	\$47135.0000	RESIGNED	YES	02/01/18	846
PAGANO	JAMES S	10074	\$117000.0000	INCREASE	YES	01/28/18	846
PAIGE	FRANKLYN	71205	\$18.2600	DECREASE	YES	01/21/18	846
PERDOMO	DWAINE B	34201	\$55039.0000	APPOINTED	NO	01/07/18	846
PEROVIC	IDRIS	06664	\$15.9700	RESIGNED	YES	05/16/16	846
PETERSON	ERIC M	05146	\$95000.0000	INCREASE	YES	01/28/18	846
PEZZELLA	THOMAS A	91644	\$486.7200	APPOINTED	NO	01/28/18	846

DEPT OF PARKS & RECREATION
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NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
PRASTARO	ANTHONY	56058	\$69724.0000	RESIGNED	YES	02/01/18	846
PRASTARO	ANTHONY	60422	\$50529.0000	RESIGNED	NO	02/01/18	846
REYNOLDS	DANIEL P	05146	\$100000.0000	INCREASE	YES	01/28/18	846
RIOS	TARA L	56057	\$46000.0000	APPOINTED	YES	01/28/18	846
RODAS	MAURICIO A	92508	\$49559.0000	RESIGNED	NO	01/21/18	846
RODRIGUEZ	LEANNA M	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
SANTANA	BRYAN A	34201	\$55039.0000	APPOINTED	NO	01/07/18	846
SCHEIMAN	HEGULKA L	60400	\$26.2600	RESIGNED	YES	12/13/17	846
SHIELDS	KENNETH B	90641	\$32317.0000	APPOINTED	YES	01/31/18	846
SMALLS-MANTY	LAUREN A	56058	\$32.8400	APPOINTED	YES	01/28/18	846
SOKOL	ALEXANDE	60440	\$55174.0000	APPOINTED	NO	12/27/17	846
SPARACIO	PHILIP F	06364	\$120000.0000	INCREASE	YES	01/21/18	846
SRIRAMADAS	PRAGNYA	13643	\$85000.0000	APPOINTED	YES	01/28/18	846
STARK	STEVEN R	90641	\$37249.0000	RETIRED	YES	01/25/18	846
TEMPLE	LERoy	05387	\$145000.0000	INCREASE	YES	01/21/18	846
THANKACHAN	JOHNSON	34201	\$57958.0000	APPOINTED	NO	10/02/17	846
TIXI	JESIKA	60421	\$47135.0000	APPOINTED	YES	01/28/18	846
TYSON	TYWAN	80633	\$13.5000	RESIGNED	YES	01/05/18	846
WEATHER	JAVIOUS M	06316	\$57000.0000	APPOINTED	YES	01/28/18	846
ZALEWA	KAZIMIER L	60421	\$47135.0000	RESIGNED	YES	01/22/18	846

DEPT. OF DESIGN & CONSTRUCTION
FOR PERIOD ENDING 02/09/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
DAS	ADWAIT B	10015	\$130755.0000	INCREASE	YES	01/28/18	850
LAFERRIERE	KARINA	22426	\$61104.0000	INCREASE	NO	01/30/18	850
LAU	WENDY	12627	\$56123.0000	PROMOTED	NO	07/09/17	850
LIN	RUOYUN	21015	\$66817.0000	INCREASE	YES	01/21/18	850
NEVERSON	CARLSON A	20113	\$72593.0000	RETIRED	NO	02/01/18	850
ROJAS	JOEL	22426	\$55170.0000	RESIGNED	NO	01/28/18	850
ROSE	FAITH	21215	\$65698.0000	RESIGNED	NO	10/08/15	850
SAYEED	ABBAS R	20128	\$79321.0000	RETIRED	NO	02/01/18	850
SHAPIRO	GABRIELL	12626	\$57590.0000	INCREASE	NO	01/25/18	850
SIMPSON	ORVILLE C	21015	\$66817.0000	INCREASE	YES	01/21/18	850
TAWFIK	TAWFIK R	8300B	\$115000.0000	INCREASE	YES	01/07/18	850
TONG	KIN-MING	22426	\$71589.0000	INCREASE	YES	01/22/18	850

DEPT OF INFO TECH & TELECOMM
FOR PERIOD ENDING 02/09/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
ALFRED	RONNEL I	13650	\$43916.0000	APPOINTED	NO	12/03/17	858
BEKSINSKI	MARCIN	13652	\$87731.0000	INCREASE	NO	01/28/18	858
CHEN	XINLI	20248	\$45.6300	RESIGNED	YES	08/14/05	858
D'SOUZA	CLINTON V	95622	\$150000.0000	APPOINTED	YES	01/28/18	858
GLOVER	LONNIE W	20246	\$79082.0000	RETIRED	NO	01/21/18	858
ICOBELLI	JAMES M	40502	\$69199.0000	RESIGNED	NO	01/21/18	858
KORB	ANDREA B	56058	\$75000.0000	RESIGNED	YES	01/31/18	858
LINDEMULDER	RICHARD W	20247	\$105581.0000	RESIGNED	NO	01/28/18	858
PINEIRO	CARLOS	06449	\$87419.0000	RETIRED	YES	01/24/18	858
RENGARAJU	NATHAN	13643	\$110000.0000	RESIGNED	YES	01/24/18	858
RODRIGUEZ	ALBERTO	56057	\$41036.0000	RESIGNED	YES	12/17/17	858
ROMANOWSKI	JOHN	20246	\$77789.0000	RETIRED	NO	02/02/18	858
ROTHMAN	PAUL A	10050	\$125000.0000	APPOINTED	YES	01/28/18	858
TISDALE	DARLENE J	56057	\$41036.0000	INCREASE	YES	01/28/18	858
TU	ELIZABET	1002A	\$85176.0000	RETIRED	NO	01/21/18	858
VASA	ESTHER V	10050	\$150000.0000	INCREASE	YES	12/31/17	858
VEGA	ANGELICA	56058	\$65000.0000	INCREASE	YES	01/28/18	858

DEPT OF RECORDS & INFO SERVICE
FOR PERIOD ENDING 02/09/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
JOHNSON	ADILISE K	60216	\$53500.0000	APPOINTED	YES	01/28/18	860
YUEN	JING WAI	1002C	\$72100.0000	RESIGNED	NO	01/14/18	860

CONSUMER AFFAIRS
FOR PERIOD ENDING 02/09/18

NAME	TITLE	NUM	SALARY	ACTION	PROV	EFF DATE	AGENCY
BASANT	SIEW	13631	\$71294.0000	INCREASE	NO	01/21/18	866
GERSHKOVICH	ALEXANDE	33996	\$73503.0000	INCREASE	YES	01/28/18	866
JAGROOP	EMILY P	56057	\$51500.0000	RESIGNED	YES	01/28/18	866
LAU	TAT CHUN	33995	\$55000.0000	APPOINTED	YES	01/28/18	866
LENDOF	VICTORIA J	60860	\$40000.0000	RESIGNED	YES	01/28/18	866
MARRERO-CABRAL	RADOIKA D	33995	\$40000.0000	RESIGNED	YES	01/28/18	866
PACKER	BENJAMIN D	10050	\$105000.0000	APPOINTED	YES	01/28/18	866



MAYOR'S FUND TO ADVANCE NEW YORK CITY

SOLICITATION

Goods and Services

ACCESS NYC ELIGIBILITY SCREENING API - Request for Proposals - PIN# MF201803 - Due 4-20-18 at 2:00 P.M.

The Mayor's Fund to Advance New York City ("Mayor's Fund"), with the assistance of the Mayor's Office for Economic Opportunity ("NYC Opportunity"), seeks a software development partner for creating an API for public benefits, eligibility screening. The API would be based on the existing eligibility rules engine of ACCESS NYC, the City's public benefits portal

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification

