



Legislation Text

File #: Int 0874-2018, **Version:** *

Int. No. 874

By Council Members Chin, Cumbo, Kallos, Lander and Vallone

A Local Law to amend the administrative code of the city of New York, in relation to improving interagency cooperation, and issuing stop work orders, in connection with lead paint and construction work

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 24-223 of the administrative code of the city of New York, as added by local law 113 for the year 2005, is amended to read as follows:

(c) If after hours work at the site is not being performed in compliance with such plan or where no plan is in effect, or the department or the agency issuing such authorization[,] knows of any outstanding lead-based paint hazard or violation of law relating to lead-based paint safety, including article 14 of subchapter 2 of chapter 2 of title 27 of this code or article 173 of the health code, the department or agency issuing such authorization at the request of the commissioner or on its own account[,] may take appropriate action, including but not limited to the refusal to renew such after hours authorization.

§ 2. 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 and Department of Buildings. a. Notice 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, 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 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.

b. Notice to the department of buildings. Whenever the department sends a notice of violation pursuant to subdivision a of this section, the department shall also refer to the department of buildings the address of the unit in the multiple dwelling for which such violation was issued, the nature of the violation, the name of the complainant, if any, and the complainant's telephone number, if available.

§ 3. Section 27-2056.14 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:

§ 27-2056.14 Inspections by Department of Health and Mental Hygiene, Notice to the Department of Buildings and Removal of Health Code Violations by Department of Housing Preservation and Development. 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 of fifteen micrograms per deciliter or higher 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 and the department of buildings 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.

§ 4. Item 3.1 of section 28-104.8.4 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended to read as follows:

3.1. There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos[.] and disclosure of any complaint or notice of violation related to lead-based paint in connection with that building in the preceding 48 months.

§ 5. Section 28-207.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

§ 28-207.2 Stop work orders. Whenever the commissioner 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, the commissioner or his or her authorized representative may issue a stop work order. Without in any way limiting the foregoing, the commissioner or his or her authorized representative may also issue a stop work order with respect to any building for which the department has received notice of a lead-based paint hazard or violation of law in relation to lead-based paint safety, including article 14 of subchapter 2 of chapter 2 of title 27 of this code or article 173 of the health code.

§ 6. Article 207 of chapter 2 of title 28 of the administrative code of the city of New York is amended to add a new section 28-207.2.3.1 as follows:

§ 28-207.2.3.1 Rescission of stop work orders relating to lead. In the case of a stop work order issued in connection with a lead-based paint hazard or violation of law in relation to lead-based paint safety, the commissioner shall rescind the stop work order when the commissioner is satisfied that any underlying violation of law has been remedied or that the work subject to the order will be done according to all applicable safety standards.

§ 7. This local law takes effect one year after it becomes law.