

“Get Ahead of Lead” Monthly Briefing

Topics: HPDs Website Update, the Definition of “Resides,” and Annual Notice

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 bulletin specifically focuses on updates to the HPD Website, the definition of “resides,” and a reminder that property owners must provide and collect the Lead Annual Notice in January and February.

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 with regard to laws and rules relating to housing in New York City.

HPD Website Updates

In order to adhere to city guidelines and make the HPD Website more accessible, on December 10, 2019, [HPDs Website](#) went through a complete redesign update. You will notice that each Housing Quality Topic will have its own page. On that page, you will find property owner and tenant information, requirements, forms, and more. To easily access the Lead page, visit the [HPD homepage](#) and click on [Housing Quality / Safety](#), which is located on the left tool bar. There you will find the [Lead-Based Paint](#) page.

New Definition of “RESIDES”

As of January 1, 2020, “resides” is defined as “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 with this frequency.

Take note that documents from the [NYC Department of Health & Mental Hygiene](#) as well as HPD will reflect this change.

Annual Notice

Local Law 1 of 2004 (Local Law 1) requires that owners conduct activities related to lead-based paint. Owners must also retain the records of these activities for at least 10 years and, starting in May 2020, certify compliance with these activities as a part of the annual property registration. **Penalties may be significant for failure to conduct these activities and maintain these records.**

Between January 1 and January 16, owners of multiple dwelling built before 1960 (or between 1960 and 1978 if the owner has knowledge that there is lead-based paint) are required to deliver an Annual Notice to each tenant and to collect the completed notice from the tenant by February 15.

What is the notice?

- The Annual Notice asks the tenant to disclose if a child under the age of six resides (including children who live or routinely spend 10 or more hours a week) in the dwelling unit.
- There are two versions of the Annual Notice that owners can use. **You only need to provide one.** One combines the Lead-Based Paint Hazards notice with the Window Guards notice and the second is a stand-alone Lead-Based Paint hazards notice:
 - [Protect Your Child from Lead Poisoning and Window Falls Annual Notice \(Proteja a su Niño del Envenenamiento por Plomo y de las Caídas por las Ventanas Notificación Anual\)](#)
 - [Annual Notice for Prevention of Lead-Based Paint Hazards - Inquiry Regarding Child \(Aviso Anual Para Medidas de Precaución con los Peligros de Plomo en la Pintura-Encuesta Respecto al Niño\)](#)
- The notice must be provided to the tenant in at least English and Spanish and in duplicate (two copies of each) so the tenant can retain a copy and return a copy to the owner.
- Keep evidence that this notice was delivered, make sure your tenants know where to return this notice, and retain the completed notice received back from the tenant.

What if the tenant does not respond?

- If the tenant does not return the completed notice by February 15, the owner must conduct follow-up inspections between February 16 and March 1 to attempt to determine if a child under six lives or routinely spends more than 10 hours in the dwelling unit. An owner must keep records of the attempts made to contact the tenant to perform the investigation.
- If the owner does not receive the completed notice from the tenant and cannot determine based on these follow-up investigations whether there is a child under six, the owner must also notify DOHMH in writing that no notice has been received back from the tenant (a copy of this notification should also be maintained by the owner). The owner's notification to DOHMH should be mailed to:

Department of Health and Mental Hygiene — Healthy Homes
125 Worth Street, Sixth Floor, CN58
New York, NY 10013

Why does an owner need to collect this information?

- This notice is important because it determines where the owner must do other necessary activities required under Local Law 1, such as performing the annual investigation and following safe work practices. All the dwelling units where a child is determined to reside as defined above are required to be inspected for lead-based paint hazards.
- See the [December 2019 briefing](#) posted on the HPD website for more information about the required annual investigation for lead-based paint hazards in units and buildings where a child under the age of six resides and safe work practices.

How can an owner track everything?

- HPD has created forms to assist an owner with documenting that the notice was sent, received back, or any follow-up inspections done if the notice was not returned by the tenant: see the [Sample Forms for Delivery of Annual Notice Compliance](#).