

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 40

Introduced by Council Members Chin, Cumbo, Kallos, Lander, Vallone, Rosenthal, Maisel and Rivera.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to improving tenant notification, interagency cooperation, conducting inspections and issuing stop work orders, in connection with lead paint and construction work

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-179 of the administrative code of the city of New York, as amended by local law number 73 for the year 2019, is amended to read as follows:

b. The department shall develop a pamphlet explaining the hazards associated with lead-based paint *and lead-contaminated dust* and describing the procedures to be used in order for a violation of sections 27-2056.6 [and], 27-2056.7, 27-2056.8 *and 27-2056.11* of this code to be corrected. The pamphlet shall include appropriate telephone numbers to obtain lead poisoning screening, diagnosis and treatment information and to report unsafe lead-based paint work practices. Such pamphlet shall also describe building owners' responsibilities under article 14 of subchapter 2 of chapter 2 of title 27, including such building owners' responsibilities to remediate all lead-based paint hazards and underlying defects upon turnover of any dwelling unit, and such building owners' responsibilities to annually inspect any dwelling unit where a child of applicable age resides for lead-based paint hazards. Such pamphlet shall be made available in accordance with section 27-2056.9 of this code. Such pamphlet shall also be made available *on the department's*

website and to any member of the public upon request, and shall be available in any designated citywide language, as defined by section 23-1101 of this code.

§ 2. Subparagraph (i) of paragraph 3 of subdivision e 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:

(i) Upon receipt of such notice the occupant shall have the responsibility to deliver by February fifteenth of that year, a written response to the owner indicating whether or not a child of applicable age resides therein. If, subsequent to delivery of such notice, the owner does not receive such written response by February fifteenth, and does not otherwise have actual knowledge as to whether a child of applicable age resides therein, then the owner shall at reasonable times and upon reasonable notice inspect that occupant's dwelling unit to ascertain the residency of a child of applicable age and, when necessary, conduct an investigation in order to make that determination. Where, between February sixteenth and March first of that year, the owner has made reasonable attempts to gain access to a dwelling unit to determine if a child of applicable age resides in that dwelling unit and was unable to gain access, the owner shall notify the department of health and mental hygiene of that circumstance. *The department of health and mental hygiene may require by rule that such notification to such department be provided electronically.*

§ 3. Paragraph 2 of subdivision a of section 27-2056.11 of the administrative code of the city of New York is amended by adding a new subparagraph (iv) to read as follows:

(iv) *The department of health and mental hygiene may by rule require the electronic submission of any notice required to be submitted to such department by this paragraph.*

§ 4. Paragraph 1 of subdivision b of section 27-2056.12 of the administrative code of the city of New York, as amended by local law number 70 for the year 2019, is amended to read as follows:

(1) the number of addresses inspected and the number of [commissioners] *commissioner's* orders and violations issued pursuant to section 27-2056.11 and any regulations promulgated thereunder, *disaggregated by whether such inspections occurred in response to complaints, referrals from the department of buildings or another cause;*

§ 5. Section 27-2056.13 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:

§ 27-2056.13 Transmittal of Violations to the Department of Health and Mental Hygiene. The department shall send a notice which shall be addressed to the dwelling unit in the multiple dwelling, when a dwelling unit is identified, for which a violation of this article was issued. Such notice shall include a telephone number for the department of health and mental hygiene. The department shall also refer to the department of health and mental hygiene the address of the unit in the multiple dwelling for which such violation was issued, *where applicable*, the name of the complainant, if any, and the complainant's telephone number, if available. The department of health and mental hygiene, pursuant to section 17-179 of this code, shall refer to appropriate medical providers any person who requests assistance in blood lead screening, testing, diagnosis or treatment[, and upon the request of a parent or guardian, arrange for blood lead screening of] *for* any child who requires screening and whose parent or guardian is unable to obtain a lead test because the child is uninsured or the child's insurance does not cover such screening.

§ 6. Section 27-2056.14 of the administrative code of the city of New York, as amended by local law number 66 for the year 2019, is amended to read as follows:

§ 27-2056.14 Inspections by Department of Health and Mental Hygiene and Removal of Health Code Violations by Department of Housing Preservation and Development. *a.* Whenever a report has been made to the department of health and mental hygiene of a person under eighteen years of age with an elevated blood lead level that is at or above the blood lead reference level established pursuant to section 17-912 residing in any dwelling unit, the department of health and mental hygiene shall conduct such investigation as may be necessary to identify potential sources of the elevated blood lead level, including but not limited to, an inspection of the dwelling unit where such person resides. If the department of health and mental hygiene issues an order to correct any violation, the department of health and mental hygiene shall notify the department of each dwelling unit in a dwelling for which the department of health and mental hygiene has issued an order to correct a violation. Where the owner of the dwelling or relevant dwelling unit within such dwelling fails to comply with an order of the department of health and mental hygiene to correct a violation placed by the department of health and mental hygiene, the department of health and mental hygiene shall certify such conditions to the department of housing preservation and development. The certification procedure shall be completed within sixteen days of the report of the elevated blood lead level. The conditions so certified shall be corrected within eighteen days of certification to the department.

b. In the event that the department of health and mental hygiene issues an order to correct a violation for a condition in a common area of a dwelling identified during an investigation

conducted pursuant to subdivision a of this section or section 17-185, the department of health and mental hygiene shall post a notice of such order in a conspicuous manner in the building lobby, and the building owner shall post a notice of such order on each floor within ten feet of the elevator, or, in a building where there is no elevator, within ten feet of or in the main stairwell on such floor. Such notice shall remain posted until a determination by the department of health and mental hygiene that the violating condition has been corrected, and shall include an explanation of the hazards of lead exposure, a description of precautionary measures to prevent exposure to lead dust and an appropriate telephone number to obtain lead poisoning screening, diagnosis and treatment information.

§ 7. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-105.12.12 and 28-105.12.13 to read as follows:

§ 28-105.12.12 Statement of lead-based paint compliance. *Where the work for which a permit is sought involves disturbance of lead-based paint, as defined in section 27-2056.2, or paint of unknown lead content, the application shall include a statement of compliance with section 27-2056.11 and, where applicable, subpart E or subpart L of part 745 of title 40 of the code of federal regulations. The application shall also include a statement that any firm performing proposed work holds the certification or certifications required to perform work pursuant to such section, such certification number(s) and, where applicable, that such firm has filed or will file a notice of commencement required pursuant to paragraph (2) of subdivision a of section 27-2056.11 with the department of health and mental hygiene.*

§ 28-105.12.13 Reporting to the Department of Health and Mental Hygiene. *The department shall maintain an electronic record of all permits issued that indicate that section 28-105.12.12 applies to the building subject to such permit. The department shall make such permit information available to the department of health and mental hygiene.*

§ 8. Subdivision 3.1 of section 28-120.1 of the administrative code of the city of New York, as added by local law number 106 for the year 2019, is amended to read as follows:

3.1. [There] *Lead and asbestos.* Where the work involves disturbance of lead-based paint, as defined in section 27-2056.2, or paint of unknown lead content or asbestos, there shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, [and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance] *including whether the firm performing proposed work holds the certification or certifications required to perform such work pursuant to section 27-2056.11, and disclosure of any open violations related to lead issued by the department of health and mental hygiene or the department of housing preservation and development.*

§ 9. Section 28-120.1.3 of the administrative code of the city of New York, as amended by local law number 106 for the year 2019, is amended to read as follows:

§ 28-120.1.3 Notice to occupants. Upon issuance of a permit for work containing a tenant protection plan, the owner shall (i) distribute a notice regarding such plan to each occupied dwelling unit and (ii) post a notice regarding such plan in a conspicuous manner in the building lobby, as well as on each floor within ten feet of the elevator, or in a building where there is no elevator, within ten feet of or in the main stairwell on such floor. The notice shall be in a form created or approved by the department and shall include:

1. A statement that occupants of the building may obtain a paper copy of such plan from the owner and may access such plan on the department website;
2. The name and contact information for the site safety manager, site safety coordinator or superintendent of construction required by section 3301.3 of the New York city building code, as applicable, or, if there is no site safety manager, site safety coordinator or superintendent of construction, the name and contact information of the owner of the building or such owner's designee; [and]
3. A statement that occupants of the building may call 311 to make complaints about the work;
and
4. *Where the work involves the disturbance of lead-based paint, as defined in section 27-2056.2, or paint of unknown lead content, occupants of the building shall be directed to information regarding the hazards associated with lead-contaminated dust in a form established by the department in collaboration with the department of health and mental hygiene.*

§ 10. Section 28-207.2 of the administrative code of the city of New York, as amended by local law number 62 for the year 2019, is amended to read as follows:

§ 28-207.2 Stop work orders. Whenever the commissioner has issued a notice of proposed revocation pursuant to section 28-105.10.1 of this code or finds that any building work is being executed in violation of the provisions of this code, the 1968 building code, the zoning resolution or of any laws or rules enforced by the department, or in a dangerous or unsafe manner, *or, if the department of health and mental hygiene makes a referral to the department regarding unsafe lead work practices*, the commissioner or his or her authorized representative may issue a stop work order.

§ 11. Section 3303.10.2 of the New York city building code, as amended by local law number 116 for the year 2019, is amended to read as follows:

3303.10.2 Inspections of tenant protection plan. The owner shall notify the department in writing at least 72 hours prior to the commencement of any work requiring a tenant protection plan. The department shall conduct an inspection of 10 percent of such sites within seven days after the commencement of such work to verify compliance with the tenant protection plan. The department shall conduct follow up inspections of such sites every 180 days until such construction is completed to verify compliance with the building code and tenant protection plan. Thereafter, the department shall conduct an inspection within 10 days of receipt of a complaint concerning such work. *Where the department receives a complaint alleging that dust is not being contained or controlled in accordance with a tenant protection plan, it shall conduct an inspection within 24 hours. The department shall, in collaboration with the department of health and mental hygiene, develop a procedure to complete a lead-contaminated dust test upon a determination that dust is not being contained or controlled during such tenant protection plan inspections or an inspection conducted in response to a complaint, and take any appropriate enforcement action, including the issuance of an order pursuant to section 28-207.2 of the administrative code. The department of health and mental hygiene shall assist the department to implement such procedure, including submitting dust samples collected by the department to a laboratory for analysis. The department shall refer the result of any such inspection to the department of health and mental hygiene for review and further inspection in accordance with the New York city health code.*

§ 12. This local law takes effect one year after it becomes law, except the commissioner of housing preservation and development and the commissioner of health and mental hygiene may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on March 18, 2021 and returned unsigned by the Mayor on April 19, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 40 of 2021, Council Int. No. 874-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.