



HPD's Office of Enforcement and Neighborhood Services (ENS)

Indoor Allergen Hazards: Requirements for Multiple Dwellings



Local Law 55 of 2018

Indoor allergen hazard. The term “indoor allergen hazard” means any indoor infestation of cockroaches, mice, or rats or conditions conducive to such infestation, or an indoor mold hazard.

Indoor mold hazard. The term “indoor mold hazard” means any condition of mold growth on an indoor surface, building structure or ventilation system, including mold that is within wall cavities, that is likely to cause harm to a person or that has been cited as a violation by the department.



Property Owner Requirements Under Local Law 55

1. Prior to the reoccupancy of any unit, use safe work practices and integrated pest management to remediate all visible mold and pest infestations, and any underlying defects in the unit (such as leaks).
2. Annually inspect units for indoor allergen hazards: mice, cockroaches, rats, and mold. Inspect as necessary, when an owner knows or should have known of a condition that causes a pest infestation or mold occurs or when a tenant notifies an owner of an infestation or requests an inspection of a condition that is likely to cause pest infestation or mold. There are no required qualifications to conduct these annual inspections.
3. Provide an **annual notice** and DOHMH's **Local Law 55 fact sheet** to prospective and current tenants at the time of lease renewal.
4. Use integrated pest management to address pest infestations.
5. Use the prescribed safe work practices to fix mold and underlying defects or (when required) hire a mold assessor and mold remediator to do so.
6. Timely correct and certify violations issued by HPD.



Addressing Pest Infestation

- Property owner, an employee or a contractor must use Integrated Pest Management Practices.
- **Integrated Pest Management Practices Include:**
 - Inspecting for, and physically remove pest nests, waste, and other debris by High Efficiency Particulate Air (HEPA) vacuuming;
 - Eliminating sources of water for pests by repairing drains, faucets, and other plumbing materials that accumulate water or leak;
 - Using pesticides sparingly, and **only when applied by a NYS-licensed pest professional**. Use of pesticides cannot and does not replace the need to use integrated pest management practices to address the infestation;
 - Property owners must not only exterminate but must take steps to keep pests out by repairing cracks and blocking other entranceways for pests and by addressing harborages.



Addressing Mold Conditions

Under Local Law 55, property owners of properties with under 10 units or less than 10 square feet of mold must follow safe work practices outlined in the law when remediating mold and are **not** required to hire licensed mold contractors. Property owners of properties with 10 units or more must hire licensed mold assessors and mold remediators if there is 10 square feet or more of mold.

Safe Work Practices Include:

- Investigating and correcting any underlying defects, including moisture or leak conditions;
- Minimizing the dispersion of dust and debris from the work area to other parts of the dwelling unit;
- Using HEPA vacuum-shrouded tools or a vacuum equipped with a HEPA filter at the point of dust generation;
- Cleaning mold with soap or detergent and water;
- Cleaning any remaining visible dust from the work area using wet cleaning methods or HEPA vacuuming.



Enforcement Protocol

- In addition to responding to complaints filed with 311 about mold, mice and roaches, HPD must now proactively ask tenants if they have:
 - Mold
 - Mice
 - Roaches
 - Rats
- HPD must also:
 - Distribute the allergen hazards pamphlet upon inspection
 - Send a Notice of Issuance of Violation to the tenants if violations are issued.



Nine Point Inspection

1. Window guards (required where a child under 11 resides)
2. Double cylinder locks
3. Illegal bars at egress windows
4. Missing/defective smoke detectors
5. Carbon monoxide detectors
6. Peeling paint (if a child under six years of age resides in the unit)
7. Self-closing doors

In 2019:

8. Mold

9. Pests (Defined under Local Law 55 as Mice, Cockroaches, Rats)

Understanding Mold Violations and Requirements

For certification, property owners are required to submit the Certificate of Correction ascertaining that the work was done in accordance with LL55.

Multiple Dwellings Under 10 Units and Private Dwellings			
Violation Class	Remediation Work Must Be Completed By	Document Required	Additional Document(s) Required
A, B, and C	Owner/Managing Agent/Employee; OR	Certificate of Correction	NONE; OR
	Mold Remediation Contractor and Mold Assessment Contractor		Copy of Mold Assessment Contractor License; AND
			Copy Mold Remediation License OR the Mold Remediation Supervisor License
Multiple Dwellings with 10 Units or Above			
Violation Class	Remediation Work Must Be Completed By	Document Required	Additional Document(s) Required
A (less than 10 square feet of visible mold per room)	Owner/Managing Agent/Employee; OR	Certificate of Correction	NONE; OR
	Mold Remediation Contractor and Mold Assessment Contractor		Copy of Mold Assessment Contractor License; AND
			Copy Mold Remediation License OR the Mold Remediation Supervisor License
B and C (greater than or equal to 10 square feet of visible mold per room)	Mold Remediation Contractor and Mold Assessment Contractor	Document(s) Required	
		Certificate of Correction	
		Copy of Mold Assessment Contractor License	
		Copy Mold Remediation License OR the Mold Remediation Supervisor License	
		Affidavit of Remediation	
		Affidavit of Assessment	
		Department of Environmental Protection's (DEP) filing receipts for required notices (to be provided to you by the mold remediator and the mold assessor).	



Contractor requirements – Local Law 61 of 2018

- Mold contractors must be licensed by NYS and follow the minimum work standards as outlined in Article 32 of the New York State Labor Law. Property owners can look up licensed mold contractors at <https://www.labor.ny.gov/workerprotection/safetyhealth/mold/licensing.shtm> .
- Local Law 61 of 2018 requires the use of an independent **licensed** mold remediator and mold assessor when a property owner of a building with 10 or more units is addressing mold over 10 square feet (whether or not the work is done pursuant to a violation).
- Local Law 61 also required those contractors to file with the NYC Department of Environmental Protection.
 - The person holding a mold assessment license is required to file a Post-Remediation Assessment Form and Mold Post-Remediation Certification with the Department of Environmental Protection (DEP).
 - The person holding a mold remediation license is required to file the Mold Remediation Work Plan with DEP.
- HPD enforces these regulations by requiring documentation from the mold assessor and mold remediator to be included with the Certification of Correction for mold violations issued for more than 10 square feet in a building with 10 or more units.

Mold - Notices of Violation

*Buildings under 10 Units (Class A, B, C violations)
or 10 or More Units (Class A violations)*

CIV 194 MOLD (REV. 2/2019) Under 10 Units (Class A, B, and C Violation) or 10 or More Units (Class A Violation)

AGENCY COPY

CERTIFICATION OF CORRECTION OF VIOLATION(S)

Complete entire form and sign below.

State of New York

)SS:

County of _____

I, _____ (PRINT NAME), swear or affirm under penalty of perjury as follows:

1. _____ That the building is a multiple dwelling, or is a one- or two-family house and neither I nor any family member occupies it, and, I am currently registered with the Division of Code Enforcement for the subject property in the capacity of:

- Owner of the property
- Officer or Director of the Corporation that owns the property
- Managing Agent of the property, or
- Otherwise registered as responsible for the property

OR

_____ That I am the owner of a one or two family house and I or my immediate family member occupies the dwelling, and therefore are not required to register.

Mold Conditions – Notices of Violation

Buildings under 10 Units (Class A, B, C violations)

or 10 or More Units (Class A violations)

2. That I have examined the area(s) identified on the Notice of Violation ID _____ by violation(s) number(s) _____ and to my knowledge such violation(s) whose number(s) I have listed was (were) corrected, including the source of the mold condition, in accordance with the safe work practices outlined in Administrative Code §27-2017.9 and 28 RCNY §54-04(b) on _____ (date) by:

____ Myself, an employee, or managing agent _____
Print Name

OR

____ That if a firm was used to perform mold assessment and mold remediation or abatement all work was performed in accordance with Article 32 of New York State Labor Law using safe work practices as outlined in Administrative Code §27-2017.9 and 28 RCNY §54-04(b). And I have attached the following:

- A copy of the Mold Assessment Contractor license _____
Firm Name

AND

- A copy of the Mold Remediation Contractor license
OR the Mold Remediator's Worker Supervisor's license _____
Firm Name

Mold Conditions – Notices of Violation

10 Units or Above (Class B, C violations)

CIV 194 MOLD (REV. 2/2019) 10 or More Units (Class B and C)

AGENCY COPY

CERTIFICATION OF CORRECTION OF VIOLATION(S)

Complete entire form and sign below.

State of New York

)SS:

County of _____

I, _____ (PRINT NAME), swear or affirm under penalty of perjury as follows:

1. _____ That the building is a multiple dwelling and I am currently registered with the Division of Code Enforcement for the subject property in the capacity of:

- Owner of the property
- Officer or Director of the Corporation that owns the property
- Managing Agent of the property, or
- Otherwise registered as responsible for the property

Mold Conditions – Notices of Violation

10 Units or Above (Class B, C)

2. That I have examined the area(s) identified on Notice of Violation ID _____ by violation(s) number(s) _____ and to my knowledge such violation(s) whose number(s) I have listed was (were) corrected, including the source of the mold condition, in accordance with the safe work practices outlined in Administrative Code §27-2017.9 and 28 RCNY §54-04(b) on _____ (date) by firms licensed to perform mold assessment and mold remediation or abatement in accordance with New York State Labor Law Article 32. Accordingly, I have attached all of the following:

- A copy of the Mold Assessment Contractor license _____
Firm Name
- A copy of the Mold Remediation Contractor (or Supervisor) license _____
Firm Name
- Affidavit of Mold Assessment;
- Affidavit of Mold Remediation;
- Department of Environmental Protection's (DEP) Mold Remediator's filing receipt; AND
- DEP's Mold Assessor's filing receipt.



Mold Violations

- HPD must attempt to reinspect all class B violations.
- The law requires HPD to upgrade uncorrected conditions.
 - Class A violations will be upgraded to Class B violations based upon the failure to certify and/or correct.
 - Class B violations will be upgraded to Class C violations based upon failure to correct.
- To have older violations dismissed:
 - Reinspection is required.
 - For violations issued since January 2018, an Affidavit of Compliance will also be required.
- Class A violations have a 90 day correction period.
- Class B violations have a 30 day correction period.
- Class C violations have a 21 day correction period.

Mice, Roaches and Rats – Notices of Violations

CIV 194 PEST (REV. 2/2019)

AGENCY COPY

CERTIFICATION OF CORRECTION OF VIOLATION(S)

Complete entire form and sign below.

State of New York

)SS:

County of _____

I, _____ (PRINT NAME), swear or affirm under penalty of perjury as follows:

1. That I am the registered: (check applicable box)

- Owner of the property
- Officer or Director of the Corporation that owns the property
- Managing Agent of the property
- Otherwise registered as responsible for the property

- Can be eCertified
- Notice of Violation Certification of Correction is distinct
- Class C violations have a 21 day correction period.

Mice, Roaches and Rats Violations

2. If the building is a multiple dwelling, or I am the owner of a one or two-family house and neither I nor any family member occupies the dwelling, that I am currently registered with the Division of Code Enforcement for the subject property.
3. That I have examined the area(s) containing the violation(s) cited on the reverse side of this form and, to my knowledge such violation(s) whose number(s) I have listed below was (were) corrected on the date(s) I have indicated.
4. That, I have complied with the integrated pest management and work practices in accordance with Administrative Code §27-2017.8 and 28 RCNY § 54-04(a), including hiring certified pest management professional(s), if necessary.

NOV ID	Violation Number	Date Corrected	Name of Agent or Employee who Performed the Work	Address of Agent or Employee who Performed the Work



Postponements

- Original Mold and Pest violations can be postponed; upgraded violations cannot be postponed.

The department may postpone the date by which an immediately hazardous violation for mold, cockroaches, mice, or rats shall be corrected upon a showing, made within the time set for correction in the notice, that prompt action to correct the violation has been taken but that full correction cannot be completed within the time provided because of serious technical difficulties, inability to obtain necessary materials, funds or labor, inability to gain access to the dwelling unit wherein the violation exists, or such other portion of the building as may be necessary to make the required repair. Such postponement shall not exceed fourteen days from the date of correction set forth in the notice of violation. The department may require such other conditions as are deemed necessary to correct the violation within the time set for the postponement.