

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2019**

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**No. 86**

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Introduced by Council Members Levine, Kallos, Diaz, Rosenthal, Constantinides, Eugene and Rivera.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to qualifications for persons conducting inspections and maintenance on drinking water tanks**

*Be it enacted by the Council as follows:*

Section 1. Section 17-194 of the administrative code of the city of New York, as added by local law number 11 for the year 2009, subdivisions b and d of such section as amended by local law number 239 for the year 2017, subdivision e of such section as added by such local law number 239, and subdivision f as added by such local law number 11 and relettered by such local law number 239, is amended to read as follows:

§ 17-194. Drinking water tank inspections.

a. Definitions. For purposes of this section, the following terms shall have the following meanings:

[1. “Building” shall mean] *Building.* The term “building” means any building, structure, premises, or part thereof.

[2. “Drinking water” shall mean] *Drinking water.* The term “drinking water” means water used for human consumption or used directly or indirectly in connection with the preparation of food for human consumption, including, but not limited to, the cleaning of utensils used in the preparation of

food.

[3. “Owner” shall mean] *Owner. The term “owner” means any owner, manager, operator or other person or persons having control of a building and any authorized agent thereof.*

[4. “Water heater” shall mean] *Water heater. The term “water heater” means any heating appliance or equipment that heats potable water and supplies such water to the potable hot water distribution system.*

[5. “Water tank” shall mean] *Water tank. The term “water tank” means any device used to store drinking water that is distributed as part of the water supply system of a building, however such term shall not apply to domestic hot water heaters.*

*Water tank inspector. The term “water tank inspector” means a person that inspects a water tank pursuant to this section and is (i) a licensed master plumber pursuant to article 408 of chapter 4 of title 28, (ii) works under the direct and continuing supervision of such a licensed master plumber, or (iii) is a registered design professional as defined in section 28-101.5.*

b. Any owner of a building that has a water tank as part of its drinking water supply system shall have such water tank inspected at least once annually. Such inspection shall ensure that the water tank complies with all provisions of the administrative code of the city of New York, the construction codes of the city of New York and the health code of the city of New York. The results of such inspection shall be recorded in a manner prescribed by the commissioner. Such results shall be maintained by the owner for at least five years from the date of inspection and shall be made available to the department upon request within five business days. Documentation of such annual inspection shall be submitted in a form and manner prescribed by the department. Such documentation shall state whether or not all applicable requirements were met at the time of inspection and provide a description of any non-compliance with applicable requirements.

*c. The inspection of a water tank pursuant to subdivision b of this section shall be conducted by a water tank inspector. In addition to the requirements of the New York city health code, the cleaning, painting or coating of a water tank shall be conducted by a water tank inspector, or by a person who holds a commercial pesticide applicator certification in category 7G issued by the New York state department of environmental conservation or works under the direct supervision of a person holding such certification.*

[c] *d.* The owner of a building shall post a notice stating that (i) the water tank inspection results are maintained on file in a specific location and will be made available when a person makes such a request to either the building owner or manager and (ii) that a person may contact the department if the inspection results are not made available to such person by the building owner or manager. Upon receipt of such request, the owner or manager shall make a copy of the inspection results available within five business days. Such notice shall be posted in a location easily accessible to tenants and in a frame with a transparent cover, and may be combined with similar notices where not otherwise prohibited by law.

[d] *e.* Beginning March 1, 2019, and each year thereafter, the department shall submit to the council a report which shall provide information about water tank inspections for the preceding calendar year including, but not limited to:

1. [the] *The* estimated number of building water tanks and the estimated number of buildings serviced by such tanks;

2. [the] *The* number of complete building water tank inspection results received by the department pursuant to subdivision b of this section;

3. [the] *The* number of building water tank inspection results received by the department that documented compliance with applicable requirements; and

4. [the] *The* number of violations issued by the department pursuant to subdivision [f] j of this section, section 141.07 of the health code or chapter 31 of title 24 of the rules of the city of New York.

[e] *f.* Water tank inspection information on website. Within 35 business days of receiving the documentation of an annual inspection required pursuant to subdivision b, the department shall post such documentation on its website and the web portal providing access to public data sets described in section 23-502. The department's website shall provide notice that failure to conduct a required water tank inspection is a violation of law. Information available to the public shall include:

1. [guidance] *Guidance* to assist users in accessing any prior inspection report for a building available on the web portal providing access to public data sets described in section 23-502;

2. [guidance] *Guidance* to assist users in determining whether a building is required to have a water tank inspection pursuant to this section or section 141.07 of the health code; and

3. [information] *Information* about how to submit a complaint about a water tank, or water from a water tank, to the department.

[f] j. Any owner of a building who violates [subdivision] subdivisions b *or c* of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not less than [two hundred] \$200 and not to exceed [two thousand dollars] \$2000 for each violation. Any owner of a building who violates subdivision [c] *d* of this section or any of the rules promulgated thereunder shall be liable for a civil penalty not to exceed [two hundred fifty dollars] \$250 for each violation.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such action as is necessary for its implementation, including the promulgation of rules, before such effective date.

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 April 9, 2019 and returned unsigned by the Mayor on May 9, 2019.

ALISA FUENTES, Acting City Clerk, Acting Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 86 of 2019, Council Int. No. 1157-B of 2018) 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.

STEVEN LOUIS, Acting Corporation Counsel.