

“Get Ahead of Lead” February Briefing

Topics: Annual Notice and Investigation

Lead-based paint poisoning can cause developmental problems for children under the age of six. To limit exposure to lead-based paint hazards, [Local Law 1 of 2004](#) requires property owners of buildings built before 1960, or buildings built between 1960 and 1978 where the owner knows there is lead-based paint, to identify and remediate lead-based paint hazards in apartments where a child under age six resides.

Local Law 1 of 2004 charges the New York City Department of Housing Preservation and Development (HPD) with implementing and enforcing multiple provisions of Local Law 1.

Furthering our commitment to providing property owners information on their obligations under the law, HPD will be publishing a series of quarterly bulletins [online](#) and via email.

Each bulletin will highlight one aspect of the law and is not meant to comprehensively cover all laws and rules which apply. This bulletin is specifically focused on requirements related to annual notices and investigations.

This publication is intended for informational purposes only and is not intended as legal advice. This information is not a complete or final statement of all of the duties of owners and tenants with regard to laws and rules relating to housing in New York City.

ANNUAL NOTICE

Between January 1st and January 16th, property owners are required to distribute an [annual notice](#) to current tenants inquiring as to whether a child under six resides in the unit or will reside in the unit. This notice **must** be provided in both [English](#) and [Spanish](#).

Owners can access the annual notice by visiting [HPD’s Lead-based Paint webpage](#).

Owners may distribute the notice in one of the following ways:

- First class mail, addressed to the tenant of the dwelling unit;
- Hand delivery to the tenant of the dwelling unit;
- Enclosure with the January rent bill, if such rent bill is delivered after December fifteenth but no later than January sixteenth; or
- Delivering said notice in conjunction with the [annual notice](#) required by the Department of Health and Mental Hygiene pertaining to the installation of window guards.

Upon receipt of the annual notice, the occupant has until February 15th to provide a response to the owner indicating whether or not a child under age six resides in the dwelling unit.

INVESTIGATION

If the owner does not receive such written response by February 15th, and does not otherwise have actual knowledge as to whether a child under age six resides therein, then the owner must at reasonable times and upon reasonable notice inspect that occupant's dwelling unit to ascertain the residency of a child under age six.

If, between February 16th and March 1st, the owner has made reasonable attempts to gain access to a dwelling unit to determine if a child under age six resides in that dwelling unit and is unable to gain access, the owner is required to notify the Department of Health and Mental Hygiene of that circumstance by writing to:

Department of Health and Mental Hygiene
Re: Lead - Annual Notice and Investigation
 125 Worth Street, Room 930, CN-59A,
 New York, NY 1001

If there is a child under six either reported by the tenant in response to the annual notice, or an owner identified an apartment with a child based on the owner's access attempts, he or she must conduct a lead-based paint visual inspection. This visual inspection includes investigating the unit for peeling paint, chewable surfaces, deteriorated subsurfaces, friction surfaces and impact surfaces.

A visual inspection should be undertaken at least once a year and more often if necessary, such as when:

- The owner knows or should have known of a condition that is reasonably foreseeable to cause a lead-based paint hazard, such as a leak in the apartment;
- If a tenant makes a complaint concerning a condition that is likely to cause a lead-based paint hazard or requests an inspection;
- If the department issues a notice of violation or orders the correction of a violation that is likely to cause a lead-based paint hazard.

The owner is required to inform the tenant in writing of the results of an investigation and must provide a copy of any report received or generated by an investigation. Any documentation related to visual inspections and annual notices to occupants must be kept by the owner. In addition, documentation required under Local Law 1 must be transferred by the owner to the owner's successor in title.

For information on how to conduct a proper lead-based paint visual assessment, see the HUD Visual Assessment Training course online at

<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm> .

COMPLIANCE/RECORDKEEPING

Please note that HPD may audit you for records relating to owner's responsibilities under Local Law 1.

Property owners are required to maintain records on any work performed.

Records include investigation reports, documentation on annual inspections, and copies of signed annual notices. These records must be retained for ten years from the date of the signed documentation.

General reminders

- All leases offered to tenants or prospective tenants in such multiple dwellings must contain the [Lease/Commencement of Occupancy](#) notice in both [English](#) and [Spanish](#) (you are required to distribute both). The owner of such multiple dwelling must provide the occupant of such multiple dwelling with the [pamphlet about lead-based paint](#) in both [English](#) and [Spanish](#). Owners can find the pamphlet by visiting [HPD's Lead-based Paint landing page](#).
- Investigate lead-based paint hazards and remediate those hazards and perform all work required upon turnover of the apartment using safe work practices and trained workers. Turnover means that the dwelling unit became vacant and is being leased to a new occupant. For more information on the safe work practices read the [Guide to Local Law #1 of 2004 Work Practices](#).
- Correct any outstanding lead-based paint violations (issued under previous lead-based paint laws) using safe work practices set forth in Local Law 1 of 2004 and maintain records about work performed.
- Owners are required to keep records related to all of the above referenced activities regarding lead-based paint.

For more information about lead-based paint safe work practices and how to address HPD violations, see HPD's webpage at <https://www1.nyc.gov/site/hpd/services-and-information/lead-based-paint.page>

For more information on initiatives outlined in the LeadFree NYC plan, please visit nyc.gov/leadfree