

SUMMARY OF INTRO 101A (N.Y. CITY CHILDHOOD LEAD POISONING PREVENTION ACT)

Sponsors:	Perkins, Lopez, Quinn, Reed, Boyland, Rivera, Brewer, Jackson, Liu, Yassky, Barron, Reyna, Clarke, Sanders, Recchia, Vann, Katz, Gerson, Gioia, Baez, DeBlasio, Serrano, Foster, Monseratte, Jennings, Seabrook, Davis, Addabbo, Moskowitz, Koppell, Martinez, Gonzalez, Espada, Avella, Comrie, Weprin, the Speaker (Council Member Miller) and Gotbaum (the Public Advocate).
Housing Policy:	This bill replaces Local Law 1 of 1982, as well as Local Law 38 of 1999 (which inadequately protected children and was struck down by New York's high court). Under this bill, landlords must inspect every apartment with a child under 7 for conditions that may cause lead exposure, and correct. The bill extends J-51 tax incentives for landlords who undertake lead poisoning prevention activities in low-income housing. The City, primarily in response to complaints, will inspect for peeling lead paint and underlying building defects likely to cause lead paint to peel. The City will also inspect other child-occupied units in building when a lead violation is identified. The City's duty to correct these violations, when a landlord doesn't, is prompt and mandatory.
Landlord Inspections:	Landlords will verify whether a child under 7 resides in an apartment and, if so, conduct an inspection at least annually, and more often if necessary, for lead paint hazards. They will look for peeling paint, evidence of friction or chipping, and underlying conditions that may cause paint to peel, and promptly correct any hazard. Landlords must provide written notice to tenants of landlord's obligation to inspect for and repair lead paint hazards and tenant's obligation to provide access.
Violations:	Apartments with children under 7 and public areas must be free of peeling lead paint. Whether in response to a complaint or during the course of a routine inspection, HPD will issue a class C immediately hazardous violation for peeling lead paint and underlying problems that affect paint, such as water leaks.
Measures Upon Turnover:	Upon turnover (and sometimes sooner), landlords will take measures to make apartments lead safe . These include permanently removing or covering lead paint on the friction surfaces of windows and on the contact areas of doors, and repairing window sills and floors to enhance removal of lead-laden dust ordinary cleaning practices.
HPD Inspections:	When HPD conducts an inspection, it will inquire whether a child under the age of seven resides in an apartment. If so, the inspector must make a thorough, surface-by-surface visual inspection for peeling paint and evidence of underlying defects, and will use an XRF testing device, or use the statutory presumption of lead if XRF unavailable. (Allowance for an inspection at a later date is provided when HPD is conducting a heat and hot water inspection.) After HPD serves a violation, landlords will have 21 days to make repairs using DoH lead paint safety procedures. If a landlord needs more time, HPD may extend the time to comply up to 60 days. When, however, a landlord fails to comply with a notice of violation, HPD will be responsible for correcting the violation. To ensure enforcement, HPD and DoH inspectors must receive training required by the federal EPA for private sector inspectors and the City's inspectors must demonstrate a working knowledge of EPA and NYC requirements. HPD also must establish an aggressive inspection program , to find properties where a likelihood of lead paint hazards exist, rather than react solely to tenant complaints. This inspection program should be implemented in conjunction with HPD's "Anti-Abandonment Program," in which distressed buildings are identified.
Record Keeping:	Performance goals are established. If goals are not achieved, DoH will make recommendations for improving the existing legislation and regulations. HPD and DoH must collect appropriate data to gauge the law's implementation by the City and the usefulness of this approach.
Day Care Facilities :	In day care facilities, peeling lead paint must be removed in accordance with safety procedures issued by DoH. Windows, radiators and exposed pipes with lead paint must be abated by September 1, 2004.
Work Practices, Occupational Health:	Removal of lead hazards must be done according to DoH safety standards by trained, qualified personnel, with clearance dust testing to assure proper cleanup. Landlords must provide temporary relocation if the work cannot be performed without endangering tenants.