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Int. No. 527

By Council Members De La Rosa, Louis, Brewer, Hudson, Brooks-Powers, Hanif, Won, Farías, Cabán, Avilés and Thomas-Henry

A Local Law to amend the administrative code of the city of New York, in relation to inspections for lead-based paint

Be it enacted by the Council as follows:

Section 1. Subdivision a-1 of section 27-2056.4 of the administrative code of the city of New York, as amended by local law number 111 for the year 2023, is amended to read as follows:

a-1. No later than the earliest of August 9, 2025, or one year after a child of applicable age comes to reside in a dwelling unit subject to the requirements of subdivision a of this section, or the issuance of an order by the department of health and mental hygiene as required by such order, one investigation for the presence of lead-based paint undertaken pursuant to subdivision a of this section shall be performed by a person who (i) is not the owner or the agent of the owner or any contractor hired to perform work related to the remediation of lead-based paint hazards, and (ii) is certified as an inspector or risk assessor pursuant to section 745.226 of title 40 of the code of federal regulations. Such inspection shall consist of the use of an x-ray fluorescence analyzer on all types of surfaces in accordance with the procedures described in chapter 7 of the United States department of housing and urban development guidelines for the evaluation and control of lead-based paint hazards in housing, including on chewable surfaces, friction surfaces, and impact surfaces, to determine whether lead-based paint is present, and where such paint is located, in such dwelling unit and in the common areas of such multiple dwelling. The owner shall file a copy of the results of such investigation with the department within 30 days after receipt of such results. Provided, however, that the investigation specified by

this subdivision shall not be required if an investigation that complies with the requirements of this subdivision was previously completed and the owner retains records of such investigation, or if the dwelling unit has an exemption from the presumption of lead paint, as provided in subdivision b of section 27-2056.5 of this article.

§ 2. Subdivision f of section 27-2056.4 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:

f. The owner shall inform the occupant in writing of the results of an investigation undertaken pursuant to this section and shall provide a copy of any such report received or generated by an investigation. The owner shall retain a copy of each investigation report, for ten years from the date of such report for an investigation conducted pursuant to subdivision a of this section and shall permanently retain a copy of any report for an investigation conducted pursuant to subdivision a-1 of this section. [and such] Such report shall be made available to the department on request and shall be transferred by the owner to the owner's successor in title.

§ 3. Subdivision c of section 27-2056.9 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:

c. Each inspector who performs an inspection pursuant to subdivision b of this section shall [use an x-ray fluorescence analyzer during the course of that inspection to determine whether lead-based paint is present in such dwelling unit except that, for reasons beyond the control of the department, such x-ray fluorescence analysis is unable to be performed during such inspection, the department shall] rely on the presumption set forth in subdivision a of section 27-2056.5 of this article. [Where peeling paint is found during an inspection of a dwelling unit performed pursuant to subdivision a of this section, the department shall within ten days thereafter perform another inspection of such dwelling unit using an x-ray fluorescence analyzer to determine whether lead-based paint is present in such dwelling unit.] Such presumption may be rebutted by the owner in the manner set forth in subdivision a of section 27-2056.5 or by submission of the results of an inspection conducted pursuant to subdivision a-1 of section 27-2056.4. Where[, upon conducting an inspection,] the department determines the existence of a condition constituting a violation of this article, the department shall serve a notice of violation within ten additional days.

§ 4. Section 27-2056.12 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. The department shall maintain a publicly accessible central register of all investigation reports, organized by address, that have been filed with the department pursuant to subdivision a-1 of section 27-2056.4.

§ 5. Subdivision a of section 27-2056.17 of the administrative code of the city of New York, as amended by local law number 31 for the year 2020, is amended to read as follows:

a. The owner of any multiple dwelling or dwelling that performs any work or provides any notices pursuant to this article shall retain all records relating to such work or notices for a period of no less than ten years from the completion date of such work or notification, as provided in the rules of the department and this article, and permanently retain a copy of any investigation report pursuant to subdivision a-1 of section 27-2056.4. If the multiple dwelling is subject to the requirements of section 27-2056.4 or section 27-2056.8, for each dwelling unit in such dwelling the owner shall keep a record of: (i) the date that such unit turned over whenever such turnover occurs; (ii) the name of each inspector, risk assessor or contractor who performed required investigations pursuant to subdivision a-1 of section 27-2056.4; (iii) all testing results performed pursuant to subdivision a-1 of section 27-2056.4 and any other lead based paint testing that has occurred in such unit; and (iv) whether the department has granted an exemption from the presumption established by section 27-2056.5 for any unit in the multiple dwelling. The owner shall make any such records required to be retained by this article available to the department upon the department's request, and shall transfer such records to the owner's successor in title.

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§ 6. This local law takes effect 120 days after it becomes law.
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