



Legislation Text

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Int. No. 2474

By Council Member Rivera

A Local Law to amend the administrative code of the city of New York, in relation to lead-based paint hazards in common areas of dwellings

Be it enacted by the Council as follows:

Section 1. Subdivision a-1 of section 27-2056.4 of the administrative code of the city of New York, as amended by local law number 39 for the year 2021, is amended to read as follows:

a-1. Within the earliest of five years of the effective date of this subdivision, one year after a child of applicable age comes to reside in a dwelling unit subject to the requirements of subdivision a of this section, or the issuance of an order by the department of health and mental hygiene as required by such order, one investigation for the presence of lead-based paint undertaken pursuant to subdivision a of this section shall be performed by a person who (i) is not the owner or the agent of the owner or any contractor hired to perform work related to the remediation of lead-based paint hazards, and (ii) is certified as an inspector or risk assessor pursuant to section 745.226 of title 40 of the code of federal regulations. Such inspection shall consist of the use of an x-ray fluorescence analyzer on all types of surfaces in accordance with the procedures described in chapter 7 of the United States department of housing and urban development guidelines for the evaluation and control of lead-based paint hazards in housing, including on chewable surfaces, friction surfaces, and impact surfaces, to determine whether lead-based paint is present, and where such paint is located, in such dwelling unit and in the common areas of such multiple dwelling. Provided, however, that the investigation specified by this subdivision shall not be required if an investigation that complies with the requirements of this subdivision was previously completed and the owner retains records of such investigation, or if the dwelling unit has an

exemption from the presumption of lead paint, as provided in subdivision b of section 27-2056.5 of this article.

§ 2. Section 27-2056.6 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

§ 27-2056.6 Violation in a Dwelling Unit or Common Area. a. The existence of lead-based paint in any dwelling unit in a multiple dwelling where a child of applicable age resides shall constitute a class C immediately hazardous violation if such paint is peeling or is on a deteriorated subsurface.

b. The existence of lead-based paint in any common area of a multiple dwelling where a child of applicable age resides shall constitute a class C hazardous violation if such paint is peeling or is on a deteriorated subsurface.

§ 3. Section 27-2056.9 of the administrative code of the city of New York is amended by adding a new subdivision d-2 to read as follows:

d-2. When conducting an inspection pursuant to this section, the department shall also conduct an inspection of the common areas of such multiple dwelling, in the manner provided by subdivision c of this section, for conditions that would constitute a violation of section 27-2056.6. Provided, however, that an inspection of the common areas of a multiple dwelling as specified by this subdivision shall not be required if an inspection of the common areas of such multiple dwelling complying with the requirements of this subdivision was conducted by the department within the previous year, unless the department has received a specific complaint relating to presumed peeling lead paint in a common area and such surface has not been previously tested to determine the presence of lead-based paint pursuant to subdivision a-1 of section 27-2056.4 or subdivision c of this section or exempted pursuant to subdivision b of section 27-2056.5.

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of housing preservation and development shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MHL
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