

“Get Ahead of Lead” January 2021 Briefing- Private Dwellings

Dear Property Owners,

Furthering our commitment to providing property owners information on their obligations under the law, the Department of Housing Preservation and Development (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 that apply. Visit the [HPD website](#) to read this bulletin and past bulletins in other languages.

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 the duties of owners and tenants regarding laws and rules relating to housing in New York City.

Upcoming Webinar: *Private Dwellings: Understanding New Lead-Based Paint Requirements*

Are you ready for February 2021? Every New York City owner of a building with one or two residential units (Private Dwelling) should know that, starting in February, the City’s lead-based paint safety law will expand to cover these buildings if one or both units are renter-occupied. Join us on **Tuesday, January 26th from 11:00am – 12:30pm** to find out what this means for *your* building in our webinar designed specifically for Private Dwelling landlords, where we’ll provide an introduction to the law’s requirements for annual notice and investigation, unit turnover, lead-safe work practices, recordkeeping, HPD violations, and more. Space is limited - click [here](#) now to register.

Keeping records of your annual notices, investigations and inspections is key to ensuring that you are in compliance with Local Law 1. To review some samples and how to complete them, see our webinar on recordkeeping: [Recordkeeping: A Guide to Proper Documentation of Lead-based Paint Compliance - YouTube](#). Links to other webinars can be found under the Education tab on our Lead-Based paint webinar.

LEAD-BASED PAINT LAW APPLIES TO RENTAL UNITS IN 1-2 FAMILY HOMES STARTING FEBRUARY 11, 2021

Lead is a harmful metal often found in old paint that can be poisonous for young children if it creates dust or paint chips. Young children can swallow the lead paint dust and chips from window sills and floors. Lead causes behavior and learning problems in young children. While lead-based paint was banned in New York City in 1960, older buildings may still contain it. Property owners of these buildings are responsible for keeping tenants safe from lead-based paint hazards. New York

City, caring about the health and safety of its children, has had several lead-based paint hazard laws in place since the 1980s.

In New York City, Local Law 1 of 2004, and its amendments, require landlords to identify and remediate lead-based paint hazards in the apartments where there is a young child, using trained workers and safe work practices. **Since 2004, most of Local Law 1 has applied to residential buildings with three or more units. Starting in February 2021, all of Local Law 1 of 2004 also applies to tenant-occupied, one- and two-unit buildings.**

Lead-based paint is presumed to exist in dwelling units and common areas if:

- The building was built before January 1, 1960;
- The building has tenant-occupied rental apartments; and
- A child under the age of six resides in the dwelling unit.
 - "Resides" means to routinely spend 10 or more hours per week in a dwelling unit, which includes both a child who lives in the apartment and a child who just visits for this period of time.

Unless a property owner has tested the painted surfaces and maintains records of that testing, they must presume that the paint is lead-based paint and follow the instructions under the law for doing any types of work that could disturb a lead-based paint surface. The law also applies if the building was built between 1960 -1978 and the owner has knowledge of the presence of lead-based paint.

Lead-based paint hazards include:

- Dust from peeling paint
- Peeling or damaged lead paint
- Lead paint on:
 - Crumbling plaster or rotted wood
 - Doors and windows that stick or rub together
 - Window sills and any other surfaces that have been chewed on by children

HPD has [resources](#) available to help you understand the law; help you understand the requirements for complying, and; allow you to access funds to make needed repairs. For a general overview of what landlords must do and what every tenant should know, download the [Lead Paint Hazards in the Home \(Peligros de la Pintura con Plomo en el Hogar\)](#) pamphlet. Repairs can be much more expensive if HPD issues violations for lead-based paint hazards or the Department of Health identifies a child with lead-based paint poisoning, so be proactive about identifying and properly addressing hazards.