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Int. No. 942

By Council Member Gennaro, the Public Advocate (Mr. Williams), and Council Members Sanchez, Restler, Farías and Cabán

A Local Law to amend the administrative code of the city of New York, in relation to the replacement of lead water service lines

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-309.2 to read as follows:

§ 24-309.2 Replacement of lead water service lines. a. Definitions. For purposes of this chapter, the following terms have the following meanings:

Area median income. The term "area median income" means the income limits as defined annually by the United States department of housing and urban development for the New York, NY HUD Metro FMR Area, as established in section 3 of the housing act of 1937, as amended.

Child care program. The term "child care program" means a program that provides care for a child up to 12 years of age on a regular basis, away from the child's residence, for less than 24 hours per day by a person other than a parent, stepparent, or guardian of such child or a relative within the third degree of consanguinity of the parents or stepparents of such child.

Commissioner. The term "commissioner" means the commissioner of environmental protection.

Department. The term "department" means the department of environmental protection.

Licensed master plumber. The term "licensed master plumber" means a person who has a current master plumber license issued by the department of buildings pursuant to section 28-408.1, or an individual working

under the direct and continuing supervision of such a person.

Property owner. The term "property owner" means any individual, limited liability company, or other entity that owns real property in the city, and does not include the city.

b. Replacement and certification required. 1. No later than 10 years after the effective date of the local law that added this section, each property owner shall replace any water service line in their property that is made of lead with a water service line that is made of copper or any other material approved by the commissioner.

2. No later than 10 years after the effective date of the local law that added this section, each property owner shall obtain and provide to the commissioner a certification from a licensed master plumber stating that there is no water service line in their property that is made of lead. The commissioner shall maintain a record of such certifications indefinitely.

c. City assistance mechanisms. 1. Upon the request of a property owner, the department shall test such property owner's water service line to identify whether such water service line is made of lead, at no cost to such property owner.

2. Subject to appropriation, the commissioner shall establish and maintain a program to provide financial assistance to each property owner subject to the requirements set forth in subdivision b of this section who is an individual whose household has an annual gross income of no more than 50 percent of the area median income as adjusted for the size of such household. The commissioner shall establish a method for such property owners to apply to the department for such financial assistance.

3. Agency heads shall waive any fees associated with issuing a permit for work involved with compliance with the requirement set forth in paragraph 1 of subdivision b of this section.

4. If the department conducts work on or affecting a water service line belonging to a property owner that is made of lead, the department shall replace such water service line with a water service line that is made of copper or any other material approved by the commissioner, at no cost to such property owner.

5. If a water service line belonging to a property owner that is made of lead is in a property where a child care program is located, such property owner may notify the department of such water service line, and upon such notification the department shall replace such water service line with a water service line that is made of copper or any other material approved by the commissioner, at no cost to such property owner.

d. Outreach and education. 1. The commissioner shall establish and engage in outreach and education efforts, including but not limited to the development and distribution of informational materials, concerning the requirements set forth in subdivision b of this section and the assistance available to property owners under subdivision c of this section. The commissioner shall direct such outreach and education efforts to, at a minimum, property owners, licensed master plumbers, contractors that specialize in water service line replacement, and child care programs.

2. The commissioner shall make the materials developed for such outreach and education efforts available in English and the designated citywide languages, as such term is defined in section 23-1101. The commissioner shall make all such materials available on the department's website.

e. Enforcement. 1. Any property owner that does not replace a water service line as required under paragraph 1 of subdivision b of this section is liable for a civil penalty of not more than $1,000, recoverable in a proceeding before the office of administrative trials and hearings pursuant to section 1048 of the charter.

2. Any property owner that does not obtain and provide to the commissioner a certification as required under paragraph 2 of subdivision b of this section is liable for a civil penalty of not more than $500, recoverable in a proceeding before the office of administrative trials and hearings pursuant to section 1048 of the charter.

3. If the department is required to replace a water service line under paragraphs 4 or 5 of subdivision c of this section and fails to do so, the relevant property owner is not liable for any penalties set forth in this subdivision.

§ 2. This local law takes effect 180 days after it becomes law.

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