

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

3121--A

2011-2012 Regular Sessions

I N S E N A T E

February 9, 2011

Introduced by Sens. ESPAILLAT, KRUEGER, MONTGOMERY, PERKINS, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public housing law, the public health law, and the real property law, in relation to the remediation and prevention of indoor mold and requiring the disclosure of indoor mold history upon the sale of certain real property; and to amend the real property law and the administrative code of the city of New York, in relation to requiring notice of indoor mold history to prospective lessees of apartments

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

1 Section 1. The public housing law is amended by adding a new section
2 16-a to read as follows:
3 S 16-A. POWERS AND DUTIES OF THE COMMISSIONER WITH RESPECT TO INDOOR
4 MOLD. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS
5 SHALL HAVE THE FOLLOWING MEANINGS:
6 (A) "MOLD" MEANS ANY FORM OF MULTICELLULAR FUNGI THAT LIVE ON PLANT OR
7 ANIMAL MATTER AND IN INDOOR ENVIRONMENTS. TYPES OF MOLD INCLUDE, BUT ARE
8 NOT LIMITED TO, CLADOSPORIUM, PENICILLIUM, ALTERNARIA, ASPERGILLUS,
9 FUSARIUM, TRICHODERMA, MEMNONIELLA, MUCOR, AND STACHYBOTRYS CHARTARUM,
10 OFTEN FOUND IN WATER DAMAGED BUILDING MATERIALS.
11 (B) "AFFECT" MEANS TO CAUSE A CONDITION BY THE PRESENCE OF MOLD IN THE
12 DWELLING UNIT, BUILDING, APPURTENANT STRUCTURE, COMMON WALL, HEATING
13 SYSTEM, OR VENTILATING AND AIR CONDITIONING SYSTEM THAT AFFECTS THE
14 INDOOR AIR QUALITY OF A DWELLING UNIT OR BUILDING.
15 (C) "ACCEPTABLE EXPOSURE LIMIT" MEANS A LEVEL OF MOLD THAT WILL NOT
16 ADVERSELY AFFECT THE HEALTH OF RESIDENTS OF PUBLIC HOUSING UNITS, AND
17 DOES NOT POSE A SIGNIFICANT THREAT TO THE PUBLIC HEALTH.

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

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2. PROCEDURES FOR THE REMEDIATION AND PREVENTION OF MOLD IN PUBLIC HOUSING. THE COMMISSIONER IS HEREBY DIRECTED AND AUTHORIZED TO CREATE PROCEDURES FOR THE REMEDIATION AND PREVENTION OF MOLD IN PUBLIC HOUSING. SUCH PROCEDURES SHALL INCLUDE:

(A) A VISUAL SURVEY OF PUBLIC HOUSING UNITS TO CHECK FOR EVIDENCE OF WATER DAMAGE AND THE EXTENT OF MOLD GROWTH, INCLUDING AN INSPECTION OF THE FOLLOWING:

(1) ANY DEFECTS IN CONSTRUCTION THAT MAY CAUSE MOISTURE SUCH AS DEFECTS IN WINDOWS, ROOFS, OR EXTERIOR SIDING, OR IMPROPERLY LAID FOUNDATIONS, OR THE ABSENCE OF VAPOR BARRIERS.

(2) PLUMBING LEAKS.

(3) FLOOR AREAS UNDER CARPETING.

(4) SPACES UNDER BUILDINGS AND LIVING AREAS, AND CEILING SPACES.

(5) COLD CORNERS OF ROOMS WHICH LACK PROPER INSULATION AND ARE SUSCEPTIBLE TO MOLD GROWTH.

(6) ANY OTHER MOISTURE DAMAGE, WATER INTRUSION, OR LEAKS AND ROT IN WALL CAVITIES OF PUBLIC HOUSING SPACES.

(B) A PROTOCOL FOR THE REMEDIATION OF EXISTING MOLD IN PUBLIC HOUSING, INCLUDING STANDARDS RELATING TO AN ACCEPTABLE EXPOSURE LIMIT, INCLUDING COMPLIANCE TO SUCH AN ACCEPTABLE EXPOSURE LIMIT. SUCH PROTOCOL SHALL INCLUDE THE FOLLOWING:

(1) GUIDELINES FOR THE REMEDIATION OF INDOOR MOLD WHICH SHALL INCLUDE PRECAUTIONS TO PROTECT THE HEALTH OF RESIDENTS OF PUBLIC HOUSING AND OVERALL PUBLIC HEALTH, INCLUDING PREVENTATIVE MEASURES TO ENSURE THAT CONTAMINATION DOES NOT LEAVE THE AFFECTED AREA.

(2) THE UTILIZATION OF TOOLS, INSTRUMENTS AND REMEDIATION METHODS WHICH ARE ACCEPTABLE BY THE PROFESSIONAL COMMUNITY ENGAGED IN THE REMEDIATION OF MOLD.

(3) THE UTILIZATION OF PROTECTIVE GEAR AND EQUIPMENT TO ENSURE THE HEALTH AND SAFETY OF PERSONS PERFORMING THE REMEDIATION.

(4) THE DEVELOPMENT OF A LIST OF PROFESSIONAL COMPANIES ENGAGED IN THE BUSINESS OF THE REMEDIATION OF MOLD, OR OTHER TOXIC SUBSTANCES, WHICH SHALL BE AVAILABLE FOR CONTRACTING WITH THE DEPARTMENT FOR THE REMEDIATION OF INDOOR MOLD IN PUBLIC HOUSING. SUCH PROFESSIONAL COMPANIES SHALL BE ASSESSED ACCORDING TO THE TECHNOLOGICAL AND ECONOMIC FEASIBILITY OF CONTRACTING WITH SUCH COMPANIES, AND ACCORDING TO THEIR SUCCESS IN THE IDENTIFICATION, REMEDIATION AND REMOVAL OF TOXIC MOLD.

(C) METHODS TO PREVENT THE RETURN OF MOLD IN AREAS WHICH HAVE BEEN CLEANED, AND CONSTRUCTION METHODS TO PREVENT MOLD GROWTH IN NEW PUBLIC HOUSING FACILITIES. WITH RESPECT TO THE PREVENTION OF MOLD GROWTH IN NEW PUBLIC HOUSING UNITS, THE DEPARTMENT SHALL DEVELOP CONSTRUCTION METHODS WHICH WILL BEST ENSURE THE PREVENTION OF MOLD ACCORDING TO SCIENTIFICALLY RECOGNIZED ENTITIES IN THE FIELD OF ENVIRONMENTAL HEALTH AND SAFETY.

S 2. The public health law is amended by adding a new article 48-A to read as follows:

ARTICLE 48-A

REMEDiation OF INDOOR MOLD

SECTION 4809. POWERS AND DUTIES OF THE COMMISSIONER WITH RESPECT TO INDOOR MOLD.

S 4809. POWERS AND DUTIES OF THE COMMISSIONER WITH RESPECT TO INDOOR MOLD. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "MOLD" MEANS ANY FORM OF MULTICELLULAR FUNGI THAT LIVE ON PLANT OR ANIMAL MATTER AND IN INDOOR ENVIRONMENTS. TYPES OF MOLD INCLUDE, BUT ARE NOT LIMITED TO, CLADOSPORIUM, PENICILLIUM, ALTERNARIA, ASPERGILLUS,

1 FUSARIUM, TRICHODERMA, MEMNONIELLA, MUCOR, AND STACHYBOTRYS CHARTARUM,
2 OFTEN FOUND IN WATER DAMAGED BUILDING MATERIALS.

3 (B) "AFFECT" MEANS TO CAUSE A CONDITION BY THE PRESENCE OF MOLD IN THE
4 DWELLING UNIT, BUILDING, APPURTENANT STRUCTURE, COMMON WALL, HEATING
5 SYSTEM, OR VENTILATING AND AIR CONDITIONING SYSTEM THAT AFFECTS THE
6 INDOOR AIR QUALITY OF A DWELLING UNIT OR BUILDING.

7 (C) "ACCEPTABLE EXPOSURE LIMIT" MEANS A LEVEL OF MOLD THAT WILL NOT
8 ADVERSELY AFFECT THE HEALTH OF OCCUPANTS, AND DOES NOT POSE A SIGNIF-
9 ICANT THREAT TO THE PUBLIC HEALTH.

10 2. STANDARDS FOR THE REMEDIATION AND PREVENTION OF MOLD. THE COMMIS-
11 SIONER, OR HIS OR HER DESIGNATED REPRESENTATIVE, IS HEREBY AUTHORIZED
12 AND DIRECTED TO PROMULGATE STANDARDS FOR THE DETECTION, PREVENTION, AND
13 REMEDIATION OF MOLD GROWTH IN INDOOR ENVIRONMENTS WHICH ARE SUBJECT TO
14 THE RULES AND REGULATIONS OF THE DEPARTMENT, INCLUDING WORKPLACES,
15 PUBLIC FACILITIES, AND OTHER ESTABLISHMENTS UNDER THE JURISDICTION OF
16 THE DEPARTMENT. SUCH STANDARDS SHALL INCLUDE GUIDELINES RELATING TO THE
17 FOLLOWING:

18 (A) THE INSPECTION OF INDOOR SPACES FOR THE PRESENCE OF MOLD GROWTH
19 AND WATER DAMAGE.

20 (B) AN ACCEPTABLE EXPOSURE LIMIT, INCLUDING STANDARDS RELATING TO
21 COMPLIANCE WITH SUCH AN ACCEPTABLE EXPOSURE LIMIT.

22 (C) PROTOCOL FOR THE REMOVAL AND REMEDIATION OF EXISTING INDOOR MOLD.

23 (D) METHODS TO PREVENT THE RETURN OF MOLD IN AREAS WHICH HAVE BEEN
24 CLEANED, AND CONSTRUCTION METHODS TO PREVENT MOLD GROWTH IN NEW BUILD-
25 INGS.

26 3. CONSULTATION WITH RELATED EXPERTS. IN EFFECTUATING THE PURPOSES OF
27 THIS SECTION, THE COMMISSIONER, OR HIS OR HER DESIGNATED REPRESENTATIVE,
28 SHALL CONSULT WITH SCIENTIFICALLY RECOGNIZED ENTITIES IN THE FIELD OF
29 ENVIRONMENTAL HEALTH AND SAFETY, AND RELATED AUTHORITATIVE BODIES IN THE
30 FIELD OF REMEDIATION OF MOLD AND OTHER TOXIC SUBSTANCES.

31 S 3. Subdivision 2 of section 462 of the real property law, as added
32 by chapter 456 of the laws of 2001, is amended to read as follows:

33 2. The following shall be the disclosure form:

34 PROPERTY CONDITION DISCLOSURE STATEMENT

35 NAME OF SELLER OR SELLERS:

36 PROPERTY ADDRESS:

37 THE PROPERTY CONDITION DISCLOSURE ACT REQUIRES THE SELLER OF RESIDEN-
38 TIAL REAL PROPERTY TO CAUSE THIS DISCLOSURE STATEMENT OR A COPY THEREOF
39 TO BE DELIVERED TO A BUYER OR BUYER'S AGENT PRIOR TO THE SIGNING BY THE
40 BUYER OF A BINDING CONTRACT OF SALE.

41 PURPOSE OF STATEMENT: THIS IS A STATEMENT OF CERTAIN CONDITIONS AND
42 INFORMATION CONCERNING THE PROPERTY KNOWN TO THE SELLER. THIS DISCLOSURE
43 STATEMENT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR BY ANY AGENT
44 REPRESENTING THE SELLER IN THIS TRANSACTION. IT IS NOT A SUBSTITUTE FOR
45 ANY INSPECTIONS OR TESTS AND THE BUYER IS ENCOURAGED TO OBTAIN HIS OR
46 HER OWN INDEPENDENT PROFESSIONAL INSPECTIONS AND ENVIRONMENTAL TESTS AND
47 ALSO IS ENCOURAGED TO CHECK PUBLIC RECORDS PERTAINING TO THE PROPERTY.

48 A KNOWINGLY FALSE OR INCOMPLETE STATEMENT BY THE SELLER ON THIS FORM
49 MAY SUBJECT THE SELLER TO CLAIMS BY THE BUYER PRIOR TO OR AFTER THE
50 TRANSFER OF TITLE. IN THE EVENT A SELLER FAILS TO PERFORM THE DUTY
51 PRESCRIBED IN THIS ARTICLE TO DELIVER A DISCLOSURE STATEMENT PRIOR TO
52 THE SIGNING BY THE BUYER OF A BINDING CONTRACT OF SALE, THE BUYER SHALL
53 RECEIVE UPON THE TRANSFER OF TITLE A CREDIT OF FIVE HUNDRED DOLLARS
54 AGAINST THE AGREED UPON PURCHASE PRICE OF THE RESIDENTIAL REAL PROPERTY.

55 "RESIDENTIAL REAL PROPERTY" MEANS REAL PROPERTY IMPROVED BY A ONE TO
56 FOUR FAMILY DWELLING USED OR OCCUPIED, OR INTENDED TO BE USED OR OCCU-

1 PIED, WHOLLY OR PARTLY, AS THE HOME OR RESIDENCE OF ONE OR MORE PERSONS,
2 BUT SHALL NOT REFER TO (A) UNIMPROVED REAL PROPERTY UPON WHICH SUCH
3 DWELLINGS ARE TO BE CONSTRUCTED OR (B) CONDOMINIUM UNITS OR COOPERATIVE
4 APARTMENTS OR (C) PROPERTY ON A HOMEOWNERS' ASSOCIATION THAT IS NOT
5 OWNED IN FEE SIMPLE BY THE SELLER.

6 INSTRUCTIONS TO THE SELLER:

7 (a) ANSWER ALL QUESTIONS BASED UPON YOUR ACTUAL KNOWLEDGE.

8 (b) ATTACH ADDITIONAL PAGES WITH YOUR SIGNATURE IF ADDITIONAL SPACE IS
9 REQUIRED.

10 (c) COMPLETE THIS FORM YOURSELF.

11 (d) IF SOME ITEMS DO NOT APPLY TO YOUR PROPERTY, CHECK "NA" (NON-AP-
12 PPLICABLE). IF YOU DO NOT KNOW THE ANSWER CHECK "UNKN" (UNKNOWN).

13 SELLER'S STATEMENT: THE SELLER MAKES THE FOLLOWING REPRESENTATIONS TO
14 THE BUYER BASED UPON THE SELLER'S ACTUAL KNOWLEDGE AT THE TIME OF SIGN-
15 ING THIS DOCUMENT. THE SELLER AUTHORIZES HIS OR HER AGENT, IF ANY, TO
16 PROVIDE A COPY OF THIS STATEMENT TO A PROSPECTIVE BUYER OF THE RESIDEN-
17 TIAL REAL PROPERTY. THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER
18 AND ARE NOT THE REPRESENTATIONS OF THE SELLER'S AGENT.

19 GENERAL INFORMATION

20 1. HOW LONG HAVE YOU OWNED THE PROPERTY?

21 2. HOW LONG HAVE YOU OCCUPIED THE PROPERTY?

22 3. WHAT IS THE AGE OF THE STRUCTURE OR STRUCTURES? NOTE TO BUYER--IF
23 THE STRUCTURE WAS BUILT BEFORE 1978 YOU ARE ENCOURAGED TO INVESTI-
24 GATE FOR THE PRESENCE OF LEAD BASED PAINT.

25 4. DOES ANYBODY OTHER THAN YOURSELF HAVE A LEASE, EASEMENT OR ANY
26 OTHER RIGHT TO USE OR OCCUPY ANY PART OF YOUR PROPERTY OTHER THAN
27 THOSE STATED IN DOCUMENTS AVAILABLE IN THE PUBLIC RECORD, SUCH AS
28 RIGHTS TO USE A ROAD OR PATH OR CUT TREES OR CROPS. YES NO UNKN NA

29 5. DOES ANYBODY ELSE CLAIM TO OWN ANY PART OF YOUR PROPERTY? YES NO
30 UNKN NA (IF YES, EXPLAIN BELOW)

31 6. HAS ANYONE DENIED YOU ACCESS TO THE PROPERTY OR MADE A FORMAL LEGAL
32 CLAIM CHALLENGING YOUR TITLE TO THE PROPERTY? YES NO UNKN NA (IF
33 YES, EXPLAIN BELOW)

34 7. ARE THERE ANY FEATURES OF THE PROPERTY SHARED IN COMMON WITH
35 ADJOINING LAND OWNERS OR A HOMEOWNERS ASSOCIATION, SUCH AS WALLS,
36 FENCES OR DRIVEWAYS? YES NO UNKN NA (IF YES DESCRIBE BELOW)

37 8. ARE THERE ANY ELECTRIC OR GAS UTILITY SURCHARGES FOR LINE EXTEN-
38 SIONS, SPECIAL ASSESSMENTS OR HOMEOWNER OR OTHER ASSOCIATION FEES
39 THAT APPLY TO THE PROPERTY? YES NO UNKN NA (IF YES, EXPLAIN BELOW)

40 9. ARE THERE CERTIFICATES OF OCCUPANCY RELATED TO THE PROPERTY? YES
41 NO UNKN NA (IF NO, EXPLAIN BELOW)

42 ENVIRONMENTAL

43 NOTE TO SELLER - IN THIS SECTION, YOU WILL BE ASKED QUESTIONS REGARD-
44 ING PETROLEUM PRODUCTS AND HAZARDOUS OR TOXIC SUBSTANCES THAT YOU KNOW
45 TO HAVE BEEN SPILLED, LEAKED OR OTHERWISE BEEN RELEASED ON THE PROPERTY
46 OR FROM THE PROPERTY ONTO ANY OTHER PROPERTY. PETROLEUM PRODUCTS MAY
47 INCLUDE, BUT ARE NOT LIMITED TO, GASOLINE, DIESEL FUEL, HOME HEATING
48 FUEL, AND LUBRICANTS. HAZARDOUS OR TOXIC SUBSTANCES ARE PRODUCTS OR
49 OTHER MATERIAL THAT COULD POSE SHORT- OR LONG-TERM DANGER TO PERSONAL
50 HEALTH OR THE ENVIRONMENT IF THEY ARE NOT PROPERLY DISPOSED OF, APPLIED
51 OR STORED. THESE INCLUDE, BUT ARE NOT LIMITED TO, FERTILIZERS, PESTI-
52 CIDES AND INSECTICIDES, PAINT INCLUDING PAINT THINNER, VARNISH REMOVER
53 AND WOOD PRESERVATIVES, TREATED WOOD, CONSTRUCTION MATERIALS SUCH AS

1 ASPHALT AND ROOFING MATERIALS, ANTIFREEZE AND OTHER AUTOMOTIVE PRODUCTS,
2 BATTERIES, CLEANING SOLVENTS INCLUDING SEPTIC TANK CLEANERS, HOUSEHOLD
3 CLEANERS [AND], POOL CHEMICALS [AND], PRODUCTS CONTAINING MERCURY AND
4 LEAD AND INDOOR MOLD.

5 NOTE TO BUYER - IF CONTAMINATION OF THIS PROPERTY FROM PETROLEUM
6 PRODUCTS AND/OR HAZARDOUS OR TOXIC SUBSTANCES IS A CONCERN TO YOU, YOU
7 ARE URGED TO CONSIDER SOIL AND GROUNDWATER TESTING OF THIS PROPERTY.

- 8 10. IS ANY OR ALL OF THE PROPERTY LOCATED IN A DESIGNATED FLOODPLAIN?
9 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 10 11. IS ANY OR ALL OF THE PROPERTY LOCATED IN A DESIGNATED WETLAND?
11 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 12 12. IS THE PROPERTY LOCATED IN AN AGRICULTURAL DISTRICT? YES NO
13 UNKN NA (IF YES, EXPLAIN BELOW)
- 14 13. WAS THE PROPERTY EVER THE SITE OF A LANDFILL? YES NO UNKN NA
15 (IF YES, EXPLAIN BELOW)
- 16 14. ARE THERE OR HAVE THERE EVER BEEN FUEL STORAGE TANKS ABOVE OR
17 BELOW THE GROUND ON THE PROPERTY? YES NO UNKN NA IF YES, ARE
18 THEY CURRENTLY IN USE? YES NO UNKN NA LOCATION(S) ARE THEY LEAKING
19 OR HAVE THEY EVER LEAKED? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 20 15. IS THERE ASBESTOS IN THE STRUCTURE? YES NO UNKN NA (IF YES, STATE
21 LOCATION OR LOCATIONS BELOW)
- 22 16. IS LEAD PLUMBING PRESENT? YES NO UNKN NA (IF YES, STATE LOCATION
23 OR LOCATIONS BELOW)
- 24 17. HAS A RADON TEST BEEN DONE? YES NO UNKN NA (IF YES, ATTACH A COPY
25 OF THE REPORT)
- 26 18. HAS MOTOR FUEL, MOTOR OIL, HOME HEATING FUEL, LUBRICATING OIL OR
27 ANY OTHER PETROLEUM PRODUCT, METHANE GAS, OR ANY HAZARDOUS OR
28 TOXIC SUBSTANCE SPILLED, LEAKED OR OTHERWISE BEEN RELEASED ON THE
29 PROPERTY OR FROM THE PROPERTY ONTO ANY OTHER PROPERTY? YES NO
30 UNKN NA (IF YES, DESCRIBE BELOW)
- 31 19. HAS THE PROPERTY BEEN TESTED FOR THE PRESENCE OF MOTOR FUEL, MOTOR
32 OIL, HOME HEATING FUEL, LUBRICATING OIL, OR ANY OTHER PETROLEUM
33 PRODUCT, METHANE GAS, OR ANY HAZARDOUS OR TOXIC SUBSTANCE? YES NO
34 UNKN NA (IF YES, ATTACH REPORT(S))
- 35 19-A. HAS THE PROPERTY BEEN TESTED FOR INDOOR MOLD? YES NO UNKN (IF
36 YES, ATTACH A COPY OF THE REPORT)
- 37 19-B. IS THERE INDOOR MOLD ON THE PROPERTY PRESENTLY? (IF YES, STATE
38 LOCATION OR LOCATIONS BELOW)

39 STRUCTURAL

- 40 20. IS THERE ANY ROT OR WATER DAMAGE TO THE STRUCTURE OR STRUCTURES?
41 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 42 21. IS THERE ANY FIRE OR SMOKE DAMAGE TO THE STRUCTURE OR STRUCTURES?
43 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 44 22. IS THERE ANY TERMITE, INSECT, RODENT OR PEST INFESTATION OR
45 DAMAGE? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
- 46 23. HAS THE PROPERTY BEEN TESTED FOR TERMITE, INSECT, RODENT OR PEST
47 INFESTATION OR DAMAGE? YES NO UNKN NA (IF YES, PLEASE ATTACH
48 REPORT(S))
- 49 24. WHAT IS THE TYPE OF ROOF/ROOF COVERING (SLATE, ASPHALT, OTHER.)?
50 ANY KNOWN MATERIAL DEFECTS? HOW OLD IS THE ROOF? IS THERE A TRANS-
51 FERABLE WARRANTY ON THE ROOF IN EFFECT NOW? YES NO UNKN NA (IF
52 YES, EXPLAIN BELOW)

25. ARE THERE ANY KNOWN MATERIAL DEFECTS IN ANY OF THE FOLLOWING
STRUCTURAL SYSTEMS: FOOTINGS, BEAMS, GIRDERS, LINTELS, COLUMNS OR
PARTITIONS. YES NO UNKN NA (IF YES, EXPLAIN BELOW)

MECHANICAL SYSTEMS & SERVICES

26. WHAT IS THE WATER SOURCE (CIRCLE ALL THAT APPLY - WELL, PRIVATE,
MUNICIPAL, OTHER)? IF MUNICIPAL, IS IT METERED? YES NO UNKN NA

27. HAS THE WATER QUALITY AND/OR FLOW RATE BEEN TESTED? YES NO UNKN NA
(IF YES, DESCRIBE BELOW)

28. WHAT IS THE TYPE OF SEWAGE SYSTEM (CIRCLE ALL THAT APPLY - PUBLIC
SEWER, PRIVATE SEWER, SEPTIC OR CESSPOOL)? IF SEPTIC OR CESSPOOL,
AGE? _____ DATE LAST PUMPED? _____ FREQUENCY OF PUMPING?

ANY KNOWN MATERIAL DEFECTS? YES NO UNKN NA (IF YES,
EXPLAIN BELOW)

29. WHO IS YOUR ELECTRIC SERVICE PROVIDER? _____ WHAT IS THE AMPER-
AGE? _____ DOES IT HAVE CIRCUIT BREAKERS OR FUSES? _____
PRIVATE OR PUBLIC POLES? _____ ANY KNOWN MATERIAL DEFECTS? YES
NO UNKN NA (IF YES, EXPLAIN BELOW)

30. ARE THERE ANY FLOODING, DRAINAGE OR GRADING PROBLEMS THAT RESULTED
IN STANDING WATER ON ANY PORTION OF THE PROPERTY? YES NO UNKN NA
(IF YES, STATE LOCATIONS AND EXPLAIN BELOW)

31. DOES THE BASEMENT HAVE SEEPAGE THAT RESULTS IN STANDING WATER? YES
NO UNKN NA (IF YES, EXPLAIN BELOW)

ARE THERE ANY KNOWN MATERIAL DEFECTS IN ANY OF THE FOLLOWING (IF
YES, EXPLAIN BELOW. USE ADDITIONAL SHEETS IF NECESSARY.):

32. PLUMBING SYSTEM? YES NO UNKN NA

33. SECURITY SYSTEM? YES NO UNKN NA

34. CARBON MONOXIDE DETECTOR? YES NO UNKN NA

35. SMOKE DETECTOR? YES NO UNKN NA

36. FIRE SPRINKLER SYSTEM? YES NO UNKN NA

37. SUMP PUMP? YES NO UNKN NA

38. FOUNDATION/SLAB? YES NO UNKN NA

39. INTERIOR WALLS/CEILINGS? YES NO UNKN NA

40. EXTERIOR WALLS OR SIDING? YES NO UNKN NA

41. FLOORS? YES NO UNKN NA

42. CHIMNEY/FIREPLACE OR STOVE? YES NO UNKN NA

43. PATIO/DECK? YES NO UNKN NA

44. DRIVEWAY? YES NO UNKN NA

45. AIR CONDITIONER? YES NO UNKN NA

46. HEATING SYSTEM? YES NO UNKN NA

47. HOT WATER HEATER? YES NO UNKN NA

48. THE PROPERTY IS LOCATED IN THE FOLLOWING SCHOOL DISTRICT UNKN

NOTE: BUYER IS ENCOURAGED TO CHECK PUBLIC RECORDS CONCERNING THE
PROPERTY (E.G. TAX RECORDS AND WETLAND AND FLOOD PLAIN MAPS)

THE SELLER SHOULD USE THIS AREA TO FURTHER EXPLAIN ANY ITEM ABOVE. IF
NECESSARY, ATTACH ADDITIONAL PAGES AND INDICATE HERE THE NUMBER OF ADDI-
TIONAL PAGES ATTACHED.

SELLER'S CERTIFICATION: SELLER CERTIFIES THAT THE INFORMATION IN THIS
PROPERTY CONDITION DISCLOSURE STATEMENT IS TRUE AND COMPLETE TO THE
SELLER'S ACTUAL KNOWLEDGE AS OF THE DATE SIGNED BY THE SELLER. IF A
SELLER OF RESIDENTIAL REAL PROPERTY ACQUIRES KNOWLEDGE WHICH RENDERS
MATERIALLY INACCURATE A PROPERTY CONDITION DISCLOSURE STATEMENT PROVIDED

1 PREVIOUSLY, THE SELLER SHALL DELIVER A REVISED PROPERTY CONDITION
2 DISCLOSURE STATEMENT TO THE BUYER AS SOON AS PRACTICABLE. IN NO EVENT,
3 HOWEVER, SHALL A SELLER BE REQUIRED TO PROVIDE A REVISED PROPERTY CONDI-
4 TION DISCLOSURE STATEMENT AFTER THE TRANSFER OF TITLE FROM THE SELLER TO
5 THE BUYER OR OCCUPANCY BY THE BUYER, WHICHEVER IS EARLIER.

6 SELLER_____ DATE_____

7 SELLER_____ DATE_____

8 BUYER'S ACKNOWLEDGMENT: BUYER ACKNOWLEDGES RECEIPT OF A COPY OF THIS
9 STATEMENT AND BUYER UNDERSTANDS THAT THIS INFORMATION IS A STATEMENT OF
10 CERTAIN CONDITIONS AND INFORMATION CONCERNING THE PROPERTY KNOWN TO THE
11 SELLER. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR SELLER'S AGENT
12 AND IS NOT A SUBSTITUTE FOR ANY HOME, PEST, RADON OR OTHER INSPECTIONS
13 OR TESTING OF THE PROPERTY OR INSPECTION OF THE PUBLIC RECORDS.

14 BUYER_____ DATE_____

15 BUYER_____ DATE_____

16 S 4. The real property law is amended by adding a new section 235-h
17 to read as follows:

18 S 235-H. NOTICE OF INDOOR MOLD AND REMEDIATION HISTORY. 1. ALL
19 PROSPECTIVE LESSEES SHALL BE FURNISHED WITH A NOTICE, IN A FORM PROMUL-
20 GATED OR APPROVED BY THE STATE DIVISION OF HOUSING AND COMMUNITY
21 RENEWAL, THAT SETS FORTH THE PROPERTY'S INDOOR MOLD AND REMEDIATION
22 HISTORY.

23 2. INFORMATION SHALL INCLUDE ANY HISTORY OF INDOOR MOLD AND REMEDI-
24 ATION, IF ANY, OF THE PREMISES TO BE RENTED BY THE PROSPECTIVE LESSEE
25 AND THE BUILDING IN WHICH THE PREMISES ARE LOCATED.

26 S 5. The administrative code of the city of New York is amended by
27 adding a new section 27-2009.2 to read as follows:

28 S 27-2009.2 NOTICE OF INDOOR MOLD AND REMEDIATION HISTORY. FOR HOUSING
29 ACCOMMODATIONS SUBJECT TO THIS CODE, AN OWNER SHALL FURNISH TO ALL
30 PROSPECTIVE LESSEES, A NOTICE IN A FORM PROMULGATED OR APPROVED BY THE
31 STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL THAT SETS FORTH THE
32 PROPERTY'S HISTORY OF INDOOR MOLD AND THE REMEDIATION, IF ANY, REGARDING
33 THE PREMISES TO BE RENTED BY THE PROSPECTIVE LESSEE AND THE BUILDING IN
34 WHICH THE PREMISES ARE LOCATED.

35 S 6. This act shall take effect on the one hundred eightieth day
36 after it shall have become a law; provided, however, that section three
37 of this act shall apply to contracts of sale for real property entered
38 into on or after such effective date; and provided further, however,
39 that effective immediately the commissioner of housing and community
40 renewal and the commissioner of health, in consultation with each other,
41 are hereby authorized and directed to promulgate any rules and regu-
42 lations necessary for the implementation of this act on or before its
43 effective date.