



Legislation Text

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

A Local Law to amend the administrative code of the city of New York, in relation to requiring the public dissemination of information regarding regulated child day care services.

*Be it enacted by the Council as follows:*

Section 1. Legislative intent. The city of New York has an obligation to protect the safety and well being of its children, who are among its most vulnerable residents. This includes the regulation of child day care services regulated by the city of New York and not otherwise regulated by the state of New York, which provide care for children while their parents are at work. The Council recognizes an ever-increasing demand for day care services to help maintain the financial security of families. The Council finds, however, that parents often do not have access to complete, accurate information they need to make informed decisions when they select child care facilities for their children. The purpose of this local law is to ensure that parents have access to critical information they need to make informed decisions regarding their children’s care and to improve the quality of day care throughout New York City.

§ 2. Title 17 of the administrative code of the city of New York is hereby amended by adding a new chapter 10, to read as follows:

CHAPTER 10

AVAILABILITY OF INFORMATION REGARDING DAY CARE SERVICES

§ 17-914.

Definitions.

§ 17-915.

Access to summary day care service inspection reports.

§ 17-916.

Posting of information on-site.

§ 17-917.

Denial of permit.

§ 17-918. Notification of authorities.

§ 17-914. Definitions.

a. “Day care service” means any service which is permitted as a group day care service in accordance with rules and regulations of the department.

b. “Day care service permittee” means the person to whom a permit to operate a day care service is issued by the commissioner of the department.

c. “Department” means the department of health and mental hygiene of the city of New York.

d. “Permit” means an authorization to operate a day care service issued by the commissioner of the department in accordance with articles 5 and 47 of title 24 of the rules of the city of new york.

e. “Serious injury” means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

f. “Summary day care service inspection report” is a report 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 the most recent 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 inspections conducted over the past three years; and

(8) whether a permit has been ordered suspended or revoked in the past twelve months; whether a day care service has, during the past three years, been 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.

g. “Violation” means a citation issued by the department which alleges that a day care service has failed to comply with a provision of applicable law, rule or regulation.

§ 17-915. Access to summary day care service inspection reports. Commencing on the effective date of the local law that added this chapter, following each inspection of a day care service, the department shall post a summary day care service inspection

report on the department's website and shall make summary day care service inspection reports available by calling 311.

§ 17-916. Posting of information on-site. Every day care service must post a sign in a conspicuous place near its public entrance or entrances stating that the most recent summary day care service inspection report may be accessed through the website of the department or by calling 311. The sign, whose form and content shall be provided or approved by the department, shall be printed in clear and legible type, in such a manner as to be readily visible to parents or other persons entering the day care service and shall provide instructions on how to gain access to the summary day care service inspection reports through the department's website.

§ 17-917. Denial of permit.

a. Every applicant for a new or renewal permit to operate a day care service shall disclose whether a serious injury or the death of a child in its care, or the care of any of its owners, directors, employees, volunteers or agents, has occurred. Every such permit applicant shall further disclose any civil or criminal court verdicts holding that the applicant, or any of its owners, directors, employees, volunteers or agents, was responsible for such serious injury or death of a child, or administrative agency decisions holding or finding that there is credible evidence that the applicant, or any of its owners, directors, employees, volunteers or agents, was responsible for such serious injury or death of a child, and whether any legal proceeding involving the serious injury or death of a child is pending against the applicant, or any of its owners, directors, employees, volunteers or agents. The department shall deny such a permit unless, on the basis of the application and other papers submitted, including the information provided pursuant to this section, and on the basis of department or City investigation, if any, it is satisfied that the provisions of the New York City health code and other applicable law will be met. The death of a child or the occurrence of more than one incident resulting in a serious injury to a child or children in the care of an applicant or permittee shall create a presumption in any proceeding brought by the department to deny or revoke such a permit of the inability of the applicant or permittee to comply with the provisions of said code or other applicable law. Nothing herein shall otherwise limit the department's authority to deny the issuance or renewal of a permit or to revoke a permit.

b. To the extent permissible by law, where the department has received written notification that a person with responsibility for oversight and direction of a day care service has a felony conviction at any time for a sex offense, crime against a child, or a crime involving violence, or a felony conviction within the past five years for a drug-related offense, the department shall, when consistent with article twenty-three-A of the correction law, deny the application for a permit to operate such day care service.

§ 17-918. Notification of authorities. The department shall report to an appropriate state agency any serious injury or death of a child in day care services which has been reported to the department in accordance with applicable law, rules and regulations. Such report shall include the name of the day care service and the day care service permittee of any day care service in which a

serious injury or death of a child has occurred.

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