

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2023**

No. 111

Introduced by Council Members Rivera, Cabán, Nurse, Stevens, Hanif, Won, Barron, Restler, Krishnan, Hudson, Williams, Avilés, Riley, Gennaro, Marte, Ayala, De La Rosa, Farías, Brewer, Schulman, Sanchez, Abreu, Brannan, Brooks-Powers, Bottcher, Gutiérrez, Joseph, Menin, Velázquez, Powers, Ung, Narcisse, Dinowitz, Salamanca, Hanks, Holden, Moya, Lee, Richardson Jordan, Ossé, Louis, Feliz and Mealy.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to lead-based paint hazards in common areas of dwellings

Be it enacted by the Council as follows:

Section 1. Subdivision a-1 of section 27-2056.4 of the administrative code of the city of New York, as amended by local law number 39 for the year 2021, is amended to read as follows:

a-1. [Within] *No later than* the earliest of [five years of the effective date of this subdivision] *August 9, 2025*, one year after a child of applicable age comes to reside in a dwelling unit subject to the requirements of subdivision a of this section, or the issuance of an order by the department of health and mental hygiene as required by such order, one investigation for the presence of lead-based paint undertaken pursuant to subdivision a of this section shall be performed by a person who (i) is not the owner or the agent of the owner or any contractor hired to perform work related to the remediation of lead-based paint hazards, and (ii) is certified as an inspector or risk assessor pursuant to section 745.226 of title 40 of the code of federal regulations. Such inspection shall consist of the use of an x-ray fluorescence analyzer on all types of surfaces in accordance with the procedures described in chapter 7 of the United States department of housing and urban

development guidelines for the evaluation and control of lead-based paint hazards in housing, including on chewable surfaces, friction surfaces, and impact surfaces, to determine whether lead-based paint is present, and where such paint is located, in such dwelling unit *and in the common areas of such multiple dwelling*. Provided, however, that the investigation specified by this subdivision shall not be required if an investigation that complies with the requirements of this subdivision was previously completed and the owner retains records of such investigation, or if the dwelling unit has an exemption from the presumption of lead paint, as provided in subdivision b of section 27-2056.5 of this article.

§ 2. Article 14 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.6.1 to read as follows:

§ 27-2056.6.1 Violation in a Common Area. The existence of lead-based paint in any common area of a multiple dwelling where a child of applicable age resides shall constitute a class C immediately hazardous violation if such paint is peeling or is on a deteriorated subsurface.

§ 3. Section 27-2056.9 of the administrative code of the city of New York is amended by adding a new subdivision d-2 to read as follows:

d-2. When conducting an inspection pursuant to subdivision b of this section, the department shall also conduct a visual inspection of the common areas of such multiple dwelling in the department inspector's line of travel to the dwelling unit to be inspected and, if practical, such areas in a different line of travel to an exit used by the residents of such dwelling unit. When conducting such inspection, the department inspector shall rely on the presumption set forth in subdivision a of section 27-2056.5 to identify conditions that would constitute a violation pursuant to section 27-2056.6.1. Provided, however, that such inspection shall not be required if the department conducted an inspection of such common areas that complies with the requirements of

this subdivision within the previous year, unless the department has received a complaint relating to presumed peeling lead paint in a common area and such common area does not have an exemption pursuant to subdivision b of section 27-2056.5.

§ 4. This local law takes effect 300 days after it becomes law, provided that the investigation of a common area required by subdivision a-1 of section 27-2056.4 of the administrative code of the city of New York, as amended by section one of this local law, shall not be required where an investigation of such common areas that complied with the provisions of such subdivision a-1 was previously completed in accordance with all applicable laws and regulations in effect at the time of such investigation, and the owner retains the records of such investigation.

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 July 13, 2023 and returned unsigned by the Mayor on August 15, 2023.

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. 111 of 2023, Council Int. No. 193-A of 2022) 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.

STEPHEN LOUIS, Acting Corporation Counsel.