STATE OF NEW YORK

1809--A

Cal. No. 31

2017-2018 Regular Sessions

IN ASSEMBLY

January 13, 2017

Introduced by M. of A. DINOWITZ, KAVANAGH, BARRON -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to requiring the commissioner of health to act when areas of lead poisoning are designated

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

Section 1. Subdivisions 1 and 3 of section 1373 of the public health law, as added by chapter 338 of the laws of 1970, are amended to read as follows:

1. Whenever the commissioner or his **or her** representative shall designate an area of high risk, he [~~may~~] **or she shall** give written notice and demand, served as provided [~~herein~~] **by this section**, for the discontinuance of a paint condition conducive to lead poisoning in any designated dwelling in such area within a specified period of time.

3. In the event of failure to comply with a notice and demand, the commissioner or his **or her** representative [~~may~~] **shall** conduct a formal hearing upon due notice in accordance with the provisions of section twelve-a of this chapter and on proof of violation of such notice and demand may order abatement of a paint condition conducive to lead poisoning upon such terms as may be appropriate and may assess a penalty not to exceed two thousand five hundred dollars for such violation**; provided, however, that abatement shall not be ordered if the respondent proves by a preponderance of evidence at such hearing that a paint condition conducive to lead poisoning in the designated dwelling does not exist**.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.

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

LBD00009-02-7