S T A T E O F N E W Y O R K

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I N A S S E M B L Y

January 8, 2010

Introduced by M. of A. BENJAMIN -- read once and referred to the Committee on Housing

AN ACT to amend the administrative code of the city of New York, in relation to the installation of radiator covers and notification to tenants of the obligation of owners to supply radiator covers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The administrative code of the city of New York is amended by adding two new sections 17-124 and 17-125 to read as follows:

S 17-124 RADIATOR COVERS. A. OWNERS, LESSEES, AGENTS AND OTHER PERSONS WHO MANAGE OR CONTROL MULTIPLE DWELLINGS SHALL INSTALL OR CAUSE TO BE INSTALLED RADIATOR COVERS ON ALL RADIATORS IN USE IN ANY DWELLING UNIT IN WHICH A CHILD TWELVE YEARS OR YOUNGER RESIDES.

B. OWNERS, LESSEES, AGENTS OR OTHER PERSONS WHO MANAGE OR CONTROL MULTIPLE DWELLINGS SHALL REIMBURSE ANY TENANT WHO INSTALLS OR CAUSED TO BE INSTALLED ANY AND ALL RADIATOR COVERS ON ANY RADIATOR IN USE IN ANY DWELLING UNIT IN WHICH THEY RESIDE WITH A CHILD TWELVE YEARS OR YOUNGER.

C. WHENEVER USED IN THIS TITLE THE TERM "RADIATOR" SHALL MEAN AND INCLUDE ANY STAND-ALONE, UPRIGHT STEAM RADIATOR.

S 17-125 RADIATOR COVERS; NOTIFICATION TO TENANTS. A. ALL LEASES OFFERED TO TENANTS IN MULTIPLE DWELLINGS MUST CONTAIN A NOTICE, CONSPICUOUSLY SET FORTH THEREIN, WHICH ADVISES TENANTS OF THE OBLIGATION OF THE OWNER, LESSEE, AGENT OR OTHER PERSON WHO MANAGES OR CONTROLS A MULTIPLE DWELLING TO INSTALL RADIATOR COVERS ON ALL RADIATORS IN USE IN ANY DWELLING UNIT IN WHICH A CHILD TWELVE YEARS OR YOUNGER RESIDES, AND WHERE FURTHER INFORMATION REGARDING THE PROCUREMENT OF SUCH RADIATOR COVERS IS AVAILABLE.

B. THE OWNER, LESSEE, AGENT OR OTHER PERSON WHO MANAGES OR CONTROLS MULTIPLE DWELLINGS MUST CAUSE TO BE DELIVERED TO EACH RESIDENTIAL UNIT A NOTICE ADVISING OCCUPANTS OF THE OBLIGATION OF SUCH OWNER, LESSEE, AGENT OR OTHER PERSON WHO MANAGES OR CONTROLS A MULTIPLE DWELLING TO INSTALL RADIATOR COVERS AND WHERE FURTHER INFORMATION REGARDING THE PROCUREMENT OF SUCH RADIATOR COVERS IS AVAILABLE. SUCH NOTICE MUST BE PROVIDED ON AN ANNUAL BASIS IN A FORM AND MANNER APPROVED BY THE DEPARTMENT AND MAY BE

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

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DELIVERED IN CONJUNCTION WITH THE ANNUAL NOTICE REQUIRED PURSUANT TO SECTION 17-123 OF THIS CODE AND THE RULES OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE PERTAINING TO THE INSTALLATION OF WINDOW GUARDS.

C. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROMULGATE SUCH REGULATIONS AS IT DEEMS NECESSARY TO COMPLY WITH THE PROVISIONS OF THIS SECTION, WITH RESPECT TO THE ANNUAL NOTICE TO TENANTS, AND THE NOTICE REQUIREMENT IN ALL MULTIPLE DWELLING LEASES.

D. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION, OR THE REGULATIONS PROMULGATED HEREUNDER, SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR UP TO SIX MONTHS, OR BOTH. IN ADDITION, ANY VIOLATION OF THIS SECTION SHALL CONSTITUTE A CIVIL VIOLATION SUBJECT TO A PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS PER VIOLATION. A CIVIL VIOLATION UNDER THIS SECTION SHALL BE ADJUDICATED BEFORE THE ADMINISTRATIVE TRIBUNAL OF THE DEPARTMENT.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.