



Department of Health and Mental Hygiene

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Health and Mental Hygiene (“the Department”) is proposing to amend its rules to:

- Remove reference to the outdated Board of Health tribunal and reflect the current adjudicatory body, the Health Tribunal at the Hearings Division of the Office of Administrative Trials and Hearings (OATH)
- Include the list of monetary penalties associated with Health Code violations (currently listed in OATH’s rules)
- Increase select penalties to promote compliance and prompt correction of hazardous conditions

To do so, the Department is proposing to repeal and restate Chapter 7 (Adjudicatory Hearings) of Title 24 of the Rules of the City of New York and to repeal Title 25 of the Rules of the City of New York (Department of Mental Health and Retardation). A new appendix to Chapter 7 of Title 24 includes penalties to be imposed for Department-issued violations that are sustained.

When and where is the hearing? The Department will hold a public hearing on the proposed rule from 2PM to 4PM on August 6, 2018 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

This location has the following accessibility option available:
Wheelchair Accessible

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

- **Website.** You can submit comments to the Department through the NYC rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email 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 347-396-6088.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078. You can also sign up in the hearing room before the hearing begins on August 6, 2018. You can speak for up to three minutes.

Is there a deadline to submit written comments? Written comments must be received on or before 5:00 p.m. on August 6, 2018.

What if I need assistance to participate in the hearing? You must tell the Department’s Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 347-396-6078. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by July 23, 2018.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel.

What authorizes the Department of Health and Mental Hygiene to make these rules? Sections 555(b)(2), 556, 558(b) and (e), and 1043 of the City Charter and §3.11 of the New York City Health Code authorize the Department to make this proposed rule.

Where can I find the Department’s rules? The rules of the Department of Health and Mental Hygiene are in Title 24 of the Rules of the City of New York. The only rule of the former Department of Mental Health, Mental Retardation and Alcoholism Services is found in Title 25 of the Rules of the City of New York.

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

Statement of Basis and Purpose of Proposed Rule

Statutory Authority

The repeal and restatement of Chapter 7 of Title 24 of the Rules of the City of New York and repeal of Title 25 of the Rules of the City of New York is authorized by §§555(b)(2), 556, 558(b) and (e), and 1043 of the New York City Charter (the “Charter”) and §3.11 of the New York City Health Code.

- Section 556 of the Charter authorizes the Department of Health and Mental Hygiene (the “Department”) to regulate all matters affecting health in the City of New York.
- Section 555(b)(2) of the Charter authorizes the Commissioner of Health and Mental Hygiene to assess penalties for health-related regulations.
- Section 558 of the Charter authorizes the Board of Health to set civil penalties for the enforcement of the Health Code.
- Section 1043 of the Charter gives the Department rulemaking powers.

Background of Proposed Rule

1. Repeal and restate Chapter 7 of Title 24 of the Rules of the City of New York

Historically, civil violations of the Health Code were adjudicated at a tribunal established by the Board of Health pursuant to §558(e) of the New York City Charter. On November 2, 2010, however, New York City voters approved an amendment to the Charter authorizing the Mayor to consolidate certain

administrative tribunals into the Office of Administrative Trials and Hearings (OATH) by Executive Order.

On July 3, 2011, the Department's Administrative Tribunal established by the Board of Health was transferred to OATH by Executive Order No. 148 (June 8, 2011) (the "Executive Order") and renamed the Health Tribunal at OATH. Subsequently, in 2015, the Tribunal became part of the OATH Hearings Division, which now hears and adjudicates violations issued by other City agencies as well as the Department.

After the Department's Administrative Tribunal was transferred into OATH, on December 13, 2011 the Board of Health repealed Article 7 ("Administrative Tribunal") of the Health Code, which contained provisions for conduct of the Administrative Tribunal. OATH has its own rules of procedure for the Health Tribunal at OATH, which are found in Chapter 6 of Title 48 of the Rules of the City of New York. Subdivision (b) of Health Code §3.12 ("Administrative Tribunal and Environmental Control Board proceedings") now confers jurisdiction on the Health Tribunal at OATH and the Environmental Control Board ("ECB") to hear all violations of the Health Code or any other State or local law or regulation that the Department enforces by seeking fines and monetary penalties. The same subdivision also provides that any such proceeding will be adjudicated in accordance with applicable procedures of the Health Tribunal at OATH or ECB.

Chapter 7 of the Department's rules pre-dates the transfer of the Administrative Tribunal to OATH and the Board of Health's repeal of Article 7 of the Health Code. Accordingly, Chapter 7 still refers to the Department's former Administrative Tribunal and must be amended to accurately reflect that OATH's Hearings Division now adjudicates all cases where the Department is seeking monetary penalties for violations of the Health Code.

Chapter 7 also authorizes the Commissioner to delegate authority to OATH to hear cases and make findings of fact and recommendations in due process or "show cause" hearings. These adjudications request reports and recommendations to the Commissioner of Health regarding such matters as permit and license revocations and employee misconduct and discipline and will continue to be held at the OATH Trials Division, and thus this authorization will remain in the restated Chapter 7.

Because the changes to Chapter 7 are so extensive, the Chapter is being repealed and restated.

2. Codify violation penalties

Section 6-02 of OATH's rules requires that it impose fines and other penalties in accordance with applicable law. Penalties for the violations adjudicated in ECB have been established in ECB's (and now OATH's) rules for many years.

The Health Code establishes penalty ranges for violations adjudicated in the OATH Hearings Division. OATH hearing officers continue to exercise discretion in deciding penalty amounts to be imposed for violations they sustain, provided the amounts are within the range prescribed by the Health Code.

OATH, however, is requesting that all City agencies establish by rule fixed penalties for the violations they are adjudicating in its Hearings Division. OATH has also indicated that it will be repealing the penalty schedules in its rules for ECB cases and that agencies should also adopt by rule penalties for violations being adjudicated in that tribunal.

In 2014, the Department amended Chapter 23 of Title 24 to establish penalties for violations issued to food service establishments. The Department is now proposing to amend Chapter 7 to set penalties for

other violations of the Health Code, Department rules and other applicable law enforced by various Department programs. The new fixed penalties include those for violations currently adjudicated at the OATH Hearings Division. Food service establishment penalties will remain in Chapter 23. Mobile food vending penalties are not included in this Chapter, but the Department expects to incorporate them in a new appendix to Chapter 6 of these rules.

To further promote compliance and prompt correction of hazardous conditions, the penalties proposed by the Department are heightened for some repeat offenses, considered continuous for others and in the case of standing water violations, the penalties reflect the magnitude of the violation. These terms are defined in the rules and specified in the violation descriptions. Sustained repeat violations citing rats, rat signs, rat harborage and conditions conducive to rats carry minimum, maximum and accelerated penalties in accordance with §17-133.1 of the Administrative Code of the City of New York.

Penalties for violations of repealed Health Code and other provisions of law contained in current ECB rules have been excluded from the proposed penalty table, including those for violations of Article 153 and §§139.05, 139.07 and 181.03. Also excluded are penalties for violations that are already specified in a provision of the Health Code or Administrative Code, or in a particular Department rule or other applicable law.

3. Repeal Title 25 of the Rules of the City of New York

In the November 2001 general election, New York City voters approved an amendment of the Charter to establish a “Department of Public Health” (later changed to the “Department of Health and Mental Hygiene”) combining the former Departments of Health (DOH) and Mental Health, Mental Retardation, and Alcoholism Services (DMHMRAS). All employees of both agencies became employees of the combined DOHMH. The only existing provision in Title 25 of the Rules of the City of New York of the former DMHMRAS is §1-01 (Conduct of Adjudicatory Hearings) of Chapter 1 (Adjudications), relating to employee fitness and disciplinary hearings. Title 25 is no longer necessary because of the merger of the two agencies, and the Department proposes to repeal it.

The proposed rule is as follows.

New material is underlined.

[Deleted material is in brackets.]

“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.

Section 1. Title 25 (Department of Mental Health and Retardation) of the Rules of the City of New York, is repealed.

§2. Chapter 7 (Adjudicatory Hearings) of Title 24 of the Rules of the City of New York is repealed and restated to read as follows:

Chapter 7

Adjudicatory Hearings and Violation Fines and Penalties

§7-01 Definitions.

§7-02 Adjudications seeking civil fines.

§7-03 Mandatory fines and penalties.

§7-04 Fines for unspecified violations of Health Code Articles 43 and 47.

§7-05 Escalation of fines for rodent violations.

§7-06 Standing water violations.

§7-07 Fines for other repeat violations.

§7-08 Defaults.

§7-09 Other adjudications.

Appendix 7-A Penalty Schedule

§7-01 Definitions. When used in this Chapter, the following terms have the following meanings:

(a) Administrative Code or Admin. Code refers to the Administrative Code of the City of New York.

(b) Charter means the New York City Charter.

(c) Environmental Control Board is the board that exists in the OATH Hearings Division pursuant to Charter §1049-a.

(d) NYCHC or Health Code refers to the New York City Health Code, found in Title 24 of the Rules of the City of New York.

(e) NYSPHL refers to the New York State Public Health Law.

(f) OATH Trials Division is the tribunal of the Office of Administrative Trials and Hearings (OATH), established by Charter §1048(1) to conduct adjudicatory hearings for all agencies of the City of New York.

(g) OATH Hearings Division includes the tribunal established by the Board of Health pursuant to Charter §558 and transferred to OATH by Mayoral Executive Order 148 (2011).

(h) Premises refer to real property consisting of a building and land on which it is situated. “Same premises” refers to (i) a specific building, or (ii) a group of buildings co-located in a development owned by the same entity.

(i) RCNY refers to the Rules of the City of New York.

§7-02 Adjudications seeking civil fines.

In accordance with Charter §§1041 and 1046, adjudicatory hearings commenced by service of a civil summons or notice of violation seeking a civil fine or monetary penalty for violations of State and local law enforced by the Department shall be conducted by the OATH Hearings Division.

§7-03 Mandatory fines and penalties.

(a) Fixed penalties. When a monetary fine or penalty for a violation enforced by the Department is specified in the Health Code, a rule of the Department, including in Appendix 7-A of this Chapter, or in any other applicable law, a hearing officer must impose that fine or penalty if the hearing officer sustains the violation.

(b) Other Health Code violations. Fines imposed for Health Code violations that are not specified in Appendix 7-A of this Chapter or in another law or rule must be within the range provided in Health Code §3.11 or a successor provision.

§7-04 Fines for unspecified violations of Health Code Articles 43 and 47.

The penalty for a violation of any provision of Health Code Article 47 (Child Care Programs) or Article 43 (School-Based Programs for Children Ages Three Through Five) that is not listed in Appendix 7-A of this Chapter shall be \$200. The penalty must be doubled to \$400 if the hearing officer finds the respondent in default.

§7-05 Escalation of fines for rodent violations.

Pursuant to Administrative Code §17-133.1, the standard fine for a violation of §151.02 of the Health Code that pertains to the eradication or elimination of rodents, rodent harborages or other rodent related nuisances must be \$300. The fine for each subsequent violation at the same premises and under the same ownership or control within a two-year period must be double the amount of the penalty for the previous violation but may not exceed the maximum fine for any Health Code violation.

§7-06 Standing water violations. The penalty for a violation of Health Code §151.03 shall vary depending on whether the accumulation of standing water that is the basis of the violation is determined to be minor, moderate or extensive.

(a) Minor violations consist of small amounts of standing water and decomposing matter in one or more outdoor containers with a diameter of three to 24 inches and a capacity of five or fewer gallons of water. Examples of types of containers include trash cans, buckets, birdbaths, fountains, roof gutters and roof puddles and in accumulations of one to four tires.

(b) Moderate violations consist of larger amounts of standing water and decomposing matter than the amounts stated for minor violations. These include ponded water accumulations of less than 10 square feet. Examples of where this amount of water and decomposing matter may be found include ditches, swimming pool covers, ponds, outdoor containers without lids holding five or more gallons of water and in accumulations of five to 20 tires.

(c) Extensive violations consist of standing water and decomposing matter accumulations covering 10 or more square feet. Examples of where this amount of water and decomposing matter may be found include open foundation construction sites, swimming pools with stagnant untreated or improperly treated water and in accumulations of more than 20 tires.

§7-07 Fines for other repeat violations.

(a) Summons issued to the owner or other person in control of premises. For summonses alleging that the owner or person in control of a premises or regulated business has committed a “repeat violation” other than one provided for in §7-05 of this Chapter, the hearing officer must impose the fine listed in Appendix 7-A of this Chapter for a repeat violation if, within the previous 12 months, the respondent was found to have violated the same provision of law at the same premises.

(b) Summons issued to certain contractors. For any summons alleging that a contractor committed a repeat violation of Health Code §173.14 by disturbing lead based paint or paint of unknown lead content while performing work in a premises, the hearing officer must impose the fine specified in Appendix 7-A of this Chapter for a repeat violation if the hearing officer determines that the contractor violated the same provision of law in any premises during the previous 12 months.

(c) Unproved repeat violation to be considered an initial violation. If a hearing officer finds that a respondent committed the violation alleged in the summons, but that the violation is not a repeat violation because the same provision of law was not violated within the previous 12 months, the hearing officer must impose the fine listed in Appendix 7-A of this Chapter for an initial violation of that provision.

§7-08 Defaults. If a respondent fails to appear to answer a summons and is found in default, the penalty imposed for a violation of the Health Code must be twice the amount set forth in Appendix 7-A of this Chapter or \$2,000, whichever is lower. Fines imposed when a respondent is found in default for violations of other provisions of law may not exceed the amount stated in Appendix 7-A of this Chapter.

§7-09 Other adjudications. Pursuant to Charter §1048, the Commissioner delegates to the OATH Trials Division authority to conduct hearings of matters pertaining to the enforcement of State and local law within the jurisdiction of the Department where an OATH administrative law judge shall make and submit recommended findings of fact, decisions, determinations and orders to the Commissioner who shall make final findings, determinations and orders in accordance with Article 5 of the Health Code or other applicable law. Such hearings include but are not limited to matters where a respondent must be provided with a hearing or an opportunity to be heard and show cause why the Commissioner should not issue an order or take other action (i) to suspend or revoke a license, permit or registration of a business or

activity whose operation or conduct is deemed detrimental to the public health; (ii) to abate nuisances or other detrimental health conditions, including closing, padlocking and sealing premises deemed a public nuisance; (iii) to require an entity to cease and desist from specific acts that endanger public health; or (iv) with respect to Department employee matters pursuant to New York Civil Service Law.

<u>APPENDIX 7-A</u> <u>PENALTY SCHEDULE</u>			
<u>Section of Law</u>	<u>Violation Description</u>	<u>Standard Penalty</u>	<u>Default Penalty</u>
<u>NYCHC 3.05</u>	<u>Failing to comply with Department, Board of Health or Commissioner's order</u>	<u>\$1,000</u>	<u>\$2,000</u>
<u>NYCHC 3.07</u>	<u>Failing to take reasonable precautions to protect health and safety</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 3.09</u>	<u>Failing to abate or remediate nuisance</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 3.11(b)</u>	<u>Operating a business or conducting an activity without a currently valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 3.15</u>	<u>Interfering with or obstructing Department staff in performing duties, or offering a bribe to Department staff</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 3.17</u>	<u>Notice or order of Department, Board of Health or Commissioner mutilated, obstructed or removed</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 3.19</u>	<u>Offering or making false, misleading statements or documents</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 11.29</u>	<u>Owning or harboring a dog, cat or horse not immunized against rabies</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 43.05</u>	<u>Failure to file required notice</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 43.09(a)</u>	<u>Line of sight supervision not maintained</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.09(b)</u>	<u>Minimum staff to child ratios not maintained</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.11(a)</u>	<u>Ill staff not excluded</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.13(c)</u>	<u>No staff fingerprint, criminal record review</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.13(e)</u>	<u>Prohibited staff hired, retained or allowed on premises</u>	<u>300</u>	<u>600</u>

<u>NYCHC 43.13(g)(1)</u>	<u>Failure to take required action in response to criminal record of an employee</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.13(g)(3)</u>	<u>Prohibited staff allowed to have unsupervised contact with children</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.15(a)</u>	<u>No corrective action plan when required</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.15(b)</u>	<u>Corrective action plan inadequate</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.15(c)</u>	<u>Corrective action plan not available for inspection</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.19(f)</u>	<u>Failure to exclude child who is carrier of communicable disease in accordance with Article 11</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.21(b)</u>	<u>Failure to provide emergency medical care to injured/ill child</u>	<u>300</u>	<u>600</u>
<u>NYCHC 43.23(b)(1)</u>	<u>Peeling lead based paint or paint of unknown lead content on a surface</u>	<u>400</u>	<u>800</u>
<u>NYCHC 43.23(b)(2)</u>	<u>Peeling lead based paint or paint of unknown lead content not abated</u>	<u>400</u>	<u>800</u>
<u>NYCHC 43.23(b)(3)</u>	<u>Children present in area undergoing abatement or other work that disturbs paint</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 47.03(a)</u>	<u>Operating a child care program without a currently valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 47.05(b)</u>	<u>Number of children exceeds authorized capacity</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.19(c)</u>	<u>No staff fingerprint or criminal record review, and/or inquiry of the State Central Register of Child Abuse and Maltreatment (SCR)</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.19(g)</u>	<u>Failure to notify Department of indicated SCR report or death, injury, or lack of supervision of child attending a program</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.19(h)</u>	<u>Prohibited staff hired, retained or allowed to be on premises</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.21(a)</u>	<u>Corrective action plan not submitted within five business days</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.21(b)</u>	<u>Corrective action plan inadequate</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.23(a)</u>	<u>Constant and competent supervision of children not maintained at all times</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.27(f)</u>	<u>Ill child not excluded</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.29(b)</u>	<u>Failure to obtain emergency medical care for injured/ill child</u>	<u>300</u>	<u>600</u>

<u>NYCHC 47.33(a)</u>	<u>Ill staff not excluded</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.41(a)</u>	<u>Two means of egress not available</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.41(f)</u>	<u>Corridors, doorways, stairs or exits obstructed</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(b)</u>	<u>Safety, health hazards not eliminated in areas accessible to children</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(d)</u>	<u>Indoor air temperatures not maintained between 68° F and 72°F when outdoor temperature below 55°F</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(e)</u>	<u>Failure to take appropriate actions during a heat advisory or other severe weather incidents</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(f)</u>	<u>Areas used or occupied by children in the child care service not previously approved by DOHMH, FDNY and DOB</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(g)</u>	<u>Co-location in premises associated with environmental hazards</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.57(i)(2)</u>	<u>Inadequate supervision during aquatic activities</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.59</u>	<u>Failure to comply with fire safety rules</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.61(b)</u>	<u>Children provided unwholesome food or drinks</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.63(a)(1)</u>	<u>Peeling lead paint or paint of unknown lead content on a surface</u>	<u>300</u>	<u>600</u>
<u>NYCHC 47.63(a)(2)</u>	<u>Peeling lead paint or paint of unknown lead content not abated or remediated</u>	<u>400</u>	<u>800</u>
<u>NYCHC 47.63(a)(7)</u>	<u>Children present or have access to a room undergoing abatement or remediation of lead paint or paint of unknown lead content</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 47.65(c)</u>	<u>Children not secured in age-appropriate safety seats or by safety belts</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.07(c)(2)</u>	<u>Commercial premises: insufficient heat; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.07(c)(2)</u>	<u>Commercial premises: insufficient heat; repeat (#2 or more)</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 131.09</u>	<u>Commercial premises not properly maintained; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.09</u>	<u>Commercial premises not properly maintained; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 131.09(a)</u>	<u>Commercial premises: failure to provide, maintain adequate lighting; initial</u>	<u>200</u>	<u>400</u>

<u>NYCHC 131.09(a)</u>	<u>Commercial premises: failure to provide, maintain adequate lighting; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(b)</u>	<u>Commercial premises: failure to provide, maintain adequate ventilation; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(b)</u>	<u>Commercial premises: failure to provide, maintain adequate ventilation; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(c)</u>	<u>Commercial premises: failure to maintain plumbing; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(c)</u>	<u>Commercial premises: failure to maintain plumbing; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 131.09(d)(1)</u>	<u>Commercial premises: insufficient potable water; initial</u>	<u>250</u>	<u>500</u>
<u>NYCHC 131.09(d)(1)</u>	<u>Commercial premises: insufficient potable water; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(d)(2)</u>	<u>Commercial premises: insufficient hand wash sinks, liquid soap, drying devices; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(d)(2)</u>	<u>Commercial premises: insufficient hand wash sinks, liquid soap, drying devices; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(d)(3)</u>	<u>Commercial premises: insufficient, inadequate utility sinks; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(d)(3)</u>	<u>Commercial premises: insufficient, inadequate utility sinks; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 131.09(d)(4)</u>	<u>Commercial premises: insufficient, not maintained employee toilets; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(d)(4)</u>	<u>Commercial premises: insufficient, not maintained employee toilets; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.09(e)</u>	<u>Commercial premises: floors not in good repair, not clean; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(e)</u>	<u>Commercial premises: floors not in good repair, not clean; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 131.09(f)</u>	<u>Commercial premises: walls and ceilings not in good repair, not clean; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(f)</u>	<u>Commercial premises: walls and ceilings not in good repair, not clean; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 131.09(g)</u>	<u>Commercial premises: premises not in good repair, not clean; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 131.09(g)</u>	<u>Commercial premises: premises not in good repair, not clean; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 131.13(a)</u>	<u>Failure to control unsafe conditions – contaminants; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.13(a)</u>	<u>Failure to control unsafe conditions – contaminants; repeat</u>	<u>600</u>	<u>1,200</u>

<u>NYCHC 131.13(b)</u>	<u>Failure to control unsafe conditions – ventilation; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.13(b)</u>	<u>Failure to control unsafe conditions – ventilation; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 131.13(c)</u>	<u>Failure to control unsafe conditions – discarding refrigerators; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 131.13(c)</u>	<u>Failure to control unsafe conditions – discarding refrigerators; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 131.17</u>	<u>Dry cleaning facilities: improper emissions levels; initial</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 131.17</u>	<u>Dry cleaning facilities: improper emissions levels; repeat</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 151.02(a)</u>	<u>Pests (other than rodents)</u>	<u>200</u>	<u>400</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate rodent infestation shown by active rodent signs: one or more live rodents, or rodent droppings, burrows, runways, tracks, rub marks or gnaw marks; in interior or exterior of premises: first citation</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate rodent infestation shown by active rodent signs: one or more live rodents, or rodent droppings, burrows, runways, tracks, rub marks or gnaw marks; in interior or exterior of premises: repeat (#2 in 24 month period)</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate rodent infestation shown by active rodent signs: one or more live rodents, or rodent droppings, burrows, runways, tracks, rub marks or gnaw marks; in interior or exterior of premises: repeat (#3 in 24 month period)</u>	<u>1,200</u>	<u>2,000</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate rodent infestation shown by active rodent signs: one or more live rodents, or rodent droppings, burrows, runways, tracks, rub marks or gnaw marks; in interior or exterior of premises: repeat (#4 or more in 24 month period)</u>	<u>2,000</u>	<u>2,000</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodent infestation of premises via holes, gaps in floor, walls, ceiling, pipes, baseboards, screens, doors, and sills; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodent infestation of premises via holes, gaps in floor, walls, ceiling, pipes, baseboards,</u>	<u>600</u>	<u>1,200</u>

		<u>screens, doors, and sills; repeat (#2 in 24 month period)</u>		
	<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodent infestation of premises via holes, gaps in floor, walls, ceiling, pipes, baseboards, screens, doors, and sills; repeat (#3 in 24 month period)</u>	<u>1,200</u>	<u>2,000</u>
	<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodent infestation of premises via holes, gaps in floor, walls, ceiling, pipes, baseboards, screens, doors, and sills; repeat (#4 or more in 24 month period)</u>	<u>2,000</u>	<u>2,000</u>
	<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodents, e.g., via interior and/or exterior debris, dense vegetation; initial</u>	<u>300</u>	<u>600</u>
	<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodents, e.g., via interior and/or exterior debris, dense vegetation; repeat (#2 in 24 month period)</u>	<u>600</u>	<u>1,200</u>
	<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodents, e.g., via interior and/or exterior debris, dense vegetation; repeat (#3 in 24 month period)</u>	<u>1,200</u>	<u>2,000</u>
	<u>NYCHC 151.02(a)</u>	<u>Failure to eliminate conditions conducive to rodents, e.g., via interior and/or exterior debris, dense vegetation; repeat (#4 or more in 24 month period)</u>	<u>2,000</u>	<u>2,000</u>
	<u>NYCHC 151.02(a)</u>	<u>Failure to properly and thoroughly eliminate conditions conducive to pests and to the presence of pests other than rodents or mosquitoes</u>	<u>300</u>	<u>600</u>
	<u>NYCHC 151.02(b)</u>	<u>Failure to eliminate conditions conducive to pests, e.g., uncovered garbage cans or containers, garbage spillage, uncontained garbage</u>	<u>300</u>	<u>600</u>
	<u>NYCHC 151.02(c)</u>	<u>Failure to comply with Department or Commissioner's order; pest management plan not complied with; no inspections and/or exterminator visits documented</u>	<u>1,000</u>	<u>2,000</u>
	<u>NYCHC 151.02(c)</u>	<u>Failure to comply with Department or Commissioner's order; pest management plan not complied with; no notice to tenants posted or provided</u>	<u>1,000</u>	<u>2,000</u>

<u>NYCHC 151.02(d)</u>	<u>Failure to comply with Department or Commissioner's order; pest management plan not complied with; pests and/or conditions conducive to pests, access and harborage not eliminated</u>	<u>2,000</u>	<u>2,000</u>
<u>NYCHC 151.02(e)</u>	<u>Using pesticides alone in the management of pest infestations</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.03(a)</u>	<u>Failure to eliminate standing water with decomposing matter and other conditions conducive to breeding and harborage of mosquitoes; minor violations</u>	<u>300</u>	<u>600</u>
<u>NYCHC 151.03(a)</u>	<u>Failure to eliminate standing water with decomposing matter and other conditions conducive to breeding and harborage of mosquitoes; moderate violations</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 151.03(a)</u>	<u>Failure to eliminate standing water with decomposing matter and other conditions conducive to breeding and harborage of mosquitoes; extensive violations</u>	<u>1,200</u>	<u>2,000</u>
<u>NYCHC 161.01</u>	<u>Unlawfully keeping/selling/giving a wild or prohibited animal</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 161.01(a)(2)</u>	<u>Displaying/exhibiting wild or prohibited animal without valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.01(a)(2)</u>	<u>Failure to comply with animal exhibition conditions imposed by Commissioner</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.03</u>	<u>Failure to control dogs, other animals to prevent animal nuisance</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.04(b)</u>	<u>Permitting dog to be in public place without collar with currently valid license tag</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.05</u>	<u>Permitting dog to be in public place without leash or other restraint</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.09(a)</u>	<u>Operating a grooming parlor, boarding kennel, training establishment, or pet shop selling animals other than dogs or cats without a currently valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(b)</u>	<u>Constructing or operating an animal shelter without a currently valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(d)</u>	<u>Operating a commercial stable for horses without a currently valid permit</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(e)</u>	<u>Selling animals whose possession is prohibited by NYCHC 161.01</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(f)</u>	<u>No certificate of completion of small animal care and handling</u>	<u>500</u>	<u>1,000</u>

	<u>course</u>		
<u>NYCHC 161.09(g)</u>	<u>Guard dog not registered with Department</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 161.09(g)(1)</u>	<u>Guard dog not microchipped</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.09(g)(2)</u>	<u>Guard dog warning sign not posted</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 161.13</u>	<u>Self-inspection reports not maintained or provided to the Department</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.15(a)</u>	<u>Animal handling/care activity in residential/dwelling unit</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.15(b)</u>	<u>Failure to comply with license requirements before transferring dog ownership</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 161.15(c)</u>	<u>Failure to maintain or submit required records</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 161.15(e)</u>	<u>Failure to maintain vaccination records</u>	<u>250</u>	<u>500</u>
<u>NYCHC 161.15(f)</u>	<u>Using cage, box or other dryer with heating element that is not hand-held</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.17</u>	<u>Dogs, cats over 3 months not kept in individual cages</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.21(b)</u>	<u>Exposed stable surfaces not kept clean</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.21(f)</u>	<u>Manure, other stable refuse not maintained in sanitary manner</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.21(h)</u>	<u>Stable yard not kept clean, not graded to prevent accumulation of liquid wastes</u>	<u>200</u>	<u>400</u>
<u>NYCHC 161.21(i)</u>	<u>Own, board, use, bring into NYC a horse not vaccinated against rabies</u>	<u>500</u>	<u>1,000</u>
<u>Admin. Code 17-197</u>	<u>Improper restraining animal out of doors</u>	<u>250</u>	<u>250</u>
<u>NYCHC 173.13(a)(1)</u>	<u>Leaded paint, other leaded surface coatings, possessed, sold for consumer use; initial</u>	<u>250</u>	<u>500</u>
<u>NYCHC 173.13(a)(1)</u>	<u>Leaded paint, other leaded surface coatings, possessed, sold for consumer use; repeat</u>	<u>500</u>	<u>1,000</u>
<u>NYCHS 173.14(c)(1)(A)</u>	<u>Commencement notice not filed, not filed timely; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(c)(1)(A)</u>	<u>Commencement notice not filed, not filed timely; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(c)(1)(B)</u>	<u>Commencement notice incomplete; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(c)(1)(B)</u>	<u>Commencement notice incomplete; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(c)(2)(A)</u>	<u>EPA certified firms, workers not used for abatement work; initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(c)(2)(A)</u>	<u>EPA certified firms, workers not used for abatement work; repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC</u>	<u>EPA certified firms not used for</u>	<u>350</u>	<u>700</u>

<u>173.14(c)(2)(B)(i)(aa)</u>	<u>non-abatement work; initial</u>		
<u>NYCHC</u> <u>173.14(c)(2)(B)(i)(aa)</u>	<u>EPA certified firms not used for non-abatement work; repeat</u>	<u>700</u>	<u>1400</u>
<u>NYCHC</u> <u>173.14(c)(2)(B)(i)(bb)</u>	<u>Trained workers not used for non-abatement work; initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC</u> <u>173.14(c)(2)(B)(i)(bb)</u>	<u>Trained workers not used for non-abatement work; repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC</u> <u>173.14(c)(2)(B)(i)(cc)</u>	<u>Clearance dust wipe personnel not trained for non-abatement work; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC</u> <u>173.14(c)(2)(B)(i)(cc)</u>	<u>Clearance dust wipe personnel not trained for non-abatement work; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC</u> <u>173.14(c)(2)(B)(ii)(aa)</u>	<u>Trained workers not used for non-abatement work (2-100ft²); initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC</u> <u>173.14(c)(2)(B)(ii)(aa)</u>	<u>Trained workers not used for non-abatement work (2-100ft²); repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC</u> <u>173.14(c)(2)(B)(ii)(bb)</u>	<u>Trained clearance dust wipe personnel not used for non-abatement work (2-100ft²); initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC</u> <u>173.14(c)(2)(B)(ii)(bb)</u>	<u>Trained clearance dust wipe personnel not used for non-abatement work (2-100ft²); repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 173.14(c)(2)(B)(iii)</u>	<u>Trained clearance dust wipe personnel not used for turnover work; initial</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 173.14(c)(2)(B)(iii)</u>	<u>Trained clearance dust wipe personnel not used for turnover work; repeat</u>	<u>2,000</u>	<u>2,000</u>
<u>NYCHC 173.14(c)(3)(A)</u>	<u>Lead paint remediation records not maintained; initial</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 173.14(c)(3)(A)</u>	<u>Lead paint remediation records not maintained; repeat</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(1)(A)</u>	<u>Failure to control lead dust dispersal; initial</u>	<u>650</u>	<u>1,300</u>
<u>NYCHC 173.14(d)(1)(A)</u>	<u>Failure to control lead dust dispersal; repeat</u>	<u>1,300</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(1)(B)</u>	<u>No clean changing area; area not segregated from work area; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(d)(1)(B)</u>	<u>No clean changing area; area not segregated from work area; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(d)(2)(A)</u>	<u>Prohibited method used: open flame burning/torching; initial</u>	<u>950</u>	<u>1,900</u>
<u>NYCHC 173.14(d)(2)(A)</u>	<u>Prohibited method used: open flame burning/torching; repeat</u>	<u>1,900</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(2)(B)</u>	<u>Prohibited method used: machine sanding/grinding without HEPA attachment; initial</u>	<u>950</u>	<u>1,900</u>
<u>NYCHC 173.14(d)(2)(B)</u>	<u>Prohibited method used: machine sanding/grinding without HEPA attachment; repeat</u>	<u>1,900</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(2)(C)</u>	<u>Prohibited method used: abrasive blasting without HEPA attachment; initial</u>	<u>950</u>	<u>1,900</u>

<u>NYCHC 173.14(d)(2)(C)</u>	<u>Prohibited method used: abrasive blasting without HEPA attachment; repeat</u>	<u>1,900</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(2)(D)</u>	<u>Prohibited method used: heat gun over 1100°F or paint charring; initial</u>	<u>950</u>	<u>1,900</u>
<u>NYCHC 173.14(d)(2)(D)</u>	<u>Prohibited method used: heat gun over 1100°F or paint charring; repeat</u>	<u>1,900</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(2)(E)</u>	<u>Prohibited method used: dry sanding; initial</u>	<u>950</u>	<u>1,900</u>
<u>NYCHC 173.14(d)(2)(E)</u>	<u>Prohibited method used: dry sanding; repeat</u>	<u>1,900</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(2)(F)</u>	<u>Prohibited method used: improper use of paint stripper; initial</u>	<u>950</u>	<u>1,900</u>
<u>NYCHC 173.14(d)(2)(F)</u>	<u>Prohibited method used: improper use of paint stripper; repeat</u>	<u>1,900</u>	<u>2,000</u>
<u>NYCHC 173.14(d)(3)(A)</u>	<u>Improper use of tools or materials; initial</u>	<u>350</u>	<u>750</u>
<u>NYCHC 173.14(d)(3)(A)</u>	<u>Improper use of tools or materials; repeat</u>	<u>700</u>	<u>1,400</u>
<u>NYCHC 173.14(d)(3)(B)</u>	<u>Surfaces not sealed, repainted after work; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC 173.14(d)(3)(B)</u>	<u>Surfaces not sealed, repainted after work; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 173.14(d)(3)(C)</u>	<u>Underlying conditions not repaired; initial</u>	<u>350</u>	<u>700</u>
<u>NYCHC 173.14(d)(3)(C)</u>	<u>Underlying conditions not repaired; repeat</u>	<u>700</u>	<u>1,400</u>
<u>NYCHC 173.14(d)(3)(D)</u>	<u>Painted doors, windows not adjusted; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(d)(3)(D)</u>	<u>Painted doors, windows not adjusted; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(d)(3)(E)</u>	<u>Required work area prep not completed prior to commencement of remediation; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(d)(3)(E)</u>	<u>Required work area prep not completed prior to commencement of remediation; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(d)(4)</u>	<u>Failure to offer relocation to tenant; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(d)(4)</u>	<u>Failure to offer relocation to tenant; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(e)(1)(A)(i)</u>	<u>Notice of work commencement not posted at dwelling, unit entrances; initial</u>	<u>500</u>	<u>1,000</u>
<u>NYCHC 173.14(e)(1)(A)(i)</u>	<u>Notice of work commencement not posted at dwelling, unit entrances; repeat</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(A)(ii)</u>	<u>Warning signs not posted; initial</u>	<u>1,000</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(A)(ii)</u>	<u>Warning signs not posted; repeat</u>	<u>2,000</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(B)</u>	<u>Occupant belongings not removed, protected before commencing work; initial</u>	<u>200</u>	<u>400</u>

<u>NYCHC 173.14(e)(1)(B)</u>	<u>Occupant belongings not removed, protected before commencing work; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(e)(1)(C)</u>	<u>Forced air vents not sealed; initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(e)(1)(C)</u>	<u>Forced air vents not sealed; repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC 173.14(e)(1)(D)</u>	<u>Work area entrance not, inadequately sealed off; initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(e)(1)(D)</u>	<u>Work area entrance not, inadequately sealed off; repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC 173.14(e)(1)(E)</u>	<u>Floors not covered; initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(e)(1)(E)</u>	<u>Floors not covered; repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC 173.14(e)(1)(F)</u>	<u>Windows, other openings not required for ventilation, not sealed; initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(e)(1)(F)</u>	<u>Windows, other openings not required for ventilation, not sealed; repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC 173.14(e)(1)(G)</u>	<u>Occupants not instructed to avoid work area; initial</u>	<u>200</u>	<u>400</u>
<u>NYCHC 173.14(e)(1)(G)</u>	<u>Occupants not instructed to avoid work area; repeat</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(e)(1)(H)</u>	<u>Hazardous materials not labeled; material safety data sheets not available; initial</u>	<u>350</u>	<u>700</u>
<u>NYCHC 173.14(e)(1)(H)</u>	<u>Hazardous materials not labeled; material safety data sheets not available; repeat</u>	<u>700</u>	<u>1,400</u>
<u>NYCHC 173.14(e)(1)(I)</u>	<u>Clean up and lead dust clearance testing not conducted as required; initial</u>	<u>900</u>	<u>1,800</u>
<u>NYCHC 173.14(e)(1)(I)</u>	<u>Clean up and lead dust clearance testing not conducted as required; repeat</u>	<u>1,800</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(I)(i)</u>	<u>Daily clean up not performed; initial</u>	<u>700</u>	<u>1,400</u>
<u>NYCHC 173.14(e)(1)(I)(i)</u>	<u>Daily clean up not performed; repeat</u>	<u>1,400</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(I)(i)(aa)</u>	<u>Daily clean up: large debris improperly disposed of; initial</u>	<u>700</u>	<u>1,400</u>
<u>NYCHC 173.14(e)(1)(I)(i)(aa)</u>	<u>Daily clean up: large debris improperly disposed of ; repeat</u>	<u>1,400</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(I)(i)(bb)</u>	<u>Daily clean up: small debris improperly disposed of; initial</u>	<u>650</u>	<u>1,300</u>
<u>NYCHC 173.14(e)(1)(I)(i)(bb)</u>	<u>Daily clean up: small debris improperly disposed of; repeat</u>	<u>1,300</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(I)(i)(cc)</u>	<u>Daily clean up: adjacent areas to work areas not, improperly cleaned; initial</u>	<u>650</u>	<u>1,300</u>
<u>NYCHC 173.14(e)(1)(I)(i)(cc)</u>	<u>Daily clean up: adjacent areas to work areas not, improperly cleaned; repeat</u>	<u>1,300</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(I)(i)(dd)</u>	<u>Hazardous materials, contaminated supplies improperly stored; initial</u>	<u>650</u>	<u>1,300</u>

<u>NYCHC</u> <u>173.14(e)(1)(I)(i)(dd)</u>	<u>Hazardous materials, contaminated supplies improperly stored; repeat</u>	<u>1,300</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(I)(ii)</u>	<u>Final clean up not performed; initial</u>	<u>900</u>	<u>1,800</u>
<u>NYCHC 173.14(e)(1)(I)(ii)</u>	<u>Final clean up not performed; repeat</u>	<u>1,800</u>	<u>2,000</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(aa)</u>	<u>Final clean up inadequate: failure to wait one hour after work completed; initial</u>	<u>300</u>	<u>600</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(aa)</u>	<u>Final clean up inadequate: failure to wait one hour after work completed; repeat</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(bb)</u>	<u>Final clean up inadequate: no misting, sweeping, removal or sheeting; initial</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(bb)</u>	<u>Final clean up inadequate: no misting, sweeping, removal or sheeting; repeat</u>	<u>1,200</u>	<u>2,000</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(cc)</u>	<u>Final cleanup inadequate: no, improper first HEPA vacuuming; initial</u>	<u>650</u>	<u>1,300</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(cc)</u>	<u>Final cleanup inadequate: no, improper first HEPA vacuuming; repeat</u>	<u>1,300</u>	<u>2,000</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(dd)</u>	<u>Final cleanup inadequate: surfaces not, improperly washed; initial</u>	<u>650</u>	<u>1,300</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(dd)</u>	<u>Final cleanup inadequate: surfaces not, improperly washed; repeat</u>	<u>1,300</u>	<u>2,000</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(ee)</u>	<u>Final cleanup inadequate: no or improper second HEPA vacuuming; initial</u>	<u>650</u>	<u>1,300</u>
<u>NYCHC</u> <u>173.14(e)(1)(I)(ii)(ee)</u>	<u>Final cleanup inadequate: no or improper second HEPA vacuuming; repeat</u>	<u>1,300</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(I)(ii)(ff)</u>	<u>Final cleanup inadequate: surfaces not inspected, re-cleaned if necessary; initial</u>	<u>650</u>	<u>1,300</u>
<u>NYCHC 173.14(e)(1)(I)(ii)(ff)</u>	<u>Final cleanup inadequate: surfaces not inspected, re-cleaned if necessary; repeat</u>	<u>1,300</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(1)(I)(iii)</u>	<u>No third party final inspection; initial</u>	<u>350</u>	<u>700</u>
<u>NYCHC 173.14(e)(1)(I)(iii)</u>	<u>No third party final inspection; repeat</u>	<u>700</u>	<u>1,400</u>
<u>NYCHC 173.14(e)(1)(I)(iv)</u>	<u>Dust wipe clearance test results not submitted to occupants, Department; initial</u>	<u>400</u>	<u>800</u>
<u>NYCHC 173.14(e)(1)(I)(iv)</u>	<u>Dust wipe clearance test results not submitted to occupants, Department; repeat</u>	<u>800</u>	<u>1,600</u>
<u>NYCHC 173.14(e)(1)(J)</u>	<u>Inadequate protection for occupants having access to work areas; initial</u>	<u>600</u>	<u>1,200</u>
<u>NYCHC 173.14(e)(1)(J)</u>	<u>Inadequate protection for occupants having access to work areas; repeat</u>	<u>1,200</u>	<u>2,000</u>
<u>NYCHC 173.14(e)(2)(A)</u>	<u>Warning signs not posted (2-</u>	<u>1,000</u>	<u>2,000</u>

		<u>100ft²; initial</u>		
	<u>NYCHC 173.14(e)(2)(A)</u>	<u>Warning signs not posted (2-100ft²); repeat</u>	<u>2,000</u>	<u>2,000</u>
	<u>NYCHC 173.14(e)(2)(B)</u>	<u>Occupant belongings not removed, protected before commencing work (2-100ft²); initial</u>	<u>500</u>	<u>1,000</u>
	<u>NYCHC 173.14(e)(2)(B)</u>	<u>Occupant belongings not removed, protected before commencing work (2-100ft²); repeat</u>	<u>1,000</u>	<u>2,000</u>
	<u>NYCHC 173.14(e)(2)(C)</u>	<u>Floors not covered (2-100ft²); initial</u>	<u>700</u>	<u>1,400</u>
	<u>NYCHC 173.14(e)(2)(C)</u>	<u>Floors not covered (2-100ft²); repeat</u>	<u>1,400</u>	<u>2,000</u>
	<u>NYCHC 173.14(e)(2)(D)</u>	<u>Windows, other openings not required for ventilation not sealed (2-100ft²); initial</u>	<u>700</u>	<u>1,400</u>
	<u>NYCHC 173.14(e)(2)(D)</u>	<u>Windows, other openings not required for ventilation not sealed (2-100ft²); repeat</u>	<u>1,400</u>	<u>2,000</u>
	<u>NYCHC 173.14(e)(2)(F)</u>	<u>Hazardous materials not labeled; material safety data sheets not available (2-100ft²); initial</u>	<u>350</u>	<u>700</u>
	<u>NYCHC 173.14(e)(2)(F)</u>	<u>Hazardous materials not labeled; material safety data sheets not available (2-100ft²); repeat</u>	<u>700</u>	<u>1,400</u>
	<u>NYCHC 173.14(e)(2)(G)</u>	<u>Failure to adequately clean up, collect dust wipes (2-100ft²); initial</u>	<u>400</u>	<u>800</u>
	<u>NYCHC 173.14(e)(2)(G)</u>	<u>Failure to adequately clean up, collect dust wipes (2-100ft²); repeat</u>	<u>800</u>	<u>1,600</u>
	<u>NYCHC 173.14(e)(2)(H)</u>	<u>Improper temporary access protection (2-100ft²); initial</u>	<u>600</u>	<u>1,200</u>
	<u>NYCHC 173.14(e)(2)(H)</u>	<u>Improper temporary access protection (2-100ft²); repeat</u>	<u>1,200</u>	<u>2,000</u>
	<u>NYCHC 173.14(e)(3)(A)</u>	<u>Failure to properly prepare work area, work safely (turnover); initial</u>	<u>350</u>	<u>750</u>
	<u>NYCHC 173.14(e)(3)(A)</u>	<u>Failure to properly prepare work area, work safely (turnover); repeat</u>	<u>700</u>	<u>1,400</u>
	<u>NYCHC 173.14(e)(3)(B)</u>	<u>Failure to perform adequate clean up (turnover); initial</u>	<u>400</u>	<u>800</u>
	<u>NYCHC 173.14(e)(3)(B)</u>	<u>Failure to perform adequate clean up (turnover); repeat</u>	<u>800</u>	<u>1,600</u>
	<u>NYCHC 173.14(e)(3)(C)</u>	<u>Failure to perform adequate clearance dust wipes (turnover); initial</u>	<u>400</u>	<u>800</u>
	<u>NYCHC 173.14(e)(3)(C)</u>	<u>Failure to perform adequate clearance dust wipes (turnover); repeat</u>	<u>800</u>	<u>1,600</u>
	<u>Admin Code 17-1402</u>	<u>Non-compliant carpet or carpet cushion sold, offered for sale or installed; initial</u>	<u>250</u>	<u>500</u>
	<u>Admin Code 17-1402</u>	<u>Non-compliant carpet or carpet cushion sold, offered for sale or installed; repeat</u>	<u>500</u>	<u>500</u>

<u>Admin Code 17-1403</u>	<u>Non-compliant carpet adhesive installed in building</u>	<u>250</u>	<u>500</u>
<u>Admin Code 17-1405</u>	<u>Required documentation not maintained and available for inspection</u>	<u>250</u>	<u>250</u>
<u>Admin Code 17-1407</u>	<u>Required carpet notice not posted in a conspicuous location, or not provided in written or electronic form</u>	<u>250</u>	<u>250</u>
<u>24 RCNY 30-03(c)</u>	<u>Required carpet documentation not provided within three (3) business days of request</u>	<u>250</u>	<u>250</u>
<u>24 RCNY 30-03(d)</u>	<u>Carpet receipt not provided to consumer</u>	<u>150</u>	<u>250</u>
<u>24 RCNY 30-04(a)</u>	<u>Posted carpet sign does not meet required specifications (8 ½” x 14” or larger; font size at least ½ inch high)</u>	<u>150</u>	<u>250</u>
<u>24 RCNY 30-04(b)</u>	<u>Carpet notice text does not conform to wording requirement</u>	<u>150</u>	<u>250</u>
<u>NYS PHL 1310</u>	<u>Failure to remove canine waste</u>	<u>100</u>	<u>200</u>

**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: Adjudicatory Hearings and Penalty Schedule for Health-Related Violations

REFERENCE NUMBER: DOHMH-92

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/ Jacob Fox Watkins
Mayor's Office of Operations

June 14, 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: Adjudicatory Hearings and Penalty Schedule for Health-Related Violations

REFERENCE NUMBER: 2018 RG 035

RULEMAKING AGENCY: Department of Health and Mental Hygiene

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: June 13, 2018