STATE OF NEW YORK

3694

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Education

AN ACT to amend the administrative code of the city of New York, in relation to requiring annual lead inspections in schools which house children ages six and under

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

Section 1. Chapter 9 of title 17 of the administrative code of the city of New York is amended by adding a new subchapter 3 to read as follows:

SUBCHAPTER 3

INSPECTION AND REMEDIATION OF LEAD IN SCHOOLS

Section 17-930 Definitions.

17-931 Inspection and remediation of lead-based paint.

17-932 Notice required.

§ 17-930 Definitions. For purposes of this section, the following terms shall have the following meanings:

1. "Remediate" or "remediation" shall mean any set of measures designed to permanently eliminate the presence of lead or lead-based paint.

2. "Presence of lead" shall mean any level of lead found in pipes above zero parts per billion and any level of lead found in paint above zero milligrams per square centimeter.

3. "Lead-based paint" shall mean any paint or other similar surface coating material containing the presence of lead.

§ 17-931 Inspection and remediation of lead-based paint. 1. All schools which provide schooling to children ages six and under shall provide for annual lead testing of all pipes and paint located in such school buildings to monitor for the presence of lead.

2. (a) If such inspections shall detect a presence of lead, the school where the presence of lead has been detected shall remediate such pres-

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

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ence immediately and shall notify the chancellor of the department of education of such inspection and remediation.

(b) Where the presence of lead has been detected in a school, all children who regularly attend such school shall be prohibited from attending until such presence of lead has been fully remediated.

(c) Any school where a presence of lead has been detected and children are prohibited from attending shall be required to conduct follow-up testing to show that the presence of lead no longer exists after remediation has been completed. Only after such tests have been conducted and the results of such tests show conclusively that lead is no longer present shall students be permitted to attend such school again on a regular basis.

§ 17-932 Notice required. 1. Within forty-eight hours after an inspection has detected the presence of lead in a school, such school shall notify all parents or guardians of the children who attend such school of the presence of lead, the steps being taken to remediate the presence of lead, the timeline in which the school expects the presence of lead to be resolved in and any additional information the school deems useful and necessary.

2. Notice required pursuant to subdivision one of this section shall also be provided to any parents or guardians who have children who have applied to attend such school but have not begun attending yet, all principals and any elected officials which represent the school in any capacity.

§ 2. This act shall take effect immediately.