



Avoiding Civil Penalties for Certain NYC Health Department Violations: A Guide for Child Care Programs on How to “Cure” Certain Violations

Please note that translated versions of this document are available online for your reference.
To cure violations, please fill out forms in English.

Certain first-time violations issued to businesses by the New York City Department of Health and Mental Hygiene (NYC Health Department) can be “cured.” To cure a violation, a business must correct the condition for which they received a summons and submit proof to the NYC Health Department. If the NYC Health Department decides the business has corrected the condition, no civil penalties (monetary fines) will be made against the business.

Which violations may be cured?

The violations listed in the chart in this document can be cured.

What is a first-time violation?

A first-time violation is a violation that is:

- Cited on or after March 6, 2023
- Pending or has not been upheld or defaulted at the NYC Office of Administrative Trials and Hearings (OATH)

What do I need to submit to cure a violation?

Complete the affirmation form and submit proof of curing your first-time violation no later than **seven calendar days** after the inspection date (which is written on your summons). If your violation was for failing to prominently post the Workplace Smoke-Free Air Act Policy, your proof of curing must be submitted within **30 calendar days** after the inspection.

Where do I submit my affirmation form?

You can email your affirmation form or submit it in person. See the following sections of this document for details.

How will I know if the NYC Health Department accepted my proof and there will be no penalties?

The NYC Health Department will notify you in writing if your submission was accepted and the violation is cured. The NYC Health Department will also inform OATH when the violation has been cured and that there are no penalties.

If the NYC Health Department rejects your proof, you may appeal to OATH.

What is the benefit of curing a violation if it stays on your record?

You will not have to pay a fine for a first-time violation.

Which violations are curable for child care programs?

The following table shows which violations are curable for child care programs:

Provision of Law Violated	Description
NYCHC 47.73(b)(2) Admin. Code 17-1303	Availability of childcare service inspection information not posted

How should child care programs submit their affirmation form?

You can email your **affirmation form** or submit it in person. To submit your affirmation form and any photos or documents:

- Via email, send them to **childcareinfo@health.nyc.gov**. Write “Proof of Cure – Summons / [Docket number]” in the subject line.
- In person, bring them to your designated borough office (visit **nyc.gov/assets/doh/downloads/pdf/dc/cc-boro-offices-gcc.pdf** for addresses and contact information)

Submitting any false statements to the NYC Health Department may result in penalties for violating the NYC Health Code and other applicable laws. For interpretation or translation assistance to help understand violation codes or fill out the appropriate forms, please call 646-632-6100.

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