

LEAD-BASED PAINT AFFIDAVIT OF COMPLIANCE (AF-5): VIOLATIONS CORRECTED AFTER AUGUST 1, 2004

Property owners must submit this affidavit (AF-5) with the documentation required by the affidavit for lead-based paint violations **corrected after August 1, 2004 and overdue (not timely or validly certified)**. Violations corrected after August 1, 2004 would include:

- **All Local Law 1 of 2004 violations (ORDER NUMBERS 616 AND 617)**
- **All lead-based paint hazard violations issued prior to August 1, 2004 if the actual repair work was completed after August 1, 2004. This includes violations which HPD observed to be not corrected after August 1, 2004. (ORDER NUMBERS 555, 610, 611 AND 612) .**

Overdue LEAD-BASED PAINT HAZARD VIOLATIONS on record with the Department of Housing Preservation and Development (HPD) can be dismissed **ONLY IF**:

- ✓ HPD has inspected and found the work properly completed. You can check HPD's website at www.nyc.gov/hpd and use HPDONLINE from the home page to determine if HPD has already inspected.
 - If the violation has **not** already been observed corrected by HPD and the violation is marked as INSPECTION REQUIRED, a properly completed Dismissal Request form with the appropriate fee must also be submitted to HPD. You can obtain a Dismissal Request form at www.nyc.gov/hpd.
- ✓ The appropriate work practices were used to correct the condition. A detailed description of the work practices that must be used to correct lead paint hazard violations after August 1, 2004 is included in an HPD pamphlet – GUIDE TO LOCAL LAW #1 OF 2004 WORK PRACTICES - available at the Borough Offices and on the HPD website (nyc.gov/hpd). If you have any questions, you may speak with the Public Interviewer at a Code Enforcement Borough Office, call the Lead Hotline at (212) 863-6458, or visit the HPD website at NYC.gov/hpd.
- ✓ The appropriate documentation regarding the work methods and cleanup process is submitted with a properly completed AF-5 form. The documentation must reflect that the work was properly completed.

To properly complete this affidavit:

- The validly registered owner or agent must complete the form (See www.nyc.gov/hpd for information about property registration.)
- Indicate one or multiple violation sequence numbers for violations corrected and tested at the same time within a single apartment.
- Attach the following documents:
 - a. A sworn statement made by the EPA firm's authorized agent or individual who performed the work to correct the lead-based paint hazard violation(s) stating that the work was performed in accordance with §27-2056.11 of Article 14 of the Housing Maintenance Code and §11-06 of Title 28 of the Rules of the City of New York, **the start and completion date of the work, address and contact information (phone or fax) for the EPA firm that completed the work. (A sample can be found at <http://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).**
 - b. A copy of the EPA certification for the firm that performed the work to correct the lead-based paint hazard violation(s)
 - c. A copy of the State-certified laboratory analysis of all surface dust samples taken (<http://www.wadsworth.org/regulatory/elap/certified-labs> provides a list of certified laboratories) which indicates the method of preparation and analysis of the samples.
 - d. An affidavit from the individual who took the surface dust sample, verifying the date the sample was taken and indicating the address/apartment where the sample was taken.
 - e. A copy of the Certificate of Training of the individual who took surface dust samples. The Certificate of Training must be valid for the period when the test was taken.

- Sign in front of a notary public, who must also sign and affix their stamp on the form
- Submit to an HPD Borough Office (see below) with or without a Dismissal Request form. Again, properly completed Dismissal Requests (with the appropriate fee) are required if HPD has not already inspected the condition and found that the condition no longer exists.

Borough	Address	Telephone Number	Hours
Manhattan	94 Old Broadway, 7th Floor New York, NY 10027	(212) 863 -5030	M-F 9am-4pm
Bronx	1932 Arthur Avenue, 3rd Floor Bronx, NY 10457	(212) 863 - 7050	M-F 9am-4pm
Brooklyn	701 Euclid Avenue Brooklyn, NY 11208	(212) 863 - 6620	M-F 9am-4pm
Brooklyn	210 Joralemon Street, Room 806 Brooklyn, NY 11201	(212) 863 - 8060	M-F 9am-4pm
Queens	120-55 Queens Boulevard Kew Gardens, NY 11424	(212) 863 - 5990	M-F 9am-4pm
Staten Island	Staten Island Borough Hall Staten Island, NY 10301	(212) 863 - 8100	M-F 9am-4pm

IMPORTANT NOTICE ABOUT THE COMPLETION OF WORK: Please be advised that the New York City Department of Health and Mental Hygiene Orders prohibit certain companies from performing lead paint testing, lead dust sampling, lead paint and lead dust analysis or lead abatement work. Consult DOHMH's website at: <http://www1.nyc.gov/site/doh/health/health-topics/lead-poisoning-information-for-building-owners.page> to access a listing of these companies. Certifications for corrections of HPD violations will be rejected should one of the companies identified on DOHMH's website complete work or testing related to these violations.



AFFIDAVIT OF COMPLIANCE (AF-5)

LEAD-BASED PAINT HAZARD VIOLATIONS - WORK COMPLETED AFTER AUGUST 1, 2004

Violation Number(s): _____

Apt # _____

State of New York

} ss:

County of _____

I, _____, swear or affirm under penalty of perjury as follows:

(type or print name)

1. That I am over twenty-one years of age and am the registered owner and/or managing agent of the subject premises,

_____,
(type or print entire building address, including borough)

Property Registration number _____;

2. That I have read HPD's "Guide to Local Law 1 of 2004 Work Practices" and am aware of the work practices required to correct lead-based paint hazards safely and in accordance with all applicable laws;

3. That the work undertaken to correct the above-referenced violation(s) was performed in accordance with the required work practices;

4. That I have attached a sworn statement made by the EPA firm's authorized agent or employee who performed the work to correct the lead-based paint hazard violation(s) stating that the work was performed in accordance with §27-2056.11 of Article 14 of the Housing Maintenance Code and §11-06 of Title 28 of the Rules of the City of New York;

5. That I have attached a copy of the EPA certification for the firm that performed the work to correct the lead-based paint hazard violation(s);

6. That I have caused a lead-contaminated dust clearance test ("clearance test") to be performed by an independent third party on _____ (date), _____ (year), and I have attached to this form:

a) the results of the lead-contaminated dust clearance test from a laboratory certified by the New York State Environmental Laboratory Approval Program or proof that HPD performed the test, and

b) an affidavit from the individual who took the surface dust sample, verifying the date the sample was taken and indicating the address/apartment where the sample was taken; and

c) a copy of the Certificate of Training for the individual who performed the lead-contaminated dust clearance test or proof that HPD performed the test.

Sworn to before me this

_____ *day of* _____

Signature

Notary Public

Lead-Based Paint Affidavit AF-5 rev June 2016)

