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

June 7, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Benedetto) -- read once and referred to the Committee on Housing

AN ACT to amend the private housing finance law, in relation to exempting limited-profit housing companies from being required to test for friable asbestos under certain circumstances

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

Section 1. The private housing finance law is amended by adding a new section 32-c to read as follows:

S 32-C. TESTING FOR FRIABLE ASBESTOS. 1. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, RULE OR REGULATION TO THE CONTRARY, A COMPANY INCORPORATED UNDER THIS ARTICLE THAT UNDERTAKES TO RENOVATE OR REPLACE THE FLOORING WITHIN ITS REAL PROPERTY, (A) WHICH REAL PROPERTY WAS BUILT BETWEEN THE YEARS OF NINETEEN HUNDRED FIFTY-FIVE AND NINETEEN HUNDRED SEVENTY WITH TAX, MORTGAGE OR OTHER ASSISTANCE FROM THE STATE OR MUNICIPAL GOVERNMENT AND CONTAINS MORE THAN FIFTEEN THOUSAND UNITS OF HOUSING; AND (B) WHICH COMPANY HAS PERFORMED AT LEAST TWENTY-FIVE THOUSAND TESTS RELATING TO THE FLOORING RENOVATION OR REPLACEMENT ACTIVITIES FOR THE PRESENCE OF FRIABLE ASBESTOS FROM SUCH ACTIVITIES, AND WHICH TESTS HAVE, IN THE SOLE JUDGMENT OF SUCH COMPANY, DEMONSTRATED CONCLUSIVELY THAT NO FRIABLE ASBESTOS HAS BEEN OR IS EXPECTED TO BE RELEASED INTO THE ENVIRONMENT AS A RESULT OF SUCH ACTIVITIES, SHALL BE EXEMPT FROM FURTHER TESTING FOR FRIABLE ASBESTOS OR FILING OF PLANS OR REPORTS TO STATE OR LOCAL REGULATORY AGENCIES RELATING TO THE TESTING FOR FRIABLE ASBESTOS WITH RESPECT TO SUCH RENOVATION OR REPLACEMENT WORK AND MAY CONDUCT OR UNDERTAKE SUCH WORK AS THE COMPANY DEEMS APPROPRIATE OR REQUIRED.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO RELIEVE A COMPANY OR ANY OTHER ENTITY OR PERSON OF RESPONSIBILITY IN TORT LAW FOR THE PRESENCE OF ANY FRIABLE ASBESTOS OR OF THE CONSEQUENCES THEREOF.

S 2. This act shall take effect immediately.

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

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