



Legislation Details (With Text)

File #: Int 0522-2004 **Version:** A **Name:** Creating disclosure requirements for child care facilities following inspections where violations are identified.

Type: Introduction **Status:** Enacted
In control: Committee on General Welfare

On agenda: 12/15/2004

Enactment date: 3/9/2005 **Enactment #:** 2005/023

Title: A Local Law to amend the administrative code of the city of New York, in relation to creating disclosure requirements for child care facilities.

Sponsors: Melinda R. Katz, Gifford Miller, Maria Baez, Gale A. Brewer, Leroy G. Comrie, Jr., Helen D. Foster, James F. Gennaro, Alan J. Gerson, Sara M. Gonzalez, G. Oliver Koppell, John C. Liu, Miguel Martinez, Michael C. Nelson, Annabel Palma, Helen Sears, Kendall Stewart, Peter F. Vallone, Jr., David I. Weprin, Bill De Blasio, Christine C. Quinn, Larry B. Seabrook, Margarita Lopez, Tracy L. Boyland, Diana Reyna, Tony Avella, Simcha Felder, Robert Jackson, James S. Oddo, Betsy Gotbaum

Indexes:

Attachments: 1. Committee Report 1/13/05, 2. Hearing Transcript 1/13/05, 3. Fiscal Impact Statement - A, 4. Committee Report 3/9/05, 5. Hearing Transcript 3/9/05, 6. Local Law, 7. Mayor's Veto Message, 8. Hearing Transcript - Stated Meeting - 1/19/05, 9. Hearing Transcript - Stated Meeting 3/9/05

Date	Ver.	Action By	Action	Result
12/15/2004	*	City Council	Introduced by Council	
12/15/2004	*	City Council	Referred to Comm by Council	
1/13/2005	*	Committee on General Welfare	Hearing Held by Committee	
1/13/2005	*	Committee on General Welfare	Amendment Proposed by Comm	
1/13/2005	*	Committee on General Welfare	Amended by Committee	
1/13/2005	A	Committee on General Welfare	Approved by Committee	Pass
1/19/2005	A	City Council	Approved by Council	Pass
1/19/2005	A	City Council	Sent to Mayor by Council	
2/15/2005	A	Mayor	Vetoed by Mayor	
3/9/2005	A	Committee on General Welfare	Hearing Held by Committee	
3/9/2005	A	Committee on General Welfare	Approved by Committee	Pass
3/9/2005	A	City Council	Overridden by Council	Pass

Int. No. 522-A

By Council Members Katz, The Speaker (Council Member Miller), Baez, Brewer, Comrie, Foster, Gennaro, Gerson, Gonzalez, Koppell, Liu, Martinez, Nelson, Palma, Sears, Stewart, Vallone Jr., Weprin, DeBlasio, Quinn, Seabrook, Lopez, Boyland, Reyna, Avella, Felder, Jackson, Oddo and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to creating disclosure requirements for child care facilities.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is hereby amended by adding a new subchapter 15 to read as follows:

SUBCHAPTER 15
DISCLOSURE OF INFORMATION BY CHILD CARE FACILITIES

<u>§ 20-800.</u>	<u>Definitions.</u>
<u>§ 20-801.</u>	<u>Posting of information.</u>
<u>§ 20-802.</u>	<u>Informational materials.</u>
<u>§ 20-803.</u>	<u>Notice of violations.</u>
<u>§ 20-804.</u>	<u>Penalties.</u>
<u>§ 20-805.</u>	<u>Rules.</u>
<u>§ 20-806.</u>	<u>Severability.</u>

§ 20-800. Definitions.

a. “Child care provider” means any individual, association, corporation, partnership, institution, organization or agency that has obtained a license, registration certificate or permit, pursuant to section 390 of the new york state social services law or articles 5 and 47 of title 24 of the rules of the city new york, to provide child day care services or to operate a facility where child day care is provided.

b. “Child care inspection report” means either a summary day care service inspection report or any report issued by a regulatory authority in the state of new york regarding a child care provider.

c. “License” means a document issued by the new york state office of children and family services authorizing a child care provider to operate a group family day care home in accordance with state law and regulation.

d. “Parent” means custodial parent(s), legal guardian(s), other persons having legal custody of a child or any other person with whom a child lives who has assumed responsibility for the day-to-day care and custody of the child.

e. “Permit” means a document issued by the new york city department of health and mental hygiene authorizing a day care services provider to operate a day care service in accordance with local law and regulation.

f. “Registration” means a document issued by the new york state office of children and family services authorizing a child care provider to operate family day care program or a school-age child care program in accordance with state law and regulation.

g. “Summary day care service inspection report” is a document that includes, at a minimum, the following information:

(1) the name of the day care service;

(2) the name of the day care service permittee;

(3) the day care service permit number and expiration date;

(4) the address of the day care service;

(5) the date of inspection;

(6) the maximum number of children authorized to be present at any one time as specified in the day care service permit;

(7) any violations identified by the department during the inspection;

(8) whether a permit was ordered suspended or revoked in the past 24 months; and

(9) whether a day care service was ordered closed because its continued operation represented a danger to the health or safety of children; and the terms and conditions, if any, under which such day care service has been allowed to reopen and is authorized to operate.

§ 20-801. Posting of information. Every child care provider must post a sign in a conspicuous place near its public entrance or entrances stating that the most recent child care inspection report for the provider may be accessed through the website of the department of health and mental hygiene or the website of the new york state office of children and family services. At a minimum, the sign must contain the name of the child care provider, the address and license or registration number of the child care provider and maximum capacity of the child care facility and the number of staff employed by the child care facility as required by law or regulation. The sign must be printed in clear and legible type, in such a manner as to be readily visible to customers and must indicate how to gain access to child care inspection reports through the department's website.

§ 20-802. Informational materials. Every child care provider must include, along with informational or application materials, a copy of the most recent summary day care service inspection report. In addition, informational or application materials furnished to parents and prospective parents shall explicitly state the maximum capacity of the child care facility and the number of staff employed by the child care facility as required by law or regulation.

§ 20-803. Notice of violations. Any child care provider that has been notified by the new york state office of children and family services or by the new york city department of health and mental hygiene that it has been cited for having a serious violation of licensing, registration or permit requirements of either section 390 of the new york state social services law or the regulations promulgated thereunder or articles 5 and 47 of title 24 of the new york city health code, must notify the parents of children receiving care from the child care provider that the child care provider is in violation of the licensing, registration or permit requirements within 24 hours of receiving such notification. The requirement of this provision may be satisfied by posting a sign on the front door of the child care facility for at least one week after such notification or by furnishing a copy of the report specifically noting the violation to all parents of children receiving care from the child care provider.

§ 20-804. Penalties. Any child care provider who violates any provision of this subchapter or any rule or regulation promulgated hereunder shall be liable for a civil penalty of not less than two hundred dollars nor more than one thousand dollars for each violation.

§ 20-805. Rules. The commissioner shall have the authority to promulgate such rules and regulations as the commissioner shall deem necessary to implement the provisions of this subchapter.

§ 20-806. Severability. If any section, subsection, sentence, clause, phrase or other portion of this subchapter is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which shall continue in full force and effect.

§3. This local law shall take effect 180 days after its enactment.