



Legislation Text

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Int. No. 918-A

By Council Members Torres, Holden, Cumbo, Kallos, Ayala, Levin and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to reporting on lead poisoning prevention and control

Be it enacted by the Council as follows:

Section 1. Section 27-2056.12 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:

§ 27-2056.12 Reporting.

a. Within four months after the close of the first fiscal year after which this article takes effect and for every fiscal year thereafter, the commissioner shall provide to the council a written report on the department's implementation of this article during the preceding year. Such report shall include, at a minimum, an analysis of the department's program, a detailed statement of revenue and expenditures and statistical section designed to provide a detailed explanation of the department's enforcement including, but not limited to, the following:

(1) the number of complaints for peeling paint in pre-1960 dwelling units where a child of applicable age resides, disaggregated by city or non-city ownership of the building which is the subject of the complaint;

(2) the number of inspections by the department pursuant to [this article] section 27-2056.9, disaggregated by the city or non-city ownership of the building where the inspection occurred;

(3) the number of jobs performed by the department in city-owned buildings to address lead-based paint hazards and any underlying defects;

(4) the number of violations issued by the department pursuant to this article, disaggregated by the number of violations issued pursuant to subdivision a of section 27-2056.9;

[(4)] (5) the number of violations issued pursuant to this article that were certified as corrected by the owner, the number of such certifications that did not result in the removal of such violations, and the number of civil actions brought by the department against such owners; [and

(5)] (6) the number of jobs performed in which violations issued pursuant to this article were corrected by the department, the average time between the issuance of such violations and their correction, the total amount spent by the department to [correct the conditions that resulted in] address the violations, and the average amount spent per dwelling unit [to correct] where correction of such conditions was completed; [and

(6)] (7) a statistical profile with geographic indexing, such as by community district, council district, and/or zip code, of multiple dwellings in which violations are placed, indicating the ages of the multiple dwellings and other factors relevant to the prevalence of lead-based paint hazards, which may include the prior lead poisoning of a child in the multiple dwelling, outstanding violations, and emergency repair charges;

(8) the number of investigations conducted pursuant to section 27-2056.4, and the number of violations issued pursuant to subdivision g of section 27-2056.4;

(9) the number of investigations conducted pursuant to section 27-2056.8, and the number of violations issued pursuant to subdivision c of section 27-2056.8;

(10) the number of dwelling units in which violations for underlying defects were placed in addition to violations for lead-based paint;

(11) the number of inspectors assigned at the end of the fiscal year to conduct inspections using XRF machines; and

(12) the number of audits conducted under subdivision b of section 27-2056.17 and the number of violations issued pursuant to subdivision c of section 27-2056.17, disaggregated by the section of this article for which such violations were issued.

b. The department of health and mental hygiene shall prepare a report on progress toward increasing screening rates and reducing the incidence rates of children newly identified with elevated blood lead levels.

This report shall be utilized by the department in its implementation of this article. Such report shall be submitted to the council within nine months after the close of each calendar year. Such report shall include comprehensive information for the prior calendar year regarding the implementation and enforcement of all lead poisoning prevention and control measures required by local law or rule, and shall include, but not be limited to:

(1) the number of addresses inspected and the number of commissioners orders and violations issued pursuant to section 27-2056.11 and any regulations promulgated thereunder;

(2) the number of incidences of lead poisoning in children and pregnant women; and

(3) information on the implementation of the education and outreach program required by subdivision a of section 17-186.1.

c. The department shall maintain a central register of all department orders to correct a violation under this article. Such register shall indicate, if applicable, the date of the complaint, address of the premises, and the date of each inspection and reinspection.

§ 2. Section 27-2056.17 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:

§ 27-2056.17 Record keeping requirements. 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. The owner shall make any such records required to be retained by this [section] article available to the department upon the department's request, and shall transfer such records to the owner's successor in title.

b. To determine compliance with the requirements of this article, in addition to the audits required by section 27-2056.7, the department shall audit the records required to be kept pursuant to this article, including pursuant to section 27-2056.4 and 27-2056.8, for a minimum of 200 buildings each fiscal year. Such additional 200 buildings shall be selected by the department using criteria that shall include, but need not be limited to:

(1) buildings with peeling lead-based paint violations issued as a result of positive XRF tests;

(2) buildings with violations that have been issued for other indicators of deteriorated subsurfaces including, but not limited to, mold and leaks;

(3) buildings selected from a random sample of buildings based on data on the prevalence of elevated blood lead levels in certain geographic areas identified by the department of health and mental hygiene; and

(4) buildings selected from a random sample of buildings that are subject to the presumption in section 27-2056.5.

c. Notwithstanding any inconsistent provision of section 27-2115, any owner who fails, in response to a demand by the department and in accordance with rules of the department, to produce a record required to be retained by this article within 45 days of such request, shall be liable for a class C immediately hazardous violation, and a civil penalty of not less than \$1000 and not more than \$5,000.

§ 3. This local law takes effect 1 year after it becomes law, except that:

(i) paragraph (3) of subdivision b of section 27-2056.12, as added by section one of this local law takes effect on the same day as a local law amending the administrative code of the city of New York, relating to education and outreach regarding childhood lead poisoning prevention, as proposed in introduction number 881 for the year 2018, takes effect;

(ii) section two of this local law takes effect 180 days after it becomes law; and

(iii) the commissioner of housing preservation and development and the commissioner of health may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.