

STATE OF NEW YORK

1200--A

Cal. No. 714

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sen. ALCANTARA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in 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:

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

4 1. Whenever the commissioner or his or her representative shall desig-
5 nate an area of high risk, he [~~may~~] or she shall give written notice and
6 demand, served as provided [~~herein~~] by this section, for the discontin-
7 uance of a paint condition conducive to lead poisoning in any designated
8 dwelling in such area within a specified period of time.

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

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

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

LBD07256-02-7