

NOTICE OF ADOPTION OF FINAL RULE

Department of Environmental Protection

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION by Section 1043 of the City Charter and Section 24-154 of the Administrative Code, that the Department of Environmental Protection promulgates and adopts rules for the filing of notices of mold remediation projects.

Statement of Basis and Purpose of Rule

Local Law Number 61 of 2018 amended the Administrative Code by adding a new Section 24-154, which provides that, before the performance of mold remediation work in certain buildings, the New York State-licensed mold remediation contractor must file a notice of mold remediation with DEP no later than two business days before the project start date.

Section 24-154(c)(3)(b) further provides that notice may be filed within 24 hours after the project starts, instead of at least two days before, if the mold condition to be remediated poses an immediate risk of harm to any person or damage to property. The purpose of this rule is to establish when such a risk of harm exists.

DEP is adopting this rule in conjunction with the Departments of Health and Mental Hygiene, Housing Preservation and Development and Buildings, as required by Section 24-154(c)(3)(b).

No comments were received on the rule.

Consistent with the above, DEP promulgates the following rule to be found at Chapter 58 in Title 15 of the Rules of the City of New York.

Final Rule

Section 1. Title 15 of the Rules of the City of New York is amended by adding a new Chapter 58 to read as follows:

Chapter 58 Notification of Mold Remediation

§58-01 Applicability

(a) This rule applies to mold remediation projects for which a notification to the department of environmental protection is required pursuant to § 24-154 of the administrative code.

§58-02 Conditions that Pose an Immediate Threat of Harm to Any Person or Damage to Property.

(a) To determine if a notification of mold remediation must be filed pursuant to § 24-154 of the administrative code, an immediate risk of harm to any person or damage to property is considered to exist when any of the following are present in the dwelling to be remediated:

(1) At least 30 square feet or more of visible mold within one room.

(2) Excessive water accumulation or flooding.

(b) Before commencing work, the mold remediation contractor must determine if any of the conditions listed in subdivision (a) exist, and must indicate in the mold remediation notice which, if any of these conditions exist, and attach appropriate documentation of said condition.

