



NEW YORK CITY
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

**Notice of Public Hearing and Opportunity to Comment on
Proposed Amendments to Title 24 of the Rules of the City of New York**

What are we proposing? The New York City Department of Health and Mental Hygiene (“Department”) is proposing rules governing the creation of Rat Mitigation Zones as mandated by Local Law 110 of 2022 (“Local Law 110”).

When and where is the hearing? The Department will hold a public hearing on the proposed rules. The public hearing will take place at **10:00AM on May 4th, 2023**. The hearing will be conducted by video conference accessible via internet or telephone.

- **Internet.** To participate in the public hearing, please register at this Webex URL:
<https://nycdohmh.webex.com/nycdohmh/j.php?MTID=m5213d4889bdab45fbf65df60f42f86e1>
If prompted to provide an event number or password, please enter the following:
Event number: **2334 725 9010**
Password: **Health (432584)** from phones and video systems)
- **Phone:** For access, dial: **(646) 992-2010** or **(408) 418-9388** then please enter the following
Access code: **233 472 59010**
Password: **Health (432584)** from phones and video systems)

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 the Department: ResolutionComments@health.nyc.gov
- **Mail:** You can mail written comments to the Department:
New York City Department of Health and Mental Hygiene
Gotham Center, 42-09 28th Street
14th Floor, CN 30
Long Island City, NY 11101-4132
- **Fax.** You can fax written comments to the Department at 347-396-6087.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling Svetlana Burdeynik at 347-396-6078 or 347-396-6116 or by emailing at resolutioncomments@health.nyc.gov before the hearing begins at 10AM on May 4, 2023. While you will be given the opportunity during the hearing to indicate that you would like to comment, we prefer that you sign-up in advance. 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 May 4, 2023.

What if I need assistance to participate in the hearing? You must tell the Department’s Office of General Counsel if you need a reasonable accommodation of a disability at the hearing, including whether you need a sign language interpreter. You can tell us by e-mail or by mail at the addresses 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 April 20, 2023.

Can I review the comments made regarding the proposed rules? You may review the comments made online on the proposed rules at <https://rules.cityofnewyork.us/proposed-rules/>. All written comments and a summary of the oral comments received by the Department will be made available to the public within a reasonable period of time after the hearing by the Department’s Office of General Counsel.

What authorizes the Department to make this rule? Section 389(b) of the New York City Charter (“Charter”) provides that “heads of mayoral agencies shall have the power to adopt rules to carry out the powers and duties delegated to the agency head or the agency by or pursuant to federal, state or local law.” Section 1043(a) of the Charter similarly provides that each “agency is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law.” Section 2 of Local Law 110, codified at § 17-133.2 of the Administrative Code of the City of New York, requires the Department to promulgate rules to govern the designation of Rat Mitigation Zones. These proposed rules were not included in the Department’s 2023 regulatory agenda as they respond to legislation enacted that post-dated the publication of such agenda.

Where can I find the Department’s rules and the New York City Health Code? The Department’s rules and the New York City Health Code (“Health Code”) are located in Title 24 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department must satisfy the requirements of Section 1043 of the Charter when adding or amending rules. This notice is made according to the requirements of Section 1043(b) of the Charter.

Statement of Basis and Purpose of Proposed Rule

Introduction

New York City has a robust approach to rat control using a variety of approaches depending on conditions. One approach recognized in Local Law 110 (2022) has been to designate areas with high levels of rat activity as “Rat Mitigation Zones,” and focus a data-driven, coordinated, multiagency effort there to address rats and the conditions that cause them. Local Law 110 requires the Department to promulgate a rule designating Rat Mitigation Zones using criteria set out in Local Law 110.

Proposed Rules Governing Designation of Rat Mitigation Zones

Local Law 110 requires the Department to consider certain criteria in determining the boundary of a Rat Mitigation Zone using information from a “sanitation district” or “community district”, which are coterminous. The Department will use “community district” because New Yorkers may be more familiar with that term. Specifically, the required criteria within a given community district are:

- (1) the number and percentage of inspections for rat activity for properties that resulted in the issuance of an order pursuant to section 151.02 of the Health Code or an agency referral letter related to rat activity, and the location of such properties;
- (2) the number and percentage of inspections for rat activity for properties that resulted in the issuance of a summons pursuant to sections 3.05 or 151.02 of the Health Code, and the location of such properties;
- (3) the number of rat baiting visits at properties executed by the Department pursuant to section 17-147 of the New York City Administrative Code (“Administrative Code”), following a failure to comply with an order issued pursuant to section 151.02 of the Health Code and the location of such properties;
- (4) the number and nature of 311 requests for service or complaints related to rat activity within any 12-month period; and
- (5) the susceptibility to rat infestation of any properties managed by the New York City Department of Parks and Recreation.

Statutory Authority

Section 2 of Local Law 110 requires the Department to promulgate rules for establishing Rat Mitigation Zones.

The proposed rules are as follows.

Deleted material appears in [brackets]. New material is underlined.

RESOLVED, that Title 24 of the Rules of the City of New York is amended by adding a new chapter 35 to read as follows:

Chapter 35 Designating Rat Mitigation Zones

§ 35-01. Definitions.

“Rat Mitigation Zone” means one or more community districts, in whole or in part, that the Department has designated as meeting the criteria described in section 35-03 of this Chapter.

§ 35-02. Designation of Rat Mitigation Zones.

The Department will establish Rat Mitigation Zones in accordance with the criteria described in section 35-03 of this Chapter. The criteria and supporting data for Rat Mitigation Zones will be made available annually on the Department’s website.

§ 35-03. Criteria for Designating Rat Mitigation Zones.

The Department will consider the following criteria to determine whether a community district, or any part thereof, should be designated as a Rat Mitigation Zone:

- (a) Commissioner orders to abate. The number and percentage of inspections for properties within a given community district that resulted in an abatement order issued by the Department pursuant to section 151.02 of the Health Code in a 12-month period, and the location of such properties within such community district.
- (b) City agency referral letters. The number and percentage of inspections for properties within a given community district that resulted in the issuance of a city agency referral letter by the Department in a 12-month period, and the location of such properties within such community district.
- (c) Summonses. The number and percentage of inspections for rat activity for properties within a given community district that have resulted in the issuance of a summons pursuant to section 3.05 or section 151.02 of the Health Code in a 12-month period, and the location of such properties within such community district.
- (d) Rat exterminations. The number of rat baiting visits by the Department at properties within a given community district in a 12-month period, executed by the Department pursuant to section 17-147 of the Administrative Code following a failure to comply with an order issued pursuant to section 151.02 of the Health Code, and the location of such properties within such community district.
- (e) Reports to 311. The number and nature of 311 requests for service or complaints related to rat activity within any 12-month period within a given community district.
- (f) Susceptibility to rat infestation. The number of properties that are managed by the New York City Department of Parks and Recreation that are susceptible to rat infestation or have failed inspection for rat infestation in a 12-month period.

- (g) Availability of resources. The availability of resources to implement rat mitigation measures and the most efficient use of such resources.

§ 35-04 Community Districts Designated as Rat Mitigation Zones.

- (a) The Department has designated four Rat Mitigation Zones as indicated in the Appendix to this Chapter.
- (b) Nothing in this Chapter shall limit or prevent the Department from any nuisance abatement or other pest control activities in areas not designated as a Rat Mitigation Zone, including with the same methods used in a Rat Mitigation Zone.

Appendix

<u>Rat Mitigation Zone</u>	<u>Community District</u>	<u>Borough</u>
<u>Chinatown, East Village, Lower East Side Zone</u>	<u>103</u>	<u>Manhattan</u>
<u>Harlem Zone</u>	<u>109, 110, 111</u>	<u>Manhattan</u>
<u>Grand Concourse Zone</u>	<u>203, 204, 205, 206, 207</u>	<u>Bronx</u>
<u>Bushwick, Bedford Stuyvesant, Prospect Heights Zone</u>	<u>303, 304, 308</u>	<u>Brooklyn</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: Establishment of Rat Mitigation Zones

REFERENCE NUMBER: DOHMH-130

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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

March 29, 2023
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: Establishment of Rat Mitigation Zones

REFERENCE NUMBER: 2023 RG 009

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
Senior Counsel

Date: March 29, 2023