



Legislation Text

File #: Int 0916-2018, **Version:** *

Int. No. 916

By Council Members Salamanca, Holden, Cumbo and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to remediating lead soil hazards in 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 Section 27-2056.1 of the administrative code of the city of New York is REPEALED and a new section 27-2056.1 is added to read as follows: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 Reserved.

§ 2. Paragraph 11 of section 27-2056.2 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:

(11) “Remediation” or “Remediate” shall mean (i) with respect to a lead-based paint hazard, the reduction or elimination of a lead-based paint hazard through the wet scraping and repainting, removal, encapsulation, enclosure, or replacement of lead-based paint, or other method approved by the commissioner of health and mental hygiene or (ii) with respect to other hazardous conditions concerning lead, the reduction or elimination of such condition in a manner approved by such commissioner or specified by law or rule.

§ 3. 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 Reserved.

§ 4. 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 27-2056.3.2 to read as follows:

§ 27-2056.3.2 Owners' responsibility with respect to lead in soil. a. For the purposes of this section, the term "covered soil area" means area that is (i) on premises of a multiple dwelling, (ii) partially or wholly covered in bare soil and (iii) accessible to persons other than those employed to maintain such premises.

b. The owner of a multiple dwelling shall at least once in each year (i) cause a lead test to be conducted, in a manner established by rule of the department of health and mental hygiene, on a sample of soil from each covered soil area on the premises of such multiple dwelling and (ii) provide a copy of the results of such test to the department of health and mental hygiene and a lawful occupant of each dwelling unit in such multiple dwelling.

c. If a test that is required by federal, state or local law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that a covered soil area on the premises of a multiple dwelling has a lead level at or above the soil lead reference level established by rule of the department of health and mental hygiene, the owner of such multiple dwelling shall:

1. Notify such department and a lawful occupant of each dwelling unit in such multiple dwelling in a time and manner established by such department; and

2. Cover, replace or otherwise remediate such area in a manner established by rule of such department.

d. The department of health and mental hygiene may reduce the frequency of sampling for a multiple dwelling under subdivision b of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the soil lead reference levels established by rule of the department health and mental hygiene.

§ 4. 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.

MPC
LS 3126
5/8/18 12:34PM