

STATE OF NEW YORK

8453

IN SENATE

March 2, 2022

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, the labor law, the tax law, the state finance law, the multiple dwelling law, the multiple residence law, the social services law and the public health law, in relation to enacting the "childhood lead poisoning prevention and safe housing act of 2022"

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

1 Section 1. This act shall be known and may be cited as the "childhood
2 lead poisoning prevention and safe housing act of 2022".
3 § 2. Legislative findings and purposes. 1. (a) Lead poisoning of chil-
4 dren persists as one of the most prevalent and preventable environmental
5 diseases in New York. Nearly 100,000 children were newly identified with
6 levels of lead in their blood at or above 5 micrograms per deciliter
7 (ug/dL) in New York state between 2011 and 2015. Moreover, only about
8 one-third of children are receiving the lead screenings that are
9 required by law and therefore, the actual number of children affected by
10 the ingestion or inhalation of lead is undoubtedly significantly greater
11 than reported. Prevention is the only effective way to protect children
12 from irreversible damage. Unless lead poisoning is prevented, elevated
13 blood lead levels will result in impairment of the ability of children
14 to think, concentrate, and learn.
15 (b) Medical research indicates that children can suffer permanent,
16 irreparable damage at blood levels even lower than 5ug/dL, and that
17 there is no level of lead ingestion or inhalation which is without
18 adverse impact. Medical research also indicates that fetal injuries from
19 lead paint can occur if women have elevated blood levels during pregnan-
20 cy. Because of this, intervention measures that wait until children
21 have been exposed have limited benefits, and the pursuit of primary
22 prevention, which means eliminating lead hazards before children are
23 exposed, has been recommended by the federal centers for disease control
24 and prevention (CDC) and promoted by leading experts in the field as a
25 critical course of action to protect the health of young children.

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

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1 (c) Adult exposure to lead is also dangerous. It increases the risk of
2 mortality from hypertension and cardiovascular disease with a recent
3 large-scale study finding that 400,000 deaths per year in the U.S. are
4 attributable to lead exposure. The study found that even adult blood
5 lead concentrations lower than 5 ug/dL are associated with mortality. In
6 addition, the federal environmental protection agency (EPA) classifies
7 lead as a probable human carcinogen.

8 (d) The predominant cause of lead poisoning in children is the inges-
9 tion or inhalation of lead particles from deteriorating or abraded lead-
10 based paint from older and poorly maintained residences.

11 (e) Deteriorating lead-based paint or excessive amounts of lead-conta-
12 minated dust in these poorly maintained homes, or lead-contaminated soil
13 around residences, endangers the intellectual and emotional development
14 and physical well-being of affected children, and endangers the long-
15 term health of all inhabitants. In addition, unsafe work practices that
16 inadequately control lead dust in the repair or renovation of older
17 homes can cause substantial lead hazards.

18 (f) Although New York state banned the sale of lead paint in 1970
19 (chapter 338 of the laws of 1970), seventy percent of New York's housing
20 stock was constructed prior to 1970, and seventy-eight percent was
21 constructed prior to 1978, the year federal law banned the use of lead-
22 based paint in residential homes. At least ninety percent of lead-based
23 paint still remaining in occupied housing exists in units built before
24 1960. New York state has both the largest percentage and the largest
25 absolute number of older housing units with lead paint in the nation.

26 (g) The dangers posed by lead-based paint can be substantially
27 reduced, although not eliminated, by taking measures to prevent paint
28 deterioration and limiting children's exposure to paint chips and lead
29 dust.

30 (h) The deterioration of lead-based paint in older residences results
31 in increased expenses each year for the state of New York in the form of
32 special education and other education expenses, medical care for lead
33 poisoned children, and expenditures for delinquent youth and others
34 needing special supervision. The overall social costs of lead poisoning
35 are estimated to amount to at least six billion dollars annually.

36 (i) Older housing units remain an important part of New York's housing
37 stock, particularly for those of modest or limited incomes. The problem
38 of lead-based paint in housing, as well as in surrounding soil, affects
39 urban, suburban and rural areas of the state.

40 (j) The existing housing codes and enforcement systems in most New
41 York jurisdictions do not include primary prevention measures for lead
42 hazards and have proven ineffective in encouraging widespread lead-based
43 paint hazard abatement, mitigation, and control. As a result, in many
44 cases lead hazards are often not identified until a child is found to
45 have high concentrations of lead in their blood.

46 (k) The financial incentives currently in place have not proven suffi-
47 cient to motivate landlords and other property owners to undertake wide-
48 spread and effective lead-based paint hazard abatement, mitigation, and
49 control; moreover low and moderate income property owners may not have
50 access to the resources to eliminate or substantially reduce lead
51 hazards.

52 (l) Insurance companies are reluctant to provide coverage to property
53 owners in the absence of evidence that lead hazards have been appropri-
54 ately addressed.

1 (m) Knowledge of lead-based paint hazards, their control, mitigation,
 2 abatement, and risk avoidance is not sufficiently widespread, especially
 3 outside urban areas.

4 2. The purposes of this act are:

5 (a) to increase the supply of affordable rental housing in the state
 6 of New York in which measures have been taken to eliminate or substan-
 7 tially reduce the risk of childhood lead poisoning;

8 (b) to ensure that New York's response to lead-based paint hazards
 9 focuses on primary prevention as the essential tool to combat childhood
 10 lead poisoning - meaning that lead hazards are eliminated or substan-
 11 tially reduced before a child has been poisoned, and thus to substan-
 12 tially reduce, and eventually eliminate, the incidence of childhood lead
 13 poisoning in the state of New York;

14 (c) to establish lead hazard control standards in the state of New
 15 York, and make their enforcement more certain and more effective;

16 (d) to improve public awareness of the dangers of exposure to lead
 17 even at low levels, and to educate both property owners and tenants
 18 about practices that can reduce the incidence of lead poisoning; and

19 (e) to provide resources for property owners who commit to undertake
 20 specified lead hazard reduction measures;

21 (f) to improve the responses of the department of health in those
 22 situations where children are identified with elevated blood lead
 23 levels; and

24 (g) to better coordinate across various departments and agencies to
 25 protect children from lead poisoning.

26 § 3. The real property law is amended by adding a new article 19 to
 27 read as follows:

28 ARTICLE 19

29 CHILDHOOD LEAD POISONING PREVENTION AND SAFE HOUSING

30 Section 500. Definitions.

31 501. Requirements for owners of affected properties.

32 502. Investigation and inspection of affected properties by the
 33 deputy commissioner.

34 503. Safe work practices for activities disturbing lead-based
 35 paint or paint of unknown lead content in affected prop-
 36 erties.

37 504. Accreditation of inspectors and contractors performing
 38 work.

39 505. Enforcement.

40 506. Injunctive relief.

41 507. Retaliatory evictions prohibited.

42 508. Lead poisoning prevention fee.

43 509. Designation of exempt municipalities; minimum standards for
 44 lead-based paint poisoning prevention programs.

45 510. Reporting.

46 § 500. Definitions. 1. "Abatement" means any set of measures designed
 47 to permanently eliminate lead-based paint or lead-based paint hazards.
 48 Abatement includes the removal of lead-based paint, the permanent enclo-
 49 sure or encapsulation of lead-based paint, the replacement of components
 50 or fixtures painted with lead-based paint, and the removal or permanent
 51 covering of soil-lead hazards. When abatement has occurred, a property
 52 is deemed abated.

53 2. "Affected property" means a room or group of rooms within a proper-
 54 ty constructed before nineteen hundred seventy-eight that form a single
 55 independent habitable dwelling unit for occupation by one or more indi-
 56 viduals that has living facilities with permanent provisions for living,

1 sleeping, eating, cooking, and sanitation. "Affected property" does not
2 include:

3 (a) a unit within a hotel, motel, or similar seasonal or transient
4 facility unless such unit is occupied by one or more persons for a peri-
5 od exceeding thirty days;

6 (b) an area which is secured and inaccessible to occupants;

7 (c) a unit which is not offered for rent or not incident to employ-
8 ment;

9 (d) an unoccupied dwelling unit or residential property that is to be
10 demolished, provided the dwelling unit or property will remain unoccu-
11 piated until demolition;

12 (e) a dwelling or dwelling unit within an exempt municipality; or

13 (f) property owned or operated by a unit of federal, state, or local
14 government, or any public, quasi-public, or municipal corporation, if
15 the property is subject to lead standards that are equal to, or more
16 stringent than, the requirements for lead-stabilized status under para-
17 graph c of subdivision one of section five hundred one of this article,
18 but does include privately-owned properties that receive governmental
19 rental assistance.

20 3. "Area of high risk" means an area designated as such by the deputy
21 commissioner, pursuant to section five hundred two of this article, in
22 conjunction with the commissioner of health pursuant to section thirteen
23 hundred seventy of the public health law.

24 4. "Change in occupancy" means a change of tenant in an affected prop-
25 erty in which the property is vacated and possession is either surren-
26 dered to the owner or abandoned.

27 5. "Chewable surface" shall mean a protruding interior windowsill in a
28 dwelling unit in an affected property that is readily accessible to a
29 child under age seven. "Chewable surface" shall also mean any other type
30 of interior edge or protrusion in a dwelling unit in an affected proper-
31 ty, such as a rail or stair.

32 6. "Condition conducive to lead poisoning" means: (a) a lead-based
33 paint hazard; and/or (b) other environmental conditions which may result
34 in significant lead exposure, including soil-lead hazards.

35 7. "Containment" means the physical measures taken to ensure that dust
36 and debris created or released during lead-based paint hazard reduction
37 are not spread, blown, or tracked from inside to outside of the work-
38 site.

39 8. "Deputy commissioner" means such person as has been designated by
40 the commissioner of housing and community renewal to enforce this arti-
41 cle.

42 9. "Deteriorated paint" means any interior or exterior paint or other
43 coating that is curling, scaling, flaking, blistering, peeling, chip-
44 ping, chalking, cracking, or loose in any manner, such that a space or
45 pocket of air is behind a portion thereof or such that the paint is not
46 completely adhered to the underlying subsurface, or is otherwise damaged
47 or separated from the substrate.

48 10. "Deteriorated subsurface" shall mean an unstable or unsound paint-
49 ed subsurface, an indication of which can be observed through a visual
50 inspection, including, but not limited to, rotted or decayed wood, or
51 wood or plaster that has been subject to moisture or disturbance.

52 11. "Division" means the division of housing and community renewal.

53 12. "Dwelling" means a building or structure or portion thereof,
54 including the property occupied by and appurtenant to such dwelling,
55 which is occupied in whole or in part as the home, residence or sleeping
56 place of one or more human beings and shall, without limiting the fore-

1 going, include child care facilities for children under seven years of
2 age, kindergartens and nursery schools.

3 13. "Dwelling unit" means a:

4 (a) single-family dwelling, including attached structures such as
5 porches and stoops; or

6 (b) housing unit in a structure that contains more than one separate
7 housing unit, and in which each such unit is used or occupied, or
8 intended to be used or occupied, in whole or in part, as the home or
9 separate living quarters of one or more persons.

10 14. "Encapsulation" means the application of a covering or coating
11 that acts as a barrier between the lead-based paint and the environment
12 and that relies for its durability on adhesion between the encapsulant
13 and the painted surface, and on the integrity of the existing bonds
14 between paint layers and between the paint and the substrate. Encapsu-
15 lation may be used as a method of abatement if it is designed and
16 performed so as to be permanent.

17 15. "Exempt municipality" means the cities of New York, Rochester, and
18 Syracuse, and such other municipalities that the commissioner of housing
19 and community renewal may designate pursuant to section five hundred
20 nine of this article.

21 16. "Exterior surfaces" means:

22 (a) all fences and porches that are part of a dwelling;

23 (b) all outside surfaces of a dwelling that are accessible to a child
24 under the age of seven and that:

25 (1) are attached to the outside of such dwelling; or

26 (2) consist of other buildings that are appurtenant to such dwelling,
27 such as a garage or shed; and

28 (c) all painted surfaces in stairways, hallways, entrance areas,
29 recreation areas, laundry areas, and garages within a multifamily dwell-
30 ing that are common to individual dwelling units, one or more of which
31 constitutes an affected property.

32 17. "Friction surface" means an interior or exterior painted surface
33 that touches or is in contact with another surface, such that the two
34 surfaces are capable of relative motion and abrade, scrape, or bind when
35 in relative motion. Friction surfaces shall include, but not be limited
36 to, window frames and jambs, doors, and hinges.

37 18. "G" means gram, "mg" means milligram (thousandth of a gram), and
38 "ug" means microgram (millionth of a gram).

39 19. "Hazard reduction" means measures designed to reduce or eliminate
40 human exposure to lead-based paint hazards.

41 20. "High-efficiency particle air vacuum" or "HEPA-vacuum" means a
42 device capable of filtering out particles of 0.3 microns or greater from
43 a body of air at an efficiency of 99.97% or greater; "HEPA-vacuum"
44 includes use of a HEPA-vacuum.

45 21. "Impact surface" means an interior or exterior painted surface
46 that shows evidence, such as marking, denting, or chipping, that it is
47 subject to damage by repeated sudden force, such as certain parts of
48 door frames, moldings, or baseboards.

49 22. "Inspection" means a comprehensive survey by a properly accredited
50 person to determine the presence of lead-based paint and lead-based
51 paint hazards and the provision of a report explaining the results of
52 the inspection.

53 23. "Interior windowsill" means a portion of the horizontal window
54 ledge that is protruding into the interior of a room.

55 24. "Investigation" means an examination conducted by the owner of an
56 affected property, the owner's agent or employee, or someone retained by

1 the owner, in accordance with the requirements established by the deputy
2 commissioner, to determine whether the affected property meets the stan-
3 dards of lead-stabilized status as defined in paragraph c of subdivision
4 one of section five hundred one of this article.

5 25. "Lead-based paint" means paint or other similar surface coating
6 material containing 0.5 milligrams of lead per square centimeter or
7 greater, as determined by laboratory analysis, or by an x-ray fluores-
8 cence analyzer. If an x-ray fluorescence analyzer is used, readings
9 shall be corrected for substrate bias when necessary as specified by the
10 performance characteristic sheets released by the United States environ-
11 mental protection agency (EPA) and the United States department of hous-
12 ing and urban development (HUD) for the specific x-ray fluorescence
13 analyzer used. X-ray fluorescence readings shall be classified as posi-
14 tive, negative or inconclusive in accordance with the HUD guidelines for
15 the evaluation and control of lead-based paint hazards in housing (June
16 1995, revised 1997 and 2012) and the performance characteristic sheets
17 released by the EPA and HUD for the specific x-ray fluorescence analyzer
18 used. X-ray fluorescence readings that fall within the inconclusive
19 zone, as determined by the performance characteristic sheets, shall be
20 confirmed by laboratory analysis of paint chips, results shall be
21 reported in milligrams of lead per square centimeter and the measure of
22 such laboratory analysis shall be definitive. If laboratory analysis is
23 used to determine lead content, results shall be reported in milligrams
24 of lead per square centimeter. Where the surface area of a paint chip
25 sample cannot be accurately measured or if an accurately measured paint
26 chip sample cannot be removed, a laboratory analysis may be reported in
27 percent by weight. In such case, lead-based paint shall mean any paint
28 or other similar surface-coating material containing more than 0.25% of
29 metallic lead, based on the non-volatile content of the paint or other
30 similar surface-coating material except that, if the EPA or a successor
31 agency, or the HUD or a successor agency, adopts more stringent defi-
32 nitions of lead-based paint, such more stringent levels shall apply for
33 the purposes of this article and the division shall update its regu-
34 lations so they are at least as stringent as the federal levels. In a
35 residential dwelling constructed before 1970, it shall be presumed that
36 paint or other similar surface coating material contains 0.5 milligrams
37 of lead per square centimeter or greater unless it has been tested in
38 the manner specified in this section by personnel qualified pursuant to
39 subdivision two of section five hundred four of this article.

40 26. "Lead-based paint hazard" means any condition in, or proximate to,
41 a dwelling or dwelling unit that may result in exposure to lead that
42 could result in adverse human health effects from any of the following
43 conditions: lead-contaminated dust; lead-based paint that is deteri-
44 orated; lead-based paint that is present on chewable surfaces, deteri-
45 orated subsurfaces, friction surfaces, or impact surfaces; or soil-lead
46 hazards.

47 27. "Lead-contained" means property that has attained lead-contained
48 property status within the meaning of paragraph d of subdivision one of
49 section five hundred one of this article.

50 28. "Lead-contaminated dust" means surface dust that contains a mass
51 per area concentration of lead equal to or exceeding 5 micrograms per
52 square foot ("ug/ft²") on floors, or 40 ug/ft² on interior windowsills
53 based on wipe sample, or 100 ug/ft² on window wells, or 40 ug/ft² on
54 porch floors, or such more stringent standards as may be adopted by the
55 division of housing and community renewal, except that, if the United
56 States environmental protection agency or a successor agency, or the

1 United States department of housing and urban development or a successor
2 agency, adopts more stringent definitions of lead-contaminated dust,
3 such more stringent levels shall apply for the purposes of this article,
4 and the division shall update its regulations so they are at least as
5 stringent as the federal levels.

6 29. "Lead-free" means property that has attained lead-free property
7 status within the meaning of paragraph e of subdivision one of section
8 five hundred one of this article.

9 30. "Lead-stabilized" means property that has attained lead-stabilized
10 property status within the meaning of paragraph c of subdivision one of
11 section five hundred one of this article.

12 31. "Local designee" means a municipal, county, or other official
13 designated by the deputy commissioner as responsible for assisting the
14 designating authority, relevant state agencies, and relevant county and
15 municipal authorities, in implementing the activities specified by this
16 article for the localities.

17 32. "Occupant" means any individual living or sleeping in a building,
18 or having possession of a space within a building.

19 33. "Owner" means a person, firm, corporation, nonprofit organization,
20 partnership, government, guardian, conservator, receiver, trustee, exec-
21 utor, or other judicial officer, or other entity which, alone or with
22 others, owns, holds, or controls the freehold or leasehold title or part
23 of the title to property, with or without actually possessing it. Such
24 term includes a vendee who possesses the title, but does not include a
25 mortgagee or an owner of a reversionary interest under a ground rent
26 lease. "Owner" includes any authorized agent of the owner, including a
27 property manager or leasing agent.

28 34. "Permanent" means an expected design life of at least twenty
29 years.

30 35. "Person" means any natural person.

31 36. "Relocation expenses" means all expenses necessitated by the relo-
32 cation of a tenant's household to housing free of lead hazards, includ-
33 ing, but not limited to, moving and hauling expenses, the HEPA-vacuuming
34 of all upholstered furniture, laundering of clothes and linens, payment
35 of a security deposit for the relocation housing, and installation and
36 connection of utilities and appliances.

37 37. "Rent-to-own contract" shall mean any agreement between an owner
38 of real property and a tenant which provides that after a specified term
39 the tenant will take ownership of the rented home.

40 38. "Resides" shall mean to routinely spend ten or more hours per week
41 within a dwelling unit.

42 39. "Soil-lead hazard" means soil in a play area where the soil-lead
43 concentration from a composite play area sample of bare soil is equal to
44 or greater than 400 parts per million; or in the rest of the yard when
45 the arithmetic mean lead concentration from a composite sample (or
46 arithmetic mean of composite samples) of bare soil from the rest of the
47 yard (i.e., non-play areas) is equal to or greater than 1,200 parts per
48 million except that, if the United States environmental protection agen-
49 cy or a successor agency, or the United States department of housing and
50 urban development or a successor agency, adopts more stringent defi-
51 nitions of soil-lead hazard, such more stringent levels shall apply for
52 the purposes of this article, and the division shall update its regu-
53 lations so they are at least as stringent as the federal levels.

54 40. "Tenant" means the individual named as the lessee in a lease,
55 rental agreement, rent-to-own contract, or other form of occupancy
56 agreement, whether written or oral, for a dwelling unit, and includes

1 tenancies incident to employment. Where applicable, the term "tenant"
2 shall also include any occupant of the tenant's household.

3 41. "Wipe sample" means a sample collected by an appropriately accred-
4 ited person wiping a representative surface of known area, as determined
5 by American Society for Testing Materials (ASTM) e1728 ("standard prac-
6 tice for the field collection of settled dust samples using wipe sampl-
7 ing methods for lead determination by atomic spectrometry techniques"),
8 with lead determination conducted by an accredited laboratory partic-
9 ipating in the environmental lead laboratory accreditation program
10 (NLAP).

11 § 501. Requirements for owners of affected properties. 1. Duty to
12 maintain affected properties. (a) All affected properties shall be main-
13 tained free of conditions conducive to lead paint poisoning.

14 (b) Within two years following the effective date of this section, all
15 affected properties shall be maintained as "lead-stabilized" as defined
16 by paragraph (c) of this subdivision or "lead-contained" as defined by
17 paragraph (d) of this subdivision, or "lead-free" as provided for in
18 paragraph (e) of this subdivision.

19 (c) An affected property will be considered to be "lead-stabilized"
20 when:

21 (i) All exterior and interior painted surfaces have been visually
22 reviewed; and all chipping, peeling, or flaking lead-based paint or
23 paint of unknown lead content on exterior and interior painted surfaces
24 has been removed and repainted, or stabilized and repainted, and any
25 structural defect that is causing or likely to cause lead-based paint or
26 paint of unknown lead content to chip, peel, or flake that the owner of
27 the affected property has knowledge of, or with the exercise of reason-
28 able care should have knowledge of, has been repaired;

29 (ii) All window friction surfaces with lead-based paint or paint of
30 unknown lead content have had such paint removed or permanently covered,
31 such as via the installation of replacement window channels or slides,
32 and interior window troughs and windowsills have been either stripped
33 and repainted, replaced, or encapsulated with vinyl, metal, or any other
34 durable materials which render the surface smooth and cleanable;

35 (iii) All doors and doorways have been adjusted or re-hung as neces-
36 sary to prevent the rubbing together of any surface with lead-based
37 paint or paint of unknown lead content with another surface;

38 (iv) All bare floors have been made smooth and cleanable;

39 (v) All work has been completed in compliance with the safe work prac-
40 tice regulations promulgated pursuant to section five hundred three of
41 this article; and

42 (vi) At the completion of any activities described in this subdivision
43 that disturb lead-based paint or paint of unknown lead content:

44 (A) the interior of the affected property has been HEPA vacuumed and
45 washed with high phosphate detergent or its equivalent; and

46 (B) clearance for lead-contaminated dust has been achieved as deter-
47 mined by wipe samples in all areas accessible to occupants, taken by
48 properly accredited independent personnel after completion of all activ-
49 ities undertaken pursuant to paragraph (b) of this subdivision.

50 (d) An affected property will be considered to be "lead-contained"
51 when a certified inspector, accredited pursuant to the provisions of
52 section five hundred four of this article, inspects the affected proper-
53 ty and certifies that the affected property has been tested for the
54 presence of lead-based paint and lead-contaminated dust in accordance
55 with the standards and procedures established by regulations promulgated
56 by the commissioner and states under penalties of perjury that:

1 (i) All interior surfaces in the affected property either do not
2 contain lead-based paint or have been permanently abated;

3 (ii)(A) All exterior painted surfaces of the affected property that
4 were chipping, peeling, or flaking have been restored with non-lead
5 based paint and no exterior painted surfaces of the affected property
6 are chipping, peeling, or flaking; or

7 (B) All exterior painted surfaces of the affected property have been
8 covered with vinyl siding or similar siding and sealed in a manner that
9 prevents exposure to chipping, peeling, or flaking paint; and

10 (iii) Clearance for lead dust hazards has been achieved as determined
11 by wipe samples in all areas accessible to occupants, taken by properly
12 accredited independent personnel.

13 (e) An affected property will be considered to be "lead-free" when a
14 certified inspector, accredited pursuant to the provisions of section
15 five hundred four of this article, inspects the affected property and
16 certifies that the affected property has been tested for the presence of
17 lead-based paint and lead-contaminated dust in accordance with the stan-
18 dards and procedures established by regulations promulgated by the
19 commissioner and states under penalties of perjury that there is no
20 lead-based paint or lead-contaminated dust present on the interior
21 surfaces of the dwelling unit, no lead-based paint on the interior
22 surfaces of the common areas of the property, and no lead-based paint
23 present on any of the exterior surfaces of the property.

24 2. Duty to inspect affected properties. (a) Unless an affected proper-
25 ty has been determined to be "lead-contained" or "lead-free" as defined
26 in subdivision one of this section, the owner of such affected property
27 shall cause an investigation to be made as provided in paragraph (b) of
28 this subdivision, either directly by the owner, the owner's agent or
29 employee, or by any other person authorized by the deputy commissioner,
30 to determine whether such property complies, at a minimum, with "lead-
31 stabilized" property status. Alternatively, the owner may cause an
32 inspection to be made by a person trained and accredited for such
33 inspections as described in section five hundred four of this article
34 for the purpose of determining whether the affected property complies
35 with either "lead-free" property status or "lead-contained" property
36 status.

37 (b) The investigation to ascertain whether a property complies with
38 "lead-stabilized" property status shall occur at least once a year and
39 more often if necessary, such as when, in the exercise of reasonable
40 care, an owner knows or should know of a condition that is reasonably
41 foreseeable to be conducive to lead poisoning, or when an occupant
42 specifically requests that an inspection or investigation be made based
43 upon his or her reasonable belief that such a condition exists, or when
44 an occupant makes a complaint to the owner concerning a condition that
45 the owner knows or should know is reasonably foreseeable to be conducive
46 to lead poisoning.

47 (c) In addition to any investigations or inspections required under
48 paragraph (b) of this subdivision, the owner shall cause such an inves-
49 tigation or inspection to be made within the thirty days prior to the
50 leasing, rental, or other turnover of an affected property, and shall
51 report the findings of that investigation or inspection to prospective
52 tenants in accordance with section 42 U.S.C. 4852d, 24 C.F.R. part 35
53 subpart a and 40 C.F.R. part 40 subpart f or such successor regulations
54 and this article.

55 3. Duty to maintain and provide records of compliance, and notice to
56 occupants of affected properties.

1 (a) Beginning two years following the effective date of this section,
2 owners of affected properties shall submit to the deputy commissioner or
3 the deputy commissioner's designee for the jurisdiction in which such
4 property is located a certification of compliance with paragraph (b) of
5 subdivision one of this section, in the manner directed by the deputy
6 commissioner. Said certifications shall include the results of any lead
7 dust wipe tests, any tests for the presence of lead-based paint, and any
8 inspections conducted by inspectors accredited pursuant to the
9 provisions of section five hundred ninety-eight of this article.
10 Certifications of affected properties as "lead stabilized" within the
11 meaning of paragraph (c) of subdivision one of this section shall be
12 submitted every three years. Certifications of affected properties as
13 "lead contained" within the meaning of paragraph (d) of subdivision one
14 of this section shall be submitted every ten years, unless clause (B) of
15 subparagraph (i) of paragraph (d) of such subdivision has been
16 completed, in which case such certification shall be submitted every
17 twenty years.

18 (b) When an owner of an affected property submits a certification to
19 the division pursuant to paragraph (a) of this subdivision, the owner
20 shall also provide a copy of the certification and any dust wipe test
21 results to the tenants within one month thereafter of providing the
22 certification to the department or, for dwelling units that are vacant
23 at the time of such certification, at the time tenants take occupancy.

24 (c) The division shall maintain a searchable public database of all
25 certifications filed pursuant to this subdivision.

26 (d) The owner of an affected property shall make and maintain a record
27 of all investigations or inspections conducted under subdivision two of
28 this section in a form prescribed by the deputy commissioner. The owner
29 shall maintain such record, in electronic or hard-copy format, for a
30 period of ten years. Copies of such record shall be made available upon
31 request to the deputy commissioner, his or her local designee, tenants
32 and occupants of the affected property, and any prospective tenants or
33 occupants of the affected property.

34 (e) The owner shall cause a summary of inspections conducted under
35 subdivision two of this section, in a form prescribed by the deputy
36 commissioner, to be conspicuously posted in a common area of the dwell-
37 ing in or adjacent to main entrances. In cases where it is not feasible
38 to post such reports in a common area, the owner or agent shall deliver
39 individual copies of such summary to each affected unit. Said summary
40 shall indicate that the full report of such investigation or inspection
41 is available to tenants upon request.

42 (f) All leases offered to tenants or prospective tenants in affected
43 properties shall contain a notice, conspicuously set forth therein,
44 which advises tenants of the obligations of the owner as set forth in
45 this section. Such notice shall be in a manner approved by the deputy
46 commissioner, the content of which shall, at a minimum, be in English
47 and Spanish.

48 (g) Unless an affected property has been certified as being "lead-
49 free," as provided in paragraph (e) of subdivision one of this section,
50 any written or printed lease for the lease or renting of an affected
51 property for a term beginning at a date more than one year following the
52 effective date of this article shall include the following provisions,
53 in both English and Spanish, in prominently displayed and easily read-
54 able type or printing: "This property, constructed before January 1,
55 1970, may contain lead-based paint. Lead-based paint, if it is not prop-
56 erly removed or maintained, may cause brain damage or other serious

1 health impacts in children less than seven years of age and fetal injury
2 in pregnant women. New York state law requires the landlord to comply
3 with maintenance standards to avoid lead-based paint hazards. This
4 property (owner or agent to check appropriate box):

5 has been inspected by an independent inspector certified under New
6 York state law within the past sixty days and found not to contain lead-
7 based paint hazards.

8 has been investigated by the owner, manager, or his/her agent within
9 the past thirty days and observable lead-based paint hazards have been
10 stabilized.

11 has not been inspected for lead-based paint hazards. This property may
12 contain lead-based paint hazards dangerous to a child less than seven
13 years of age."

14 (h) At the time of the lease or renting of an affected property with-
15 out a written or printed lease at a date more than one year following
16 the effective date of this section, the front entranceway or door of the
17 affected property shall be posted with a sign containing the language
18 quoted in paragraph (f) of this subdivision and, if applicable, para-
19 graph (g) of this subdivision, in both English and Spanish, and promi-
20 nently displayed and in easily readable type or printing.

21 § 502. Investigation and inspection of affected properties by the
22 deputy commissioner. 1. (a) Beginning two years after the effective date
23 of this section, the deputy commissioner or his or her designee for the
24 jurisdiction in which such property is located shall order an inspection
25 of an affected property by an inspector accredited pursuant to the
26 provisions of section five hundred four of this article, at the expense
27 of the owner of the affected property, whenever the deputy commis-
28 sioner's designee for the jurisdiction in which such property is located
29 receives notification that the affected property does not reasonably
30 appear to comply with either the lead-free, lead-contained, or lead-sta-
31 bilized property status.

32 (b) Any state or local agency employees who have occasion to observe
33 deteriorated paint or any other condition believed to be conducive to
34 lead poisoning at an affected property are authorized to report, and
35 shall report, such conditions to the deputy commissioner's designee, and
36 in such instance, the deputy commissioner's designee shall require an
37 inspection to be made of the affected property.

38 (c) Beginning two years after the effective date of this section, the
39 deputy commissioner shall establish a central complaint system for
40 tenants in affected properties to report deteriorated paint or any other
41 condition believed to be conducive to lead poisoning at an affected
42 property, and in such instance, the deputy commissioner's designee shall
43 require an inspection to be made of the affected property.

44 (d) An inspection required under this subdivision shall be completed
45 within ninety days after notification of the deputy commissioner's
46 designee for the jurisdiction in which such property is located. In the
47 event such inspection results in a finding of lead hazards, a report of
48 such findings shall be immediately transmitted by the deputy commis-
49 sioner or the deputy commissioner's designee for the jurisdiction in which
50 such property is located to the appropriate local social services
51 department pursuant to section one hundred forty-three-b of the social
52 services law.

53 (e) Beginning two years after the effective date of this section, the
54 deputy commissioner shall establish and maintain an index and file
55 containing all notifications or complaints of affected properties that
56 may not comply with the requirements of subdivision one of section five

1 hundred one of this article and the results of inspections conducted
2 pursuant to paragraph (d) of this subdivision. Said index and file shall
3 be made publicly available in an accessible, electronic searchable form
4 on a website maintained by the division of housing and community
5 renewal.

6 2. An owner of an affected property at any time after the effective
7 date of this section, may request voluntarily that the deputy commis-
8 sioner, or the deputy commissioner's designee for the jurisdiction in
9 which such property is located, conduct an inspection by an inspector
10 accredited pursuant to the provisions of section five hundred four of
11 this article, of an affected property, at the expense of the owner, to
12 determine whether it complies with the requirements for lead-free, lead-
13 contained, or lead-stabilized property status. Such inspection shall be
14 completed within thirty days after the owner's request.

15 3. The deputy commissioner shall establish, in conjunction with the
16 commissioner of health or her or his designee, a primary prevention
17 inspection program in areas of high risk to identify and target affected
18 properties where there are persons who may be exposed to lead-based
19 paint hazards in order that inspections may be conducted without the
20 receipt of a complaint or other such event triggering an inspection, and
21 require for each such area of high risk that the county commissioner of
22 health or his or her other local designee, and such local municipal
23 building or property maintenance code enforcement officials having
24 jurisdiction over such area as the deputy commissioner shall designate,
25 prepare and implement a strategy to:

26 (a) assure that a sufficient number of qualified inspection personnel
27 are available;

28 (b) identify the affected properties in that municipality, census
29 tract or census block group that are most likely to contain conditions
30 conducive to lead poisoning;

31 (c) require, at the owner's expense, the inspection of affected prop-
32 erties for conditions conducive to lead poisoning; and

33 (d) require that such inspected properties attain lead-free, lead-con-
34 tained, or lead-stabilized status, and elimination of all conditions
35 conducive to lead poisoning in such properties, using lead safe work
36 practices in accordance with the provisions of this article within thir-
37 ty days. In preparing this primary prevention inspection strategy, the
38 responsible officials shall, among other factors, consider reports of
39 persons with elevated blood lead levels in other units in a building;
40 the age and maintenance history of a building; and any available data on
41 the presence of young children from birth certificates issued by the
42 department of health.

43 4. An inspector shall submit a verified report of the result of the
44 inspection conducted pursuant to subdivision one, two, or three of this
45 section to the deputy commissioner or the deputy commissioner's designee
46 for the jurisdiction in which such property is located, the owner, and
47 the tenant, if any, of the affected property. Such report shall be
48 completed subject to penalties for perjury and include the inspector's
49 state registration number and date of certification to perform such
50 inspections. In the event such inspection results in a finding of lead-
51 based paint hazards or conditions conducive to lead poisoning, a report
52 of such findings shall be promptly transmitted by the deputy commis-
53 ioner or the deputy commissioner's designee for the jurisdiction in which
54 such property is located and to the appropriate local social services
55 department pursuant to section one hundred forty-three-b of the social
56 services law.

1 § 503. Safe work practices for activities disturbing lead-based paint
2 or paint of unknown lead content in affected properties. 1. All work
3 performed by an owner or the owner's agents or contractors, in affected
4 property, that disturbs lead-based paint or paint of undetermined lead
5 content shall be performed in accordance with safe work regulations
6 promulgated by the commissioner of housing and community renewal. Such
7 regulations shall provide for, among other things:

8 (a) notice to tenants;

9 (b) training requirements, which shall require that such work be
10 performed by persons who have, at a minimum, successfully completed a
11 course on lead-safe work practices given by or on behalf of the divi-
12 sion, the department of labor, by the United States environmental
13 protection agency or an entity authorized by it to give such course, or
14 by the United States department of housing and urban development or an
15 entity authorized by it to give such course;

16 (c) precautions to prevent entry into the work area by occupants until
17 clean-up is completed and for temporary relocation provided by the owner
18 for the occupants of a dwelling or dwelling unit to appropriate housing
19 when work cannot be performed safely;

20 (d) precautions to prevent the dispersion of lead dust and debris
21 during the work;

22 (e) prohibited practices of lead paint removal, including dry scraping
23 and sanding, use of power tools without proper environmental controls,
24 and the use of toxic substances;

25 (f) proper daily and final clean-up requirements;

26 (g) dust wipe clearance testing;

27 (h) pre-notification of local municipal code enforcement agencies or
28 health departments, where appropriate; and

29 (i) exceptions for small jobs that involve disturbing less than two
30 square feet of lead-based paint or paint of undetermined lead content or
31 less than ten percent of the total surface area of peeling paint on a
32 type of component with a small surface area, such as a windowsill or
33 door frame.

34 2. A tenant shall, at reasonable times and upon appropriate notice of
35 not less than forty-eight hours, allow access to an affected property to
36 the owner to perform any work required under this article.

37 3. If a tenant must vacate an affected property for a period of twenty-
38 four hours or more in order to allow an owner to perform work that
39 will disturb the paint on interior surfaces, the owner shall pay to the
40 tenant in advance the reasonable relocation expenses that the tenant
41 incurs directly related to the required relocation.

42 4. The deputy commissioner or the deputy commissioner's designee,
43 within one hundred twenty days following the effective date of this
44 article, shall establish guidelines and a trainer's manual for a "lead-
45 safe housing awareness seminar" with a total class time of three hours
46 or less. Such guidelines and materials shall be made available so that
47 such courses may be offered by professional associations and community
48 organizations with a training capacity, existing accredited educational
49 institutions, and for-profit educational providers. All such offering
50 proposals shall be reviewed and approved, based on seminar content and
51 qualifications of instructors, by the deputy commissioner or the deputy
52 commissioner's designee.

53 § 504. Accreditation of inspectors and contractors performing work. 1.
54 No person shall act as a contractor or supervisor to perform the work
55 necessary for lead-based paint hazard abatement as defined in this arti-
56 cle unless that person is accredited pursuant to one of the following:

1 (a) regulations adopted by the commissioner of labor pursuant to
2 section nine hundred forty-nine-b of the labor law governing the accred-
3 itation of individuals to engage in lead-based paint activities;

4 (b) certification by the United States environmental protection agency
5 to engage in lead-based paint activities pursuant to 40 C.F.R. 745.226
6 or successor regulation; or

7 (c) certification by a state or tribal program authorized by the
8 United States environmental protection agency to certify individuals
9 engaged in lead-based paint activities pursuant to 40 C.F.R. 745.325 or
10 successor regulation.

11 The commissioner of housing and community renewal shall, by regu-
12 lation, create exceptions to the accreditation requirement for instances
13 where the disturbance of lead-based paint is small and incidental, such
14 as work that disturbs surfaces of less than either two square feet of
15 peeling lead-based paint per room or ten percent of the total surface
16 area of peeling paint on a type of component with a small surface area,
17 such as a windowsill or door frame.

18 2. No person shall conduct an inspection required by section five
19 hundred one of this article, unless that person is accredited pursuant
20 to one of the following:

21 (a) regulations adopted by the commissioner of labor pursuant to
22 section nine hundred forty-nine-b of the labor law governing the accred-
23 itation of individuals to engage in lead-based paint activities; or

24 (b) certification to conduct inspections by the United States environ-
25 mental protection agency pursuant to 40 C.F.R. 745.226(b) or successor
26 regulation; or

27 (c) certification by a state or tribal program authorized by the
28 United States environmental protection agency to certify individuals
29 engaged in lead-based paint activities pursuant to 40 C.F.R. 745.325 or
30 successor regulation.

31 3. All persons engaged in conducting inspections or lead-based paint
32 hazard abatement work under this section shall secure, maintain, and
33 file with the deputy commissioner proof of a certificate of liability
34 coverage, which terms and conditions shall be determined by the commis-
35 sioner of housing and community renewal.

36 4. Any violation of the provisions of this section shall be a misde-
37 meanor.

38 § 505. Enforcement. 1. (a) Whenever the deputy commissioner or deputy
39 commissioner's designee finds an affected property to not be in compli-
40 ance with the applicable requirements for either lead-free, or lead-con-
41 tained, or lead-stabilized property status, the deputy commissioner or
42 deputy commissioner's designee shall give written notice and demand,
43 served as provided in this section, for the discontinuance of any condi-
44 tion failing to comply with either the lead-free, lead-contained, or
45 lead-stabilized standards in an affected property within a specified
46 period of time not to exceed thirty days. The deputy commissioner or
47 deputy commissioner's designee shall also immediately notify the appro-
48 priate local social services department of the issuance of such written
49 notice and demand pursuant to section one hundred forty-three-b of the
50 social services law.

51 (b) The deputy commissioner shall establish and maintain an index and
52 file containing all notices and demands issued pursuant to this section.
53 Said index and file shall be made publicly available in an accessible,
54 electronic searchable form on a website maintained by the division of
55 housing and community renewal.

1 2. In the event of failure to comply with a notice and demand, the
2 deputy commissioner or the deputy commissioner's designee shall conduct
3 a formal hearing upon due notice in accordance with the provisions of
4 this section and on proof of violation of such notice and demand shall
5 order the owner of an affected property to take specified corrective
6 actions to have the affected property satisfy the requirements, at a
7 minimum, of lead-contained or lead-stabilized property and may assess a
8 penalty not to exceed two thousand five hundred dollars for each
9 affected property. In the event of the continued failure to comply after
10 the expiration of thirty days from the issuance of an order and/or
11 penalty pursuant to this subdivision, the deputy commissioner or the
12 deputy commissioner's designee shall cause the condition to be remedi-
13 ated within the next thirty days, and may place a lien on such property
14 and commence such legal actions as are necessary to recover from the
15 owner of such property the deputy commissioner's expenditures in
16 connection therewith, including legal fees.

17 3. A notice required by this section may be served upon an owner or
18 occupant of the dwelling or agent of the owner in the same manner as a
19 summons in a civil action or by registered or certified mail to his or
20 her last known address or place of residence.

21 4. The deputy commissioner's designee having jurisdiction, county and
22 city commissioners of health, and local housing code enforcement agen-
23 cies designated by the deputy commissioner's designee having jurisdic-
24 tion or county or city commissioner of health shall have the same
25 authority, powers and duties within their respective jurisdictions as
26 has the deputy commissioner under the provisions of this article.

27 5. The deputy commissioner or deputy commissioner's representative and
28 an official or agency specified in subdivision four of this section may
29 request and shall receive from all public officers, departments and
30 agencies of the state and its political subdivisions such cooperation
31 and assistance as may be necessary or proper in the enforcement of the
32 provisions of this article.

33 6. Any violation of the requirements of section five hundred one of
34 this article shall also constitute a violation of any municipal or other
35 local housing code and shall subject the owner of an affected property
36 to all orders, criminal penalties, and other civil forfeitures or penal-
37 ties that are possible under such municipal or local housing code. Any
38 such violation shall also constitute a rent impairing violation within
39 the meaning of section three hundred two-a of the multiple dwelling law
40 and section three hundred five-a of the multiple residence law, and
41 entitle the tenant of such dwelling to a rent rebate of no less than
42 fifty percent or one thousand dollars per month, whichever is greater,
43 or such greater amount as a court of competent jurisdiction shall
44 impose.

45 7. Nothing contained in this article shall be construed to alter or
46 abridge any duties and powers now or hereafter existing in the deputy
47 commissioner, county boards of health, city and county commissioners of
48 health, the New York city department of housing preservation and devel-
49 opment and the department of health, local boards of health or other
50 public agencies or public officials, or any private party, including the
51 power to impose more stringent measures to protect public health.

52 8. The office of the attorney general and all local authorities
53 responsible for the enforcement of state, municipal, and other local
54 housing codes are hereby empowered to and shall vigorously enforce civil
55 remedies and/or criminal penalties provided for by law arising out of
56 the failure to comply with the requirements of section five hundred one

1 or section five hundred four of this article and may seek injunctive
2 relief where appropriate.

3 9. Any administrative proceeding or civil or criminal action by state
4 or local officials to enforce the provisions of this section shall be
5 reported to the deputy commissioner.

6 10. The removal of a tenant from or the surrender by the tenant of a
7 dwelling with respect to which the deputy commissioner or his or her
8 representative, pursuant to subdivision one of this section, has given
9 written notice and demand for the discontinuance of a condition condu-
10 cive to lead poisoning shall not absolve, relieve or discharge any
11 persons chargeable therewith from the obligation and responsibility to
12 discontinue such condition conducive to lead poisoning in accordance
13 with the method of discontinuance prescribed therefor in such notice and
14 demand. For the purposes of this subdivision, "removal of a tenant"
15 shall include vacate or condemnation orders.

16 § 506. Injunctive relief. 1. If an owner of an affected property fails
17 to comply with the requirements of section five hundred one or five
18 hundred two of this article, a tenant, an occupant or other interested
19 persons may seek injunctive relief from a court of competent jurisdic-
20 tion against the owner of the affected property in the form of a court
21 order to compel compliance. For the purposes of this article, a court of
22 competent jurisdiction shall include county court, city court, district
23 court, town court and village court.

24 2. In any action or proceeding seeking injunctive relief pursuant to
25 subdivision one of this section, either (a) the visually displayed or
26 (b) the printed computerized files of the division, maintained pursuant
27 to paragraph (b) of subdivision one of section five hundred five of this
28 article indicating the issuance of a notice and demand issued pursuant
29 to section five hundred five of this article shall be prima facie
30 evidence of any matter stated therein and the courts shall take judicial
31 notice thereof as if same were certified as true under the seal and
32 signature of the commissioner of housing and community renewal.

33 3. A court shall not grant the injunctive relief requested pursuant to
34 subdivision one of this section, unless, at least thirty days prior to
35 the filing requesting the injunction, the owner of the affected property
36 has received written notice of the violation of standards contained in
37 section five hundred one of this article and has failed to bring the
38 affected property into compliance with the applicable standards. This
39 notice to the owner of the affected property is satisfied when any of
40 the following has occurred:

41 (a) A person or their attorney, has notified the owner of an affected
42 property that the property fails to meet the requirements of paragraph
43 (b) of subdivision one of section five hundred one of this article;

44 (b) The deputy commissioner, the commissioner of housing and community
45 renewal, or the designee of either of these such officials, a municipal
46 or other local authority with responsibility for enforcing any local
47 housing code or codes, or a local or municipal department of health has
48 notified the owner of the affected property of violations of the
49 provisions of this article occurring within an affected property or of
50 the failure to register and file reports as required by this article; or

51 (c) A criminal or civil action pursuant to this article has been
52 brought by either state or local enforcement officials to enforce this
53 article.

54 4. The notice requirement of subdivision three of this section shall
55 not apply with respect to applications for preliminary injunctive
56 relief.

1 5. A tenant or occupant or other interested person who prevails in an
2 action to enforce the provisions of this article is entitled to an award
3 of the costs of the litigation and to an award of reasonable attorneys'
4 fees in an amount to be fixed by the court.

5 6. The removal of an occupant or tenant from or the surrender by the
6 occupant or tenant of a dwelling with respect to which an injunction has
7 been issued pursuant to this section shall not absolve, relieve or
8 discharge any persons chargeable therewith from the obligation and
9 responsibility to comply with any orders to comply with this article.
10 For the purposes of this subdivision, "removal of an occupant or tenant"
11 shall include vacate or condemnation orders.

12 7. Cases brought before the court under this section shall be granted
13 an accelerated hearing.

14 8. The legal remedies created under this section shall be in addition
15 to any other common law or statutory remedies, which may be pursued in
16 the same or separate action or proceeding.

17 § 507. Retaliatory evictions prohibited. 1. An owner of an affected
18 property may not evict or take any other retaliatory action against an
19 occupant or tenant in response to the actions of the occupant, tenant or
20 other persons in:

21 (a) providing information to the owner of the affected property, the
22 commissioner of housing and community renewal, the commissioner of
23 health, or the designee of either of these officials, a local or municip-
24 al department of health, or a municipal or other local authority with
25 responsibility for enforcing any local housing code or codes concerning
26 lead-based paint hazards within an affected property or elevated blood
27 lead levels of a person who resides or has recently resided in that
28 dwelling; or

29 (b) enforcing any of his or her rights under this article.

30 2. An owner of an affected property may not evict or take any other
31 retaliatory action against an occupant in response to the actions of any
32 state or local agency to enforce the provisions of this article.

33 3. For purposes of this section, a retaliatory action includes any of
34 the following actions in which the activities protected under subdivi-
35 sion one of this section are a material factor in motivating said
36 action:

37 (a) A refusal to renew a lease;

38 (b) Termination of a tenancy;

39 (c) An arbitrary rent increase or decrease in services to which the
40 occupant is entitled; or

41 (d) Any form of constructive eviction.

42 4. An occupant subject to an eviction or retaliatory action under this
43 section is entitled to the relief as may be provided by statute and/or
44 any further relief deemed just and equitable by the court, and is eligi-
45 ble for reasonable attorneys' fees and costs.

46 § 508. Lead poisoning prevention fee. 1. Beginning on January first,
47 two thousand twenty-three, a fee is imposed on manufacturers or whole-
48 salers of paint sold in the state to support the residential property
49 lead-based paint hazard abatement revolving loan fund established pursu-
50 ant to section ninety-nine-pp of the state finance law. The fee shall be
51 imposed at the manufacturer or wholesaler level, in the amount of fifty
52 cents per gallon of paint estimated to have been sold within the state
53 during the prior year, as determined by rule adopted by the division.

54 2. The division shall adopt rules to implement this section, including
55 rules to determine which manufacturers or wholesalers of paint sold in
56 the state are responsible for the fees imposed under subdivision one of

1 this section and rules establishing the estimated number of gallons of
2 paint sold in the state in the prior year for each manufacturer and
3 rules determining the manner of payment. The rules shall provide for
4 waivers of payment for manufacturers and wholesalers of paint that is
5 sold in low quantities in the state. The costs for administration of the
6 residential property lead-based paint hazard abatement revolving loan
7 fund may be reimbursed from the fees collected.

8 3. The attorney general shall enforce payment of fees under this
9 section through an action in the supreme court in Albany county and may
10 collect costs and attorneys' fees.

11 § 509. Designation of exempt municipalities; minimum standards for
12 lead-based paint poisoning prevention programs. 1. The commissioner of
13 housing and community renewal may, by regulation, designate as an
14 "exempt municipality" such other municipalities that enact local laws
15 for the prevention of childhood lead poisoning that contain at least all
16 of the following elements:

17 (a) Provide that residential property units rented to families with
18 children under age seven shall:

19 (i) be maintained free of conditions that would constitute a condition
20 conducive to lead poisoning; and

21 (ii) be inspected either by appropriately-trained and accredited local
22 governmental inspectors no less frequently than every two years, or by
23 property owners no less frequently than every year, for the presence of
24 conditions conducive to lead poisoning, and provide that the results of
25 such inspections shall be provided in writing to the occupants of such
26 dwellings and maintained for ten years.

27 (b) Provide for the inspection for, and removal of, conditions condu-
28 cive to lead poisoning prior to the renting of residential properties.

29 (c) Provide that any activities that disturb lead-based paint or paint
30 of unknown lead content in dwellings or dwelling units with children
31 under age seven, and the common areas of such dwellings, be performed
32 only by personnel who have met the requirements established in section
33 five hundred three of this article.

34 (d) Provide a private right of action by tenants or occupants for
35 violations of such local law.

36 2. Notwithstanding any local law to the contrary, no local lead
37 poisoning prevention law or program may employ standards for "lead-based
38 paint," "lead-contaminated dust," and "soil-lead hazard" that are less
39 protective of public health than those set forth in section five hundred
40 one of this article or such more stringent levels adopted by regulation
41 by the division of housing and community renewal.

42 § 510. Reporting. 1. Within three months after the close of the fiscal
43 year, the deputy commissioner, in consultation with the commissioner of
44 health and commissioner of labor or her or his designee, shall report to
45 the advisory council established in section thirteen hundred seventy-b
46 of the public health law on the implementation of this article during
47 the preceding period. Such report shall be publicly available and shall
48 include, at a minimum, a detailed statement of revenue and expenditures
49 and statement of the division's program, supported by a statistical
50 section with geographic indexing designed to provide a detailed explana-
51 tion of the division's enforcement, including but not limited to the
52 following:

53 (a) the number of dwelling units inspected by the division or other
54 state or local agency pursuant to this article, and the number of
55 inspectors assigned to conduct such inspections;

1 (b) the number of dwelling units in which the occupant complained of
2 violations of this article and the number of dwelling units in which the
3 existence of such conditions were confirmed by the division or other
4 state or local agency;

5 (c) a statistical profile of dwellings in which violations have been
6 placed pursuant to this title and pursuant to this article, indicating
7 the ages of the dwellings and other factors relevant to the prevalence
8 of lead-based paint hazards, which may include the prior lead poisonings
9 or reports of persons with elevated blood lead levels in the dwelling,
10 outstanding violations, emergency repair charges, tax arrears and mort-
11 gage debt;

12 (d) an evaluation of the division's capability to timely inspect,
13 serve a notice of violation, and enforce the correction of violations;

14 (e) the enforcement actions brought pursuant to section five hundred
15 five of this article, the identity of the owners of the affected proper-
16 ties, the authority bringing the enforcement action, the nature of the
17 action, and describing the criminal penalties and/or civil relief; and

18 (f) an evaluation of the division's implementation of a program of
19 inspection pursuant to section five hundred two of this article.

20 2. The commissioner of housing and community renewal shall designate a
21 deputy commissioner responsible for fulfilling the objectives of this
22 title when such objectives involve the responsibilities of the division.

23 § 4. The labor law is amended by adding a new article 32-A to read as
24 follows:

25 ARTICLE 32-A

26 NEW YORK LICENSING OF LEAD INSPECTORS AND CONTRACTORS

27 Section 949-a. Definitions.

28 949-b. Accreditation of inspectors and contractors performing 29 lead-based paint activities.

30 § 949-a. Definitions. As used in this article:

31 1. "Abatement" means any measure or set of measures designed to perma-
32 nently eliminate lead-based paint hazards, as defined by the United
33 States environmental protection agency pursuant to 40 CFR 745.220 or
34 successor regulation.

35 2. "Deteriorated paint" means any interior or exterior paint or other
36 coating that is curling, scaling, flaking, blistering, peeling, chip-
37 ping, chalking, cracking, or loose in any manner, such that a space or
38 pocket of air is behind a portion thereof or such that the paint is not
39 completely adhered to the underlying subsurface, or is otherwise damaged
40 or separated from the substrate.

41 3. "Deteriorated subsurface" shall mean an unstable or unsound painted
42 subsurface, an indication of which can be observed through a visual
43 inspection, including, but not limited to, rotted or decayed wood, or
44 wood or plaster that has been subject to moisture or disturbance.

45 4. "Dwelling" means a building or structure or portion thereof,
46 including the property occupied by and appurtenant to such dwelling,
47 which is occupied in whole or in part as the home, residence or sleeping
48 place of one or more human beings and shall, without limiting the fore-
49 going, include child care facilities for children under seven years of
50 age, kindergartens and nursery schools.

51 5. "Friction surface" means an interior or exterior painted surface
52 that touches or is in contact with another surface, such that the two
53 surfaces are capable of relative motion and abrade, scrape, or bind when
54 in relative motion. Friction surfaces shall include, but not be limited
55 to, window frames and jambs, doors, and hinges.

1 6. "Impact surface" means an interior or exterior painted surface that
2 shows evidence, such as marking, denting, or chipping, that it is
3 subject to damage by repeated sudden force, such as certain parts of
4 door frames, moldings, or baseboards.

5 7. "Inspection" means a surface-by-surface investigation in a dwelling
6 to determine the presence of lead-based paint and the provision of a
7 report explaining the results of the investigation.

8 8. "Lead-based paint" means paint or other similar surface coating
9 material containing 0.5 milligrams of lead per square centimeter or
10 greater, as determined by laboratory analysis of paint samples with all
11 layers of paint present, or by an x-ray fluorescence analyzer. If an
12 x-ray fluorescence analyzer is used, readings shall be corrected for
13 substrate bias when necessary as specified by the performance character-
14 istic sheets released by the United States environmental protection
15 agency (EPA) and the United States department of housing and urban
16 development (HUD) for the specific x-ray fluorescence analyzer used.
17 X-ray fluorescence readings shall be classified as positive, negative or
18 inconclusive in accordance with the United States department of housing
19 and urban development guidelines for the evaluation and control of lead-
20 based paint hazards in housing (July 2012) and the performance charac-
21 teristic sheets released by the EPA for the specific x-ray fluorescence
22 analyzer used. X-ray fluorescence readings that fall within the incon-
23 clusive zone, as determined by the performance characteristic sheets,
24 shall be confirmed by laboratory analysis of paint chips, results shall
25 be reported in milligrams of lead per square centimeter and the measure
26 of such laboratory analysis shall be definitive. If laboratory analysis
27 is used to determine lead content, results shall be reported in milli-
28 grams of lead per square centimeter. Where the surface area of a paint
29 chip sample cannot be accurately measured or if an accurately measured
30 paint chip sample cannot be removed, a laboratory analysis may be
31 reported in percent by weight. In such case, lead-based paint shall mean
32 any paint or other similar surface-coating material containing more than
33 0.25% of metallic lead, based on the non-volatile content of the paint
34 or other similar surface-coating material. In the event that the EPA or
35 a successor agency, or the HUD or a successor agency, or a department or
36 agency of the state of New York that has obtained applicable authori-
37 zation pursuant to 40 C.F.R. part 745 subpart Q or successor regulation,
38 adopts more stringent definitions of lead-based paint, such more strin-
39 gent definitions shall apply for the purposes of this article.

40 9. "Lead-based paint activities" means, in the case of housing
41 constructed before nineteen seventy-eight, and child-occupied facili-
42 ties, inspection, risk assessment, and abatement.

43 10. "Lead-based paint hazard" means any condition in, or proximate to,
44 a dwelling or dwelling unit that causes exposure to lead from lead-con-
45 taminated dust, from lead-based paint that is deteriorated, or from
46 lead-based paint that is present on chewable surfaces, deteriorated
47 subsurfaces, friction surfaces, or impact surfaces, or in soil, that
48 would result in adverse human health effects.

49 11. "Lead-contaminated dust" means surface dust that contains a mass
50 per area concentration of lead equal to or exceeding 5 micrograms per
51 square foot ("ug/ft²") on floors, or 40 ug/ft² on interior windowsills
52 based on wipe sample, or 100 ug/ft² on window wells, or such more strin-
53 gent standards as may be adopted by the commissioner of health, except
54 that, if the United States environmental protection agency or a succes-
55 sor agency, or the United States department of housing and urban devel-
56 opment or a successor agency, adopts more stringent definitions of lead-

1 contaminated dust, such definitions shall apply for the purposes of this
2 article.

3 12. "Risk assessment" means (a) an on-site investigation to determine
4 the existence, nature, severity, and location of lead-based paint
5 hazards, and (b) the provision of a report by the individual or the firm
6 conducting the risk assessment, explaining the results of the investi-
7 gation and options for reducing lead-based paint hazards.

8 § 949-b. Accreditation of inspectors and contractors performing lead-
9 based paint activities. The commissioner shall adopt regulations, suffi-
10 cient to satisfy the requirements of 40 C.F.R. 745.325 or successor
11 regulation, governing (a) procedures and requirements for the accredi-
12 tation of lead-based paint activities training programs, (b) procedures
13 and requirements for the certification of individuals engaged in lead-
14 based paint activities, (c) work practice standards for the conduct of
15 lead-based paint activities, (d) requirements that all lead-based paint
16 activities be conducted by appropriately certified contractors, and (e)
17 development of the appropriate infrastructure or government capacity to
18 effectively carry out clear enforcement mechanisms and procedures for
19 unannounced compliance inspections of properties and for responding to
20 complaints.

21 § 5. The tax law is amended by adding a new section 187-r to read as
22 follows:

23 § 187-r. Lead hazard reduction tax credit. 1. Tax credit for activ-
24 ities resulting in lead-free or lead-contained status. A taxpayer shall
25 be allowed a credit against taxes imposed by this article for activities
26 necessary to bring any affected property into lead-free or lead-con-
27 tained status within the meaning of section five hundred one of the real
28 property law, provided that the taxpayer complies with the documentation
29 requirements of subdivision four of this section.

30 2. Tax credit for multiple dwelling units located within exempt muni-
31 cipalities. A taxpayer also shall be eligible for the tax credit under
32 subdivision one of this section if a dwelling unit that satisfies all
33 the requirements for an affected property contained in subdivision two
34 of section five hundred of the real property law but such dwelling unit
35 is located in an exempt municipality within the meaning of section five
36 hundred of the real property law. In such case, the taxpayer shall
37 comply with equivalent standards in local laws concerning lead hazards
38 that apply to multiple dwellings.

39 3. Tax credits for certain renovations as part of achieving lead-sta-
40 bilized status. A taxpayer shall be allowed a credit against taxes
41 imposed by this article for the costs of certain activities necessary to
42 bring any affected property into lead-stabilized status within the mean-
43 ing of section five hundred one of the real property law, provided that
44 the expected useful life of such renovations is ten years or more and
45 the taxpayer complies with the documentation requirements of subdivision
46 four of this section. The commissioner of housing and community renewal
47 shall promulgate regulations defining those activities necessary to
48 achieve lead-stabilized status with an expected useful life of more than
49 ten years. Taxpayers who have completed renovations of habitable dwell-
50 ing units contained in multiple dwellings, as defined in section four of
51 the multiple dwelling law, in an exempt municipality within the meaning
52 of section five hundred of the real property law, shall be allowed a
53 credit under this subdivision provided that the taxpayer complies with
54 similar standards in local laws concerning lead hazards that apply to
55 multiple dwellings.

1 4. Documentation required for credit allowance. No credit shall be
2 allowed under subdivisions one, two or three of this section unless the
3 taxpayer provides documentation to the division of housing and community
4 renewal that:

5 (a) the activities described above have been performed by a contractor
6 accredited pursuant to section five hundred four of the real property
7 law;

8 (b) the affected property was constructed prior to nineteen hundred
9 seventy;

10 (c) the taxpayer has paid for the activities described above; and

11 (d) includes a written certification obtained by the taxpayer from an
12 inspector, accredited pursuant to section five hundred four of the real
13 property law, that the activities described above have been completed in
14 accordance with all applicable requirements and that either:

15 (i) Where applicable, the affected property or property unit can now
16 be certified as either lead-free or lead-contained under section five
17 hundred one of the real property law; or

18 (ii) Where applicable, the affected property has undergone renovations
19 that satisfy the requirements established by regulation by the division
20 of housing and community renewal as activities necessary to achieve
21 lead-stabilized status with an expected useful life of more than ten
22 years.

23 5. Amount of credit. The tax credit shall be equal to the amount actu-
24 ally paid for the activities described in this subdivision up to a maxi-
25 mum of three thousand dollars per affected property for a credit allowed
26 under either subdivision one or two of this section or a maximum of one
27 thousand five hundred dollars for a credit allowed under subdivision
28 three of this section.

29 6. Carry-over of credit. Any amount of tax credit not used in the
30 taxable year of certification may be carried forward and applied to the
31 corporation's tax liability for any one or more of the succeeding five
32 taxable years. The credit may not be applied until all other credits
33 available to the taxpayer for that taxable year have been applied.

34 § 6. Section 606 of the tax law is amended by adding a new subsection
35 (nnn) to read as follows:

36 (nnn) Lead-hazard reduction in housing tax credit. (1) Allowance of
37 credit for activities resulting in lead-free or lead-contained status.
38 A taxpayer shall be allowed a credit as provided in this subsection for
39 activities necessary to bring any affected property into lead-free or
40 lead-contained status within the meaning of section five hundred one of
41 the real property law, provided that the taxpayer complies with the
42 documentation requirements of paragraph four of this subsection.

43 (2) Tax credit for similar dwelling units located within exempt muni-
44 cipalities within the meaning of section five hundred of the real prop-
45 erty law. A taxpayer also shall be eligible for the tax credit under
46 paragraph one of this subsection if a dwelling unit that satisfies all
47 the requirements for an affected property contained in subdivision two
48 of section five hundred of the real property law but such dwelling unit
49 is located in an exempt municipality within the meaning of section five
50 hundred of the real property law. In such case, the taxpayer shall
51 comply with equivalent standards in local laws concerning lead hazards
52 that apply to multiple dwellings.

53 (3) Tax credits for certain renovations as part of achieving lead-sta-
54 bilized status. A taxpayer shall be allowed a credit against taxes
55 imposed by this article for the costs of certain activities necessary to
56 bring any affected property into lead-stabilized status within the mean-

1 ing of section five hundred one of the real property law, provided that
2 the expected useful life of such renovations is ten years or more and
3 the taxpayer complies with the documentation requirements of paragraph
4 four of this subsection. The commissioner of housing and community
5 renewal shall promulgate regulations defining those activities necessary
6 to achieve lead-stabilized status with an expected useful life of more
7 than ten years. Taxpayers who have completed renovations of habitable
8 dwelling units contained in multiple dwellings, as defined in section
9 four of the multiple dwelling law in an exempt municipality within the
10 meaning of section five hundred of the real property law also shall be
11 allowed a credit under this paragraph provided that the taxpayer
12 complies with similar standards in local laws concerning lead hazards
13 that apply to multiple dwellings.

14 (4) Documentation required for credit allowance. No credit shall be
15 allowed under paragraph one, two or three of this subsection unless the
16 taxpayer provides documentation to the division of housing and community
17 renewal that:

18 (A) the activities described above have been performed by a contractor
19 accredited pursuant to section five hundred four of the real property
20 law;

21 (B) the affected property was constructed prior to nineteen hundred
22 seventy;

23 (C) the taxpayer has paid for the activities described above; and

24 (D) includes a written certification obtained by the taxpayer from an
25 inspector, accredited pursuant to section five hundred four of the real
26 property law, that the activities described above have been completed in
27 accordance with all applicable requirements and that either:

28 (i) where applicable, the affected property can now be certified as
29 either lead-free or lead-contained under section five hundred one of the
30 real property law; or

31 (ii) where applicable, the affected property has undergone renovations
32 that satisfy the requirements established by regulation by the division
33 of housing and community renewal as activities necessary to achieve
34 lead-stabilized status with an expected useful life of more than ten
35 years.

36 (5) The tax credit pursuant to this subsection shall be available to
37 someone who owns and occupies his or her own dwelling unit in the same
38 manner and to the same extent as it is available to the owner of an
39 affected property who leases the premises.

40 (6) Amount of credit. The tax credit shall be equal to the amount
41 actually paid for the activities described in this subsection up to a
42 maximum of three thousand dollars per affected property for a credit
43 allowed under either paragraph one or two of this subsection or a maxi-
44 mum of one thousand five hundred dollars for a credit allowed under
45 paragraph three of this subsection.

46 (7) Application of credit. Any amount of tax credit not used in the
47 taxable year of certification may be carried forward and applied to the
48 individual's tax liability for any one or more of the succeeding five
49 taxable years. The credit may not be applied until all other credits
50 available to the taxpayer for that taxable year have been applied.

51 § 7. The state finance law is amended by adding a new section 99-pp to
52 read as follows:

53 § 99-pp. Residential property lead-based paint hazard abatement
54 revolving loan fund. 1. There is created, as a separate fund within the
55 general fund, in the custody of the comptroller a fund to be known as
56 the residential property lead-based paint hazard abatement revolving

1 loan fund. Such fund shall consist of proceeds received from the sale of
2 bonds pursuant to subdivision two of this section, fees collected pursu-
3 ant to section five hundred eight of the real property law, and any sums
4 that the state may from time to time deem appropriate, as well as
5 donations, gifts, bequests, or otherwise from any public or private
6 source, which money is intended to assist owners of residential proper-
7 ties in meeting the standards for either lead-free or lead-contained
8 certification pursuant to section five hundred one of the real property
9 law, or, for multiple dwellings in an exempt municipality within the
10 meaning of section five hundred of the real property law, compliance
11 with local laws concerning the control of lead-based paint hazards in
12 such multiple dwellings.

13 2. The state shall issue bonds in an amount specified for the purpose
14 of funding the residential property lead abatement revolving loan fund.

15 (a) Any bonds issued or to be issued pursuant to this subdivision
16 shall be subject to all the requirements and conditions established by
17 the state for the sale of bonds.

18 (b) The interest rate and other terms upon which bonds are issued
19 pursuant to this subdivision shall not create a prospective obligation
20 of the state of New York in excess of the amount of revenues that can
21 reasonably be expected from the loan repayments, interests on such
22 loans, and fees that the state of New York can reasonably expect to
23 charge under the provisions of article nineteen of the real property
24 law.

25 (c) All money received from the sale of bonds shall be deposited into
26 the residential property lead abatement revolving loan fund.

27 3. The comptroller shall contract for the administration and disburse-
28 ment of funding. The deputy commissioner of health shall adopt rules and
29 regulations which provide for the orderly and equitable disbursement and
30 repayment of funds.

31 4. Funds placed in the residential property lead-based paint hazard
32 abatement revolving loan fund shall be made available, at the discretion
33 of the commissioner of the division of housing and community renewal, to
34 the owners of affected properties including those located within exempt
35 municipalities within the meaning of section five hundred of the real
36 property law, and to non-profit organizations for the purpose of bring-
37 ing affected properties into compliance with the standards for lead-
38 free, lead-contained, or lead-stabilized property status as specified by
39 section five hundred one of the real property law, or, for multiple
40 dwellings in an exempt municipality within the meaning of section five
41 hundred of the real property law, compliance with local laws concerning
42 the control of lead-based paint hazards in such multiple dwellings. An
43 owner of a pre-nineteen hundred seventy property who owns and occupies
44 the dwelling unit shall be eligible for loans under this section in the
45 same manner, and to the same extent, as an owner of an affected proper-
46 ty.

47 5. Loans made available under the provisions of this section may be
48 made directly, or in cooperation with other public and private lenders,
49 or any agency, department, or bureau of the federal government or the
50 state.

51 6. The proceeds from the repayment of any loans made for that purpose
52 shall be deposited in and returned to the residential property lead
53 abatement revolving loan fund to constitute a continuing revolving fund
54 for the purposes provided in this section.

55 7. The deputy commissioner of housing and community renewal shall take
56 any action necessary to obtain federal assistance for lead hazard

1 reduction to be used in conjunction with the residential property lead
2 abatement revolving loan fund.

3 § 8. Paragraph a of subdivision 2 of section 302-a of the multiple
4 dwelling law, as added by chapter 911 of the laws of 1965, is amended to
5 read as follows:

6 a. A "rent impairing" violation within the meaning of this section
7 shall designate a condition in a multiple dwelling which, in the opinion
8 of the department, constitutes, or if not promptly corrected, will
9 constitute, a fire hazard, a lead-based paint hazard within the meaning
10 of subdivision twenty-six of section five hundred of the real property
11 law, or a serious threat to the life, health or safety of occupants
12 thereof.

13 § 9. Paragraph a of subdivision 2 of section 305-a of the multiple
14 residence law, as added by chapter 291 of the laws of 1966, is amended
15 to read as follows:

16 a. A "rent impairing" violation within the meaning of this section
17 shall designate a condition in a multiple dwelling which, in the opinion
18 of the state building code council, constitutes, or if not promptly
19 corrected, will constitute, a fire hazard, a lead-based paint hazard
20 within the meaning of subdivision twenty-six of section five hundred of
21 the real property law, or a serious threat to the life, health or safety
22 of occupants thereof.

23 § 10. The social services law is amended by adding a new section 131-y
24 to read as follows:

25 § 131-y. Supplemental shelter allowance. Every public welfare official
26 shall pay, in addition to the shelter allowance components established
27 by the department pursuant to section one hundred thirty-one-a of this
28 title, a supplemental shelter allowance for units for which the owner
29 has submitted documentation certifying that the dwelling unit is in
30 compliance with subdivision seven of section one hundred forty-three-b
31 of this title. This monthly lead-safe housing supplement shall be in the
32 amount of one hundred dollars for efficiency or one-bedroom units; one
33 hundred fifty dollars for two-bedroom units; two hundred dollars for
34 three-bedroom units; and two hundred fifty dollars for units with four
35 or more bedrooms; or such higher amounts as the department may establish
36 by regulation as appropriate to induce landlords in high risk lead-paint
37 poisoning areas to voluntarily remove lead-paint hazards from their
38 units using lead safe work practices. This supplemental shelter allow-
39 ance for lead-safe housing shall be paid for a period of twelve months
40 following the submission of the most recent certification of compliance
41 and shall be renewed for subsequent twelve-month periods upon the
42 submission of further certifications of compliance based upon more
43 recent inspections.

44 § 11. Subdivision 2 of section 143-b of the social services law, as
45 added by chapter 997 of the laws of 1962, is amended and a new subdivi-
46 sion 7 is added to read as follows:

47 2. Every public welfare official shall have power to and [~~may~~] shall
48 withhold the payment of any such rent in any case where he or she has
49 knowledge that there exists or there is outstanding any violation of law
50 in respect to the building containing the housing accommodations occu-
51 pied by the person entitled to such assistance which is dangerous,
52 hazardous or detrimental to life or health. A report of each such
53 violation shall be made to the appropriate public welfare department by
54 the appropriate department or agency having jurisdiction over
55 violations.

1 7. No state or local agency shall arrange to place a family consisting
2 of a person or persons under seven years of age or a known pregnant
3 woman in any dwelling unit constructed prior to nineteen hundred seven-
4 ty, or, in cities with a population of one million or more, any dwelling
5 unit constructed prior to nineteen hundred sixty, for which rent is paid
6 in any part with state funds unless such dwelling unit has been first
7 inspected by a person accredited pursuant to section five hundred four
8 of the real property law, and determined to be free of lead-based paint
9 hazards, as defined by subdivision twenty-six of section five hundred of
10 the real property law, and unless such agency has first obtained appro-
11 priate documentation acceptable to the commissioner that such dwelling
12 unit is in compliance with the requirements of section five hundred one
13 of the real property law, or, for multiple dwellings in an exempt muni-
14 cipality within the meaning of section five hundred of the real property
15 law, in compliance with local laws concerning the control of lead-based
16 paint hazards in such multiple dwellings. A written report shall be
17 prepared of any inspection performed pursuant to this subdivision and
18 shall be provided to the family.

19 § 12. Section 390-a of the social services law is amended by adding a
20 new subdivision 2-a to read as follows:

21 2-a. No license or registration shall be issued to a child day care
22 center, a family day care home, or a group family day care home and no
23 such registration shall be renewed until it can be demonstrated that
24 those portions of the facility in which such child day care center,
25 family day care home, or group family day care home is located and those
26 portions of such facility that are readily accessible to children in
27 such child day care center, family day care home, or group family day
28 care home, meet the standards for lead-free property status, lead-con-
29 tained property status, or lead-stabilized property status set forth in
30 section five hundred one of the real property law, or, for multiple
31 dwellings in an exempt municipality within the meaning of section five-
32 hundred of the real property law, with all local laws concerning the
33 control of lead-based paint hazards that apply to multiple dwelling
34 units where children reside.

35 § 13. Subdivision 2 of section 1370 of the public health law, as
36 amended by chapter 485 of the laws of 1992, is amended to read as
37 follows:

38 2. "Area of high risk" means an area designated as such by the commis-
39 sioner or his or her representative, in conjunction with the commis-
40 ioner of housing and community renewal, and consisting of one or more
41 dwellings in which a condition conducive to lead poisoning of children
42 is present or, additionally, any census tract or block group within the
43 state where, during any single year, more than twenty-five children have
44 been identified with elevated blood lead levels.

45 § 14. Section 1370-a of the public health law is amended by adding two
46 new subdivisions 4 and 5 to read as follows:

47 4. The department shall, in conjunction with the division of housing
48 and community renewal pursuant to section five hundred two of the real
49 property law, identify and designate as areas of high risk any census
50 tract or block group in the state in which during any single year, more
51 than twenty-five children have been identified with elevated blood lead
52 levels.

53 5. Within three months after the close of the fiscal year, the commis-
54 sioner, in collaboration with the deputy commissioner of the division of
55 housing and community renewal, shall report to the advisory council
56 established in section thirteen hundred seventy-b of this title on the

1 department's implementation of this section during the preceding period.
2 Such report shall be publicly available and shall include, at a minimum,
3 a detailed statement of revenue and expenditures and statement of the
4 department's program, supported by a statistical section with geographic
5 indexing designed to provide a detailed explanation of the department's
6 enforcement, including but not limited to the following:

7 (a) a statistical profile of dwellings in which violations have been
8 placed pursuant to this title and pursuant to article nineteen of the
9 real property law, indicating the ages of the dwellings and other
10 factors relevant to the prevalence of lead-based paint hazards, which
11 may include the prior lead poisonings or reports of elevated blood lead
12 levels of occupants in the dwelling, outstanding violations, emergency
13 repair charges, tax arrears and mortgage debt;

14 (b) the number of dwelling units inspected by the department or other
15 state or local agency pursuant to this title or pursuant to article
16 nineteen of the real property law, and the number of inspectors assigned
17 to conduct such inspections;

18 (c) the number of dwelling units in which the occupant complained of
19 peeling paint or a deteriorated subsurface and the number of pre-nine-
20 teen hundred seventy-eight dwelling units in which the existence of such
21 conditions were confirmed by the department or other state or local
22 agency;

23 (d) the number of dwelling units in which the occupant complained of a
24 violation of article nineteen of the real property law and the number of
25 pre-nineteen hundred seventy-eight dwelling units in which the existence
26 of such conditions were confirmed by the division of housing and commu-
27 nity renewal or other state or local agency;

28 (e) the number of dwelling units in which a violation was placed
29 pursuant to this title, whether the violation was placed in response to
30 an occupant's complaint or otherwise;

31 (f) the number of dwelling units in which a violation of article nine-
32 teen of the real property law was placed, whether the violation was
33 placed in response to an occupant's complaint or otherwise;

34 (g) an evaluation of the department's capability to timely inspect,
35 serve a notice of violation, and enforce the correction of violations;

36 (h) an evaluation of the division of housing and community renewal's
37 capability to timely inspect, serve a notice of violation, and enforce
38 the correction of violations;

39 (i) an evaluation of the division of housing and community renewal's
40 implementation of a program of inspection pursuant to section five
41 hundred two of the real property law; and

42 (j) a tabulation of all municipalities, census tracts, or census block
43 groups which have in any year more than twenty-five children with
44 elevated blood lead levels, including totals of the number of children
45 with such elevated blood lead levels by five point increments.

46 § 15. Subdivision 1 of section 1371 of the public health law, as
47 amended by chapter 485 of the laws of 1992 and as designated by chapter
48 721 of the laws of 1993, is amended to read as follows:

49 1. No person shall manufacture, sell or hold for sale a children's toy
50 or children's furniture having paint or other similar surface-coating
51 material thereon containing more than [~~+.06~~] .009 of one per centum (90
52 parts per million) of metallic lead based on the total weight of the
53 contained solids or dried paint film.

54 § 16. Section 1372 of the public health law, as amended by chapter 485
55 of the laws of 1992, is amended to read as follows:

1 § 1372. Use of leaded paint. No person shall apply paint or other
2 similar surface-coating material containing more than [~~.06~~] .009 of one
3 per centum (90 parts per million) of metallic lead based on the total
4 weight of the contained solids or dried paint film to any interior
5 surface, window sill, window frame or porch of a dwelling.

6 § 17. This act shall take effect immediately; provided, however, that
7 section 508 of the real property law, as added by section three of this
8 act, shall expire and be deemed repealed when the commissioner of health
9 certifies that a period of 24 months has elapsed since the department
10 identified a child with an elevated blood lead level through screening
11 by health care providers under section thirteen hundred seventy-c of the
12 public health law; provided that the commissioner of health shall notify
13 the legislative bill drafting commission upon the occurrence of the
14 certification required by this section in order that the commission may
15 maintain an accurate and timely effective data base of the official text
16 of the laws of the state of New York in furtherance of effectuating the
17 provisions of section 44 of the legislative law and section 70-b of the
18 public officers law.