



**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE  
FY 2017 REGULATORY AGENDA**

**SUBJECT AREA**

Bathing Establishments

**SUMMARY OF PROPOSED RULE**

Revise Article 165 (Bathing Establishments) of the New York City Health Code to conform to relevant City, State and Federal Building Standards and Codes.

**REASON WHY ACTION IS BEING CONSIDERED**

In order to protect swimmer health and safety at all permitted-bathing establishments under the jurisdiction of Article 165 and to conform with applicable City, State and Federal regulations.

**INDIVIDUALS LIKELY TO BE AFFECTED**

Permitted bathing establishments

**RELEVANT FEDERAL, STATE AND LOCAL LAWS**

15 USC §§ 8001-8008 (Virginia Graeme Baker Pools and Spa Safety Act)  
Model Aquatic Health Code, Centers for Disease Control and Prevention  
New York State Sanitary Code Part 6, Subpart 6-1 Swimming Pools  
New York State Building Code (Uniform Code) § 3109  
New York City Building Code, § BC 3109  
Article 165 of the New York City Health Code

**SCHEDULE FOR ADOPTION**

Fall 2017

**AGENCY CONTACT PERSON**

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**SUBJECT AREA**

Radiation Control

**SUMMARY OF PROPOSED RULE**

Revise Article 175 with respect to radioactive materials to incorporate by reference applicable federal regulations, in order to maintain required consistency between federal and local regulations, and, with respect to radiation equipment, to adopt certain provisions from the model Suggested State Regulations for Control of Radiation (SSRCR) issued by the Conference of Radiation Control Program Directors

**REASON WHY ACTION IS BEING CONSIDERED**

Incorporating required federal standards by reference will simplify the process of maintaining the required consistency with applicable federal regulations and allow the local regulated community to operate under uniform standards. Using the SSRCR will allow the Department to implement and maintain requirements for best practices in the industry.

**INDIVIDUALS LIKELY TO BE AFFECTED**

Any person who sells, transfers, assembles, receives, produces, possesses, or uses any radioactive material or any radiation equipment in New York City.

**RELEVANT FEDERAL, STATE AND LOCAL LAWS**

10 CFR Chap. I

21 CFR Chap. I

10 NYCRR Part 16

NYC Health Code Article 175

**SCHEDULE FOR ADOPTION**

Spring 2017

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**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE  
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**SUBJECT AREA**

Penalties

**SUMMARY OF PROPOSED RULE**

Establish a fixed penalty schedule for all sustained notices of violations/summonses alleging violations of the Health Code, Department rules and other law enforced by the Department that are adjudicated at the Office of Administrative Trials and Hearings Trials Division.

**REASON WHY ACTION IS BEING CONSIDERED**

The Department has established fixed penalties for some, but not all, of its enforcement programs. Fixed penalties promote transparency and consistency in adjudication outcomes.

**INDIVIDUALS LIKELY TO BE AFFECTED**

Respondents in Health Department enforcement actions.

**RELEVANT FEDERAL, STATE AND LOCAL LAWS**

NYC Health Department rules (24 RCNY)

**SCHEDULE FOR ADOPTION**

Fall 2016

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**NEW YORK CITY DEPARTMENT OF HEALTH & MENTAL HYGIENE  
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**SUBJECT AREA**

Food Service Establishment Inspection Procedures

**SUMMARY OF PROPOSED RULE**

Update Chapter 23, Appendix A, B and C (Food Service Establishment Inspection Procedures) of Title 24 of the Rules of the City of New York to reflect recent amendments to Article 81 of the New York City Health Code.

**REASON WHY ACTION IS BEING CONSIDERED**

To align Chapter 23 with the amendments made to Health Code Article 81.

**INDIVIDUALS LIKELY TO BE AFFECTED**

The public, permittees, owners and managers of all food service establishments.

**RELEVANT FEDERAL, STATE AND LOCAL LAWS**

10 NYCRR Chapter I of the State Sanitary Code, Part 14, Subpart 14-1  
Article 71 of the New York City Health Code  
Article 81 of the New York City Health Code

**SCHEDULE FOR ADOPTION**

Fall 2016

**AGENCY CONTACT PERSON**

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**SUBJECT AREA**

Window Guards

**SUMMARY OF PROPOSED RULE**

Repeal and reenact Chapter 12 of Title 24 of the Rules of the City of the New York City to update specifications for window guards and other limiting devices and procedures for obtaining Department approval of window guards and limiting devices; update lease notice an annual notice provided to tenants.

**REASON WHY ACTION IS BEING CONSIDERED**

To reflect technical changes in window design and structure, and to streamline the approval process for window fall prevention devices (guards and limiting devices).

**INDIVIDUALS LIKELY TO BE AFFECTED**

Building owners and landlords of multiple dwellings where children 11 years or younger reside.

**RELEVANT FEDERAL, STATE AND LOCAL LAWS**

§ 131.15 of the New York City Health Code  
Chapter 12, Title 24 of the Rules of the City of New York  
§17-123, Title 17 of the Administrative Code of the City of New York  
§27-2043.1, Title 27 of the Housing Maintenance Code

**SCHEDULE FOR ADOPTION**

Spring 2017

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