

The Department of Housing Preservation and Development (HPD) is providing the following information to residential building owners to support compliance with NYC's Local Law 1 of 2004.

Disclaimer: This document is for informational purposes only and does not constitute legal advice. It is also not a complete statement of building owners' responsibilities relating to lead-based paint or any other topic. Requirements for contractor certification for **abatement** and the **correction of lead-based paint hazards** are provided in laws and regulations issued by the federal Environmental Protection Agency (EPA). Owners and contractors should contact EPA for assistance with those requirements. Additionally, any owner who receives housing assistance from the Department of Housing and Urban Development (HUD) may also be subject to the lead-based paint requirements of that agency.

Turnover Requirements Pursuant to Local Law 1 of 2004

Under Local Law 1, with the requirements found in [§27-2056.8](#) of the New York City Administrative Code, owners of buildings built before 1960 are required to complete lead-based paint activities when a dwelling unit changes tenants (this change of tenant is referred to as "turnover"). The work is focused on making the unit safe for a new tenant before they take occupancy and is required regardless of whether the new tenant has a child under age 6 who routinely spends 10 or more hours a week in the dwelling unit. The work must also be performed at turnover in units built between 1960-1978 if the owner has knowledge of lead-based paint. The work falls under two separate categories: **abatement** and the **correction of lead-based paint hazards**.

A more detailed summary of the work required at turnover is described in the table on the next page. A "Frequently Asked Questions" (FAQ) section follows that table.

Certified Contractors and Safe Work Practices

All the work performed at turnover must be done using safe work practices and by a contractor firm and workers who are appropriately certified by the Environmental Protection Agency (EPA).

- A contractor who performs turnover work that qualifies as **abatement** must have a firm certification to perform [abatement](#) issued by EPA (also known as a Lead-based Paint Activities certificate) and must employ EPA-certified Lead **Abatement** Workers who are supervised by an EPA-certified Lead Abatement Supervisor. **Abatement** means to permanently eliminate lead-based paint and lead-based paint hazards. This includes the removal of the lead-based paint from the surface or fixture, the replacement of the fixture, or the permanent enclosure or encapsulation of the lead-based paint.
- A contractor who performs turnover work that qualifies as the **correction of lead-based paint hazards** must have a firm certification to perform [Renovation, Repair, and Painting \(RRP\)](#) issued by EPA and must employ EPA-certified Renovators. **Correction of lead-based paint hazards** refers to non-permanent methods of correction, such as wet scraping peeling paint or making a painted surface smooth and cleanable. However, when teeth marks are found on a chewable surface, while this constitutes a lead-based paint hazard, the appropriate solution would require **abatement**, either encapsulation or permanent removal of the lead-based paint.
- More information about the difference between these two certifications can be found on the EPA website: [Lead Abatement Versus Lead RRP](#).

Dust Clearance Testing Following Work Performed

If any **abatement** or **correction of lead-based paint hazards** is done to meet the turnover requirements, following the final clean-up by the EPA-certified contractor who performed that work, then a lead-contaminated dust clearance testing must be performed by a third-party company, independent of both the owner and the contractor who performed the work. The requirements for dust clearance testing can be found in [§11-06](#) of Chapter 11 of Title 28 of the Rules of the City of New York.

The table below provides more information about the Local Law 1 turnover requirements:

	Activity Required	Category of Work	Contractor Certification	Frequency	Dust clearance required?
1	Provide for the removal of all lead-based paint on friction surfaces on all doors and door frames.	Abatement	Abatement	Upon first turnover after August 2, 2004, the effective date of Local Law 1 of 2004	Yes
2	Provide for the removal of all lead-based paint on friction surfaces on all windows or provide for the installation of replacement window channels or sliders on the friction surfaces.	Abatement	Abatement	Upon first turnover after August 2, 2004, the effective date of Local Law 1 of 2004	Yes
3	Make all bare floors, window sills and window wells in the dwelling unit smooth and cleanable.	Correction of Lead-based Paint Hazard	RRP; but may also require an Abatement firm if the owner's intent is to permanently remove or cover the lead-based paint	On every turnover in a unit that does not have a Lead Free exemption granted at 0.5mg/cm ²	Yes
4	Provide for the removal of lead-based paint on chewable surfaces with evidence of teeth marks or encapsulate the surface with a hard, puncture-resistant encapsulant.	Correction of Lead-Based Paint Hazard	Abatement	On every turnover in a unit that does not have a Lead Free exemption granted at 0.5mg/cm ²	Yes
5	Remediate all lead-based paint hazards and any underlying defects when such underlying defects exist. At a minimum this would mean wet scrape and paint.	Correction of Lead-based Paint Hazard	RRP; but may also require an Abatement firm if the owner's intent is to permanently remove or cover the lead-based paint	On every turnover in a unit that does not have a Lead Free exemption granted at 0.5mg/cm ²	Yes

Turnover FAQ

The following FAQ answers are limited to the applicability of Local Law 1 of 2004 in the performance of activities required at turnover under that law and rules. This document does not include any representation as to requirements under any other law or rules and regulations, including, but not limited to, laws and regulations administered by the federal Environmental Protection Agency or the U.S. Department of Housing and Urban Development. Owners and their contractors are responsible for following all local, state, and federal lead-based paint requirements, and should consult with their own representatives for legal advice.

1) Who can perform the turnover inspection?

An owner or an agent of the owner can perform the turnover visual inspection to look for lead-based paint hazards, such as deteriorated paint or teeth marks on chewable surfaces, and to confirm if the bare floors, window sills, and window wells are smooth and cleanable.

HPD recommends that any individual who performs the turnover visual inspection or the annual visual inspection required when a child under the age of 6 routinely spends 10 or more hours a week in a dwelling unit, take the [online visual assessment training](#) offered by the U.S. Department of Housing and Urban Development (HUD).

Any XRF testing performed to determine if a painted surface is or is not lead-based paint must be performed by an EPA-certified Lead Inspector or Risk Assessor.

HPD created sample compliance documents that can assist owners with documenting their compliance with the turnover requirements. These documents can be found [here](#). More sample documents to assist with other Local Law 1 compliance activities are available on the HPD website at www.nyc.gov/lead-based-paint.

2) If the window and door friction surfaces have already been abated and a visual inspection determines that there is no peeling or deteriorated paint, no chewable surfaces with visible teeth marks, and the bare

floors, window sills, and window wells are smooth and cleanable, is dust clearance testing required?

No, if the unit is vacant and between tenants, dust clearance testing is only required under the Local Law 1 turnover requirements when the prescribed turnover work is performed.

3) If the window and door friction surfaces have already been abated and a visual inspection determines that there is no peeling or deteriorated paint, no chewable surfaces with visible teeth marks, and the bare floors, window sills, and window wells are smooth and cleanable, but the owner simply decides they want to paint the vacant apartment for a new tenant or perform other changes to the interior of the vacant apartment, is dust clearance testing required?

No, similar to the answer to question #2 above, if the unit is vacant and between tenants, then dust clearance testing is only required under the Local Law 1 turnover requirements when the prescribed turnover work is performed. If these prescribed activities are determined to be not required at the turnover of the unit, but other work is performed to ready a vacant unit for a new tenant, then these activities are outside the prescribed turnover requirements and Local Law 1 does not require dust clearance testing.

4) If the windows, window frames, doors, and door frames are all bare metal or bare wood, do they have to be tested or abated during turnover?

No, if any window or door friction surfaces are bare metal or bare wood, then they do not need to be tested or abated as a part of the turnover requirements. Owners should indicate these surfaces are bare metal or bare wood on their unit turnover inspection form for each turnover and retain those forms for at least 10 years.

5) If a painted metal window or door friction surface tests positive for lead-based paint using an XRF instrument, is the owner required to abate or can a paint chip sample be taken to further determine if the paint is lead-based paint?

For the scenario described with a painted metal surface that tests positive, an owner would have the option to request that an EPA-certified Lead Inspector or Risk Assessor collect a paint chip sample from the painted metal surface that tested positive and send it for laboratory analysis to make a final determination of the lead content of the paint. The owner would also have this option of having a paint chip sample collected and sent for analysis if the results of the XRF instrument indicated the lead content of the paint was “inconclusive.”

If the result of the paint chip analysis is negative for lead-based paint, the owner would not have to abate the window or door friction surface but must retain all the required testing documents for at least 10 years. If the result of the paint chip analysis is positive for lead-based paint, then the owner must abate.

6) If all the metal painted doors in the building are the same, can the owner determine that the results of a paint chip analysis from one applies to all of them?

No. All XRF testing, and paint chip testing, performed by an EPA-certified Lead Inspector or Risk Assessor must be performed in accordance with the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (July 2012, et seq.). Under these guidelines, using what is referred to as the “Single Family Testing Methodology,” it would not be acceptable to apply the testing results from one door to all the same doors in the building. Testing of each component type must be performed per room or room equivalent.

7) If an owner encapsulated a painted chewable surface with evidence of teeth marks at the first turnover, does the owner have to inspect for chewable surfaces with teeth marks at the next turnover?

Yes, owners must visually inspect for, and use required work methods to address lead-based paint hazards at each turnover. A painted chewable surface with evidence of teeth marks constitutes a lead-based paint hazard, and therefore owners must visually inspect for and address such

a condition along with all other lead-based paint hazards at each turnover. This visual inspection includes surfaces where encapsulation was previously applied to abate a painted chewable surface.

- One reason is that the encapsulation material previously applied may fail. If the previously applied encapsulant on the painted chewable surface with the previous evidence of the teeth marks is in good condition, then the owner would not need to correct it again through **abatement**. However, if the encapsulant has separated from the surface it was applied to, then the process of encapsulation would need to be repeated. Additionally, if there is new evidence of teeth marks on the same painted and encapsulated chewable surface, then the process of encapsulation would also have to be repeated.
- The second reason is that the owner must also look for evidence of teeth marks on other painted chewable surfaces, not yet encapsulated, at each turnover of the unit and have those surfaces, at a minimum, encapsulated if teeth marks are found.
- The owner may also choose to have the lead-based paint permanently removed from the chewable surface, rather than have it encapsulated.

8) Does an owner have to perform the turnover requirements for a unit if that unit has been granted an exemption by HPD?

No, the Local Law 1 turnover requirements are not required if a unit has been granted a Lead Free exemption tested at 0.5 mg/cm^2 , the new threshold for lead-based paint effective December 1, 2021.

However, any unit that was previously granted an exemption under the testing level of 1.0 mg/cm^2 for a dwelling unit loses that exemption status at the first turnover of that unit and must perform the turnover requirements as well as [report](#) the occurrence of that turnover to HPD for revocation of the exemption. In order to not have to perform the required turnover activities in the future, the owner would be required to submit a new

exemption application for the unit and be granted a new Lead Free exemption status for the unit based on testing conducted with an XRF machine approved and programmed to test at the level of 0.5 mg/cm².

Additional Resources

If you have more questions about the turnover requirements, you may contact the HPD Lead Audit Unit at 212-863-5501, option 5.

For more information about owner responsibilities under Local Law of 2004, including the required annual notice, annual visual inspection, and safe work practices, as well as read an [FAQ document](#) on the change to the definition of lead-based paint from 1.0 mg/cm² to 0.5 mg/cm², owners can visit the HPD lead-based paint webpage at: www.nyc.gov/lead-based-paint.

From that webpage, owners can also access information about the [Lead Hazard Reduction and Healthy Homes Program](#), which offers grants to help building owners fix lead-based paint hazards.