

# 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.

LBD14884-02-2

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.

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

2. The purposes of this act are:

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

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

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

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

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

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

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

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

#### ARTICLE 19

#### CHILDHOOD LEAD POISONING PREVENTION AND SAFE HOUSING

#### Section 500. Definitions.

501. Requirements for owners of affected properties.

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

503. Safe work practices for activities disturbing lead-based paint or paint of unknown lead content in affected properties.

504. Accreditation of inspectors and contractors performing work.

505. Enforcement.

506. Injunctive relief.

507. Retaliatory evictions prohibited.

508. Lead poisoning prevention fee.

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

510. Reporting.

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

2. "Affected property" means a room or group of rooms within a property constructed before nineteen hundred seventy-eight that form a single independent habitable dwelling unit for occupation by one or more individuals 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 pied 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-

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

13. "Dwelling unit" means a:

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

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

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

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

16. "Exterior surfaces" means:

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

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

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

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

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

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

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

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

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

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

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

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

24. "Investigation" means an examination conducted by the owner of an 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 commission-  
28 er'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 commission-  
49 er 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 sioner 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.



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

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

4. The deputy commissioner's designee having jurisdiction, county and city commissioners of health, and local housing code enforcement agencies designated by the deputy commissioner's designee having jurisdiction or county or city commissioner of health shall have the same authority, powers and duties within their respective jurisdictions as has the deputy commissioner under the provisions of this article.

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

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

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

8. The office of the attorney general and all local authorities responsible for the enforcement of state, municipal, and other local housing codes are hereby empowered to and shall vigorously enforce civil remedies and/or criminal penalties provided for by law arising out of 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 municipi-  
24 pal 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-

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

§ 16. Section 1372 of the public health law, as amended by chapter 485 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.