

STATE OF NEW YORK

4471

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. CUNNINGHAM -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, the tax law, the real property
law and the multiple dwelling law, in relation to enacting the "Lead-
Free Homes Act"

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

- 1 Section 1. Short title. This act shall be known and may be cited as
2 the "Lead-Free Homes Act".
- 3 § 2. Section 1370 of the public health law, as amended by chapter 485
4 of the laws of 1992, subdivision 6 as amended by section 1 of part P of
5 chapter 57 of the laws of 2019, subdivision 8 as added by section 1 of
6 part T of chapter 57 of the laws of 2023, is amended to read as follows:
7 § 1370. Definitions. When used in this title, the following words and
8 phrases shall have the following meanings, unless the context clearly
9 requires otherwise:
- 10 1. "Dwelling" means a building or structure or portion thereof,
11 including the property occupied by and appurtenant to such dwelling,
12 which is occupied in whole or in part as the home, residence or sleeping
13 place of one or more human beings [~~and shall, without limiting the fore-~~
14 ~~going, include~~].
- 15 2. "School" means any public or private child care [~~facilities for~~
16 ~~children under six years of age, kindergartens and nursery schools]~~
17 facility, child caring center, day nursery, day care agency, nursery
18 school, pre-school, pre-kindergarten, kindergarten, or elementary
19 school.
- 20 [~~2-~~] 3. "Area of high risk" means an area designated as such by the
21 commissioner or [~~his~~] such commissioner's representative and consisting
22 of one or more dwellings or schools in which a condition conducive to
23 lead poisoning of children is present.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 ~~[3-]~~ 4. "Community of concern" means an area designated as such by the
2 commissioner or such commissioner's representative with significant
3 concentrations of children identified with elevated blood lead levels.

4 5. "A condition conducive to lead poisoning" means: (i) paint or other
5 similar surface-coating material containing lead in a condition accessi-
6 ble for ingestion or inhalation or where peeling or chipping of the
7 paint or other similar surface-coating material occurs or is likely to
8 occur; ~~and~~ (ii) plumbing, service pipes or other pipes, fixtures, or
9 other materials containing lead in a condition accessible for ingestion
10 or inhalation that are used to transport water to or within a dwelling
11 or a school; or (iii) other environmental conditions which may result in
12 significant lead exposure.

13 ~~[4-]~~ 6. "Program" means the lead poisoning prevention program in the
14 department established pursuant to section thirteen hundred seventy-a of
15 this title.

16 ~~[5-]~~ 7. "Council" means the advisory council on lead poisoning
17 prevention established pursuant to section thirteen hundred seventy-b of
18 this title.

19 ~~[6-]~~ 8. "Elevated lead levels" means a blood lead level greater than
20 or equal to five micrograms of lead per deciliter of whole blood or such
21 lower blood lead level as may be established by the department pursuant
22 to rule or regulation.

23 ~~[7-]~~ 9. "Person" means any natural person.

24 ~~[8-]~~ 10. "Owner" means and includes the owner or owners of the free-
25 hold of the premises or lesser estate therein, a mortgagee or vendee in
26 possession, assignee of rents, receiver, executor, trustee, lessee,
27 agent, or any other person, firm or corporation, directly or indirectly
28 in control of a dwelling.

29 § 3. Section 1370-a of the public health law, as added by chapter 485
30 of the laws of 1992, paragraph (a) of subdivision 2 and subdivision 3 as
31 amended by section 4 of part A of chapter 58 of the laws of 2009, and
32 paragraphs (c) and (d) of subdivision 2 as amended and paragraphs (e)
33 and (f) of subdivision 2 as added by chapter 532 of the laws of 2022, is
34 amended to read as follows:

35 § 1370-a. Lead poisoning prevention program. 1. The department shall
36 establish a lead poisoning prevention program, in consultation with the
37 advisory council on lead poisoning prevention. This program shall be
38 responsible for establishing and coordinating activities to prevent lead
39 poisoning and to minimize risk of exposure to lead. The department shall
40 exercise any and all authority which may be deemed necessary and appro-
41 priate to effectuate the provisions of this title.

42 2. The department shall:

43 (a) promulgate and enforce regulations for screening children and
44 pregnant ~~[women]~~ people, including requirements for blood lead testing,
45 for lead poisoning, and for follow up of children and pregnant ~~[women]~~
46 people who have elevated blood lead levels;

47 (b) promulgate and enforce regulations setting forth standards for
48 effectively inspecting dwellings and schools for conditions conducive to
49 lead poisoning, and for remediating and abating such conditions using
50 lead-safe work practices;

51 (c) enter into interagency agreements to coordinate lead poisoning
52 prevention, exposure reduction, identification and treatment activities
53 and lead reduction activities with other federal, state and local agen-
54 cies and programs;

55 ~~[(e)]~~ (d) establish a statewide registry of lead levels of children
56 provided such information is maintained as confidential except for (i)

1 disclosure for medical treatment purposes; (ii) disclosure of non-iden-
2 tifying epidemiological data; and (iii) disclosure of information from
3 such registry to the statewide immunization information system estab-
4 lished by section twenty-one hundred sixty-eight of this chapter;

5 [~~(d)~~] (e) develop and implement public education and community
6 outreach programs on lead exposure, detection and risk reduction;

7 [~~(e)~~] (f) require primary health care providers to provide the parent
8 or guardian of each child under six years of age anticipatory guidance
9 on lead poisoning prevention as part of routine care, including but not
10 limited to contact information for the state-designated childhood lead
11 poisoning primary prevention program serving their county; and

12 [~~(f)~~] (g) develop and update as necessary, in consultation with the
13 New York state advisory council on lead poisoning prevention, a stand-
14 ardized lead exposure risk assessment questionnaire that shall be avail-
15 able on the department's website for primary health care providers to
16 utilize pursuant to subdivision two-a of section thirteen hundred seven-
17 ty-c of this title.

18 3. The department shall identify and designate areas in the state with
19 significant concentrations of children identified with elevated blood
20 lead levels as communities of concern for purposes of implementing a
21 childhood lead poisoning primary prevention program, and may, within
22 amounts appropriated, provide grants to implement approved programs.

23 The department shall consider the results of tests of drinking water of
24 residential real property conducted and reported to the commissioner
25 pursuant to section two hundred forty-two-a of the real property law and
26 section eighty-five of the multiple dwelling law in considering whether
27 a community shall be designated as a community of concern.

28 The commis-
29 sioner of health of a county or part-county health district, a county
30 health director or a public health director and, in the city of New
31 York, the commissioner of the New York city department of health and
32 mental hygiene, shall develop and implement a childhood lead poisoning
33 primary prevention program to prevent exposure to lead-based paint
34 hazards for the communities of concern in their jurisdiction. The
35 department shall provide funding to the New York city department of
36 health and mental hygiene or county health departments to implement the
37 approved work plan for a childhood lead poisoning primary prevention
38 program. The work plan and budget, which shall be subject to the
39 approval of the department, shall include, but not be limited to: (a)
40 identification and designation of an area or areas of high risk within
41 communities of concern; (b) a housing inspection program that includes
42 prioritization and inspection of areas of high risk for lead hazards,
43 correction of identified lead hazards using effective lead-safe work
44 practices and, appropriate oversight of remediation work; (c) partner-
45 ships with other county or municipal agencies or community-based organ-
46 izations to build community awareness of the childhood lead poisoning
47 primary prevention program and activities, coordinate referrals for
48 services, and support remediation of housing that contains lead hazards;
49 (d) a mechanism to provide education and referral for lead testing for
50 children and pregnant [~~women~~] people to families who are encountered in
51 the course of conducting primary prevention inspections and other
52 outreach activities; and (e) a mechanism and outreach efforts to provide
53 housing inspections for lead hazards upon request. The commissioner of
54 health of a county or part-county health district, a county health
55 director or a public health director and, in the city of New York, the
56 commissioner of the New York city department of health and mental
57 hygiene, shall also enter into an agreement or subcontract with a munic-

1 ipal government regarding inspection of the [~~paint~~] conditions in dwell-
2 ings and schools built prior to nineteen hundred seventy-eight for the
3 area defined as the community of concern and may, when qualified staff
4 exists, designate the local housing maintenance code enforcement agency
5 in which the community of concern is located as an agency authorized to
6 administer the provisions of this title pursuant to subdivision one of
7 section thirteen hundred seventy-five of this title. A portion of grant
8 funding received to support the local primary prevention plan may be
9 used to reduce barriers to lead testing of children and pregnant [~~women~~]
10 people within the communities of concern, including the purchase of lead
11 testing devices and supplies when the need for such resources is identi-
12 fied within the community. The commissioner, the commissioner of health
13 of a county or part-county health district, a county health director or
14 a public health director and, in the city of New York, the commissioner
15 of the New York city department of health and mental hygiene, is author-
16 ized to enter into agreements, contracts, subcontracts or memoranda of
17 understanding with, and provide technical and other resources to, local
18 health officials, local building code officials, real property owners,
19 and community organizations in such areas to create and implement poli-
20 cies, education and other forms of community outreach to address lead
21 exposure, detection and risk reduction. Primary prevention plans shall
22 target children less than six years of age living in the highest risk
23 housing in the communities of concern identified. The plans shall also
24 take into consideration the extent the weatherization assistance program
25 and other such programs can be used in conjunction with lead-based paint
26 hazard risk reduction. Funding provided for this program shall be used
27 for the activities described in this section and shall not be used for
28 other activities required by this title.

29 § 4. Subdivision 1 and paragraph (i) of subdivision 4 of section
30 1370-b of the public health law, subdivision 1 as amended by section 79
31 of part A of chapter 62 of the laws of 2011, paragraph (i) of subdivi-
32 sion 4 as amended by section 5 of part A of chapter 58 of the laws of
33 2009 and such subdivision as renumbered by chapter 314 of the laws of
34 2020, are amended to read as follows:

35 1. The New York state advisory council on lead poisoning prevention is
36 hereby established in the department, to consist of the following, or
37 their designees: the commissioner; the commissioner of labor; the
38 commissioner of environmental conservation; the commissioner of housing
39 and community renewal; the commissioner of children and family services;
40 the commissioner of temporary and disability assistance; the secretary
41 of state; two members appointed by the temporary president of the
42 senate; one member appointed by the minority leader of the senate; two
43 members appointed by the speaker of the assembly; one member appointed
44 by the minority leader of the assembly; and fifteen public members
45 appointed by the governor. The public members shall have a demonstrated
46 expertise or interest in lead poisoning prevention and at least one
47 public member shall be representative of each of the following: local
48 government; community groups; labor unions; real estate; industry;
49 parents; educators; local housing authorities; child health advocates;
50 environmental groups; professional medical organizations and hospitals.
51 The public members of the council shall have fixed terms of three years;
52 except that five of the initial appointments shall be for two years and
53 five shall be for one year. The council shall be chaired by the commis-
54 sioner or [~~his or her~~] such commissioner's designee.

55 (i) To report on or before December first of each year to the governor
56 and the legislature concerning the previous year's development and

1 implementation of the statewide plan and operation of the program,
2 together with recommendations it deems necessary and the most currently
3 available lead surveillance measures[~~, including~~]. Such report shall
4 include: the actual number and estimated percentage of children tested
5 for lead in accordance with New York state regulations, including age-
6 specific testing requirements[~~, and~~]; the actual number and estimated
7 percentage of children identified with elevated blood lead levels, the
8 geographic boundaries of each community of concern in the state
9 presented with maps or other means; the number of inspections of condi-
10 tions in dwellings and schools conducted in each community of concern
11 pursuant to subdivision three of section thirteen hundred seventy-a of
12 this title; the amount and purpose of funding the department provided to
13 the New York city department of health and mental hygiene and to each
14 county health department pursuant to subdivision three of section thir-
15 teen hundred seventy-a of this title; a description and the total budget
16 for each work plan approved by the department pursuant to subdivision
17 three of section thirteen hundred seventy-a of this title; the number of
18 tests of drinking water of residential real property conducted and
19 reported to the commissioner pursuant to section two hundred forty-two-a
20 of the real property law and section eighty-five of the multiple dwell-
21 ing law, respectively; the results of such tests broken down by the
22 county and the community of concern, if any, in which such real property
23 is located; and the total amount received by the department for fines
24 paid for violations of section eighty-five of the multiple dwelling law,
25 the county and community of concern, if any, of the real property for
26 which such fine was paid, the total amount of fines collected, and the
27 amount distributed to the New York city department of health and mental
28 hygiene and to each county health department. Such report shall be made
29 available on the department's website.

30 § 5. Section 1372 of the public health law, as amended by chapter 485
31 of the laws of 1992, is amended to read as follows:

32 § 1372. Use of leaded paint. No person shall apply paint or other
33 similar surface-coating material containing more than .06 of one per
34 centum of metallic lead based on the total weight of the contained
35 solids or dried paint film to any interior surface, window sill, window
36 frame or porch of a dwelling or school.

37 § 6. Section 1373 of the public health law, as added by chapter 338 of
38 the laws of 1970, subdivision 1 as amended by chapter 411 of the laws of
39 2017, subdivision 2 as amended by chapter 485 of the laws of 1992,
40 subdivision 3 as amended by chapter 20 of the laws of 2018, subdivision
41 5 as added by chapter 529 of the laws of 1976, is amended to read as
42 follows:

43 § 1373. Abatement of lead poisoning conditions. 1. Whenever the
44 commissioner or [~~his or her~~] such commissioner's representative shall
45 designate an area of high risk, [~~he or she~~] such commissioner or repre-
46 sentative shall give written notice and demand, served as provided by
47 this section, for the discontinuance of a [~~paint~~] condition conducive to
48 lead poisoning in any designated dwelling or school in such area within
49 a specified period of time.

50 2. Such notice and demand shall prescribe the method of discontinuance
51 of a condition conducive to lead poisoning which may include the removal
52 of paint containing more than one-half of one per centum of metallic
53 lead based on the total weight of the contained solids or dried film of
54 the paint or other similar surface-coating material from surfaces speci-
55 fied by the commissioner or [~~his~~] such commissioner's representative
56 under such safety conditions as may be indicated and the refinishing of

1 such surfaces with a suitable finish which is not in violation of
2 section [~~one thousand three~~ thirteen hundred seventy-two of this title
3 or the covering of such surfaces with such material or the removal of
4 lead contaminated soils or lead pipes supplying drinking water as may be
5 deemed necessary to protect the life and health of occupants of the
6 dwelling or school.

7 3. In the event of failure to comply with a notice and demand, the
8 commissioner or [~~his or her~~ such commissioner's representative shall
9 take enforcement action as deemed appropriate by the commissioner or
10 [~~his or her~~ such commissioner's representative, which may include
11 conducting a formal hearing upon due notice in accordance with the
12 provisions of section twelve-a of this chapter and on proof of violation
13 of such notice and demand may order abatement of a paint condition
14 conducive to lead poisoning upon such terms as may be appropriate and
15 may assess a penalty not to exceed two thousand five hundred dollars for
16 such violation; provided, however, that abatement shall not be ordered
17 if the respondent proves by a preponderance of evidence at such hearing
18 that a paint condition conducive to lead poisoning in the designated
19 dwelling or school does not exist.

20 4. A notice required by this section may be served upon an owner or
21 occupant of the dwelling or school, or an agent of the owner in the same
22 manner as a summons in a civil action or by registered or certified mail
23 to [~~his~~ such owner or occupant's last known address or place of resi-
24 dence.

25 5. The removal of a tenant from or the surrender by the tenant of a
26 dwelling with respect to which the commissioner or [~~his~~ such commis-
27 sioner's representative, pursuant to subdivision one of this section,
28 has given written notice and demand for the discontinuance of a [~~paint~~]
29 condition conducive to lead poisoning shall not absolve, relieve or
30 discharge any persons chargeable therewith from the obligation and
31 responsibility to discontinue such [~~paint~~] condition conducive to lead
32 poisoning in accordance with the method of discontinuance prescribed
33 therefor in such notice and demand.

34 § 7. Section 1374 of the public health law, as added by chapter 338 of
35 the laws of 1970, is amended to read as follows:

36 § 1374. Receivership. 1. In the event of failure to comply with an
37 order issued pursuant to this title and containing provision for such
38 application, the officer issuing the order may apply to a court of
39 competent jurisdiction in the county wherein the dwelling or school is
40 located for an order appointing such officer or [~~his~~ such officer's
41 designee receiver of the rents of such dwelling or school for the
42 purpose of effectuating the provisions of such order.

43 2. An application for appointment of a receiver hereunder shall be on
44 at least ten days' notice to the owner of the dwelling or school,
45 effected in the same manner as in an action to foreclose a mortgage. A
46 receiver appointed hereunder shall not have any right superior to those
47 of any mortgagee or lienor of record who has not had at least ten days'
48 notice, by personal service or registered or certified mail, of the
49 application for appointment of a receiver.

50 3. A receiver appointed hereunder shall have the power to collect the
51 accrued and accruing rents of the dwelling or school and shall apply
52 such collected rents to costs and expenses incurred in connection with
53 (a) removing, replacing, repainting and covering surfaces of the dwell-
54 ing or school necessary to effectuate the provisions of the order of
55 abatement, (b) interim operation and management of the dwelling or
56 school, (c) administration of the receivership.

1 4. As soon as practicable after completion of [~~his~~] the receiver's
2 duties, the receiver shall render a full accounting to the court and,
3 upon payment over of any surplus moneys to the owner or other persons as
4 the court may approve or direct and upon the order of the court, [~~he~~]
5 such receiver shall be relieved of any further responsibility or liability
6 in connection with [~~his~~] their receivership.

7 § 8. The tax law is amended by adding a new section 23-a to read as
8 follows:

9 § 23-a. Lead remediation and abatement credit. (a) Lead remediation
10 and abatement credit. A taxpayer who is a class A multiple dwelling
11 owner and has undertaken successful lead remediation or successful lead
12 abatement of such dwelling pursuant to paragraph (b) of subdivision two
13 of section thirteen hundred seventy-a of the public health law and is
14 subject to tax under article nine-A or twenty-two of this chapter, shall
15 be allowed a credit against such tax pursuant to subdivision (e) of this
16 section.

17 (b) Amount of credit. The amount of the credit shall be one thousand
18 five hundred dollars per dwelling unit for successful lead remediation
19 and five thousand dollars per dwelling unit for successful lead abate-
20 ment. The credit shall only be allowed for the taxable year such remedi-
21 ation or abatement was certified and both credits cannot be claimed in
22 the same year. The credit authorized pursuant to this section shall not
23 apply to any remediation or abatement commenced prior to June first, two
24 thousand twenty-five.

25 (c) Any recipient of a credit pursuant to this section shall not
26 evict, for reason of expired lease or holdover tenancy, a tenant or
27 lawful occupant of any dwelling unit for which such credit is received
28 for a period of one year after the credit is received, except as
29 provided in subdivision (d) of this section.

30 (d) Nothing in subdivision (c) of this section shall prevent eviction
31 proceedings from being commenced or shall cause eviction proceedings to
32 be stayed if the tenant or lawful occupant is persistently and unreason-
33 ably engaging in behavior that substantially infringes on the use and
34 enjoyment of other tenants or occupants or causes a substantial safety
35 hazard to others, provided: (i) if an eviction proceeding is pending on
36 the date a landlord or property owner receives a credit pursuant to this
37 section, but the petitioner has not previously alleged that such tenant
38 or occupant persistently and unreasonably engaged in such behavior, the
39 petitioner shall be required to submit a new petition with such allega-
40 tions and comply with all notice and service requirements under article
41 seven of the real property actions and proceedings law and this subdivi-
42 sion; (ii) if the court has awarded a judgment against a respondent
43 prior to the date a landlord or property owner receives a credit pursu-
44 ant to this section on the basis of objectionable or nuisance behavior,
45 the court shall hold a hearing to determine whether the tenant is
46 continuing to persist in engaging in unreasonable behavior that substan-
47 tially infringes on the use and enjoyment of other tenants or occupants
48 or causes a substantial safety hazard to others; (iii) for the purposes
49 of this subdivision, a mere allegation of the behavior by the petitioner
50 or an agent of the petitioner alleging such behavior shall not be suffi-
51 cient evidence to establish that the tenant has engaged in such behav-
52 ior; (iv) if the petitioner fails to establish that the tenant or lawful
53 occupant persistently and unreasonably engaged in such behavior and the
54 landlord or property owner receives a credit pursuant to this section,
55 the court shall stay or continue to stay any further proceedings until
56 the one year period provided for in subdivision (c) of this section has

1 elapsed; and (v) if the petitioner establishes that the tenant persis-
2 tently and unreasonably engaged in such behavior, the proceeding may
3 continue pursuant to article seven of the real property actions and
4 proceedings law and this subdivision.

5 (e) Cross-references. For application of the credit provided for in
6 this section, see the following provisions of this chapter:

7 Article 9-A: Section 210-B, subdivision 61.

8 Article 22: Section 606, subsections (i) and (qqq).

9 § 9. Section 210-B of the tax law is amended by adding a new subdivi-
10 sion 61 to read as follows:

11 61. Lead remediation and abatement credit. (a) Allowance of credit. A
12 taxpayer who is a class A multiple dwelling owner and has undertaken
13 successful lead remediation or successful lead abatement of such dwell-
14 ing pursuant to paragraph (b) of subdivision two of section thirteen
15 hundred seventy-a of the public health law and is subject to tax under
16 this article, shall be allowed a credit, to be computed as provided in
17 section twenty-three-a of this chapter, against the tax imposed by this
18 article.

19 (b) Application of credit. The credit allowed under this subdivision
20 for any taxable year shall not reduce the tax due for such year to less
21 than the higher amount prescribed in paragraph (d) of subdivision one of
22 this section. However, if the amount of credits allowed under this
23 subdivision for any taxable year reduces the tax to such amount, any
24 amount of credit thus not deductible in such taxable year shall be
25 treated as an overpayment of tax to be credited or refunded in accord-
26 ance with the provisions of section one thousand eighty-six of this
27 chapter. Provided, however, the provisions of subsection (c) of section
28 one thousand eighty-eight of this chapter notwithstanding, no interest
29 shall be paid thereon.

30 (c) Any recipient of a credit pursuant to this section shall not
31 evict, for reason of expired lease or holdover tenancy, a tenant or
32 lawful occupant of any dwelling unit for which such credit is received
33 for a period of one year after the credit is received, except as
34 provided in paragraph (d) of this subdivision.

35 (d) Nothing in paragraph (c) of this subdivision shall prevent
36 eviction proceedings from being commenced or shall cause eviction
37 proceedings to be stayed if the tenant or lawful occupant is persistent-
38 ly and unreasonably engaging in behavior that substantially infringes on
39 the use and enjoyment of other tenants or occupants or causes a substan-
40 tial safety hazard to others, provided: (i) if an eviction proceeding is
41 pending on the date a landlord or property owner receives a credit
42 pursuant to this section, but the petitioner has not previously alleged
43 that such tenant or occupant persistently and unreasonably engaged in
44 such behavior, the petitioner shall be required to submit a new petition
45 with such allegations and comply with all notice and service require-
46 ments under article seven of the real property actions and proceedings
47 law and this paragraph; (ii) if the court has awarded a judgment against
48 a respondent prior to the date a landlord or property owner receives a
49 credit pursuant to this section on the basis of objectionable or
50 nuisance behavior, the court shall hold a hearing to determine whether
51 the tenant is continuing to persist in engaging in unreasonable behavior
52 that substantially infringes on the use and enjoyment of other tenants
53 or occupants or causes a substantial safety hazard to others; (iii) for
54 the purposes of this paragraph, a mere allegation of the behavior by the
55 petitioner or an agent of the petitioner alleging such behavior shall
56 not be sufficient evidence to establish that the tenant has engaged in

1 such behavior; (iv) if the petitioner fails to establish that the tenant
 2 or lawful occupant persistently and unreasonably engaged in such behav-
 3 ior and the landlord or property owner receives a credit pursuant to
 4 this section, the court shall stay or continue to stay any further
 5 proceedings until the one year period provided for in paragraph (c) of
 6 this subdivision has elapsed; and (v) if the petitioner establishes that
 7 the tenant persistently and unreasonably engaged in such behavior, the
 8 proceeding may continue pursuant to article seven of the real property
 9 actions and proceedings law and this paragraph.

10 § 10. Subparagraph (B) of paragraph 1 of subsection (i) of section 606
 11 of the tax law is amended by adding a new clause (lii) to read as
 12 follows:

13 <u>(lii) Lead remediation and</u>	<u>Amount of credit under subdivision</u>
14 <u>abatement credit under subsection</u>	<u>sixty-one of section two</u>
15 <u>(qqq)</u>	<u>hundred ten-B</u>

16 § 11. Section 606 of the tax law is amended by adding a new subsection
 17 (qqq) to read as follows:

18 (qqq) Lead remediation and abatement credit. (1) Allowance of credit.
 19 A taxpayer who is a class A multiple dwelling owner and has undertaken
 20 successful lead remediation or successful lead abatement of such dwell-
 21 ing pursuant to paragraph (b) of subdivision two of section thirteen
 22 hundred seventy-a of the public health law and is subject to tax under
 23 this article, shall be allowed a credit, to be computed as provided in
 24 section twenty-three-a of this chapter, against the tax imposed by this
 25 article.

26 (2) Application of credit. If the amount of the credit allowed under
 27 this subsection for any taxable year shall exceed the taxpayer's tax for
 28 such year, the excess shall be treated as an overpayment of tax to be
 29 credited or refunded in accordance with the provisions of section six
 30 hundred eighty-six of this article, provided, however, that no interest
 31 shall be paid thereon.

32 (3) Any recipient of a credit pursuant to this subsection shall not
 33 evict, for reason of expired lease or holdover tenancy, a tenant or
 34 lawful occupant of any dwelling unit for which such credit is received
 35 for a period of one year after the credit is received, except as
 36 provided in paragraph four of this subsection.

37 (4) Nothing in paragraph three of this subsection shall prevent
 38 eviction proceedings from being commenced or shall cause eviction
 39 proceedings to be stayed if the tenant or lawful occupant is persistent-
 40 ly and unreasonably engaging in behavior that substantially infringes on
 41 the use and enjoyment of other tenants or occupants or causes a substan-
 42 tial safety hazard to others, provided: (i) if an eviction proceeding is
 43 pending on the date a landlord or property owner receives a credit
 44 pursuant to this subsection, but the petitioner has not previously
 45 alleged that such tenant or occupant persistently and unreasonably
 46 engaged in such behavior, the petitioner shall be required to submit a
 47 new petition with such allegations and comply with all notice and
 48 service requirements under article seven of the real property actions
 49 and proceedings law and this paragraph; (ii) if the court has awarded a
 50 judgment against a respondent prior to the date a landlord or property
 51 owner receives a credit pursuant to this subsection on the basis of
 52 objectionable or nuisance behavior, the court shall hold a hearing to
 53 determine whether the tenant is continuing to persist in engaging in
 54 unreasonable behavior that substantially infringes on the use and enjoy-
 55 ment of other tenants or occupants or causes a substantial safety hazard
 56 to others; (iii) for the purposes of this paragraph, a mere allegation

1 of the behavior by the petitioner or an agent of the petitioner alleging
2 such behavior shall not be sufficient evidence to establish that the
3 tenant has engaged in such behavior; (iv) if the petitioner fails to
4 establish that the tenant or lawful occupant persistently and unreason-
5 ably engaged in such behavior and the landlord or property owner
6 receives a credit pursuant to this subsection, the court shall stay or
7 continue to stay any further proceedings until the one year period
8 provided for in paragraph three of this subsection has elapsed; and (v)
9 if the petitioner establishes that the tenant persistently and unreason-
10 ably engaged in such behavior, the proceeding may continue pursuant to
11 article seven of the real property actions and proceedings law and this
12 paragraph.

13 § 12. The real property law is amended by adding a new section 242-a
14 to read as follows:

15 § 242-a. Lead disclosure. 1. Any seller of residential real property
16 on or after July first, two thousand twenty-six, shall be required to
17 provide at least one week before closing the results of a test of the
18 drinking water of the residential property being conveyed for the pres-
19 ence of lead conducted no more than twelve months prior to the closing
20 date. This subdivision shall not apply to the conveyance of residential
21 real property where the owner remains the same natural person or persons
22 regardless of whether such property is conveyed to a limited liability
23 company or other entity. Any such seller required to provide the
24 results of a test pursuant to this section shall submit the results of
25 such test to the department of health in a manner the department
26 prescribes.

27 2. The department of health shall promulgate the standards for any
28 tests required to be conducted pursuant to subdivision one of this
29 section and shall collect the results of all such tests. Such tests
30 shall provide for the testing of water from the service lines leading
31 into the property. The commissioner of health shall include a detailed
32 summary of the results of such tests throughout the state in the annual
33 report required pursuant to paragraph (i) of subdivision four of section
34 thirteen hundred seventy-b of the public health law and shall use the
35 data collected pursuant to this section to identify communities of
36 concern pursuant to section thirteen hundred seventy-a of the public
37 health law.

38 § 13. The multiple dwelling law is amended by adding a new section 85
39 to read as follows:

40 § 85. Lead testing. 1. As used in this section, the following terms
41 shall have the following meanings:

42 (a) "Person" means an individual, firm, company, partnership, or
43 corporation, trade group or association; and

44 (b) "Contractor" means any person, other than a bona fide employee of
45 the owner, who owns, operates, maintains, conducts, controls or trans-
46 acts a home improvement business and who undertakes or offers to under-
47 take or agrees to perform any home improvement or solicits any contract
48 therefor, whether or not such person is licensed, and whether or not
49 such person is a prime contractor or subcontractor with respect to the
50 owner.

51 2. The owner of any class A multiple dwelling shall, before the start
52 of a new tenancy after July first, two thousand twenty-six, provide to
53 the tenant prior to lease-signing the results of a test of the drinking
54 water of the residential property that is the subject of the lease for
55 the presence of lead conducted no more than twelve months prior to the
56 commencement of the lease. Any such owner required to provide the

1 results of a test pursuant to this section shall submit the results of
2 such test to the department of health in a manner the department
3 prescribes.

4 3. (a) The department of health shall promulgate the standards for any
5 such tests conducted pursuant to subdivision two of this section and
6 collect all results of all such tests. Such tests shall provide for the
7 testing of water from the service lines leading into the dwelling. The
8 commissioner of health shall include a detailed summary of the results
9 of such tests throughout the state in the annual report required pursu-
10 ant to paragraph (i) of subdivision four of section thirteen hundred
11 seventy-b of the public health law and shall use the data collected
12 pursuant to this paragraph to identify communities of concern pursuant
13 to section thirteen hundred seventy-a of the public health law.

14 (b) (i) In any communities of concern, if any dwelling unit is found
15 pursuant to testing provided for in subdivision two of this section to
16 have drinking water with lead in excess of fifteen parts per billion,
17 the owner shall:

18 (A) provide immediate and lasting access to safe water for drinking
19 and bathing; and

20 (B) within three months, provide long-term remediation or abatement
21 lasting at least the duration of the tenancy; or

22 (C) provide the tenant with reasonable alternative accommodation for
23 the duration of the tenancy at no greater cost, including all moving
24 expenses not to exceed one month's rent.

25 (ii) Any owner found in violation of subdivision two of this section
26 or this subdivision shall be subject to a fine per dwelling unit of five
27 hundred dollars for the first violation, one thousand dollars for the
28 second violation, and one thousand five hundred dollars for the third
29 and successive violations. Every additional thirty days any violation of
30 such subdivisions is not remedied, starting thirty days after the issu-
31 ance of the first violation, shall be subject to an additional fine
32 equal to the fine levied by the initial violation. Fifty percent of any
33 fine issued pursuant to such subdivisions shall be paid directly to any
34 tenant or tenants of the affected dwelling units in the form of a credit
35 for future rent or a rebate on rent already paid should the rent due on
36 the duration of the tenancy be less than the amount owed under this
37 subdivision.

38 (c) If the owner of a dwelling unit subject to this section with
39 drinking water having lead in excess of fifteen parts per billion finds
40 that the source of the lead contaminate is partially or fully owned by a
41 different person or entity, such person or entity shall be responsible
42 for any costs incurred in compliance with this section either through
43 direct reimbursement of the owner of the multiple dwelling or via direct
44 payment to the tenant or tenants, excepting subparagraph (ii) of para-
45 graph (b) of this subdivision. The ownership of the source of contam-
46 inate shall be reported to the commissioner of health.

47 (d) No owner or persons responsible for the source of the contaminate
48 where the source is service pipes providing drinking water to the resi-
49 dential dwelling unit where such water is found to contain more than
50 fifteen parts per billion of lead may partially replace any lead service
51 pipes, even if the owner or persons responsible do not control the
52 entirety of the contaminated service lines. Service lines found to be
53 contributing to the contamination of drinking water to a dwelling unit
54 subject to this subdivision shall be replaced in full.

55 4. (a) In every town, village, county, and city outside of the city of
56 New York, beginning January first, two thousand twenty-nine, for any

1 class A multiple dwelling constructed before nineteen seventy-eight,
2 within five years of such date; or prior to the issuance of a certifi-
3 cate of occupancy; or within one year after the owner or landlord is
4 notified that a child of six years or younger comes to reside in a
5 dwelling unit subject to the requirements of this section; or at the
6 time of inspection for any state or federal affordable housing program
7 or at the time of inspection for any state-funded rental voucher, which-
8 ever is sooner, an investigation for the presence of lead-based paint
9 undertaken pursuant to this subdivision shall be performed by a person
10 who (i) is not the owner or the agent of the owner or any contractor
11 hired to perform work related to the remediation of lead-based paint
12 hazards, and (ii) is certified as an inspector or risk assessor pursuant
13 to section 745.226 of title 40 of the code of federal regulations. Such
14 inspection shall consist of the use of an x-ray fluorescence analyzer on
15 all types of surfaces in accordance with the procedures described in
16 chapter 7 of the United States department of housing and urban develop-
17 ment guidelines for the evaluation and control of lead-based paint
18 hazards in housing, including on chewable surfaces, friction surfaces,
19 and impact surfaces, to determine whether lead-based paint is present,
20 and where such paint is located, in such dwelling unit. Provided, howev-
21 er, that the investigation specified by this subdivision shall not be
22 required if an investigation that complies with the requirements of this
23 subdivision was previously completed and the owner retains records of
24 such investigation. The results of any investigation required to be
25 completed pursuant to this section shall be submitted to the department
26 of health in a manner the department prescribes.

27 (b) (i) The department of health shall promulgate the standards for
28 any investigation required to be conducted pursuant to paragraph (a) of
29 this subdivision and collect all results of all such tests. The commis-
30 sioner of health shall include a detailed summary of the results of such
31 investigations throughout the state in the annual report required pursu-
32 ant to paragraph (i) of subdivision four of section thirteen hundred
33 seventy-b of the public health law and shall use the data collected
34 pursuant to paragraph (a) of this subdivision to identify communities of
35 concern pursuant to section thirteen hundred seventy-a of the public
36 health law.

37 (ii) Any owner found to be in violation of the requirements of this
38 subdivision shall be subject to a fine of five hundred dollars for the
39 first offense, one thousand dollars for the second offense, and up to
40 five thousand dollars for the third and any subsequent offenses. Fifty
41 percent of any fine issued pursuant to this subdivision shall be paid
42 directly to any tenant or tenants of the affected dwelling units in the
43 form of a credit for future rent or a rebate on rent already paid should
44 the rent due on the duration of the tenancy be less than the amount owed
45 under this subdivision.

46 5. Any class A multiple dwelling constructed before nineteen seventy-
47 eight that has not been previously inspected for and certified for the
48 abatement or remediation of lead-based paint shall be presumed to have a
49 high risk for lead-based paint. This section shall serve as constructive
50 notice for any class A multiple dwelling constructed prior to nineteen
51 seventy-eight of a high risk of lead-based paint.

52 6. The owner of any dwelling that performs any work or provides any
53 notices pursuant to this section shall retain all records relating to
54 such work or notices for a period of no less than one year from the
55 completion date of such work or notification pursuant to rules promul-
56 gated by the commissioner of health. The owner shall keep a record of:

1 (a) the date that such unit turned over whenever such turnover occurs;
2 (b) the name of each inspector, risk assessor or contractor who
3 performed required investigations pursuant to this section; and (c) all
4 testing results performed pursuant to this section and any other lead-
5 based paint testing that has occurred in such unit. The owner shall make
6 any such records required to be retained by this section available to
7 the department of health upon the commissioner of health's request, and
8 shall transfer such records to the owner's successor in title.

9 7. The department of health shall promulgate a notice that includes
10 the risk of lead exposure to children and the risk of lead poisoning in
11 dwellings constructed prior to nineteen seventy-eight. The commissioner
12 of health shall require such notice be appended to every lease for a
13 class A multiple dwelling constructed prior to nineteen seventy-eight.
14 The commissioner of health may maintain a list of class A multiple
15 dwellings exempt from such notice due to certificates of lead abatement.

16 8. The commissioner of health shall collect all fines due pursuant to
17 this section in a fund created for and solely dedicated to this purpose.
18 The commissioner of health shall promulgate any rules and regulations
19 necessary to distribute these funds annually to cities, counties, towns,
20 and villages outside of towns for the purpose of the enforcement of this
21 section and for the furtherance of lead abatement and remediation, with
22 at least seventy-five percent of funds to be directed to communities of
23 concern pursuant to section thirteen hundred seventy-a of the public
24 health law. The commissioner of health may, at such commissioner's
25 discretion, distribute these funds directly to the owners of class A
26 multiple dwellings subject to this section who own fifty or fewer dwell-
27 ing units solely to conduct lead testing, inspection, remediation or
28 abatement in high risk localities. The commissioner of health shall
29 include a detailed summary of the number of fines collected broken down
30 by census tract and/or zip code, and how the funds were disbursed, in
31 the annual report required pursuant to paragraph (i) of subdivision four
32 of section thirteen hundred seventy-b of the public health law.

33 9. The commissioner of health shall promulgate any rules or regu-
34 lations required to effectuate the provisions of this section.

35 § 14. This act shall take effect immediately; provided, however, that
36 if section 1 of part T of chapter 57 of the laws of 2023 shall not have
37 taken effect on or before such date then subdivision 10 of section 1370
38 of the public health law, as amended by section one of this act shall
39 take effect on the same date and in the same manner as such chapter of
40 the laws of 2023, takes effect; and provided further that the amendments
41 to subdivision 10 of section 1370 of the public health law made by
42 section one of this act shall not affect the expiration of such subdivi-
43 sion and shall expire and be deemed repealed therewith.