



Legislation Text

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Int. No. 404

By Council Members Richards, Constantinides, Torres, Williams, Rose and Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to requiring annual air-quality testing in certain dwellings.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-108.1 to read as follows:

§ 24-108.1 Air-quality testing in certain dwellings required. a. For purposes of this section, “subsidized unit” means a dwelling unit, as defined by section 27-2004 of the housing maintenance code, that satisfies one of the following conditions:

1. The occupancy of such unit is restricted pursuant to an affordable housing program.

2. The unit is part of a New York city housing authority development.

b. On or before December thirty-first, two thousand fifteen, and once a year thereafter, the department shall test the air inside all multiple dwellings and garden-type maisonette dwelling projects that contain one hundred or more dwelling units and in which the proportion of subsidized units equals or exceeds eighty percent of the total number of dwelling units, for the presence of the pollutants, including but not limited to the following: particulate matter; pesticides; carbon monoxide; nitrogen dioxide; sulfur dioxide; volatile organic compounds, including but not limited to benzene and formaldehyde; polycyclic aromatic hydrocarbons; mycotoxins; and radon, except that the department need only test for radon in areas located on or below the second above-ground floor of a multiple dwelling.

c. For each multiple dwelling to which this section applies, the department shall conduct testing

according to the following procedure:

1. Pursuant to criteria that the department shall establish by rule, the department shall identify a statistically valid number of individual dwelling units for testing.

2. The department shall compile a list, in random order, of all dwelling units.

3. Proceeding according to the order of the list compiled pursuant to paragraph two of this subdivision, employees of the department shall attempt to gain consent to enter such dwelling units in order to test the air quality therein. If such employees are unable to gain consent to enter a dwelling unit, they shall proceed to the next dwelling unit identified on such list. Such employees shall proceed in this manner until they have tested the indoor air quality of a number of units equal to the number identified in paragraph one of this subdivision.

d. Unless otherwise permitted by law, an employee of the department may not enter a dwelling unit without the consent of a tenant of such unit who is eighteen years of age or older.

e. No person may prevent entry or access into a public area of a multiple dwelling by an authorized employee of the department who presents appropriate credentials.

f. On or before January thirty-first, two thousand sixteen, and each January thirty-first thereafter, the department shall submit to the mayor and the council a report on the air quality in multiple dwellings tested pursuant to this section for the preceding calendar year. The department shall include in its annual report recommendations for legislation, policy, budget initiatives and other measures the city can take to improve air quality in such multiple dwellings.

§ 2. Subdivision g of section 24-190 of the administrative code of the city of New York is amended to read as follows:

(g) Any person convicted of violating any of the provisions of this code or any regulation of the board not otherwise provided for by this section shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for twenty days or both for the first offense, and by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than thirty days

or both for a second offense, and by a fine of not less than four hundred dollars nor more than five thousand dollars or by imprisonment for not more than four months or both for a third or subsequent offense. A person convicted of violating subdivision e of section 24-108.1 of this code shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars or by imprisonment for thirty days or both.

§ 3. This local law shall take effect immediately.

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