

CONTESTATION OF LEAD-BASED PAINT VIOLATION

This form may only be used to contest lead-based paint violations that: (1) were not tested for the presence of lead-based paint by HPD; (2) are violations for metal surfaces ONLY for which HPD test results were inconclusive; or (3) were not tested for the presence of lead-based paint by HPD and the owner believes the building was erected after January 1, 1960.

Owner- Please mail this form and attached documents to: Department of Housing Preservation and Development, 100 Gold Street, Room 6G4, New York, NY 10038

Item Nos. not tested by HPD (violations):

Item Nos. tested inconclusive by HPD (metal surfaces only) (violations):

Building Information:

Borough _____ Address _____ Zip Code: _____

Owner Information:

Name: _____ Tel No: _____ E-mail: _____

Borough _____ Address _____ Zip Code: _____

Dear Director:

I am writing to contest the above referenced lead-based paint hazard violation(s). The violations that I am contesting are for surfaces which were not tested by HPD; were violations on metal surfaces that were tested by HPD and results were inconclusive (as indicated above); or were surfaces that were not tested by HPD and the building was erected after January 1, 1960. I understand that this form must be completely filled out and notarized and that all supporting documentation must be submitted with this form not later than six days prior to the date set for correction in the notice(s) of violation(s) in order for HPD to consider this contestation.

- I _____ (print name and check applicable box) am
- the registered owner of the above referenced multiple dwelling;
 - a registered officer or director of a corporate owner of the above referenced multiple dwelling;
 - the registered managing agent of the above referenced multiple dwelling;
 - the shareholder of record on a proprietary lease on the above referenced dwelling unit;
 - the owner of record for the above referenced condominium unit;

1. Contestation based upon content of lead in paint - surfaces not tested by HPD:

I have attached all of the following documents to support this contestation:

- The results of the lead-based paint testing and/or paint chip laboratory analysis (paint chip analysis is only accepted for small metal surface components that cannot be properly XRF tested), including a description of the testing/analysis methodology and the manufacturer and model of the instrument used to perform testing (*The paint chip laboratory analysis results are provided in mg/cm2.);
- A sworn written statement by the person who performed the testing and sampling, using the attached form, stating that such testing or sampling was performed in accordance with §27-2056.2.(7) and §27-2056.5 of Article 14 of the Housing Maintenance Code and the rules promulgated thereunder; and, if paint chip sampling was performed, additionally stating that such sampling was done in accordance with 40 CFR §745.227;
- A copy of the certificate of training of the person who performed the testing or sampling as well as a copy of the NY State ELAP certification for the laboratory that performed any paint chip analysis;
- A copy of the inspection report provided by the person who performed the testing or sampling, which includes a description of the surfaces in each room where the testing or sampling took place.

CONTESTATION OF LEAD-BASED PAINT VIOLATION

2. Contestation based upon content of lead in paint - metal surfaces only that tested inconclusive by HPD:

I have attached all of the following documents to support this contestation:

- A chain of custody document for the paint chip samples taken from the contested area.
- The laboratory analysis of the paint chip samples. The paint chip laboratory analysis results are provided in mg/cm²;
- A sworn written statement by the person who performed the sampling, using the attached form, stating that such sampling was performed in accordance with §27-2056.2.(7) and §27-2056.5 of Article 14 of the Housing Maintenance Code and the rules promulgated thereunder and that such sampling was done in accordance with 40 CFR §745.227
- A copy of the certificate of training of the person who performed the sampling
- A copy of the NY State ELAP certification for the laboratory that performed the paint chip analysis;
- A copy of the inspection report provided by the person who performed the sampling, which includes a description of the surfaces in each room where the sampling took place.

3. Contestation based upon date the subject multiple dwelling was erected- surfaces not tested by HPD:

- I have submitted documentation that the above referenced multiple dwelling was erected after January 1, 1960. I understand that if HPD accepts this contestation based upon the date that the multiple dwelling was erected, that HPD may perform further testing in the subject dwelling unit to determine the lead content of paint.

I understand that HPD will inform both myself, and the occupant of the unit of the results of this contestation in writing.

State of New York)
County of _____)

(Authorized Signature)

Sworn to before me this
_____ day of _____

THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
DIVISION OF CODE ENFORCEMENT

Nov Id:

CONTESTATION OF LEAD-BASED PAINT VIOLATION

AFFIDAVIT BY LEAD-BASED PAINT TESTER/SAMPLER

Re: Item Nos. not tested by HPD (violations):

Item Nos. tested inconclusive by HPD (metal surfaces only) (violations):

I _____ (print name), performed the testing and/or sampling for lead-based paint at the premises located at _____ (address, including apartment number) on _____ (date). I am certified as an inspector or risk assessor in accordance with subparts L and Q of 40 CFR part 745. I performed the testing and/or sampling in accordance with 40 CFR § 745.227

I have attached a copy of my certificate of training to this affidavit.

State of New York _____)
County of _____)

(Signature)

Sworn to before me this _____ day of _____