



Legislation Text

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Int. No. 868

By Council Members Ampry-Samuel, Holden, Koslowitz, Cumbo, Kallos and Lander

A Local Law to amend the administrative code of the city of New York, in relation to remediating lead water hazards in dwellings

Be it enacted by the Council as follows:

Section 1. Section 27-2056.1 of the administrative code of the city of New York is REPEALED and a new section 27-2056.1 is added to read as follows:

§ 27-2056.1 Reserved.

§ 2. Paragraph 11 of section 27-2056.2 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

(11) “Remediation” or “Remediate” shall mean (i) with respect to a lead-based paint hazard, the reduction or elimination of a lead-based paint hazard through the wet scraping and repainting, removal, encapsulation, enclosure, or replacement of lead-based paint, or other method approved by the commissioner of health and mental hygiene or (ii) with respect to other hazardous conditions concerning lead, the reduction or elimination of such condition in a manner approved by such commissioner or specified by law or rule.

§ 3. Article 14 of subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2056.3.1 to read as follows:

§ 27-2056.3.1 Owners’ responsibility with respect to lead in drinking or cooking water. a. For a dwelling unit in which a child of applicable age resides and that is (i) in a multiple dwelling or (ii) in a private dwelling where each dwelling unit within such dwelling is occupied by persons other than the owner or the

owner's family, the owner shall:

1. Provide a lawful occupant of such unit with a water filtered pitcher that has been certified by NSF International, or another certifying body designated by rule of the department of health and mental hygiene, to reduce lead concentrations in water in accordance with NSF/ANSI standard 53, as in effect on the effective date of the local law that added this section, or such other standard as such department may specify by rule, and thereafter replace such pitcher in accordance with manufacturer specifications;

2. Install, and thereafter maintain and replace in accordance with manufacturer specifications, a water filtration or treatment system that will reduce lead concentrations in water supplied for drinking or cooking purposes in such unit and that has been certified by NSF International, or another certifying body designated by rule of such department, to reduce lead concentrations in water in accordance with NSF/ANSI standard 53 or 58, as in effect on the effective date of the local law that added this section, or such other standard as such department may adopt by rule, provided that if electing to comply with this paragraph, such owner shall at least once in each year, in a time and manner established by such department, provide such department with a certification describing the manner of such compliance and provide a copy of such certification to a lawful occupant of such unit; or

3. Except as provided in subdivision b of this section, at least once in each year cause a sample of water from each fixture that supplies water for drinking or cooking purposes in such unit to be analyzed for lead by a laboratory certified by the United States environmental protection agency, or a state agency of appropriate jurisdiction, to analyze water samples for lead and provide a copy of the results of such analysis to a lawful occupant of such unit.

b. 1. For a dwelling unit in a building erected before June 19, 1988, the owner may only elect to comply with paragraph 3 of subdivision a of this section if the department of health and mental hygiene has authorized such election for such unit based upon submission of an application, in a form and manner established by such department, showing that (i) a person performed tests, using a lead test kit registered by the United States

environmental protection agency pursuant to section 745.88 of title 40 of the code of federal regulations, of the pipes, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes to such unit to determine the lead content thereof, (ii) such person determined that such tests yielded negative responses for lead, (iii) such person is a certified renovator, as such term is defined in section 745.83 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this section, or is otherwise approved to perform such tests by such department, the department of buildings or another agency designated by the mayor, (iv) such application includes a copy of the results of such tests certified by such person and (v) a copy of such application was provided to a lawful occupant of such unit.

2. The department of health and mental hygiene may reduce the frequency of sampling for a dwelling unit under paragraph 3 of subdivision a of this section from once in each year to once in every three years upon submission of an application, in a form established by such department, showing that for each of the immediately preceding three years, the results of sampling in accordance with such paragraph have indicated that lead levels in such samples were below the water lead action level established by rule of the department of health and mental hygiene.

c. If a test that is required by federal, state or local law or rule, or an order issued by a court or a federal, state or local agency having appropriate jurisdiction, indicates that water supplied for drinking or cooking in a dwelling unit in a multiple dwelling has a lead level at or above the water lead action level established by rule of the department of health and mental hygiene, the owner of such unit shall:

1. Notify the department of health and mental hygiene in a time and manner established by such department; and

2. Comply with paragraph 1 or 2 of subdivision a of this section, except that an owner who provides a water filtration pitcher or installs a water filtration or treatment system pursuant to such paragraphs need not thereafter replace such pitcher or system in accordance with such paragraphs if such owner submits to the department of health and mental hygiene, in a time and manner established by such department, a certification

showing that (i) a sample of water was obtained from each fixture in such unit that supplies water for drinking or cooking purposes, (ii) each such sample was obtained after the provision of such filter or installation of such system but did not include water that passed through such filter or system, (iii) each such sample was analyzed for lead by a laboratory certified to perform such analysis by the United States environmental protection agency, or a state agency having appropriate jurisdiction, (iv) such analysis indicates that the lead level of each such sample is below the water lead action levels established by rule of the department of health and mental hygiene, provided that such certification shall include a copy of the results of such analysis as provided by such laboratory, and (v) a copy of such certification was provided to a lawful occupant of such unit.

d. The owner of a dwelling unit in a private dwelling erected before June 19, 1988, shall, before execution of a sale of such unit to a person other than a member of the owner's family, provide to the prospective purchaser a certification from a person who (i) performed tests, using a lead test kit registered by the United States environmental protection agency pursuant to section 745.88 of title 40 of the code of federal regulations, of the pipes, pipe fittings, joints, valves, faucets and fixture fittings utilized to supply water for drinking or cooking purposes to such unit to determine the lead content thereof and (ii) is a certified renovator, as such term is defined in section 745.83 of title 40 of the code of federal regulations, as in effect on the effective date of the local law that added this section, or is otherwise approved to perform such tests by such department, the department of buildings or another agency designated by the mayor, provided further that such certification shall include a copy of the results of such tests.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene and the commissioner of housing preservation and development may take such actions as are necessary for implementation of this local law, including the promulgation of rules, before such effective date.

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