

# STATE OF NEW YORK

8992

## IN ASSEMBLY

January 9, 2018

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to enforcement action that can be taken by 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. Subdivision 3 of section 1373 of the public health law, as  
2 amended by a chapter of the laws of 2017, amending the public health  
3 law, relating to requiring the commissioner of health to act when areas  
4 of lead poisoning are designated, as proposed in legislative bills  
5 numbers S.1200-A and A.1809-A, is amended to read as follows:

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

18 § 2. This act shall take effect on the same date and in the same  
19 manner as a chapter of the laws of 2017, amending the public health law,  
20 relating to requiring the commissioner of health to act when areas of  
21 lead poisoning are designated, as proposed in legislative bills numbers  
22 S.1200-A and A.1809-A, takes effect.

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

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