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

6362

2013-2014 Regular Sessions

I N A S S E M B L Y

March 26, 2013

Introduced by 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 cooperative housing corporations 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. Section 609 of the private housing finance law, as renumbered by chapter 20 of the laws of 1981, is renumbered section 615 and a new section 609 is added to read as follows:

S 609. TESTING FOR FRIABLE ASBESTOS. 1. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, COOPERATIVE HOUSING CORPORATIONS THAT RENOVATE THE FLOORING IN APARTMENTS WITHIN THEIR REAL PROPERTY, AND WHICH: (A) REAL PROPERTY WAS BUILT BETWEEN THE YEARS OF NINETEEN HUNDRED FIFTY-FIVE AND NINETEEN HUNDRED SEVENTY-FOUR WITH TAX, MORTGAGE OR OTHER ASSISTANCE FROM STATE OR MUNICIPAL GOVERNMENTS; (B) CONTAIN AT LEAST FIFTEEN THOUSAND UNITS OF HOUSING; AND (C) HAVE PERFORMED AT LEAST TWENTY-FIVE THOUSAND TESTS IN AND AROUND 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 COOPERATIVE HOUSING CORPORATION, DEMONSTRATED CONCLUSIVELY THAT THERE IS NO FRIABLE ASBESTOS RELEASED INTO THE ENVIRONMENT AS A RESULT OF SUCH ACTIVITIES, SHALL BE EXEMPT FROM FURTHER TESTING OR FILING OF PLANS OR REPORTS TO STATE, MUNICIPAL OR OTHER LOCAL REGULATORY AGENCIES WITH RESPECT TO SUCH FLOORING WORK AND MAY CONDUCT OR UNDERTAKE SUCH FLOORING WORK AS THE COOPERATIVE HOUSING CORPORATION DEEMS APPROPRIATE OR REQUIRED WITHOUT BEING REQUIRED TO PERFORM ASBESTOS TESTING, REMEDIATION OR REMOVAL.

2. NOTHING IN THIS SECTION NOR ANY ACTIONS TAKEN HEREUNDER SHALL RELIEVE SUCH COOPERATIVE HOUSING CORPORATION OR ANY OTHER ENTITY OR PERSON OF RESPONSIBILITY IN TORT LAW FOR THE PRESENCE OF ANY FRIABLE ASBESTOS OR TO 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.

LBD09992-02-3