



Legislation Text

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Proposed Int. No. 422-A

By Council Members Cumbo, Kallos, Rosenthal, Reynoso, Cornegy and Levin

A Local Law to amend the administrative code of the city of New York, in relation to soil lead hazards for certain private 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 Section 27-2056.1 of the administrative code of the city of New York is REPEALED and a new section 27-2056.1 is added to read as follows: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 Owners’ responsibility with respect to lead in soil at certain private dwellings. a. For the purposes of this section, the term “covered soil area” means area that is (i) partially or wholly covered in bare soil and (ii) accessible to persons other than those employed to maintain such premises.

b. Lead levels in covered soil areas on the premises of a private dwelling where each dwelling unit is

occupied by persons other than the owner or the owner's family shall be below the soil lead reference levels established by rule of the department of health and mental hygiene.

c. The owner of a dwelling subject to subdivision b of this section 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 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 dwelling.

d. 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 dwelling subject to subdivision b of this section 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 dwelling shall:

1. Notify such department and a lawful occupant of each dwelling unit in such 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.

e. The department of health and mental hygiene may reduce the frequency of sampling for a multiple dwelling under subdivision c 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 such department.

f. 1. For a dwelling unit in a private dwelling 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 paragraph 2 of this subdivision for such unit before execution of such sale or (ii) the purchaser shall, within one year after the execution of such sale, comply with

such paragraph where the contract for sale between the seller and purchaser provides therefor.

2. The person required pursuant to paragraph 1 of this subdivision to comply with this paragraph shall (i) cause a lead test to be conducted in accordance with subdivision c of this section for each covered soil area on the premises of such dwelling and (ii) comply with subdivision d of this section.

§ 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.

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