



Legislation Text

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Int. No. 891

By Council Members Levin, Holden, Cumbo, Kallos and Lander

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

Be it enacted by the Council as follows:

Section 1. Section 27-2056.1 of the administrative code of the city of New York is REPEALED and a new section 27-2056.1 is added to read as follows:

§ 27-2056.1 Usage of term “multiple dwelling” in this article. For the purposes of this article, the term “multiple dwelling” includes a private dwelling where each dwelling unit within such dwelling is occupied by persons other than the owner of such dwelling or such owner’s family.

§ 2. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.1 to read as follows:

§ 27-2056.3.1 Owners’ responsibility with respect to lead paint in a private dwelling being sold. a. For a dwelling unit in a private dwelling erected before January 1, 1960, that is being sold on or after one year after the effective date of the local law that added this section, other than such a unit that is being sold by a person to a member of such person’s family, either (i) the seller shall comply with subdivision b of this section for such unit before execution of such sale or (ii) the purchaser shall, within one year after the execution of such sale, comply with subdivision b of this section where the contract for sale between the seller and purchaser provides for same.

b. The person required pursuant to subdivision a of this section to comply with this subdivision shall

ensure that such unit is free of lead-based paint in the time frame required by subdivision a of this section and shall, in such time frame, certify to the department that:

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.

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

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