

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 89

Introduced by Council Members Arroyo, Barron, Chin, Comrie, Gentile, Gonzalez, Greenfield, Jackson, James, Koo, Mendez, Palma, Rose, Vallone, Vann, Wills, Rodriguez, Eugene, Van Bramer, Brewer, Gennaro, Lander, Levin, Williams and Halloran.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to creating a food service establishment inspection ombuds office within the New York city department of health and mental hygiene.

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1505 to read as follows:

§ 17-1505. *a. Food service establishment inspections ombuds office; office established.*

There is hereby established within the food safety program of the department a food service establishment inspections ombuds office.

b. Food service establishment inspections ombuds office; duties and responsibilities. The food service establishment inspections ombuds office shall have, but not be limited by, the following duties and responsibilities:

1. establishing a system to receive questions, comments, complaints, and compliments with respect to any food service establishment inspection, including but not limited to, the establishment, operation, and dissemination of a central telephone hotline and website to receive such questions, comments, complaints, and compliments;

2. investigating complaints received pursuant to paragraph one of this subdivision and

taking any action it deems appropriate regarding such complaints, including but not limited to, withdrawing violations that concern the physical layout and/or major fixtures within a food service establishment where the department finds that such physical layout or fixture existed at the time of a prior inspection but was not the subject of a violation and the condition has not been altered since the time of such prior inspection, and identifying egregious inspection errors that ought to be rectified by the department in lieu of submission to the administrative tribunal;

3. issuing guidance letters providing informal advisory opinions on matters pertaining to food service establishment inspections, including but not limited to appropriate inspection methods and food handling techniques, either upon request or the department's own initiative. Any such guidance letter issued by the ombuds office shall be posted on the department's website upon issuance and, to the greatest extent practicable, distributed to all food service establishment operators;

4. monitoring inspection results for trends and inconsistencies, including but not limited to, via the compilation and analysis on a quarterly basis of the type and number of violations issued by each inspector; and

5. making recommendations to the commissioner regarding improvements to the food service establishment inspection process.

c. Food service establishment inspections ombuds office; annual report. No later than July 1, 2014, and every July 1 thereafter, the ombuds office shall submit to the commissioner an annual report regarding its activities during the previous twelve months. The ombuds office shall forward a copy of such report to the mayor and the speaker of the council. Such report shall include, but not be limited to:

1. the number, nature, and resolution of questions, comments, complaints, and

compliments received by the ombuds office;

2. the number and nature of guidance letter requested;

3. a copy of each guidance letter issued;

4. an analysis of trends and inconsistencies across inspection results; and

5. recommendations for improvements to the food service establishment inspection process

in accordance with paragraph five of subdivision b of this section.

§2. This local law shall take effect ninety days following its enactment.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 9, 2013 and returned unsigned by the Mayor on November 8, 2013.

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 89 of 2013, Council Int No. 1129-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.