



Legislation Text

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Int. No. 873

By Council Members Chin, Koslowitz, Kallos, Lander and Louis

A Local Law to amend the administrative code of the city of New York, in relation to permanent removal of lead-based paint

Be it enacted by the Council as follows:

Section 1. Section 27-2056.3 of article 14 of subchapter 2 of chapter 2 of title 27, as added by local law number 1 for the year 2004, is amended to read as follows:

§ 27-2056.3 Owners' Responsibility to Remediate. a. The existence of a lead-based paint hazard in any multiple dwelling where a child of applicable age resides is hereby declared to constitute a condition dangerous to life and health. An owner shall take action to prevent the reasonably foreseeable occurrence of such a condition and shall expeditiously remediate such condition and any underlying defect, when such underlying defect exists, consistent with the work practices established pursuant to section 27-2056.11 of this article, except where lead-contaminated dust is present in such multiple dwelling and the department of health and mental hygiene has made a determination pursuant to paragraph six of subdivision c of section 27-2056.10 of this article.

b. Each owner of a dwelling unit in a multiple dwelling erected before January 1, 1960 shall, upon the first vacancy of such unit that occurs five or more years after the effective date of the local law that added this subdivision and before such unit is reoccupied, ensure that such unit is free of lead-based paint and shall certify the following to the department, provided that such certification shall not be required if such unit has been exempted from the presumption under section 27-2056.5 for having complied with substantially similar requirements to the following:

1. Such unit was investigated (i) by a lead-based paint inspector or risk assessor certified pursuant to subparts L and Q of part 745 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this subdivision, and (ii) in accordance with either subdivision b of section 745.227 of such title or chapter 7 of the United States department of housing and urban development's guidelines for evaluation and control of lead-based paint hazards in housing, as in effect on the effective date of the local law that added this subdivision, provided that if such regulations or guidelines are updated after such effective date, the department may by rule adopt requirements consistent with such updated regulations and guidelines; and

2. Such unit is free of lead-based paint, or, such inspector or risk assessor has made a determination that, as a result of a substantial alteration of such unit, lead-based paint on each surface and component in such unit has been contained by encapsulation so that each surface tested is negative for lead-based paint, or other such methods that would abate the presence of lead in such unit if such methods are designed and performed so as to be permanent.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, before its effective date.

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