



Legislation Text

File #: Int 1733-2019, **Version:** *

Int. No. 1733

By Council Members Powers, Lander, Menchaca and Levin

A Local Law to amend the administrative code of the city of New York, in relation to mold assessments in class A multiple dwellings

Be it enacted by the Council as follows:

Section 1. The section heading and subdivision a of section 24-154 of the administrative code of the city of New York, as added by local law number 61 for the year 2018, are amended to read as follows:

§ 24-154 Mold assessment, abatement and remediation work for certain buildings. a. As used in this section, the terms “mold abatement,” “mold assessment” and “mold remediation” shall have the meanings ascribed to such terms in section 930 of the labor law; the [term] terms “class A multiple dwelling,” “dwelling unit” and “owner” shall have the [meaning] meanings ascribed to such terms in the housing maintenance code; the terms “floor area” and “zoning lot” shall have the meaning ascribed to such terms in the New York city zoning resolution and:

Administering agency. The term “administering agency” means the agency or agencies designated by the mayor pursuant to subdivision f to administer and enforce the provisions of this section.

Covered building. The term “covered building” means a building that (i) contains ten or more dwelling units or (ii) is located on a zoning lot that contains 25,000 or more square feet of non-residential floor area.

Covered person. The term “covered person” means, with respect to a building, a person who is an owner of such building, a managing agent of such building or an employee of such owner or agent.

[Project. The term “project” means mold remediation, mold assessment or mold abatement, of areas greater than ten square feet, but does not include full demolition of vacant buildings.]

Mold growth condition. The term “mold growth condition” means any condition of mold growth on an indoor surface, building structure or ventilation system, including mold that is within wall cavities, that is likely to cause harm to a person or for which mold remediation or mold abatement is advisable.

Non-residential floor area. The term “non-residential floor area” means, for a zoning lot, the amount of commercial floor area, office floor area, retail floor area, storage floor area and factory floor area, according to records of the department of finance and department of city planning.

Project. The term “project” means mold remediation, mold assessment or mold abatement, of areas greater than 10 square feet, but does not include full demolition of vacant buildings.

§ 2. Subdivisions d, e and f of section 24-154 of the administrative code of the city of New York, as added by local law number 61 for the year 2018, are redesignated subdivisions e, f and g respectively, and a new subdivision d is added to read as follows:

d. 1. If a person conducting a mold assessment for a class A multiple dwelling determines on the basis of such assessment that a mold growth condition exists in a dwelling unit within such class A multiple dwelling, then, no later than 24 hours after making such determination and regardless of whether or not such person has received payment for the assessment, such person shall provide the owner of such class A multiple dwelling with a written notice stating that a mold growth condition exists in the relevant dwelling unit.

2. Such written notice shall:

(a) Identify the rooms or areas within such dwelling unit where the mold growth condition exists;

(b) Include a statement in conspicuously sized type notifying the owner that under the laws of the city of New York, such owner must provide a copy of the notice to the occupant of the affected dwelling unit within 24 hours and that failure to do so may subject such owner to monetary penalties;

(c) Be written in English and in each of the designated citywide languages as defined in section 23-1101; and

(d) Comply with any rules promulgated by the administering agency under this subdivision.

3. No later than 24 hours after receiving a written notice described in this subdivision, the owner of the affected class A multiple dwelling shall provide a copy of such notice to the occupant of the affected dwelling unit.

4. The administering agency shall promulgate rules specifying the form of the notice described in this subdivision.

§ 3. This local law takes effect 120 days after it becomes law, provided, however, that the administering agency, as defined in section 24-154 of the administrative code of the city of New York, may take all actions necessary for its implementation, including the promulgation of rules, before such date.

CJM
LS #10879
07/24/2019