



Legislation Text

---

File #: Int 1571-2017, Version: \*

---

Int. No. 1571

By Council Members Johnson, Chin, Mendez and Gentile

A Local Law to amend the administrative code of the city of New York, in relation to reforming the city's restaurant inspection program

Be it enacted by the Council as follows:

Section 1. Section 17-1501 of the administrative code of the city of New York is amended by adding new subdivisions l and m to read as follows:

1. “Reinspection” shall have the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

m. “The results of an adjudication” means violations alleged in the notice of violation relating to an initial inspection or a reinspection that were either admitted by the food service establishment or sustained by a hearing examiner of the office of administrative trials and hearings.

§ 2. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1506 to read as follows:

§ 17-1506 Intervals Between Inspection Cycles. a. The department shall wait at least one year to conduct an initial inspection to commence a new inspection cycle, or to otherwise conduct a sanitary inspection, for any food service establishment that receives fewer than 14 points on at least one of the following:

1. an initial inspection;
2. a reinspection; or
3. the results of an adjudication.

b. The department shall not conduct a reinspection of a food service establishment prior to such time as it has had an opportunity to be heard by a hearing officer at the office of administrative trials and hearings pursuant to subdivision d of section 23-07 of title 24 of the rules of the city of New York and section 81.51 of the health code.

c. Notwithstanding subdivision a, the department may conduct a sanitary inspection of a food service establishment otherwise covered by the provisions of this section if the department believes that failing to conduct such an inspection could pose a substantial risk to public health if at least one of the following two conditions has been met:

1. the food service establishment has been the subject of complaints from the public of unsanitary conditions since its last sanitary inspection; or

2. the department believes that the food service establishment may have been compromised following an environmental emergency.

§ 3. The department of health and mental hygiene shall make changes consistent with the following to appendix 23-a of title 24 of the rules of the city of New York:

a. For violation 8B, no points shall accrue unless there is evidence of vermin associated with the violation.

b. For violations 10A and 10J, no points shall accrue if the condition is in a bathroom that is exclusively for the use of customers, rather than employees.

c. For violation 10C, no points shall accrue.

d. For violation 4A, a first-time violation of this provision qualifies as a condition level four, rather than five, condition resulting in the accrual of no more than five points.

e. For violation 6B, it shall not be a violation to engage in the applicable behavior in food storage or dishwashing areas.

f. For any provision of such appendix relating to the requirement established in subdivision e of section

81.04 of the health code, specify that the violation of any such provisions shall result in the accrual of no more than 5 points.

§ 4. This local law takes effect 180 days after it becomes law.

DSS  
LS 7971  
4/20/17