



DEPARTMENT OF HEALTH AND MENTAL HYGIENE

BOARD OF HEALTH

**NOTICE OF ADOPTION OF AMENDMENTS TO ARTICLE 141
OF THE NEW YORK CITY HEALTH CODE**

In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, a notice of intention to amend Article 141 of the New York City Health Code (the “Health Code”) was published in the City Record on March 19, 2014 and a public hearing was held on April 21, 2014. Five written comments were received and 5 individuals testified at the public hearing. No changes have been made to this proposal since it was presented to the Board of Health on March 11, 2014. At its meeting on June 9, 2014, the Board of Health adopted the following resolution.

STATEMENT OF BASIS AND PURPOSE

Article 141 of the New York City Health Code concerns the maintenance of the purity and sanitary condition of the City’s potable water supply. Water for thousands of New York City buildings is kept in water storage tanks. Health Code section 141.07 (“Building Drinking Water Storage Tanks”) requires that these tanks be inspected annually and that the person in control of a building serviced by a water storage tank keep copies of the inspection records and make them available to the New York City Department of Health and Mental Hygiene (the “Department”) upon request.

This amendment requires owners of buildings with water tanks to report annually to the Department the fact that the tanks have been inspected as required by section 141.07 of the Health Code and section 17-194 of the Administrative Code of the City of New York. The amendment authorizes the Department to issue rules dictating the manner and form of these reports. Requiring annual reporting promotes building owner compliance with the inspection mandate and facilitates the Department’s ability to monitor compliance. Data from these reports submitted to the Department will be made publically available.

The amendment is as follows:

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

New material is underlined.

[Deleted material is in brackets]

RESOLVED, that subdivisions (c) and (f) of Section 141.07 of Article 141 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, subdivision (c) as added by resolution on June 30, 2009 and subdivision (f) as amended by resolution on September 21, 2011, be and the same hereby is amended to be printed together with explanatory notes to read as follows:

(c) *Reporting and record keeping.* [A written report documenting the results of such] The annual inspection report required by subdivision (b) of this section shall be maintained by the owner, agent or other person in control of a building for at least 5 (five) years from the date of the inspection and such reports shall be made available to the Department upon request within 5 (five) business days. Effective January 1, 2015, documentation of such annual inspection is required to be submitted to the Department in a form and manner prescribed by the Department. The inspection report shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with those requirements.

(f) *Enforcement.* If an inspection report required by subdivision (b) of this section is not submitted to the Department when requested, or documentation of such report is not submitted annually in accordance with rules issued by the Department pursuant to this section, such failure to submit shall be considered prima facie evidence that no inspection was conducted for the time period in question. A separate violation shall be issued for each year for which a required inspection report was not submitted.

Notes: The Board of Health amended subdivisions (c) and (f) of §141.07 by resolution adopted June 9, 2014 to require building owners who use water tanks to store potable water that is distributed as part of the building's drinking water supply system to submit documentation of required annual drinking water tank inspections in a manner prescribed by the Department.