



Legislation Text

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By Council Members Ayala, Louis, Hanif, Won, Marte, Joseph, Riley, Restler, Krishnan, Dinowitz, Cabán, Richardson Jordan, Avilés, Farías, Velázquez, Schulman, Gennaro, Rivera, De La Rosa, Brewer, Sanchez, Abreu, Brannan, Brooks-Powers, Bottcher, Nurse, Gutiérrez and Hudson

A Local Law to amend the administrative code of the city of New York, in relation to the permanent removal of lead-based paint on friction surfaces in child-occupied dwellings

Be it enacted by the Council as follows:

Section 1. Section 27-2056.8 of the administrative code of the city of New York, as amended by local law number 28 for the year 2020, is amended to read as follows:

§ 27-2056.8 Violation in a Dwelling Unit Upon or Prior to Turnover. a. Upon turnover of any dwelling unit in a multiple dwelling erected prior to January 1, 1960 [or a dwelling unit in a private dwelling erected prior to January 1, 1960 where each dwelling unit is to be occupied by persons other than the owner or the owner's family], or on such earlier date as established by rule of the department pursuant to subdivision e of this section, the owner shall within such dwelling unit have the responsibility to:

(1) remediate all lead-based paint hazards and any underlying defects, when such underlying defects exist;

(2) make all bare floors, window sills, and window wells in the dwelling unit smooth and cleanable;

(3) provide for the removal or permanent covering of all lead-based paint on all friction surfaces on all doors and door frames; and

(4) provide for the removal or permanent covering of all lead-based paint on all friction surfaces on all windows, or provide for the installation of replacement window channels or slides on all lead-based painted friction surfaces on all windows.

b. All work performed pursuant to this section shall be performed pursuant to the safe work practices promulgated pursuant to [section 27-2056.11(a)(3) of this article] paragraph 3 of subdivision a of section 27-2056.11.

c. Any owner who fails to comply with the provisions of subdivision a of this section, or the rules of the department of health and mental hygiene or the department promulgated pursuant to paragraph 3 of subdivision a of section 27-2056.11 as determined by subdivision d-1 of section 27-2056.9 shall be liable for a class C immediately hazardous violation. An owner who is presumed to have failed to comply with the provisions of subdivision a of this section or such rules, pursuant to an audit as provided in section 27-2056.7 or section 27-2056.17, shall be liable for a class B violation and a civil penalty in an amount not to exceed [\$1500] \$1,500.

d. When the department issues a violation pursuant to this section for a specific dwelling unit, the department shall notify the owner of the multiple dwelling where the dwelling unit is located that the owner shall, within 45 days of the department's notice, provide to the department all records or access to all records required to be maintained under this article.

e. The department shall by rule establish a schedule for compliance with this section prior to turnover of a dwelling unit in a multiple dwelling in which a child of applicable age resides. In establishing such schedule, the department shall consider the age of a multiple dwelling and other factors relevant to the prevalence of lead-based paint hazards including, but not limited to, outstanding violations, emergency repair charges, tax arrears and mortgage debt. Such schedule shall also require compliance in all such dwelling units by July 1, 2023.

§ 2. Subdivision d-1 of section 27-2056.9 of the administrative code of the city of New York, as added by local law number 28 for the year 2020, is amended to read as follows:

d-1. [When] Prior to the effective date of the rules promulgated by the department pursuant to subdivision e of section 27-2056.8, the department, when conducting an inspection pursuant to this section, [the department] shall attempt to obtain information from the tenant or another source regarding the date upon

which the current tenancy of such dwelling unit began. If the tenancy began after August 2, 2004, or if the inspection pursuant to this section is conducted after the effective date of the rules promulgated by the department pursuant to subdivision e of section 27-2056.8 and [the] such inspection [pursuant to this section] indicates a failure by the owner to comply with the requirements of section 27-2056.8 or the rules promulgated thereunder, the department shall issue a violation pursuant to subdivision c of section 27-2056.8 and shall also conduct an audit pursuant to subdivision a of section 27-2056.17 pertaining to records of compliance with section 27-2056.8. Such inspection shall include, at a minimum, the testing of one or more painted friction surfaces on a window frame and one or more painted friction surfaces on a door frame, whether or not such surfaces are peeling. A property owner may rebut the information provided by the tenant or another source regarding the date upon which the current tenancy of such multiple dwelling unit began by submitting documents in accordance with rules of the department. A property owner may correct a violation of section 27-2056.8 by abating any friction surface that tested positive or is presumed to contain lead-based paint pursuant to section 27-2056.5, and either (i) providing results of XRF tests for all window and door friction surfaces within the unit that demonstrate such surfaces do not contain lead-based paint, or (ii) providing documentation satisfactory to the department to demonstrate appropriate abatement of all other window and door friction surfaces within the dwelling unit.

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

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