

## “Get Ahead of Lead” Monthly Briefing: July 2020

Dear Property Owners,

Furthering our commitment to providing you with information and updates about your responsibilities and obligations under Local Law 1 of 2004, the Department of Housing Preservation and Development (HPD) will publish a series of informational briefings. Each briefing will highlight one aspect of the law but will not comprehensively cover all laws and rules that apply.

This publication is intended for informational purposes only and not intended as legal advice. This information is not a complete or final statement of all the duties of owners and tenants about laws and rules relating to housing in New York City. Please visit the [HPD lead-based paint webpage](#) to read this briefing and past briefings in other languages. [nyc.gov/lead-based-paint](#)

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### UPDATE: Property Registration

Please note that our offices are not currently open for walk-in registration assistance. If you require assistance, please reach out via email ([Register@hpd.nyc.gov](mailto:Register@hpd.nyc.gov)) or telephone (**212-863-7000**). Form mailings has started, and Brooklyn property owners should have already received their forms, followed by the Bronx, Manhattan, Queens, and Staten Island. If you wish to receive a certified copy of your registration once it is valid, please mail HPD the [REQUEST FOR CERTIFIED COPY OF PROPERTY REGISTRATION](#) with the appropriate payment (\$8 per building).

### Frequently Asked Question

- 1. I have a 2-family home. I checked HPD’s website ([HPD ONLINE](#)) for my building and it shows that my address is a 2-family home. Do I have to answer the new Section 14? I thought Local Law 1 didn’t apply to my property.**

If you have confirmed that HPD records reflect that you own a 1- or 2-family home, you can leave the lead-based paint questions (Section 14) unanswered on your property registration form. However, you are currently required to comply with the Turnover requirement in Local Law 1 of 2004 (see section 27-2056.8). Also, be advised that starting in February 2021, you will be required to comply with Local Law 1 in its entirety for any units in the building that are not occupied by the owner or members of the owner's family. Requirements of Local Law 1 can be found on the [HPD's website](#).

If HPD records reflect that your property has more than two residential units, contact HPD at [codevios@hpd.nyc.gov](mailto:codevios@hpd.nyc.gov) and provide your evidence that the property is a legal 1- or 2-family home.

**2. Significant alterations have occurred in my property such that all lead-based paint components have been removed. Do I still need to comply with Local Law 1 and answer the new Section 14?**

Yes, you do. Unless you have a Certificate of Occupancy for a New Building (N.B.) built since 1960, you are required to comply with Local Law 1. However, you may wish to find out more about how to apply to HPD for exemption from the presumption of lead-based paint. Receiving an exemption will mean that you no longer must comply with the requirements of Local Law 1 if your apartment / building is Lead Free. Owners of Lead Safe apartments / buildings will still need to conduct regular monitoring to ensure that lead-based paint is not exposed. Visit the [HPD lead-based webpage](#) and read the “Exemptions” section below to learn more about the exemptions program and process.

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**UPDATE: HPD Inspections and Violations**

HPD has resumed conducting inspections in response to Dismissal Request applications submitted by property owners. Our staff are reaching out to the contacts indicated on the application, generally based on the timing of the submission, to schedule these inspections. We appreciate your patience as we work through our backlog. We remind you that it is in your interest to let your tenants know in advance that these inspections are being scheduled so that they can be asked to provide access to HPD Housing Inspectors. Our Housing Inspectors will be wearing face coverings during all inspections and will be requesting that tenants also wear face coverings while the Housing Inspector is in their apartment; any building staff on site during the inspection should also be wearing a face covering. Access to all public areas where violations exist should be provided to maximize the ability of Housing Inspectors to observe conditions. We encourage you, as always, to be sure that there are no new immediately hazardous conditions that the Housing Inspector can observe during the course of the inspection and that all of the conditions that Housing Inspectors regularly look for have been addressed prior to an inspection (see the [HPD webpage](#) for information on the conditions HPD Inspectors will be looking for and how to submit a Dismissal Request).

Failure to correct and certify the correction of violations, or to ensure that your property accurately represents the conditions at your building, puts your property at risk of being selected for one of HPD’s special enforcement programs, such as the Underlying Conditions Program or the Alternative Enforcement Program even if you in fact correct the condition.

In the future, outstanding HPD violations will also affect your ability to obtain permits from the Department of Buildings. Local Law 104 of 2019 requires DOB, with limited exceptions, to deny a building permit when a building of fewer than 35 dwelling units has three or more open, immediately hazardous or hazardous housing maintenance code violations or immediately hazardous or major construction code violations per unit, or, when a building has 35 dwelling units or more, it has two or more open, immediately hazardous or hazardous housing maintenance code violations or immediately hazardous or major construction code violations per unit.

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**UPDATE: Exemptions Frequently Asked Questions**

Property owners can hire qualified companies to conduct testing to determine whether there is lead-based paint in their buildings and work proactively to reduce the liability associated with lead-based paint. Local Law 1 of 2004 provides for an exemption from certain provisions of the law based on submission of the required test and documentation. Visit the HPD webpage to learn more about the exemptions process ([Frequently Asked Questions](#)) and download the [application](#).

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### **City Offers Financial Assistance to Fix Lead Paint Hazards**

HPD and DOHMH are currently offering grants to eligible rental property owners to fix lead paint hazards in apartments, building common areas and fire escapes through their Lead Hazard Reduction and Healthy Homes Program.

The program provides grant funding averaging \$8-10K per apartment (depending on need) to repair lead paint hazards through a combination of abatement (removal and replacement of deteriorated lead paint components) and interim controls (treating lead paint surfaces to bring them to an intact condition). The program can also selectively fund certain other repairs designed to address non-lead paint hazards such as trip / fall hazards, fire hazards, inoperable doors / windows, and others. Owners are not required to pay back these grants.

A building must meet the following criteria to qualify: it must be located in the five boroughs; it must have been built prior to 1960; the majority of apartment units must be occupied by tenants with low- and very-low incomes; and at least some apartment units in the building must be occupied by families with a child / children under age six, or a pregnant woman, or visited frequently by a child under age six. In addition, the owner must agree, for five years following the repair work, to rent treated units to low-income tenants and give priority to families with young children. Don't wait! Get ahead of your lead paint problems now! Visit the [HPD webpage](#) to read more about the Lead Hazard Reduction and Healthy Homes Program and download the application.

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