



Legislation Text

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Int. No. 278

By Council Member Rose and the Public Advocate (Mr. Williams) (by request of the Queens Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to denying building permits where a nursing home has an excessive number of citations

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.1.3 to read as follows:

§ 28-105.1.3 Denial of permit. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Life safety code citation. The term “life safety code citation” means noncompliance with a requirement set forth in the life safety code of the national fire protection association as is applicable to nursing homes.

Nursing home. The term “nursing home” has the same meaning as is ascribed to the term “facility” in section 483.5 of title 42 of the code of federal regulations.

Standard health citation. The term “standard health citation” means noncompliance with a requirement set forth in subpart B of part 483 of title 42 of the code of federal regulations.

b. The commissioner shall not issue permits for any nursing home if:

1. The nursing home contains fewer than 200 beds and was issued more than six standard health citations or more than eight life safety code citations in the aggregate for the three most recent surveys conducted by the New York state department of health pursuant to subpart E of part 488 of title 42 of the code of federal regulations;

2. The nursing home contains between 200 and 300 beds and was issued more than eight standard health citations or more than 10 life safety code citations in the aggregate for the three most recent surveys conducted by the New York state department of health pursuant to subpart E of part 488 of title 42 of the code of federal regulations; or

3. The nursing home contains more than 300 beds and was issued more than 10 standard health citations or more than 12 life safety code citations in the aggregate for the three most recent surveys conducted by the New York state department of health pursuant to subpart E of part 488 of title 42 of the code of federal regulations.

c. The commissioner may issue a permit for a nursing home where the issuance of such permit is necessary to correct an outstanding violation of this code or of any other applicable provisions of law or rule or where the commissioner determines that issuance of such permit is necessary to perform work to protect public health and safety.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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