

STATE OF NEW YORK

2947

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

Introduced by Sens. KAVANAGH, BAILEY, BRESLIN, CLEARE, HOYLMAN-SIGAL, MAY, PARKER, RIVERA, SALAZAR, SEPULVEDA -- 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 2023"

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 2023".
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

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

LBD07256-01-3

1 have been exposed have limited benefits, and the pursuit of primary
2 prevention, which means eliminating lead hazards before children are
3 exposed, has been recommended by the federal centers for disease control
4 and prevention (CDC) and promoted by leading experts in the field as a
5 critical course of action to protect the health of young children.

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

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

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

23 (f) Although New York state banned the sale of lead paint in 1970
24 (chapter 338 of the laws of 1970), seventy percent of New York's housing
25 stock was constructed prior to 1970, and seventy-eight percent was
26 constructed prior to 1978, the year federal law banned the use of lead-
27 based paint in residential homes. At least ninety percent of lead-based
28 paint still remaining in occupied housing exists in units built before
29 1960. New York state has both the largest percentage and the largest
30 absolute number of older housing units with lead paint in the nation.

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

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

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

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

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

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

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

7 2. The purposes of this act are:

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

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

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

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

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

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

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

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

31 ARTICLE 19

32 CHILDHOOD LEAD POISONING PREVENTION AND SAFE HOUSING

33 Section 500. Definitions.

34 501. Requirements for owners of affected properties.

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

37 503. Safe work practices for activities disturbing lead-based
38 paint or paint of unknown lead content in affected prop-
39 erties.

40 504. Accreditation of inspectors and contractors performing
41 work.

42 505. Enforcement.

43 506. Injunctive relief.

44 507. Retaliatory evictions prohibited.

45 508. Lead poisoning prevention fee.

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

48 510. Reporting.

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

1 2. "Affected property" means a room or group of rooms within a proper-
2 ty constructed before nineteen hundred seventy-eight that form a single
3 independent habitable dwelling unit for occupation by one or more indi-
4 viduals that has living facilities with permanent provisions for living,
5 sleeping, eating, cooking, and sanitation. "Affected property" does not
6 include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 13. " Dwelling unit " means a:

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

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

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

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

25 16. " Exterior surfaces " means:

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

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

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

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

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

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

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

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

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

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

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

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

3 24. "Investigation" means an examination conducted by the owner of an
4 affected property, the owner's agent or employee, or someone retained by
5 the owner, in accordance with the requirements established by the deputy
6 commissioner, to determine whether the affected property meets the stan-
7 dards of lead-stabilized status as defined in paragraph c of subdivision
8 one of section five hundred one of this article.

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

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

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

54 28. "Lead-contaminated dust" means surface dust that contains a mass
55 per area concentration of lead equal to or exceeding 5 micrograms per
56 square foot ("ug/ft²") on floors, or 40 ug/ft² on interior windowsills

1 based on wipe sample, or 100 ug/ft² on window wells, or 40 ug/ft² on
2 porch floors, or such more stringent standards as may be adopted by the
3 division of housing and community renewal, except that, if the United
4 States environmental protection agency or a successor agency, or the
5 United States department of housing and urban development or a successor
6 agency, adopts more stringent definitions of lead-contaminated dust,
7 such more stringent levels shall apply for the purposes of this article,
8 and the division shall update its regulations so they are at least as
9 stringent as the federal levels.

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

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

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

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

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

32 34. "Permanent" means an expected design life of at least twenty
33 years.

34 35. "Person" means any natural person.

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

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

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

46 39. "Soil-lead hazard" means soil in a play area where the soil-lead
47 concentration from a composite play area sample of bare soil is equal to
48 or greater than 400 parts per million; or in the rest of the yard when
49 the arithmetic mean lead concentration from a composite sample (or
50 arithmetic mean of composite samples) of bare soil from the rest of the
51 yard (i.e., non-play areas) is equal to or greater than 1,200 parts per
52 million except that, if the United States environmental protection agen-
53 cy or a successor agency, or the United States department of housing and
54 urban development or a successor agency, adopts more stringent defi-
55 nitions of soil-lead hazard, such more stringent levels shall apply for

1 the purposes of this article, and the division shall update its regu-
2 lations so they are at least as stringent as the federal levels.

3 40. "Tenant" means the individual named as the lessee in a lease,
4 rental agreement, rent-to-own contract, or other form of occupancy
5 agreement, whether written or oral, for a dwelling unit, and includes
6 tenancies incident to employment. Where applicable, the term "tenant"
7 shall also include any occupant of the tenant's household.

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

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

19 (b) Within two years following the effective date of this section, all
20 affected properties shall be maintained as "lead-stabilized" as defined
21 by paragraph (c) of this subdivision or "lead-contained" as defined by
22 paragraph (d) of this subdivision, or "lead-free" as provided for in
23 paragraph (e) of this subdivision.

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

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

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

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

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

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

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

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

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

55 (d) An affected property will be considered to be "lead-contained"
56 when a certified inspector, accredited pursuant to the provisions of

1 section five hundred four of this article, inspects the affected proper-
2 ty and certifies that the affected property has been tested for the
3 presence of lead-based paint and lead-contaminated dust in accordance
4 with the standards and procedures established by regulations promulgated
5 by the commissioner and states under penalties of perjury that:

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

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

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

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

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

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

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

52 (c) In addition to any investigations or inspections required under
53 paragraph (b) of this subdivision, the owner shall cause such an inves-
54 tigation or inspection to be made within the thirty days prior to the
55 leasing, rental, or other turnover of an affected property, and shall
56 report the findings of that investigation or inspection to prospective

1 tenants in accordance with section 42 U.S.C. 4852d, 24 C.F.R. part 35
2 subpart a and 40 C.F.R. part 40 subpart f or such successor regulations
3 and this article.

4 3. Duty to maintain and provide records of compliance, and notice to
5 occupants of affected properties.

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

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

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

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

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

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

52 (g) Unless an affected property has been certified as being "lead-
53 free," as provided in paragraph (e) of subdivision one of this section,
54 any written or printed lease for the lease or renting of an affected
55 property for a term beginning at a date more than one year following the
56 effective date of this article shall include the following provisions,

1 in both English and Spanish, in prominently displayed and easily read-
2 able type or printing: "This property, constructed before January 1,
3 1970, may contain lead-based paint. Lead-based paint, if it is not prop-
4 erly removed or maintained, may cause brain damage or other serious
5 health impacts in children less than seven years of age and fetal injury
6 in pregnant women. New York state law requires the landlord to comply
7 with maintenance standards to avoid lead-based paint hazards. This
8 property (owner or agent to check appropriate box):

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

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

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

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

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

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

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

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

1 (e) Beginning two years after the effective date of this section, the
2 deputy commissioner shall establish and maintain an index and file
3 containing all notifications or complaints of affected properties that
4 may not comply with the requirements of subdivision one of section five
5 hundred one of this article and the results of inspections conducted
6 pursuant to paragraph (d) of this subdivision. Said index and file shall
7 be made publicly available in an accessible, electronic searchable form
8 on a website maintained by the division of housing and community
9 renewal.

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

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

30 (a) assure that a sufficient number of qualified inspection personnel
31 are available;

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

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

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

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

1 er or the deputy commissioner's designee for the jurisdiction in which
2 such property is located and to the appropriate local social services
3 department pursuant to section one hundred forty-three-b of the social
4 services law.

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

12 (a) notice to tenants;

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

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

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

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

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

30 (g) dust wipe clearance testing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 4. Any violation of the provisions of this section shall be a misde-
41 meanor.

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

55 (b) The deputy commissioner shall establish and maintain an index and
56 file containing all notices and demands issued pursuant to this section.

1 Said index and file shall be made publicly available in an accessible,
2 electronic searchable form on a website maintained by the division of
3 housing and community renewal.

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

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

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

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

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

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

55 8. The office of the attorney general and all local authorities
56 responsible for the enforcement of state, municipal, and other local

1 housing codes are hereby empowered to and shall vigorously enforce civil
2 remedies and/or criminal penalties provided for by law arising out of
3 the failure to comply with the requirements of section five hundred one
4 or section five hundred four of this article and may seek injunctive
5 relief where appropriate.

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

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

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

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

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

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

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

54 (c) A criminal or civil action pursuant to this article has been
55 brought by either state or local enforcement officials to enforce this
56 article.

1 4. The notice requirement of subdivision three of this section shall
2 not apply with respect to applications for preliminary injunctive
3 relief.

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

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

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

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

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

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

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

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

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

40 (a) A refusal to renew a lease;

41 (b) Termination of a tenancy;

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

44 (d) Any form of constructive eviction.

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

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

1 2. The division shall adopt rules to implement this section, including
2 rules to determine which manufacturers or wholesalers of paint sold in
3 the state are responsible for the fees imposed under subdivision one of
4 this section and rules establishing the estimated number of gallons of
5 paint sold in the state in the prior year for each manufacturer and
6 rules determining the manner of payment. The rules shall provide for
7 waivers of payment for manufacturers and wholesalers of paint that is
8 sold in low quantities in the state. The costs for administration of the
9 residential property lead-based paint hazard abatement revolving loan
10 fund may be reimbursed from the fees collected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 ARTICLE 32-A

29 NEW YORK LICENSING OF LEAD INSPECTORS AND CONTRACTORS

30 Section 949-a. Definitions.

31 949-b. Accreditation of inspectors and contractors performing
32 lead-based paint activities.

33 § 949-a. Definitions. As used in this article:

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

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

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

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

54 5. "Friction surface" means an interior or exterior painted surface
55 that touches or is in contact with another surface, such that the two
56 surfaces are capable of relative motion and abrade, scrape, or bind when

1 in relative motion. Friction surfaces shall include, but not be limited
2 to, window frames and jambs, doors, and hinges.

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

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

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

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

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

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

1 sor agency, or the United States department of housing and urban devel-
2 opment or a successor agency, adopts more stringent definitions of lead-
3 contaminated dust, such definitions shall apply for the purposes of this
4 article.

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

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

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

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

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

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

1 similar standards in local laws concerning lead hazards that apply to
2 multiple dwellings.

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

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

10 (b) the affected property was constructed prior to nineteen hundred
11 seventy;

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

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

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

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

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

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

36 § 6. Section 606 of the tax law is amended by adding a new subsection
37 (ooo) to read as follows:

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

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

55 (3) Tax credits for certain renovations as part of achieving lead-sta-
56 bilized status. A taxpayer shall be allowed a credit against taxes

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

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

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

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

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

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

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

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

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

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

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

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

55 § 99-qq. Residential property lead-based paint hazard abatement
56 revolving loan fund. 1. There is created, as a separate fund within the

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

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

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

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

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

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

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

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

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

1 7. The deputy commissioner of housing and community renewal shall take
2 any action necessary to obtain federal assistance for lead hazard
3 reduction to be used in conjunction with the residential property lead
4 abatement revolving loan fund.

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

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

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

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

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

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

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

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

1 the appropriate department or agency having jurisdiction over
2 violations.

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

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

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

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

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

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

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

55 5. Within three months after the close of the fiscal year, the commis-
56 sioner, in collaboration with the deputy commissioner of the division of

1 housing and community renewal, shall report to the advisory council
2 established in section thirteen hundred seventy-b of this title on the
3 department's implementation of this section during the preceding period.
4 Such report shall be publicly available and shall include, at a minimum,
5 a detailed statement of revenue and expenditures and statement of the
6 department's program, supported by a statistical section with geographic
7 indexing designed to provide a detailed explanation of the department's
8 enforcement, including but not limited to the following:

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

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

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

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

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

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

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

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

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

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

48 § 15. Subdivision 1 of section 1371 of the public health law, as
49 amended by chapter 485 of the laws of 1992 and as designated by chapter
50 721 of the laws of 1993, is amended to read as follows:

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

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

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

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