

# STATE OF NEW YORK

6174

2025-2026 Regular Sessions

## IN SENATE

March 6, 2025

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

AN ACT to amend the public health law, the real property law, the tax law, the state finance law, the multiple dwelling law, the multiple residence law, the social services law and the insurance law, in relation to enacting the "childhood lead poisoning prevention and safe housing act"; and to repeal certain provisions of the public health law relating thereto

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "childhood lead poisoning prevention and safe housing act".  
3 § 2. Legislative findings and purposes. 1. (a) Lead poisoning of  
4 children persists as one of the most prevalent and preventable environ-  
5 mental diseases in New York. At least 10,000 children were newly iden-  
6 tified with levels of lead in their blood at 10 micrograms per deciliter  
7 (ug/dl) in New York state in 2001. Moreover, only about one-third of  
8 children are receiving the lead screenings that are required by law and  
9 therefore, the actual number of children affected by the ingestion of  
10 lead is undoubtedly significantly greater than reported. Prevention is  
11 the only effective way to protect children from irreversible damage.  
12 Unless lead poisoning is prevented, elevated blood lead levels will  
13 result in impairment of the ability to think, concentrate, and learn.  
14 (b) Medical research indicates that children can suffer permanent,  
15 irreparable damage at blood levels even lower than 10 ug/dl, and that  
16 there is no level of lead ingestion which is without adverse impact.  
17 Medical research also indicates that fetal injuries from lead paint can  
18 occur if pregnant persons have elevated blood levels during pregnancy.  
19 Because of this, intervention measures that wait until children have  
20 been exposed have limited benefits, and the pursuit of primary  
21 prevention, which means eliminating lead hazards before children are

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

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1 exposed, has been recommended by the United States centers for disease  
2 control and prevention and promoted by leading experts in the field as a  
3 critical course of action to protect the health of young children.

4 (c) The predominant cause of lead poisoning in children is the inges-  
5 tion of lead particles from deteriorating or abraded lead-based paint  
6 from older and poorly maintained residences.

7 (d) Deteriorating lead-based paint or excessive amounts of lead-conta-  
8 minated dust in these poorly maintained homes endangers the intellectual  
9 and emotional development and physical well being of affected children.  
10 In addition, unsafe work practices that inadequately control lead dust  
11 in the repair or renovation of older homes can cause substantial lead  
12 hazards.

13 (e) Although New York state banned the sale of lead paint in 1970, (l.  
14 1970, ch. 338) seventy-four percent of New York's housing stock was  
15 constructed prior to 1970. At least ninety percent of lead-based paint  
16 still remaining in occupied housing exists in units built before 1960.  
17 New York state has both the largest percentage and the largest absolute  
18 number of older housing units with lead paint in the nation.

19 (f) The dangers posed by lead-based paint can be substantially  
20 reduced, although not eliminated, by taking measures to prevent paint  
21 deterioration and limiting children's exposure to paint chips and lead  
22 dust.

23 (g) The deterioration of lead-based paint in older residences results  
24 in increased expenses each year for the state of New York in the form of  
25 special education and other education expenses, medical care for lead-  
26 poisoned children, and expenditures for delinquent youth and others  
27 needing special supervision.

28 (h) Older housing units remain an important part of New York's housing  
29 stock, particularly for those of modest or limited incomes. The problem  
30 of lead-based paint in housing affects urban, suburban and rural areas  
31 of the state.

32 (i) The existing housing codes and enforcement systems in most juris-  
33 dictions do not include primary prevention measures for lead hazards and  
34 have proven ineffective in encouraging widespread lead-based paint  
35 hazard abatement, mitigation, and control.

36 (j) The financial incentives currently in place have not proven suffi-  
37 cient to motivate landlords and other property owners to undertake wide-  
38 spread and effective lead-based paint hazard abatement, mitigation, and  
39 control; moreover low and moderate income property owners may not have  
40 access to the resources to eliminate or reduce substantially lead  
41 hazards.

42 (k) Insurance companies are reluctant to provide coverage to property  
43 owners in the absence of evidence that lead hazards have been appropri-  
44 ately addressed.

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

48 2. The purposes of this act are: (a) to increase the supply of afford-  
49 able rental housing in the state of New York in which measures have been  
50 taken to eliminate or substantially reduce the risk of childhood lead  
51 poisoning;

52 (b) to ensure that New York's response to lead-based paint hazards  
53 focuses on primary prevention as the essential tool to combat childhood  
54 lead poisoning, and thus to substantially reduce, and eventually elimi-  
55 nate, the incidence of childhood lead poisoning in the state of New  
56 York;

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

3 (d) to improve public awareness of lead safety issues and to educate  
4 both property owners and tenants about practices that can reduce the  
5 incidence of lead poisoning;

6 (e) to provide access to the resources for property owners and land-  
7 lords who commit to undertake specified lead hazard reduction measures;  
8 and

9 (f) to facilitate the availability and affordability of liability  
10 insurance protection to those landlords and other owners who undertake  
11 specified lead hazard reduction measures.

12 § 3. Section 1370 of the public health law is REPEALED and a new  
13 section 1370 is added to read as follows:

14 § 1370. Definitions. 1. "Abatement" means any set of measures  
15 designed to permanently eliminate lead-based paint or lead-based paint  
16 hazards. Abatement includes the removal of lead-based paint, the perma-  
17 nent enclosure or encapsulation of lead-based paint, the replacement of  
18 components or fixtures painted with lead-based paint, and the removal or  
19 permanent covering of soil-based hazards.

20 2. "Affected property" means a room or group of rooms within a proper-  
21 ty constructed before nineteen hundred seventy that form a single inde-  
22 pendent habitable dwelling unit for occupation by one or more individ-  
23 uals that has living facilities with permanent provisions for living,  
24 sleeping, eating, cooking, and sanitation. "Affected property" does not  
25 include:

26 (a) an area not used for living, sleeping, eating, cooking, or sanita-  
27 tion, such as an unfinished basement, that is not readily accessible to  
28 children under seven years of age;

29 (b) a unit within a hotel, motel, or similar seasonal or transient  
30 facility unless such unit is occupied by one or more persons at risk for  
31 a period exceeding thirty days;

32 (c) an area which is secured and inaccessible to occupants;

33 (d) a unit which is not offered for rent or incident to employment;

34 (e) housing for the elderly, or a residential property designated  
35 exclusively for persons with disabilities; except this exemption shall  
36 not apply if a person at risk resides or is expected to reside in the  
37 dwelling unit or visits the dwelling unit on a regular basis;

38 (f) an unoccupied dwelling unit or residential property that is to be  
39 demolished, provided the dwelling unit or property will remain unoccu-  
40 piated until demolition; or

41 (g) in cities of more than one million population, a multiple dwell-  
42 ing, as defined in section four of the multiple dwelling law.

43 "Affected property" also excludes any property owned or operated by a  
44 unit of federal, state, or local government, or any public, quasi-publ-  
45 ic, or municipal corporation, if the property is subject to lead stand-  
46 ards that are equal to, or more stringent than, the requirements for  
47 lead-stabilized status under subdivision three of section thirteen  
48 hundred seventy-six of this title, but does include privately-owned  
49 properties that receive governmental rental assistance.

50 3. "Area of high risk" means an area designated as such by the  
51 commissioner or such commissioner's representative and consisting of one  
52 or more dwellings in which a condition conducive to lead poisoning of  
53 children is present or, additionally, any census tract or block group  
54 within the state where, during any single year, more than twenty-five  
55 children have been identified with elevated blood lead levels.

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

4 5. "Chewable surface" shall mean a protruding interior windowsill in  
5 a dwelling unit in an affected property that is readily accessible to a  
6 child under age seven. "Chewable surface" shall also mean any other type  
7 of interior edge or protrusion in a dwelling unit in an affected proper-  
8 ty, such as a rail or stair, where there is evidence that such other  
9 edge or protrusion has been chewed or where an occupant has notified the  
10 owner that a child under age seven residing in that affected property  
11 has mouthed or chewed such edge or protrusion.

12 6. "Communities of concern" means those thirty municipalities in the  
13 state that have the greatest numbers of children identified with  
14 elevated blood lead levels in the prior calendar year within the meaning  
15 of subdivision fourteen of this section.

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

19 8. "Containment" means the physical measures taken to ensure that dust  
20 and debris created or released during lead-based paint hazard reduction  
21 are not spread, blown, or tracked from inside to outside of the work-  
22 site.

23 9. "Council" means the advisory council on lead poisoning prevention  
24 established pursuant to section thirteen hundred seventy-b of this  
25 title.

26 10. "Deteriorated paint" means any interior or exterior paint or  
27 other coating that is curling, scaling, flaking, blistering, peeling,  
28 chipping, chalking, cracking, or loose in any manner, such that a space  
29 or pocket of air is behind a portion thereof or such that the paint is  
30 not completely adhered to the underlying subsurface, or is otherwise  
31 damaged or separated from the substrate.

32 11. "Deteriorated subsurface" shall mean an unstable or unsound paint-  
33 ed subsurface, an indication of which can be observed through a visual  
34 inspection, including, but not limited to, rotted or decayed wood, or  
35 wood or plaster that has been subject to moisture or disturbance.

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

42 13. "Dwelling unit" means a:

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

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

49 14. "Elevated blood lead level" means a quantity of lead in whole  
50 venous blood, expressed in micrograms per deciliter (ug/dl), of 10 ug/dl  
51 or greater, or such other more stringent level as may be specifically  
52 provided in this title or adopted in regulation by the department pursu-  
53 ant to rule or regulation.

54 15. "Encapsulation" means the application of a covering or coating  
55 that acts as a barrier between the lead-based paint and the environment  
56 and that relies for its durability on adhesion between the encapsulant

1 and the painted surface, and on the integrity of the existing bonds  
2 between paint layers and between the paint and the substrate. Encapsula-  
3 tion may be used as a method of abatement if it is designed and  
4 performed so as to be permanent.

5 16. "Exterior surfaces" means:

6 (a) all fences and porches that are part of a dwelling that is or  
7 contains an affected property;

8 (b) all outside surfaces of a dwelling that is or contains an affected  
9 property that are accessible to a child under the age of seven and that:

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

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

13 (c) all painted surfaces in stairways, hallways, entrance areas,  
14 recreation areas, laundry areas, and garages within a multi-family  
15 dwelling that are common to individual dwelling units, one or more of  
16 which constitutes an affected property, and are accessible to a child  
17 under the age of seven.

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

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

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

27 20. "Health care provider" means any health care practitioner author-  
28 ized to order a blood lead test and any facility licensed pursuant to  
29 article twenty-eight of this chapter.

30 21. "High efficiency particle air vacuum" or "hepa-vacuum" means a  
31 device capable of filtering out particles of 0.3 microns or greater from  
32 a body of air at an efficiency of 99.97% or greater; "hepa-vacuum"  
33 includes use of a hepa-vacuum.

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

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

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

44 25. "Investigation" means an examination conducted by the owner of an  
45 affected property, the owner's agent or employee, or someone retained by  
46 the owner, in accordance with the requirements established by the deputy  
47 commissioner, to determine whether the affected property meets the stan-  
48 dards of lead-stabilized status as defined in subdivision three of  
49 section thirteen hundred seventy-six of this title.

50 26. "Lead-based paint" means paint or other similar surface coating  
51 material containing 1.0 milligrams of lead per square centimeter or  
52 greater, as determined by laboratory analysis, or by an x-ray fluore-  
53 sence analyzer. If an x-ray fluorescence analyzer is used, readings  
54 shall be corrected for substrate bias when necessary as specified by the  
55 performance characteristic sheets released by the United States environ-  
56 mental protection agency and the United States department of housing and

1 urban development for the specific x-ray fluorescence analyzer used.  
2 X-ray fluorescence readings shall be classified as positive, negative or  
3 inconclusive in accordance with the United States department of housing  
4 and urban development guidelines for the evaluation and control of lead-  
5 based paint hazards in housing (June 1995, revised 1997) and the  
6 performance characteristic sheets released by the United States environ-  
7 mental protection agency and the United States department of housing and  
8 urban development for the specific x-ray fluorescence analyzer used.  
9 X-ray fluorescence readings that fall within the inconclusive zone, as  
10 determined by the performance characteristic sheets, shall be confirmed  
11 by laboratory analysis of paint chips, results shall be reported in  
12 milligrams of lead per square centimeter and the measure of such labora-  
13 tory analysis shall be definitive. If laboratory analysis is used to  
14 determine lead content, results shall be reported in milligrams of lead  
15 per square centimeter. Where the surface area of a paint chip sample  
16 cannot be accurately measured or if an accurately measured paint chip  
17 sample cannot be removed, a laboratory analysis may be reported in  
18 percent by weight. In such case, lead-based paint shall mean any paint  
19 or other similar surface-coating material containing more than 0.5% of  
20 metallic lead, based on the non-volatile content of the paint or other  
21 similar surface-coating material.

22 27. "Lead-based paint hazard" means any condition in, or proximate to,  
23 a dwelling or dwelling unit occupied by a person at risk that causes  
24 exposure to lead from lead-contaminated dust, from lead-based paint that  
25 is deteriorated, or from lead-based paint that is present on chewable  
26 surfaces, deteriorated subsurfaces, friction surfaces, or impact  
27 surfaces, or in soil, that would result in adverse human health effects.

28 28. "Lead-contained" means property that has attained lead-contained  
29 property status within the meaning of subdivision six of section thir-  
30 teen hundred seventy-six of this title.

31 29. "Lead-contaminated dust" means surface dust that contains a mass  
32 per area concentration of lead equal to or exceeding 40 micrograms per  
33 square foot ("ug/ft<sup>2</sup>") on floors, or 250 ug/ft<sup>2</sup> on interior windowsills  
34 based on wipe sample, or 400 ug/ft<sup>2</sup> on window wells, or such more strin-  
35 gent standards as may be adopted by the department.

36 30. "Lead-free" means property that has attained lead-free property  
37 status within the meaning of subdivision five of section thirteen  
38 hundred seventy-six of this title.

39 31. "Lead-stabilized" means property that has attained lead-stabilized  
40 property status within the meaning of subdivision four of section thir-  
41 teen hundred seventy-six of this title.

42 32. "Local designee" means a municipal, county, or other official  
43 designated by the deputy commissioner of public health as responsible  
44 for assisting the designating authority, relevant state agencies, and  
45 relevant county and municipal authorities, in implementing the activ-  
46 ities specified by this article for the localities.

47 33. "Occupant" means any individual living or sleeping in a building,  
48 or having possession of a space within a building.

49 34. "Owner" means a person, firm, corporation, nonprofit organization,  
50 partnership, government, guardian, conservator, receiver, trustee, exec-  
51 utor, or other judicial officer, or other entity which, alone or with  
52 others, owns, holds, or controls the freehold or leasehold title or part  
53 of the title to property, with or without actually possessing it. Such  
54 term includes a vendee who possesses the title, but does not include a  
55 mortgagee or an owner of a reversionary interest under a ground rent

1 lease. "Owner" includes any authorized agent of the owner, including a  
2 property manager or leasing agent.

3 35. "Permanent" means an expected design life of at least twenty  
4 years.

5 36. "Person" means any natural person.

6 37. "Person at risk" means a child under the age of seven years or a  
7 pregnant person who resides in an affected property.

8 38. "Program" means the lead poisoning prevention program in the  
9 department established pursuant to section thirteen hundred seventy-a of  
10 this title.

11 39. "Relocation expenses" means all expenses necessitated by the relo-  
12 cation of a tenant's household to housing free of lead hazards, includ-  
13 ing, but not limited to, moving and hauling expenses, the hepa-vacuumping  
14 of all upholstered furniture, laundering of clothes and linens, payment  
15 of a security deposit for the relocation housing, and installation and  
16 connection of utilities and appliances.

17 40. "Soil-lead hazard" means soil in a play area where the soil-lead  
18 concentration from a composite play area sample of bare soil is equal to  
19 or greater than 400 parts per million; or in the rest of the yard when  
20 the arithmetic mean lead concentration from a composite sample (or  
21 arithmetic mean of composite samples) of bare soil from the rest of the  
22 yard (i.e., non-play areas) is equal to or greater than 1,200 parts per  
23 million.

24 41. "Tenant" means the individual named as the lessee in a lease,  
25 rental agreement or other form of occupancy agreement, whether written  
26 or oral, for a dwelling unit, and includes tenancies incident to employ-  
27 ment. Where applicable, the term "tenant" shall also include any occu-  
28 pant of the tenant's household.

29 42. "Wipe sample" means a sample collected by an appropriately accred-  
30 ited person wiping a representative surface of known area, as determined  
31 by American Society for Testing Materials (ASTM) e1728 ("standard prac-  
32 tice for the field collection of settled dust samples using wipe sampl-  
33 ing methods for lead determination by atomic spectrometry techniques"),  
34 with lead determination conducted by an accredited laboratory partic-  
35 ipating in the environmental lead laboratory accreditation program  
36 (nlap).

37 § 4. Subdivision 2 of section 1370-a of the public health law, as  
38 added by chapter 485 of the laws of 1992, paragraph (a) as amended by  
39 section 4 of part A of chapter 58 of the laws of 2009 and paragraphs (c)  
40 and (d) as amended by paragraphs (e) and (f) as added by chapter 532 of  
41 the laws of 2022, is amended and three new subdivisions 4, 5 and 6 are  
42 added to read as follows:

43 2. The department shall:

44 (a) identify and designate as communities of concern the thirty muni-  
45 icipalities in the state having the greatest numbers of children identi-  
46 fied with elevated blood lead levels, and, in cooperation with local  
47 health officials and municipal officials, develop a local primary  
48 prevention plan for each community of concern to prevent exposure to  
49 lead consistent with this title. The commissioner is authorized to  
50 enter into and shall enter into agreements or memoranda of understanding  
51 with, and provide technical and other resources to, communities of  
52 concern and shall ensure that the primary prevention plan targets  
53 persons at risk living in the highest risk affected housing in the  
54 community. Municipalities identified by the commissioner shall cooper-  
55 ate fully with the department in the formulation and implementation of  
56 the primary prevention plan for the designated community of concern;

1 (b) identify and designate as areas of high risk any census tract or  
2 block group in the state in which during any single year, more than  
3 twenty-five children have been identified with elevated blood lead  
4 levels. In such areas of high risk, the department shall further require  
5 that the county commissioner of health, in cooperation with appropriate  
6 local municipal officials, prioritize and implement the inspection of  
7 affected properties with persons at risk, and require the abatement of  
8 lead-based paint hazards, or the stabilization of all conditions condu-  
9 cive to lead poisoning in these inspected units using lead safe work  
10 practices, in accordance with the definitions and provisions of this  
11 title;

12 (c) promulgate and enforce regulations [~~for screening children and~~  
13 ~~pregnant women, including requirements for blood lead testing, for lead~~  
14 ~~poisoning, and for follow up of children and pregnant women who have~~  
15 ~~elevated blood lead levels]~~ necessary for the implementation of all  
16 portions of this title, except where responsibility for implementing  
17 specific portions of this title is specifically assigned to the commis-  
18 sioner of housing and community renewal or to the commissioner of taxa-  
19 tion and finance;

20 [~~(b)~~] (d) enter into interagency agreements to coordinate lead poison-  
21 ing prevention, exposure reduction, identification and treatment activ-  
22 ities and lead reduction activities with other federal, state and local  
23 agencies and programs;

24 [~~(e)~~] (e) establish a statewide registry of lead levels of children  
25 provided such information is maintained as confidential except for (i)  
26 disclosure for medical treatment purposes; (ii) disclosure of non-iden-  
27 tifying epidemiological data; and (iii) disclosure of information from  
28 such registry to the statewide immunization information system estab-  
29 lished by section twenty-one hundred sixty-eight of this chapter;

30 [~~(d)~~] (f) develop and implement public education and community outreach  
31 programs on lead exposure, detection and risk reduction;

32 [~~(e)~~] (g) require primary health care providers to provide the parent  
33 or guardian of each child under six years of age anticipatory guidance  
34 on lead poisoning prevention as part of routine care, including but not  
35 limited to contact information for the state-designated childhood lead  
36 poisoning primary prevention program serving their county; and

37 [~~(f)~~] (h) develop and update as necessary, in consultation with the New  
38 York state advisory council on lead poisoning prevention, a standardized  
39 lead exposure risk assessment questionnaire that shall be available on  
40 the department's website for primary health care providers to utilize  
41 pursuant to subdivision two-a of section thirteen hundred seventy-c of  
42 this title.

43 4. The commissioner or the commissioner's designee shall develop  
44 culturally and linguistically appropriate information pamphlets regard-  
45 ing childhood lead poisoning, the importance of testing for elevated  
46 blood lead levels, prevention of childhood lead poisoning, treatment of  
47 childhood lead poisoning, and tenants' and owners' rights and responsi-  
48 bilities under this title. These information pamphlets shall be  
49 distributed as follows:

50 (a) by the owner of any affected property or such owner's agents or  
51 employees at the time of the initiation and renewal of a rental agree-  
52 ment to the tenant;

53 (b) by the health care provider to the parent or guardian of a child  
54 at the time of a child's birth and at the time of any childhood immuni-  
55 zation or vaccine unless it is established that such information  
56 pamphlet has been provided previously to the parent or legal guardian by

1 the health care provider within the prior twelve months. Health care  
2 providers shall also revise their patient forms to include a reminder to  
3 check the lead screening status of each child under six years of age;

4 (c) by the owner or operator of any child care facility, pre-school,  
5 or kindergarten class on or before October fifteenth of each calendar  
6 year, to the parent or guardian of a child enrolled in such facility;

7 (d) by an obstetrician or gynecologist to each patient of child-bear-  
8 ing age at the patient's first visit and at each pregnancy of the  
9 patient; and

10 (e) by the provider of the pregnant persons, infants and children  
11 program to each person enrolled in such program and upon enrollment and  
12 annually thereafter.

13 5. Within three months after the close of the fiscal year, the commis-  
14 sioner shall report to the advisory council established in section thir-  
15 teen hundred seventy-b of this title on the department's implementation  
16 of this section during the preceding period. Such report shall be  
17 publicly available and shall include, at a minimum, a detailed statement  
18 of revenue and expenditures and statement of the department's program,  
19 supported by a statistical section with geographic indexing designed to  
20 provide a detailed explanation of the department's enforcement, includ-  
21 ing but not limited to the following:

22 (a) a statistical profile of dwellings in which violations have been  
23 placed pursuant to this title, indicating the ages of the dwellings and  
24 other factors relevant to the prevalence of lead-based paint hazards,  
25 which may include the prior lead poisoning of a person at risk in the  
26 dwelling, outstanding violations, emergency repair charges, tax arrears  
27 and mortgage debt;

28 (b) the number of dwelling units inspected by the department or other  
29 state or local agency pursuant to this title, the number of such units  
30 where a person at risk resided, and the number of inspectors assigned to  
31 conduct such inspections;

32 (c) the number of dwelling units in which the occupant complained of  
33 peeling paint or a deteriorated subsurface and the number of pre-nine-  
34 teen hundred seventy dwelling units in which the existence of such  
35 conditions were confirmed by the department or other state or local  
36 agency;

37 (d) the number of dwelling units where a person at risk resides in  
38 which a violation was placed pursuant to this title, whether the  
39 violation was placed in response to an occupant's complaint or other-  
40 wise;

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

43 (f) an evaluation of the department's implementation of a program of  
44 inspection pursuant to subdivision six of section thirteen hundred  
45 seventy-eight of this title; and

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

50 6. The commissioner shall designate a deputy commissioner of health  
51 responsible for fulfilling the objectives of this title when such objec-  
52 tives involve the responsibilities of the department.

53 § 5. Section 1370-b of the public health law is amended by adding a  
54 new subdivision 5 to read as follows:

55 5. The department shall make recommendations to amend this title if  
56 any of the following conditions occur:

1 (a) In fiscal year two thousand twenty-five, the rate of children who  
2 obtain blood lead testing in compliance with section thirteen hundred  
3 seventy-c of this title is less than seventy-five percent;

4 (b) In fiscal year two thousand twenty-five, the number of children in  
5 this state whose blood lead level is equal to or exceeds 10 micrograms  
6 per deciliter is greater than four thousand;

7 (c) In fiscal year two thousand twenty-six, the rate of children who  
8 obtain blood lead testing in compliance with section thirteen hundred  
9 seventy-c of this title is less than ninety percent; or

10 (d) In fiscal year two thousand twenty-six, the number of children in  
11 this state whose blood lead level is equal to or exceeds 10 micrograms  
12 per deciliter is greater than two thousand.

13 Such recommendations shall be submitted to the advisory council within  
14 six months after the close of the fiscal year in which the condition  
15 occurs.

16 § 6. Subdivision 1 of section 1370-c of the public health law, as  
17 added by chapter 485 of the laws of 1992, is amended and four new subdi-  
18 visions 5, 6, 7 and 8 are added to read as follows:

19 1. The department [~~is authorized to~~] shall promulgate and enforce  
20 regulations establishing the means by which and the intervals at which  
21 [~~children and pregnant women~~] persons at risk shall be screened for  
22 elevated blood lead levels and for follow up of persons at risk who have  
23 elevated blood lead levels. The department is also authorized to  
24 require screening for lead poisoning in other high risk groups. At a  
25 minimum, the department shall ensure that all children at both age one  
26 year and at age two years and pregnant persons shall be screened and  
27 that all children who are considered at risk up to six years of age  
28 shall be screened at least once each year.

29 5. Each health insurer or health maintenance organization shall report  
30 annually to the department its aggregate data regarding compliance with  
31 the screening requirements pursuant to this section. Such data shall  
32 detail the number and percentage of children seen who were ages one and  
33 two, the number and percentage who were screened at age one, and the  
34 number and percentage who were screened at age two, separately organized  
35 by zip code. This report on screening compliance shall be provided to  
36 the department by March first following the end of the calendar year.  
37 The comptroller shall include a review of compliance with this section  
38 in any audit it performs.

39 6. The department shall include the screening and reporting require-  
40 ments in its contracts for services under the medicaid and child health  
41 plus programs or any other programs funded in whole or in part with  
42 state or local funds and providing health services to persons at risk,  
43 and shall impose compliance targets and appropriate penalties or sanc-  
44 tions in the event such targets are not achieved.

45 7. By April fifteenth of each year the department shall report to the  
46 health committees of the senate and assembly and make publicly available  
47 a report on screening rates of the preceding year pursuant to this  
48 section, including the actual number and estimated percentage of one  
49 year old children and the actual number and estimated percentage of two  
50 year old children screened for blood lead, the actual number and esti-  
51 imated percentage of children screened at both one year of age and two  
52 years of age, the performance of Medicaid and child health plus programs  
53 or any other programs funded in whole or in part with state and local  
54 funds and providing health services to persons at risk, and its actions  
55 to publicize and enforce the obligations on health care providers pursu-  
56 ant to this section.

1 8. The department shall promulgate regulations establishing penalties  
2 for knowing violations of subdivision two of this section.

3 § 7. Sections 1373 and 1375 of the public health law are REPEALED and  
4 eight new sections 1370-f, 1373, 1375, 1376, 1378, 1379, 1379-a and  
5 1379-b are added to read as follows:

6 § 1370-f. Response to a child with elevated blood lead levels and  
7 conditions conducive to lead poisoning. 1. For each person at risk who  
8 has a confirmed elevated blood lead level, primary health care providers  
9 shall provide or make reasonable efforts to ensure the provision of a  
10 complete diagnostic evaluation; medical treatment, if necessary; and  
11 referral to the appropriate local or state health unit for environmental  
12 management. A complete diagnostic evaluation shall include at a minimum:  
13 a detailed lead exposure assessment, a nutritional assessment, including  
14 iron status, and, as appropriate, development screening.

15 2. The commissioner or the commissioner's designated representative,  
16 as the appropriate local or state health unit for environmental manage-  
17 ment, shall conduct an environmental assessment, which shall include an  
18 emergency inspection in accordance with subdivision three of section  
19 thirteen hundred seventy-eight of this title, to determine the source of  
20 exposure to lead for any person at risk referred pursuant to subdivision  
21 one of this section.

22 3. For each person at risk who is referred for environmental manage-  
23 ment pursuant to this section, whenever the commissioner or such commis-  
24 sioner's designated representative determines that a condition conducive  
25 to lead poisoning exists in a dwelling, a written notice and demand for  
26 discontinuance shall be issued in accordance with section thirteen  
27 hundred seventy-nine of this title. The commissioner or the commis-  
28 sioner's designated representative shall also immediately notify the appro-  
29 priate public welfare department of the issuance of such written notice  
30 and demand.

31 4. Whenever the commissioner or such commissioner's representative  
32 shall designate an area of high risk, other than a census tract or block  
33 group so designated pursuant to section thirteen hundred seventy-a of  
34 this title they may give written notice and demand, served as provided  
35 in section thirteen hundred seventy-nine of this title for the discon-  
36 tinuance of a paint condition conducive to lead poisoning in any disig-  
37 nated dwelling in such area within a specified period of time.

38 5. Whenever the commissioner or such commissioner's designated repre-  
39 sentative has issued a written notice and demand for a discontinuance of  
40 a condition conducive to lead poisoning, prior to clearing such condi-  
41 tion as meeting the requirements of this title, the commissioner or such  
42 commissioner's designated representative shall complete a clearance  
43 examination to confirm the safety of the location. Such clearance exam-  
44 inations shall include a visual assessment, dust sampling, submission of  
45 samples for analysis for lead, interpretation of sampling results, and  
46 preparation of a report. Clearance examinations shall be performed in  
47 accordance with federal guidelines in 24 C.F.R. section 35.1340 or  
48 successor regulation.

49 § 1373. Safe work practices for activities disturbing lead-based paint  
50 or paint of unknown lead content in affected properties with persons at  
51 risk. 1. All work performed by an owner or the owner's agents or  
52 contractors, in affected property occupied by a person or persons at  
53 risk, that disturbs lead-based paint or paint of undetermined lead  
54 content shall be performed in accordance with safe work regulations  
55 promulgated by the commissioner. Such regulations shall provide for,  
56 among other things:

1 (a) notice to tenants;

2 (b) training requirements, which shall require that such work be  
3 performed by persons who have, at a minimum, successfully completed a  
4 course on lead-safe work practices given by or on behalf of the depart-  
5 ment, or the division of housing and community renewal, by the United  
6 States environmental protection agency or an entity authorized by it to  
7 give such course, or by the United States department of housing and  
8 urban development or an entity authorized by it to give such course;

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

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

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

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

19 (g) dust wipe clearance testing;

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

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

27 2. A tenant shall allow access to an affected property, at reasonable  
28 times, to the owner to perform any work required under this title.

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

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

45 § 1375. Accreditation of inspectors and contractors performing work.

46 1. No person shall act as a contractor or supervisor to perform the  
47 work necessary for lead-based paint hazard abatement as defined in this  
48 title unless that person is accredited pursuant to one of the following:

49 (a) Regulations that may be adopted by the commissioner pursuant to  
50 this section governing the accreditation of individuals to engage in  
51 lead-based paint activities sufficient to satisfy the requirements of 40  
52 C.F.R. 745.325 or successor regulation;

53 (b) Certification by the United States environmental protection agency  
54 to engage in lead-based paint activities pursuant to 40 C.F.R. 745.226  
55 or successor regulation; or

1 (c) Certification by a state or tribal program authorized by the  
2 United States environmental protection agency to certify individuals  
3 engaged in lead-based paint activities pursuant to 40 C.F.R. 745.325 or  
4 successor regulation.

5 The commissioner shall, by regulation, create exceptions to the  
6 accreditation requirement for instances where the disturbance of lead-  
7 based paint is small and incidental, such as work that disturbs surfaces  
8 of less than either two square feet of peeling lead-based paint per room  
9 or ten percent of the total surface area of peeling paint on a type of  
10 component with a small surface area, such as a windowsill or door frame.

11 2. No person shall conduct an inspection required by sections thirteen  
12 hundred seventy-six and thirteen hundred seventy-eight of this title,  
13 unless that person is accredited pursuant to one of the following:

14 (a) regulations that may be adopted by the commissioner pursuant to  
15 this section governing the accreditation of individuals eligible to  
16 conduct the inspections required by this title sufficient to satisfy the  
17 requirements of 40 C.F.R. 745.325 or successor regulation; or

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

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

25 3. The commissioner may adopt regulations, sufficient to satisfy the  
26 requirements of 40 C.F.R. 745.325 or successor regulation, governing the  
27 accreditation of individuals engaging in lead-based paint activities  
28 under this title or eligible to conduct the inspections required by this  
29 title. The accreditation of such persons pursuant to such regulations  
30 shall extend for a period of three years unless the deputy commissioner  
31 has probable cause to believe a person accredited under this section has  
32 violated the terms of the accreditation or engaged in illegal or uneth-  
33 ical conduct related to inspections required by this title in which case  
34 the accreditation to perform inspections shall be suspended pending a  
35 hearing in accordance with the provisions of the state administrative  
36 procedure act. The commissioner shall establish by regulation a schedule  
37 of fees for the accreditation and registration of such persons. Such  
38 fees shall be required to be paid at the time of initial registration  
39 and at the time of subsequent renewal of registration, and shall be  
40 sufficient to cover all costs, including the costs of state personnel,  
41 attributable to accreditation activities conducted under this section.

42 (a) Fees collected pursuant to this subdivision will be held in a  
43 continuing, non-lapsing special fund to be used for accreditation  
44 purposes under this section.

45 (b) The fund established under this subdivision shall be invested and  
46 reinvested and any investment earnings shall be paid into the fund.

47 4. Any violation of the provisions of this section shall be a misde-  
48 meanor.

49 § 1376. Requirements for affected properties occupied by persons at  
50 risk. 1. All affected properties occupied by persons at risk shall be  
51 maintained free of conditions conducive to lead paint poisoning.

52 2. Within two years following the effective date of this section the  
53 owner of any affected property that is occupied by a person at risk must  
54 certify, through a sworn statement in a form prescribed by the commis-  
55 sioner, that the property meets "lead-stabilized" status as defined by  
56 subdivision three of this section and the owner is complying with subdi-

1 vision two of section thirteen hundred seventy-eight of this title,  
2 unless a report has been submitted by a certified inspector stating that  
3 the property is either "lead-free" or is "lead-contained" as provided  
4 for in subdivision five or six of this section.

5 3. An affected property will be considered to be "lead-stabilized"  
6 when:

7 (a) All exterior and interior painted surfaces have been visually  
8 reviewed; and all chipping, peeling, or flaking lead-based paint or  
9 paint of unknown lead content on exterior and interior painted surfaces  
10 has been removed and repainted, or stabilized and repainted, and any  
11 structural defect that is causing or likely to cause lead-based paint or  
12 paint of unknown lead content to chip, peel, or flake that the owner of  
13 the affected property has knowledge of, or with the exercise of reason-  
14 able care should have knowledge of, has been repaired; and

15 (b) All window friction surfaces with lead-based paint or paint of  
16 unknown lead content have had such paint removed or permanently covered,  
17 such as via the installation of replacement window channels or slides,  
18 and interior window troughs and windowsills have been either stripped  
19 and repainted, replaced, or encapsulated with vinyl, metal, or any other  
20 durable materials which render the surface smooth and cleanable; and

21 (c) All doors and doorways have been adjusted or re-hung as necessary  
22 to prevent the rubbing together of any surface with lead-based paint or  
23 paint of unknown lead content with another surface; and

24 (d) All bare floors have been made smooth and cleanable; and

25 (e) All work has been completed in compliance with the safe work prac-  
26 tice regulations promulgated pursuant to section thirteen hundred seven-  
27 ty-three of this title; and

28 (f) At the completion of any activities described in this subdivision  
29 that disturb lead-based paint or paint of unknown lead content:

30 (i) the interior of the affected property has been HEPA vacuumed and  
31 washed with high phosphate detergent or its equivalent; and

32 (ii) clearance for lead dust hazards has been achieved as determined  
33 by wipe samples in all areas accessible to persons at risk, taken by  
34 properly accredited independent personnel after completion of all activ-  
35 ities undertaken pursuant to subdivision two of this section.

36 4. An owner certifying that an affected property meets "lead-stabi-  
37 lized" status under subdivision two of this section shall retain the  
38 sworn certification, which shall be valid for three years, and make it  
39 available for inspection by department or local officials, including the  
40 results of wipe tests when conducted, and shall provide a copy of the  
41 certification and wipe test results to the tenant.

42 5. An affected property will be considered to be "lead-free" for the  
43 purposes of this section if the owner of the affected property submits  
44 to the deputy commissioner's designee for the jurisdiction in which such  
45 property is located an inspection report which indicates that the  
46 affected property has been tested by an inspector, accredited pursuant  
47 to the provisions of section thirteen hundred seventy-five of this  
48 title, for the presence of lead in accordance with standards and proce-  
49 dures established by the regulations promulgated by the commissioner and  
50 states under penalties of perjury that there is no lead-based paint or  
51 lead-contaminated dust present on the interior surfaces of the dwelling  
52 unit, no lead-based paint on the interior surfaces of the common areas  
53 of the property, and no lead-based paint present on any of the exterior  
54 surfaces of the property. A copy of the most recent inspection report  
55 shall be provided to the tenant.

1 6. An affected property will be considered to be "lead-contained" for  
2 the purposes of this section if the owner of the affected property  
3 submits a report by a certified inspector, accredited pursuant to the  
4 provisions of section thirteen hundred seventy-five of this title, which  
5 indicates that the affected property has been tested for the presence of  
6 lead-based paint and lead-contaminated dust in accordance with the stan-  
7 dards and procedures established by regulations promulgated by the  
8 commissioner and states under penalties of perjury that:

9 (a) All interior surfaces in the affected property either do not  
10 contain lead-based paint or have been permanently abated; and

11 (b)(i) All exterior painted surfaces of the affected property that  
12 were chipping, peeling, or flaking have been restored with non-lead  
13 based paint and no exterior painted surfaces of the affected property  
14 are chipping, peeling, or flaking; or

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

18 (c) Clearance for lead dust hazards has been achieved as determined by  
19 wipe samples in all areas accessible to persons at risk, taken by prop-  
20 erly accredited independent personnel. A copy of the inspection report  
21 shall be provided to the tenant.

22 7. In order to maintain "lead-contained" status the owner of an  
23 affected property with lead-based paint on any exterior surface which  
24 has been certified as "lead-contained" pursuant to subdivision six of  
25 this section shall submit to the deputy commissioner's designee for the  
26 jurisdiction in which such property is located every three years a  
27 certification by an inspector, stating under penalties of perjury that  
28 no exterior painted surface of the affected property is chipping, peel-  
29 ing, or flaking, and that there has been no compromise of any interior  
30 abatement system that relies upon the enclosure or encapsulation for  
31 lead-based paint. A copy of such certification shall be retained by the  
32 owner and made available for inspection by department or local officials  
33 and shall be provided to the tenant.

34 § 1378. Due diligence inquiries; investigation and inspection of  
35 affected properties. 1. Beginning two years after the effective date of  
36 this section, unless the owner of an affected property has previously  
37 documented in the manner required by the deputy commissioner that a  
38 property has been determined to have achieved "lead-free" property  
39 status or "lead-contained" property status, the owner of an affected  
40 property shall make a due diligence inquiry to ascertain whether a  
41 person at risk resides in an affected property.

42 (a) No occupant in a dwelling unit in such affected property shall  
43 refuse or unreasonably fail to provide accurate and truthful information  
44 regarding the residency of a person at risk.

45 (b) All leases offered to tenants or prospective tenants in affected  
46 properties must contain a notice, conspicuously set forth therein, which  
47 advises tenants of the obligations of the owner and tenant as set forth  
48 in this section. Such notice must be in a manner approved by the deputy  
49 commissioner, the content of which shall, at a minimum, be in English  
50 and Spanish. The owner of an affected property shall provide the occu-  
51 pant of such dwelling unit with a pamphlet developed pursuant to subdi-  
52 vision four of section thirteen hundred seventy-a of this title.

53 (c)(i) The owner of such affected property shall provide to an occu-  
54 pant of a dwelling unit at the signing of a lease, including a renewal  
55 lease, if any, or upon any agreement to lease, or at the commencement of  
56 occupancy if there is no lease, a notice in English and Spanish, the

1 form and content of which shall be approved by the department, inquiring  
2 whether a person at risk resides or will reside therein. If there is a  
3 lease, such notice shall be included in such lease or be attached as a  
4 rider to such lease. Such notice shall be completed by the occupant at  
5 the time of such signing of a lease, including a renewal lease, if any,  
6 or such agreement to lease, or at such commencement of occupancy.

7 (ii) Where an occupant has responded to the notice provided by the  
8 owner pursuant to subparagraph (i) of this paragraph by indicating that  
9 no person at risk resides therein, during the period between the date of  
10 such response and the delivery of the notice provided by the owner  
11 pursuant to paragraph (d) of this subdivision during the immediately  
12 following year the occupant shall have the responsibility to inform the  
13 owner of any person at risk that comes to reside therein during such  
14 period.

15 (d)(i) Each year, an owner of an affected property shall, no earlier  
16 than January first and no later than January sixteenth, except as  
17 provided for in subparagraph (ii) of paragraph (c) of this subdivision,  
18 present to the occupant of each dwelling unit in such affected property  
19 a notice inquiring as to whether a person at risk resides therein. Such  
20 notice, the form and content of which shall be approved by the deputy  
21 commissioner, shall be presented as provided for in subparagraph (ii) of  
22 paragraph (c) of this subdivision, and shall be in English and Spanish.

23 (ii) The owner may present the notice required by subparagraph (i) of  
24 this paragraph by delivering said notice by any one of the following  
25 methods:

26 (1) by first class mail, addressed to the occupant of the dwelling  
27 unit;

28 (2) by hand delivery to the occupant of the dwelling unit; or

29 (3) by enclosure with the January rent bill, if such rent bill is  
30 delivered after December fifteenth but no later than January sixteenth.

31 (iii) (1) Upon receipt of such notice the occupant shall have the  
32 responsibility to deliver by February fifteenth of that year, a written  
33 response to the owner indicating whether or not a person at risk resides  
34 therein. If, subsequent to delivery of such notice, the owner does not  
35 receive such written response by February fifteenth, and does not other-  
36 wise have actual knowledge as to whether a person at risk resides there-  
37 in, then the owner shall at reasonable times and upon reasonable notice  
38 inspect that occupant's dwelling unit to ascertain the residency of a  
39 person at risk and, when necessary, conduct an investigation in order to  
40 make that determination. Where, between February sixteenth and March  
41 first of that year, the owner has made reasonable attempts to gain  
42 access to a dwelling unit to determine if a person at risk resides in  
43 that dwelling unit and was unable to gain access, the owner shall notify  
44 the deputy commissioner or the deputy commissioner's local designee of  
45 that circumstance.

46 (2) Where an occupant has responded to the notice provided by the  
47 owner pursuant to subparagraph (i) of this paragraph by indicating that  
48 no person at risk resides therein, during the period between the date of  
49 such response and the delivery of the notice provided by the owner  
50 pursuant to this subdivision during the immediately following year the  
51 occupant shall have the responsibility to inform the owner of any person  
52 at risk that comes to reside therein during such period.

53 (e) The owner shall make and maintain a record of all due diligence  
54 inquiries, in electronic or hard-copy format, for a period of six years.  
55 Copies of such records shall be made available upon request to the depu-  
56 ty commissioner or such commissioner's local designee.

1 2. Beginning two years after the effective date of this section, when  
2 the owner determines that a person at risk resides at an affected prop-  
3 erty as provided in subdivision one of this section, and the owner of an  
4 affected property has not previously documented in the manner required  
5 by the deputy commissioner that a property has been determined to have  
6 achieved either "lead-free" property status or "lead-contained" property  
7 status, notwithstanding any certification completed pursuant to subdivi-  
8 sion two of section thirteen hundred seventy-six of this title, the  
9 owner shall then cause an investigation to be made, either directly by  
10 the owner, the owner's agent or employee, or by any other person author-  
11 ized by the deputy commissioner, to determine whether such property  
12 complies, at a minimum, with "lead-stabilized" property status. Alterna-  
13 tively, the owner may cause an inspection to be made by a person trained  
14 and accredited for such inspections as described in section thirteen  
15 hundred seventy-five of this title for the purpose of determining wheth-  
16 er the affected property complies with either "lead-free" property  
17 status or "lead-contained" property status.

18 (a) The investigation to ascertain whether a property complies with  
19 "lead-stabilized" property status shall occur at least once a year and  
20 more often if necessary, such as when the owner knows or should reason-  
21 ably be aware that a person at risk has become an occupant of the  
22 affected property.

23 (b) An inspection or investigation shall, in addition, be conducted  
24 when, in the exercise of reasonable care, an owner knows or should know  
25 of a condition that is reasonably foreseeable to be conducive to lead  
26 poisoning, or when an occupant specifically requests that an inspection  
27 or investigation be made based upon the reasonable belief that such a  
28 condition exists, or when an occupant makes a complaint to the owner  
29 concerning a condition that the owner knows or should know is reasonably  
30 foreseeable to be conducive to lead poisoning.

31 (c) In addition to any investigations or inspections required under  
32 paragraphs (a) or (b) of this subdivision, the owner shall cause such an  
33 investigation or inspection to be made within the thirty days prior to  
34 the leasing, rental, or other turnover of an affected property, and  
35 shall report the findings of that investigation or inspection to  
36 prospective tenants in accordance with Title X of the federal residen-  
37 tial lead poisoning prevention act and this title.

38 (d) The owner shall make and maintain a record of all investigations  
39 or inspections conducted under this subdivision in a form prescribed by  
40 the deputy commissioner. The owner shall maintain such record, in elec-  
41 tronic or hard-copy format, for a period of six years. Copies of such  
42 records shall be made available upon request to the deputy commissioner,  
43 such deputy commissioner's local designee, tenants and occupants of the  
44 affected property, and any prospective tenants or occupants of the  
45 affected property.

46 (e) The owner shall cause a summary of such investigation or  
47 inspection report, in a form prescribed by the deputy commissioner, to  
48 be conspicuously posted in a common area of the dwelling in or adjacent  
49 to main entrances. Where there is more than one affected property in the  
50 dwelling, the summary shall be posted in a common area of the dwelling  
51 in, or adjacent to, the main entrance or entrances. In cases where it is  
52 not feasible to post such reports in a common area, the owner or agent  
53 shall deliver individual copies of such summary to each affected unit.  
54 Said summary shall indicate that the full report of such investigation  
55 or inspection is available to tenants upon request.

1 3. Beginning two years after the effective date of this section, the  
2 deputy commissioner's designee for the jurisdiction in which such prop-  
3 erty is located shall order an inspection of an affected property by an  
4 inspector accredited pursuant to the provisions of section thirteen  
5 hundred seventy-five of this title, at the expense of the owner of the  
6 affected property, whenever the deputy commissioner's designee for the  
7 jurisdiction in which such property is located, receives notification  
8 that the affected property does not reasonably appear to comply with  
9 either the lead-free, lead-contained, or lead-stabilized property status  
10 and that a person at risk resides in the affected property. Any state or  
11 local agency employees who have occasion to observe deteriorated paint  
12 or any other condition believed to be conducive to lead poisoning at an  
13 affected property are authorized to report, and shall report, such  
14 conditions to the deputy commissioner's designee, and in such instance,  
15 the deputy commissioner's designee shall require an inspection to be  
16 made of the affected property. An inspection required under this subdivi-  
17 vision shall be completed within ninety days after notification of the  
18 deputy commissioner's designee for the jurisdiction in which such prop-  
19 erty is located. In the event such inspection results in a finding of  
20 lead hazards, a report of such findings shall be immediately transmitted  
21 by the deputy commissioner or the deputy commissioner's designee for the  
22 jurisdiction in which such property is located to the appropriate local  
23 social services department pursuant to section one hundred forty-three-b  
24 of the social services law.

25 4. The deputy commissioner, or the deputy commissioner's designee for  
26 the jurisdiction in which such property is located, shall order an  
27 inspection of an affected property for conditions conducive to lead  
28 poisoning, by an inspector accredited pursuant to the provisions of  
29 section thirteen hundred seventy-five of this title, at the expense of  
30 the owner of the affected property, whenever the deputy commissioner or  
31 the deputy commissioner's designee for the jurisdiction in which such  
32 property is located is notified that a person at risk who resides in the  
33 affected property or spends more than fifteen hours per week in the  
34 affected property has an elevated blood lead level. An inspection under  
35 this subdivision shall be completed within fifteen days after notifica-  
36 tion of the deputy commissioner or the deputy commissioner's designee  
37 for the jurisdiction in which such property is located. In the event  
38 such inspection results in a finding of conditions conducive to lead  
39 poisoning, a report of such finding shall be promptly transmitted by the  
40 deputy commissioner, or the deputy commissioner's designee for the  
41 jurisdiction in which the subject property is located, to the appropri-  
42 ate local social services department pursuant to section one hundred  
43 forty-three-b of the social services law.

44 5. An owner of an affected property at any time after the effective  
45 date of this section, may request voluntarily that the deputy commis-  
46 sioner, or the deputy commissioner's designee for the jurisdiction in  
47 which such property is located, conduct an inspection by an inspector  
48 accredited pursuant to the provisions of section thirteen hundred seven-  
49 ty-five of this title, of an affected property, at the expense of the  
50 owner, to determine whether it complies with the requirements for lead-  
51 free property status, lead-contained property status, or lead-stabilized  
52 property status. Such inspection shall be completed within thirty days  
53 after the owner's request.

54 6. The deputy commissioner shall establish a primary prevention  
55 inspection program in areas of high risk to identify and target affected  
56 properties where there are persons who may be exposed to lead-based

1 paint hazards in order that inspections may be conducted without the  
2 receipt of a complaint or other such event triggering an inspection, and  
3 require for each such area of high risk that the county commissioner of  
4 health or such commissioner of health's other local designee, and such  
5 local municipal building or property maintenance code enforcement offi-  
6 cial's having jurisdiction over such area as the deputy commissioner  
7 shall designate, prepare and implement a strategy to:

8 (a) assure that a sufficient number of qualified inspection personnel  
9 are available;

10 (b) identify the affected properties with persons at risk in that  
11 municipality, census tract or census block group that are most likely to  
12 contain conditions conducive to lead poisoning;

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

15 (d) require that such inspected properties attain lead-free, lead-con-  
16 tained, or lead-stabilized status, and elimination of all conditions  
17 conducive to lead poisoning in such properties, using lead safe work  
18 practices in accordance with the provisions of this title.

19 In preparing this primary prevention inspection strategy, the responsi-  
20 ble officials shall, among other factors, consider reports of persons at  
21 risk with elevated blood lead levels in other units in a building; the  
22 age and maintenance history of a building; and any available data on the  
23 presence of young children from birth certificates issued by the depart-  
24 ment.

25 7. An inspector shall submit a verified report of the result of the  
26 inspection conducted pursuant to subdivision two, three, four, five or  
27 six of this section to the deputy commissioner or the deputy commis-  
28 ioner's designee for the jurisdiction in which such property is located,  
29 the owner, and the tenant, if any, of the affected property. Such report  
30 shall be completed subject to penalties for perjury and include the  
31 inspector's state registration number and date of certification to  
32 perform such inspections. In the event such inspection results in a  
33 finding of lead-based paint hazards or conditions conducive to lead  
34 poisoning, a report of such findings shall be promptly transmitted by  
35 the deputy commissioner or the deputy commissioner's designee for the  
36 jurisdiction in which such property is located and to the appropriate  
37 local social services department pursuant to section one hundred forty-  
38 three-b of the social services law.

39 8. Unless an affected property has been certified as "lead-free prop-  
40 erty status" as provided in subdivision two of section thirteen hundred  
41 seventy of this title, any written or printed lease for the lease or  
42 renting of an affected property for a term beginning at a date more than  
43 one year following the effective date of this title shall include the  
44 following provisions, in both English and Spanish, in prominently  
45 displayed and easily readable type or printing:

46 "This property, constructed before January 1, 1970, may contain lead-  
47 based paint. Lead-based paint, if it is not properly removed or main-  
48 tained, may cause brain damage or other serious health impacts in chil-  
49 dren less than seven years of age and fetal injury in pregnant persons.  
50 New York state law requires the landlord to comply with maintenance  
51 standards to avoid lead-based paint hazards. This property (owner or  
52 agent to check appropriate box):

53 \_\_\_\_\_ has been inspected by an independent inspector certified under  
54 New York state law within the past sixty days and found not to contain  
55 lead-based paint hazards.

1 has been investigated by the owner, manager, or their agent with-  
2 in the past thirty days and observable lead-based paint hazards have  
3 been stabilized.

4 has not been inspected for lead-based paint hazards. This prop-  
5 erty may contain lead-based paint hazards dangerous to a child less than  
6 seven years of age."

7 9. At the time of the lease or renting of an affected property without  
8 a written or printed lease at a date more than one year following the  
9 effective date of this section, the front entranceway or door of the  
10 affected property shall be posted with a sign containing the language  
11 quoted in subdivision eight of this section, in both English and Span-  
12 ish, and in prominently displayed and easily readable type or printing.

13 § 1379. Enforcement. 1. Whenever the deputy commissioner or deputy  
14 commissioner's designee finds an affected property to not be in compli-  
15 ance with the applicable requirements for either lead-free, or lead-con-  
16 tained, or lead-stabilized property status, the deputy commissioner or  
17 deputy commissioner's designee shall give written notice and demand,  
18 served as provided herein, for the discontinuance of any condition fail-  
19 ing to comply with either the lead-free, lead-contained, or lead-stabi-  
20 lized standards in an affected property within a specified period of  
21 time not to exceed thirty days. The deputy commissioner or deputy  
22 commissioner's designee shall also immediately notify the appropriate  
23 local social services department of the issuance of such written notice  
24 and demand.

25 2. In the event of failure to comply with a notice and demand, the  
26 deputy commissioner or the deputy commissioner's designee shall conduct  
27 a formal hearing upon due notice in accordance with the provisions of  
28 this section and on proof of violation of such notice and demand shall  
29 order the owner of an affected property to take specified corrective  
30 actions to have the affected property satisfy the requirements, at a  
31 minimum, of lead-contained or lead-stabilized property and may assess a  
32 penalty not to exceed two thousand five hundred dollars for each  
33 affected property. In the event that such failure to comply concerns a  
34 notice and demand issued in response to an environmental assessment  
35 undertaken pursuant to subdivision two of section thirteen hundred  
36 seventy-f of this title, the deputy commissioner or the deputy commis-  
37 sioner's designee, shall cause the condition to be remediated within the  
38 next thirty days, and may place a lien on such property and commence  
39 such legal actions as are necessary to recover from the owner of such  
40 property the deputy commissioner's expenditures in connection therewith,  
41 including legal fees.

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

46 4. The deputy commissioner's designee having jurisdiction, county and  
47 city commissioners of health, and local housing code enforcement agen-  
48 cies designated by the deputy commissioner's designee having jurisdic-  
49 tion or county or city commissioner of health shall have the same  
50 authority, powers and duties within their respective jurisdictions as  
51 has the deputy commissioner under the provisions of this title.

52 5. The deputy commissioner or deputy commissioner's representative and  
53 an official or agency specified in subdivision one of this section may  
54 request and shall receive from all public officers, departments and  
55 agencies of the state and its political subdivisions such cooperation

1 and assistance as may be necessary or proper in the enforcement of the  
2 provisions of this title.

3 6. Any violation of the requirements of section thirteen hundred  
4 seventy-six of this title shall also constitute a violation of any  
5 municipal or other local housing code and shall subject the owner of an  
6 affected property to all orders, criminal penalties, and other civil  
7 forfeitures or penalties that are possible under such municipal or local  
8 housing code, and shall also constitute a rent impairing violation with-  
9 in the meaning of section three hundred two-a of the multiple dwelling  
10 law and section three hundred five-a of the multiple residence law.

11 7. Nothing contained in this title shall be construed to alter or  
12 abridge any duties and powers now or hereafter existing in the deputy  
13 commissioner, county boards of health, city and county commissioners of  
14 health, the New York city department of housing preservation and devel-  
15 opment and the department of health, local boards of health or other  
16 public agencies or public officials, or any private party, including the  
17 power to impose more stringent measures to protect public health.

18 8. The office of the attorney general and all local authorities  
19 responsible for the enforcement of state, municipal, and other local  
20 housing codes are hereby empowered to and shall vigorously enforce civil  
21 remedies and/or criminal penalties provided for by law arising out of  
22 the failure to comply with the requirements of this section, sections  
23 thirteen hundred seventy-five or thirteen hundred seventy-six of this  
24 title and may seek injunctive relief where appropriate.

25 9. (a) Any administrative proceeding or civil or criminal action by  
26 state or local officials to enforce the provisions of this section shall  
27 be reported to the deputy commissioner.

28 (b) The deputy commissioner shall issue an annual report outlining  
29 specifically the enforcement actions brought pursuant to this section,  
30 the identity of the owners of the affected properties, the authority  
31 bringing the enforcement action, the nature of the action, and describ-  
32 ing the criminal penalties and/or civil relief.

33 10. The removal of a tenant from or the surrender by the tenant of a  
34 dwelling with respect to which the deputy commissioner or such deputy  
35 commissioner's representative, pursuant to subdivision one of this  
36 section, has given written notice and demand for the discontinuance of a  
37 condition conducive to lead poisoning shall not absolve, relieve or  
38 discharge any persons chargeable therewith from the obligation and  
39 responsibility to discontinue such condition conducive to lead poisoning  
40 in accordance with the method of discontinuance prescribed therefor in  
41 such notice and demand.

42 § 1379-a. Injunctive relief. 1. If an owner of an affected property  
43 fails to comply with the requirements of section thirteen hundred seven-  
44 ty-six of this title, a person at risk or the parent or legal guardian  
45 of a person at risk or other interested persons may seek injunctive  
46 relief from a court of competent jurisdiction against the owner of the  
47 affected property in the form of a court order to compel compliance.

48 2. A court shall not grant the injunctive relief requested pursuant to  
49 subdivision one of this section, unless, at least thirty days prior to  
50 the filing requesting the injunction, the owner of the affected property  
51 has received written notice of the violation of standards contained in  
52 section thirteen hundred seventy-six of this title and has failed to  
53 bring the affected property into compliance with the applicable stand-  
54 ards. This notice to the owner of the affected property is satisfied  
55 when any of the following has occurred:

1 (a) A person at risk, such person's parent or legal guardian, or  
2 attorney, has notified the owner of an affected property that the prop-  
3 erty fails to meet the requirements for either lead-contained property  
4 status or lead-stabilized property status;

5 (b) The deputy commissioner, the commissioner of housing and community  
6 renewal, or the designee of either of these such officials, a municipal  
7 or other local authority with responsibility for enforcing any local  
8 housing code or codes, or a local or municipal department of health has  
9 notified the owner of the affected property of violations of the  
10 provisions of this title occurring within an affected property or of the  
11 failure to register and file reports as required by this title; or

12 (c) A criminal or civil action pursuant to this title has been brought  
13 by either state or local enforcement officials to enforce this title.

14 3. The notice requirement of subdivision two of this section shall not  
15 apply with respect to applications for preliminary injunctive relief.

16 4. A person who prevails in an action to enforce the provisions of  
17 this title is entitled to an award of the costs of the litigation and to  
18 an award of reasonable attorneys' fees in an amount to be fixed by the  
19 court.

20 5. Cases brought before the court under this section shall be granted  
21 an accelerated hearing.

22 6. The legal remedies created under this section shall be in addition  
23 to any other common law or statutory remedies, which may be pursued in  
24 the same or separate action or proceeding.

25 § 1379-b. Retaliatory evictions prohibited. 1. An owner of an  
26 affected property may not evict or take any other retaliatory action  
27 against a person at risk or such person's parent or legal guardian in  
28 response to the actions of the person at risk, their parent or legal  
29 guardian in:

30 (a) providing information to the owner of the affected property, the  
31 deputy commissioner, the commissioner of housing and community renewal,  
32 or the designee of either of these officials, a local or municipal  
33 department of health, or a municipal or other local authority with  
34 responsibility for enforcing any local housing code or codes concerning  
35 lead-based paint hazards within an affected property or elevated blood  
36 lead levels of a person at risk; or

37 (b) enforcing any of their rights under this title.

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

42 (a) A refusal to renew a lease;

43 (b) Termination of a tenancy;

44 (c) An arbitrary rent increase or decrease in services to which the  
45 person at risk or such person's parent or legal guardian is entitled; or

46 (d) Any form of constructive eviction.

47 3. A person at risk or such person's parent or legal guardian subject  
48 to an eviction or retaliatory action under this section is entitled to  
49 the relief as may be provided by statute and/or any further relief  
50 deemed just and equitable by the court, and is eligible for reasonable  
51 attorneys' fees and costs.

52 § 8. The real property law is amended by adding two new sections 236-b  
53 and 242-a to read as follows:

54 § 236-b. Discrimination against persons and families receiving public  
55 assistance or governmental housing subsidies prohibited. 1. Any person,  
56 firm or corporation owning or having in charge any apartment house,

1 tenement house or other building or manufactured home park used for  
2 dwelling purposes who shall refuse to rent any or part of any such  
3 building or manufactured home park to any person or family, or who  
4 discriminates in the terms, conditions, or privileges of any such  
5 rental, on the ground that such person or family receives public assist-  
6 ance or any other government subsidy for payment of rent shall be guilty  
7 of a misdemeanor and on conviction thereof shall be punished by a fine  
8 of not less than five hundred nor more than one thousand dollars for  
9 each offense.

10 2. (a) Where discriminatory conduct prohibited by this section has  
11 occurred, an aggrieved individual shall have a cause of action in any  
12 court of competent jurisdiction for damages, declaratory and injunctive  
13 relief.

14 (b) In all actions brought under this section, the court shall allow  
15 the prevailing plaintiff reasonable attorney's fees and, upon a finding  
16 that defendant's discriminatory conduct was willful, an additional  
17 amount as liquidated damages equal to two thousand five hundred dollars  
18 shall be awarded.

19 § 242-a. Inspection of residential real property for lead-based paint  
20 prior to transfer. 1. (a) Effective January first, two thousand twenty-  
21 seven, the transferor or grantor of any residential real property  
22 erected prior to the year nineteen hundred seventy, or in cities with a  
23 population of one million or more a dwelling erected prior to the year  
24 nineteen hundred sixty, shall provide to the transferee or grantee a  
25 certificate that such property has been tested for the presence of lead-  
26 based paint, as defined in subdivision twenty-six of section thirteen  
27 hundred seventy of the public health law, and a report of such test  
28 indicating the locations where lead-based paint has been detected, if  
29 any. Such testing shall not be valid unless performed by a person  
30 accredited pursuant to section thirteen hundred seventy-five of the  
31 public health law. A copy of such certificate shall be filed with the  
32 department of health.

33 (b) The presentation of a certificate of such testing by a prior owner  
34 of said property and evidence of filing such certificate and report with  
35 the department of health shall be deemed to be in compliance with the  
36 provisions of this subdivision.

37 (c) In the event the transferor or grantor has not received from a  
38 prior owner a certification and report of such tests as set forth in  
39 this subdivision, the costs of testing for lead-based paint and the  
40 preparation of a certificate and report thereof as provided in this  
41 subdivision shall be deductible by the transferor or grantor, up to the  
42 amount of five hundred dollars, or in a building with more than one  
43 dwelling unit up to four hundred dollars per dwelling unit tested, from  
44 the taxes imposed by sections fourteen hundred two and fourteen hundred  
45 two-a of the tax law.

46 2. Any provision in a purchase offer, contract of sale, lease, offer  
47 to lease, or any other document related to the transfer of an interest  
48 in real property that purports to waive any right created under state or  
49 federal law for the purchaser, tenant, or transferee to conduct a risk  
50 assessment or inspection of the property to determine the presence of  
51 lead-based paint and/or lead-based paint hazards, or any oral agreement  
52 that purports to waive such right, is null and void as against public  
53 policy, notwithstanding that such waivers might otherwise be permitted  
54 by federal law.

55 § 9. Section 210-B of the tax law is amended by adding a new subdivi-  
56 sion 61 to read as follows:

1 61. Lead hazard reduction tax credit. (a) Tax credit for activities  
2 resulting in lead-free or lead-contained status. A taxpayer shall be  
3 allowed a credit against tax imposed by this article for activities  
4 necessary to bring any affected property into lead-free or lead-con-  
5 tained status within the meaning of sections thirteen hundred seventy  
6 and thirteen hundred seventy-six of the public health law, provided that  
7 the taxpayer complies with the documentation requirements of paragraph  
8 (d) of this subdivision.

9 (b) Tax credit for multiple dwelling units located within munici-  
10 palities of more than one million inhabitants. A taxpayer also shall be  
11 eligible for the tax credit under paragraph (a) of this subdivision if a  
12 dwelling unit that satisfies all the requirements for an affected prop-  
13 erty contained in subdivision two of section thirteen hundred seventy of  
14 the public health law but such dwelling unit is located in a city with a  
15 population of one million or more. In such case, the taxpayer must  
16 comply with equivalent standards in local laws concerning lead hazards  
17 that apply to multiple dwellings.

18 (c) Tax credits for certain renovations as part of achieving lead-sta-  
19 bilized status. A taxpayer shall be allowed a credit against tax imposed  
20 by this article for the costs of certain activities necessary to bring  
21 any affected property into lead-stabilized status within the meaning of  
22 section thirteen hundred seventy-six of the public health law, provided  
23 that the expected useful life of such renovations is ten years or more  
24 and the taxpayer complies with the documentation requirements of para-  
25 graph (d) of this subdivision. The deputy commissioner of health shall  
26 promulgate regulations defining those activities necessary to achieve  
27 lead-stabilized status with an expected useful life of more than ten  
28 years. Taxpayers who have completed renovations of habitable dwelling  
29 units contained in multiple dwellings, as defined in section four of the  
30 multiple dwelling law in a city of more than one million population also  
31 shall be allowed a credit under this subdivision provided that the  
32 taxpayer complies with similar standards in local laws concerning lead  
33 hazards that apply to multiple dwellings.

34 (d) Documentation required for credit allowance. No credit shall be  
35 allowed under paragraph (a), (b), or (c) of this subdivision unless the  
36 taxpayer provides documentation to the deputy commissioner of health  
37 that:

38 (1) the activities described above have been performed by a contractor  
39 accredited pursuant to section thirteen hundred seventy-five of the  
40 public health law;

41 (2) the affected property was constructed prior to nineteen hundred  
42 seventy;

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

44 (4) includes a written certification obtained by the taxpayer from an  
45 inspector, accredited pursuant to section thirteen hundred seventy-five  
46 of the public health law, that the activities described above have been  
47 completed in accordance with all applicable requirements and that  
48 either:

49 (A) Where applicable, the affected property or property unit can now  
50 be certified as either lead-free or lead-contained under section thir-  
51 teen hundred seventy-six of the public health law; or

52 (B) Where applicable, the affected property has undergone renovations  
53 that satisfy the requirements established by regulation by the deputy  
54 commissioner of health as activities necessary to achieve lead-stabi-  
55 lized status with an expected useful life of more than ten years.

1 (e) Amount of credit. The tax credit shall be equal to the amount  
2 actually paid for the activities described in this subdivision up to a  
3 maximum of three thousand dollars per affected property for a credit  
4 allowed under either paragraph (a) or (b) of this subdivision or a maxi-  
5 mum of one thousand five hundred dollars for a credit allowed under  
6 paragraph (c) of this subdivision.

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

12 § 10. Section 606 of the tax law is amended by adding a new subsection  
13 (bbb) to read as follows:

14 (bbb) Lead-hazard reduction in housing tax credit. (1) Allowance of  
15 credit for activities resulting in lead-free or lead-contained status. A  
16 taxpayer shall be allowed a credit as provided in this subsection for  
17 activities necessary to bring any affected property into lead-free or  
18 lead-contained status within the meaning of sections thirteen hundred  
19 seventy and thirteen hundred seventy-six of the public health law,  
20 provided that the taxpayer complies with the documentation requirements  
21 of paragraph four of this subsection.

22 (2) Tax credit for multiple dwelling units located within munici-  
23 palties of more than one million inhabitants. A taxpayer also shall be  
24 eligible for the tax credit under paragraph one of this subsection if a  
25 dwelling unit that satisfies all the requirements for an affected prop-  
26 erty contained in subdivision two of section thirteen hundred seventy of  
27 the public health law but such dwelling unit is located in a city with a  
28 population of one million or more. In such case, the taxpayer must  
29 comply with equivalent standards in local laws concerning lead hazards  
30 that apply to multiple dwellings.

31 (3) Tax credits for certain renovations as part of achieving lead-sta-  
32 bilized status. A taxpayer shall be allowed a credit against tax imposed  
33 by this article for the costs of certain activities necessary to bring  
34 any affected property into lead-stabilized status within the meaning of  
35 section thirteen hundred seventy-six of the public health law, provided  
36 that the expected useful life of such renovations is ten years or more  
37 and the taxpayer complies with the documentation requirements of para-  
38 graph four of this subsection. The deputy commissioner of health shall  
39 promulgate regulations defining those activities necessary to achieve  
40 lead-stabilized status with an expected useful life of more than ten  
41 years. Taxpayers who have completed renovations of habitable dwelling  
42 units contained in multiple dwellings, as defined in section four of the  
43 multiple dwelling law in a city of more than one million population also  
44 shall be allowed a credit under this paragraph provided that the taxpay-  
45 er complies with similar standards in local laws concerning lead hazards  
46 that apply to multiple dwellings.

47 (4) Documentation required for credit allowance. No credit shall be  
48 allowed under paragraph one, two or three of this subsection unless the  
49 taxpayer provides documentation to the deputy commissioner of health  
50 that:

51 (A) the activities described above have been performed by a contractor  
52 accredited pursuant to section thirteen hundred seventy-five of the  
53 public health law;

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

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

1 (D) includes a written certification obtained by the taxpayer from an  
2 inspector, accredited pursuant to section thirteen hundred seventy-five  
3 of the public health law, that the activities described above have been  
4 completed in accordance with all applicable requirements and that  
5 either:

6 (i) Where applicable, the affected property can now be certified as  
7 either lead-free or lead-contained under section thirteen hundred seven-  
8 ty-six of the public health law; or

9 (ii) Where applicable, the affected property has undergone renovations  
10 that satisfy the requirements established by regulation by the deputy  
11 commissioner of health as activities necessary to achieve lead-stabi-  
12 lized status with an expected useful life of more than ten years.

13 (5) The tax credit pursuant to this subsection shall be available to a  
14 person who owns and occupies their own dwelling unit in the same manner  
15 and to the same extent as it is available to the owner of an affected  
16 property who leases the premises.

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

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

28 § 11. The state finance law is amended by adding a new section 99-ss  
29 to read as follows:

30 § 99-ss. Residential property lead-based paint hazard abatement  
31 revolving loan fund. 1. There is created, as a separate fund within the  
32 general fund, a fund to be known as the residential property lead-based  
33 paint hazard abatement revolving loan fund. Such fund shall consist of  
34 proceeds received from the sale of bonds pursuant to subdivision two of  
35 this section, and any sums that the state may from time to time deem  
36 appropriate, as well as donations, gifts, bequests, or otherwise from  
37 any public or private source, which money is intended to assist owners  
38 of residential properties in meeting the standards for either lead-free  
39 or lead-contained certification pursuant to section thirteen hundred  
40 seventy-six of the public health law, or, for multiple dwellings in  
41 cities of one million population or more, compliance with local laws  
42 concerning the control of lead-based paint hazards in such multiple  
43 dwellings.

44 2. The state shall issue bonds in an amount specified for the purpose  
45 of funding the residential property lead-based paint hazard abatement  
46 revolving loan fund.

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

50 (b) The interest rate and other terms upon which bonds are issued  
51 pursuant to this subdivision shall not create a prospective obligation  
52 of the state of New York in excess of the amount of revenues that can  
53 reasonably be expected from the loan repayments, interest on such loans,  
54 and fees that the state of New York can reasonably expect to charge  
55 under the provisions of title ten of article thirteen of the public  
56 health law.

1 (c) All money received from the sale of bonds shall be deposited into  
2 the residential property lead-based paint hazard abatement revolving  
3 loan fund.

4 3. The comptroller shall contract for the administration and disburse-  
5 ment of funding. The deputy commissioner of health shall adopt rules and  
6 regulations which provide for the orderly and equitable disbursement and  
7 repayment of funds.

8 4. Funds placed in the residential property lead-based paint hazard  
9 abatement revolving loan fund shall be made available, at the discretion  
10 of the deputy commissioner of health, to the owners of affected proper-  
11 ties including those located within municipalities of more than one  
12 million inhabitants, and to non-profit organizations for the purpose of  
13 bringing affected properties into compliance with the standards for  
14 lead-free, lead-contained, or lead-stabilized property status as speci-  
15 fied by section thirteen hundred seventy-six of the public health law,  
16 or, for multiple dwellings in cities with a population of one million or  
17 more, compliance with local laws concerning the control of lead-based  
18 paint hazards in such multiple dwellings. An owner of a pre-nineteen  
19 hundred seventy property who owns and occupies the dwelling unit shall  
20 be eligible for loans under this section in the same manner, and to the  
21 same extent, as an owner of an affected property.

22 5. Loans made available under the provisions of this section may be  
23 made directly, or in cooperation with other public and private lenders,  
24 or any agency, department, or bureau of the federal government or the  
25 state.

26 6. The proceeds from the repayment of any loans made for that purpose  
27 shall be deposited in and returned to the residential property lead-  
28 based paint hazard abatement revolving loan fund to constitute a contin-  
29 uing revolving fund for the purposes provided in this section.

30 7. The deputy commissioner of housing and community renewal shall take  
31 any action necessary to obtain federal assistance for lead hazard  
32 reduction to be used in conjunction with the residential property lead-  
33 based paint hazard abatement revolving loan fund.

34 § 12. Paragraph a of subdivision 2 of section 302-a of the multiple  
35 dwelling law, as added by chapter 911 of the laws of 1965, is amended to  
36 read as follows:

37 a. A "rent impairing" violation within the meaning of this section  
38 shall designate a condition in a multiple dwelling which, in the opinion  
39 of the department, constitutes, or if not promptly corrected, will  
40 constitute, a fire hazard, a lead-based paint hazard within the meaning  
41 of subdivision twenty-seven of section thirteen hundred seventy of the  
42 public health law, or a serious threat to the life, health or safety of  
43 occupants thereof.

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

47 a. A "rent impairing" violation within the meaning of this section  
48 shall designate a condition in a multiple dwelling which, in the opinion  
49 of the state building code council, constitutes, or if not promptly  
50 corrected, will constitute, a fire hazard, a lead-based paint hazard  
51 within the meaning of subdivision twenty-seven of section thirteen  
52 hundred seventy of the public health law, or a serious threat to the  
53 life, health or safety of occupants thereof.

54 § 14. The social services law is amended by adding a new section 131-y  
55 to read as follows:

1 § 131-y. Supplemental shelter allowance. Every public welfare official  
2 shall pay, in addition to the shelter allowance components established  
3 by the department pursuant to section one hundred thirty-one-a of this  
4 title, a supplemental shelter allowance for units for which the owner  
5 has submitted documentation certifying that the dwelling unit is in  
6 compliance with subdivision seven of section one hundred forty-three-b  
7 of this title. This monthly lead-safe housing supplement shall be in the  
8 amount of fifty dollars for efficiency or one-bedroom units; one hundred  
9 dollars for two-bedroom units; one hundred fifty dollars for three-bed-  
10 room units; and two hundred dollars for units with four or more  
11 bedrooms; or such higher amounts as the department may establish by  
12 regulation as appropriate to induce landlords in high risk lead-paint  
13 poisoning areas to voluntarily remove lead-paint hazards from their  
14 units using lead-safe work practices. This supplemental shelter allow-  
15 ance for lead-safe housing shall be paid for a period of twelve months  
16 following the submission of the most recent certification of compliance  
17 and shall be renewed for subsequent twelve month periods upon the  
18 submission of further certifications of compliance based upon more  
19 recent inspections.

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

23 2. Every public welfare official shall have power to and [~~may~~] shall  
24 withhold the payment of any such rent in any case where [~~he~~] such public  
25 welfare official has knowledge that there exists or there is outstanding  
26 any violation of law in respect to the building containing the housing  
27 accommodations occupied by the person entitled to such assistance which  
28 is dangerous, hazardous or detrimental to life or health. A report of  
29 each such violation shall be made to the appropriate public welfare  
30 department by the appropriate department or agency having jurisdiction  
31 over violations.

32 7. No state or local agency shall arrange to place a family consisting  
33 of a person or persons under seven years of age or a known pregnant  
34 person in any dwelling unit constructed prior to nineteen hundred seven-  
35 ty, or, in cities with a population of one million or more, any dwelling  
36 unit constructed prior to nineteen hundred sixty, for which rent is paid  
37 in any part with state funds unless such dwelling unit has been first  
38 inspected by a person accredited pursuant to section thirteen hundred  
39 seventy-five of the public health law, and determined to be free of  
40 lead-based paint hazards, as defined by subdivision twenty-seven of  
41 section thirteen hundred seventy of the public health law, and unless  
42 such agency has first obtained appropriate documentation acceptable to  
43 the commissioner that such dwelling unit is in compliance with the  
44 requirements of section thirteen hundred seventy-six of the public  
45 health law, or, for multiple dwellings in cities with a population of  
46 one million or more, in compliance with local laws concerning the  
47 control of lead-based paint hazards in such multiple dwellings. A writ-  
48 ten report shall be prepared of any inspection performed pursuant to  
49 this subdivision and shall be provided to the family.

50 § 16. Section 390-a of the social services law is amended by adding a  
51 new subdivision 6 to read as follows:

52 6. No license or registration shall be issued to a child day care  
53 center, a family day care home, or a group family day care home and no  
54 such registration shall be renewed until it can be demonstrated that  
55 those portions of the facility in which such child day care center,  
56 family day care home, or group family day care home is located and those

1 portions of such facility that are readily accessible to children in  
2 such child day care center, family day care home, or group family day  
3 care home, meet the standards for lead-free property status, lead-con-  
4 tained property status, or lead-stabilized property status set forth in  
5 section thirteen hundred seventy-six of the public health law, or, for  
6 multiple dwellings in cities with a population of one million or more,  
7 with all local laws concerning the control of lead-based paint hazards  
8 that apply to multiple dwelling units where children reside.

9 § 17. The insurance law is amended by adding a new section 3441 to  
10 read as follows:

11 § 3441. Insurance coverage for lead poisoning. (a) For the purpose of  
12 this section, the term "affected property" shall mean a room or group of  
13 rooms within a property constructed before nineteen hundred seventy, or  
14 constructed before nineteen hundred sixty in cities with a population of  
15 one million or more, that form a single independent habitable dwelling  
16 unit for occupation by one or more individuals that has living facili-  
17 ties with permanent provisions for living, sleeping, eating, cooking,  
18 and sanitation. "Affected property" shall not include:

19 (1) an area not used for living, sleeping, eating, cooking, or sanita-  
20 tion, such as an unfinished basement, that is not readily accessible to  
21 children under seven years of age;

22 (2) a unit within a hotel, motel, or similar seasonal or transient  
23 facility unless such unit is occupied by one or more persons at risk  
24 for a period exceeding thirty days;

25 (3) an area which is secured and inaccessible to occupants;

26 (4) housing for the elderly, or a residential property designated  
27 exclusively for persons with disabilities; except this exemption shall  
28 not apply if a person at risk resides or is expected to reside in the  
29 dwelling unit or visits the dwelling unit on a regular basis; or

30 (5) an unoccupied dwelling unit or residential property that is to be  
31 demolished, provided the dwelling unit or property will remain unoccu-  
32  pied until demolition.

33 For the purpose of this section, the term "affected property" shall  
34 not mean any property owned or operated by a unit of federal, state, or  
35 local government, or any public, quasi-public, or municipal corporation,  
36 but does include privately-owned properties that receive governmental  
37 rental assistance.

38 (b) After fourteen months following the effective date of this  
39 section, no insurer licensed or permitted by the department to provide  
40 liability coverage to rental property owners shall exclude, except as  
41 otherwise provided by this section, an affected property covered under a  
42 policy coverage for losses or damages caused by exposure to lead-based  
43 paint. The department shall not permit, authorize or approve any exclu-  
44 sion for injury or damage resulting from exposure to lead-based paint,  
45 except as specifically provided for in law, that was not in effect as of  
46 the effective date of this section, and all previously approved exclu-  
47 sions shall terminate on or before fourteen months following the effec-  
48 tive date of this section.

49 (c) All insurers issuing liability insurance policies, including  
50 commercial lines insurance policies, personal lines insurance policies,  
51 and/or any other policies, covering affected properties shall offer  
52 coverage for bodily injury caused by exposure to lead-based paint.

53 (d) Rates for the coverage specified in subsection (c) of this section  
54 shall be approved by the superintendent using the following standards:

55 (1) Such rates must not be excessive, inadequate, or unfairly discrim-  
56 inatory; and

1 (2) In establishing such rates, consideration will be given to:

2 (A) Past and prospective loss experience;

3 (B) A reasonable margin for profits and contingencies;

4 (C) Past and prospective expenses;

5 (D) Such other data as the department may deem necessary;

6 (E) The past history of the owner with regard to lead poisoning or any  
7 other liability or violations of ordinances or statutes relating to the  
8 affected property or similar properties reasonably believed by the  
9 insurer to be relevant; and

10 (F) Compliance with the requirements of either section thirteen  
11 hundred seventy-six of the public health law or, for multiple dwellings  
12 in cities with a population of one million or more, with all local laws  
13 concerning the control of lead-based paint hazards in such multiple  
14 dwellings.

15 (e) The department shall determine within two years following the  
16 effective date of this section the availability in the state of liabil-  
17 ity personal injury/bodily injury coverage described in subsection (b)  
18 of this section, and may if such coverage is not generally available,  
19 establish a market assistance plan or take other measures to assure the  
20 availability of such coverage that offers a liability limit which is at  
21 least three hundred thousand dollars or shall require that such coverage  
22 be made available through a joint underwriting plan.

23 (f) An owner may not assign liability nor require a tenant to limit or  
24 waive liability and any such limit or waiver shall be void as contrary  
25 to the public policy of New York state.

26 (g) The superintendent shall, within twelve months after the effective  
27 date of this section:

28 (1) Adopt rules for and issue an advisory bulletin to all state  
29 licensed, admitted insurers providing liability coverage for property  
30 owners regarding their responsibilities under this section; and

31 (2) Adopt rules for and issue an advisory bulletin to all state  
32 licensed insurance agents and brokers outlining the provisions of this  
33 section and the new requirements for state licensed, admitted insurers.

34 § 18. This act shall take effect immediately.