

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2019**

No. 51

Introduced by Council Members Rivera, Chin, Cumbo, Ayala and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to clarifying responsibilities of owners and the department of housing preservation and development to address indoor asthma allergen hazards

Be it enacted by the Council as follows:

Section 1. The definition of “integrated pest management” of section 27-2017 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

Integrated pest management. The term “integrated pest management” means ongoing prevention, monitoring and pest control activities [and reasonable efforts] to eliminate pests from any building, lot, or dwelling. This includes, but is not limited to, [reasonable efforts to eliminate] *the elimination* of harborages and conditions conducive to pests, the use of traps, and, when necessary, the use of pesticides.

§ 2. The definition of “remediation” or “remediate” of section 27-2017 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

Remediation or remediate. The term “remediation” or “remediate” means [reasonable efforts] *measures* to eradicate pests in accordance with section 27-2017.8 and [reasonable efforts]

measures to eradicate indoor mold hazards in accordance with rules promulgated pursuant to section 27-2017.9.

§ 3. Section 27-2017.1 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

§ 27-2017.1 Owners' responsibility to remediate. The existence of an indoor allergen hazard in any dwelling unit in a multiple dwelling is hereby declared to constitute a condition dangerous to health. An owner of a dwelling shall [take reasonable measures to] keep the premises free from pests and other indoor allergen hazards and from any condition conducive to indoor allergen hazards, and shall [take reasonable measures to] prevent the reasonably foreseeable occurrence of such a conditions and shall expeditiously [take reasonable measures to] remediate such conditions and any underlying defect, when such underlying defect exists, consistent with section 27-2017.8 and the rules promulgated pursuant to section 27-2017.9.

§ 4. Subdivision a of section 17-199.6 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

a. The department shall establish procedures to permit doctors, nurses, or other health professionals, upon the consent of their patients, to request a department investigation of possible indoor allergen hazards in dwellings where persons reside who have been medically diagnosed with moderate persistent or severe persistent asthma. Such procedures shall provide for the referral to the department of housing preservation and development of such requests that would be subject to section 27-2017.6. The procedures shall also provide for an investigation to be made when the department is notified that a person who has been medically diagnosed with moderate persistent or severe persistent asthma is residing in a dwelling with possible indoor allergen hazards not otherwise subject to enforcement by the department of housing preservation

and development under section 27-2017.6. Such indoor allergen hazards *may* include, but are not limited to, mold that is not readily observable to the eye, including mold that is hidden within wall cavities, construction dust or such other conditions as the department shall from time-to-time determine by rule are indoor allergen hazards.

§ 5. Subdivision c of section 17-199.6 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

c. In the event that the department determines that the owner or other person having the duty or liability to comply with an order issued pursuant to this section fails to substantially comply therewith within twenty-one days after service thereof, the department shall, in accordance with section 27-2017.10, refer such order to the department of housing preservation and development. The department of housing preservation and development [shall] *may* take such enforcement action as is necessary, including performing or arranging for the performance of the work to correct the certified condition.

§ 6. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of the date that local law number 55 for the year 2018 took effect.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 13, 2019 and returned unsigned by the Mayor on March 19, 2019.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 51 of 2019, Council Int. No. 780-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.