



Legislation Text

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Int. No. 607-A

By Council Members Martinez, Provenzano, The Speaker (Council Member Miller), Perkins, Clarke, Foster, Jennings, Quinn, Vann, Reyna, Reed, Stewart, Comrie, Katz, Arroyo, Rivera, Fidler, Jackson, Brewer, Liu and Odde

A Local Law to amend the administrative code of the city of New York, in relation to the exemption from taxes of certain multiple dwellings for certain lead based paint activities.

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision a of section 11-243 of the administrative code of the city of New York, as amended by local law number 1 for the year 2004, is amended to read as follows:

1. “Alteration” and “improvement”: a physical change in an existing dwelling other than painting, ordinary repairs, normal replacement of maintenance items, provided, however, that ordinary repairs and normal replacement of maintenance items, as defined by rules adopted by the department of housing preservation and development pursuant to subdivision m of this section, shall be eligible for tax exemption and tax abatement under this section provided that repairs and maintenance items:

(1) were started and completed within a twelve-month period,

(2) were made to any common area of the dwelling premises concurrently with a major capital improvement thereto, as defined by rules adopted by the department of housing preservation and development pursuant to subdivision m of this section, and

(3) require the issuance of a permit for at least one item thereof by any city agency, and

(4) the amount of money expended thereon shall not exceed two times the amount expended on the major capital improvement performed concurrently therewith.

“Alteration” and “improvement” shall also mean “an abatement” of lead-based paint hazards, as defined in part

745 of title forty of the code of federal regulations or any successor regulations in any existing dwelling including any common areas, and shall include an “inspection” and “risk assessment” for lead-based paint hazards, as defined in such part, in a dwelling unit whether such unit is vacant or occupied [by a child of applicable age, as established in accordance with section 27-2056.18 of this code, regardless of whether a child is or has been lead poisoned] but shall not include any work performed to comply with a notice of violation issued for a violation of article fourteen of subchapter two of chapter two of title 27 of the administrative code. For purposes of this paragraph, the term, "targeted area" shall mean the geographical area of New York city that is determined by the department of health and mental hygiene to have high rates of children with environmental intervention blood lead levels. The department of housing preservation and development shall establish two schedules of certified reasonable costs for items that are included in an abatement of lead-based paint hazards, one covering such abatement that is performed in an eligible dwelling unit or common area located in the targeted area, and one covering such abatement that is performed in an eligible dwelling unit or common area that is not located in the targeted area. The first such schedules shall be promulgated by the department of housing preservation and development within 180 days of the effective date of this local law and shall be used for any such abatements that are commenced on or after August 2, 2004. Such schedules shall be reviewed by such department biennially following their effective dates and amended as necessary. Notwithstanding any other provision of law or rule, an owner who performs an abatement of lead-based paint hazards pursuant to this paragraph shall not be required to comply with subdivision (y) of this section which provides for filing of a notice of intent form prior to the commencement of work, and no additional fee or penalty shall be due and owing the department at the time of issuance of a certificate of eligibility and reasonable cost for failure to file such notice of intent.

§2. This local law shall take effect immediately

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