

## **Report to the City Council: The Department of Housing Preservation and Development's Implementation of Local Law #1 of 2004 in FY 2020 (July 1, 2019 – June 30, 2020)**

The New York City Childhood Lead Poisoning Prevention Act, also known as Local Law 1 of 2004, as amended (Local Law 1), outlines the responsibilities of multiple dwelling property owners and New York City agencies in the prevention of and response to lead-based paint hazards in multiple dwelling housing. This report is submitted in compliance with the related reporting requirement of Section 27-2056.12 of Local Law 1.

Local Law 1 requires that property owners of multiple dwellings erected prior to 1960 or multiple dwellings erected between 1960 and 1977 where the owner has actual knowledge of the presence of lead-based paint take preventative measures related to lead-based paint. Such measures include providing an annual notice to tenants to determine if a child under six years old resides in the apartment, conducting annual inspections in those apartments where a child resides to look for lead-based paint hazards, and hiring appropriately certified contractors to address these hazards. Local Law 1 requires that the New York City Department of Housing Preservation and Development (HPD) respond to complaints describing peeling paint, or a deteriorated subsurface or underlying defect in the dwelling unit; conduct inspections where a child under 6 years old resides; issue violations where lead-based paint hazards are found; and repair lead-based paint hazards when the property owner does not comply. Local Law 1 also requires HPD to audit property owner compliance with all required activities.

HPD's work has protected thousands of children from lead-based paint hazards since the implementation of Local Law 1. The substantial reduction in the number of children with elevated blood lead levels at significantly lower thresholds is evidence of the progress that has been made. The number and rate of children with elevated blood lead levels in New York City are at a historic low and continue to decline. Since 2005 we have seen a 92% decrease in the number of children under 18 years of age with blood lead levels of 5 mcg/dL or greater and a 92% decrease in the number of children under age 6 with an elevated blood lead level. According to the Department of Health and Mental Hygiene's most recent quarterly data (<https://www1.nyc.gov/assets/doh/downloads/pdf/lead/lead-quarterly-report-2019.pdf>), between January and December 2019 there was a 21% decline in the number of New York City children under age 18 with blood lead levels of 5 mcg/dL or greater as compared to 2018. Further expansions to the scope of Local Law 1, protecting more children who live or spend significant time in residential units, will also be implemented by HPD during FY21.

- **Section I** presents progress updates to HPD's role in the implementation of LeadFreeNYC.
- **Section II** presents data on HPD's enforcement activities for FY20.
- **Section III** presents other strategies for continued progress.
- **Section IV** presents information looking ahead to FY21.

### **Section I: A Lead Free New York City**

LeadFreeNYC (2019) laid out a bold vision for New York City to do more to eliminate childhood lead exposure. Below is an overview of the HPD specific initiatives implemented during FY20 to address peeling lead-based paint, which is the most identified source of lead exposure in young children:

- HPD began auditing properties identified using the criteria established in Local Law 70 of 2019 (amending Local Law 1 under § 27-2056.17. b.), with input from the New York City Department of Health and Mental Hygiene (DOHMH). The agencies developed the Building Lead Index (BLI), a methodology that includes both the required criteria for the selection of buildings as well as additional information from the DOHMH regarding the incidences of childhood lead exposure.
- HPD is asking property owners of residential buildings to certify compliance with Local Law 1 at the time that they fulfill their legal obligation to register annually with HPD (if the property is a multiple dwelling or a private dwelling where neither the owner nor the owner's immediate family resides).
- Starting January 2020, by means of an annual notice to the tenant, owners were required to identify where a child under six routinely spends ten or more hours a week, in addition to apartments where such children live, and then perform the required annual inspection. This expanded definition of “reside” was established under Local Law 64 of 2019. HPD conducted outreach to owners and designed sample recordkeeping forms for this process to assist property owners, in addition to creating a webinar around these responsibilities (the first in a series of webinars regarding lead-based paint). See Section IV for more information about HPD’s enforcement of this new definition.
- HPD, in partnership with LeadFreeNYC, launched the “Get Ahead of Lead” campaign in November 2019, an outreach and education campaign to remind property owners of their responsibilities under the law to proactively address lead-based paint hazards. The campaign ran in eight languages on bus shelters, subway ads, storefronts, newspapers, and social media in 19 zip codes with high rates of children with elevated blood lead levels.
- In FY20, as the City has recommitted itself to further reducing blood lead levels through the LeadFreeNYC Initiative, HPD enforcement expanded its focus on ensuring that property owners are aware of and proactively complying with all their responsibilities under Local Law 1. HPD continues to educate and inform building owners and community partners of ongoing and new lead-based paint rules and requirements using multiple channels:
  - o Monthly briefings with detailed information directly to building owners
  - o Webinars on the basics of lead-based paint compliance
  - o Regularly updated lead-based paint webpage with improved accessibility
  - o Provision of sample recordkeeping documents
  - o Clarification of the types of documentation that HPD expects will be maintained
- HPD and DOHMH are currently offering grants, supported by LeadFreeNYC, to eligible rental property owners to fix lead-based paint hazards in apartments, building common areas and fire escapes through their Lead Hazard Reduction and Healthy Homes Program. Owners are not required to pay back these grants.
- HPD and DOHMH have streamlined communications by creating an automated electronic data share.

## Section II: Enforcement

*The COVID-19 Pandemic affected the numbers in all the enforcement categories described below, as overall complaints filed were significantly decreased during the months of March, April, May and June 2020. HPD inspections were also suspended during the end of March, April and the beginning of May 2020.*

## Complaints

Complaints are received for lead-based paint under Local Law 1 in the same manner that all other complaints are received by HPD. Most complaints are called in to 311 by tenants. 311 operates 24 hours a day, seven days a week. 311 complaints require a caller to indicate whether there is a child under six residing in the apartment. Complaints where a child resides in a dwelling unit and the occupant reports conditions related to painted surfaces (such as leaks or broken plaster) are counted as lead-based paint complaints and are inspected by the Lead-Based Paint Inspection Program (LBPIP), a specialized unit within the Division of Code Enforcement. LBPIP Inspectors are equipped with XRF Analyzers so that testing can be done during the initial inspection. Pursuant to the law, an inspection must be attempted within 10 days from the date of a lead-based paint complaint.

The law also requires HPD to proactively inspect for lead-based paint hazards on all inspections when a child under age six resides in the apartment. Given this, HPD also routes complaints where it was indicated a child under six resides but with no reported conditions related to painted surfaces to the LBPIP for inspection. These complaints are not counted as lead-based paint complaints since there is no reported condition related to paint.

In both above complaint situations, after an attempt is made to contact the landlord to advise him / her of the complaint, the complaint is forwarded to the LBPIP for scheduling of an inspection with the tenant. If the tenant indicates that the condition has not been corrected, an appointment is set. If the tenant is not reached, an inspection is attempted without an appointment. As mentioned in Section I, the definition of “reside” was expanded under Local Law 64 of 2019. See the Section IV for more information about HPD’s enforcement of this new definition.

<b>Complaints for peeling paint conditions where a child under six years of age resides<sup>1</sup></b>	<b>FY19</b>	<b>FY20</b>
Lead-Based Paint Complaints in Privately-Owned Buildings	14,498	10,768

## Inspections

### Complaint Lead-Based Paint Inspection Process

A LBPIP inspection consists of an Inspector making a sketch of the apartment to designate all rooms, checking all painted surfaces for the presence of peeling or deteriorated paint and gathering any additional information regarding children. The Inspector will test any peeling or deteriorated surfaces within the apartment using an X-Ray Fluorescence Analyzer (XRF). Results from the XRF are downloaded onto a laptop computer. If the test result indicates that there is lead-based paint, a lead-based paint hazard violation will be issued. As previously mentioned, the law requires HPD to proactively inspect for lead-based hazards on all inspections where a child under six resides in the apartment, and so HPD routes complaints received with an indicator that there is a child under six to the LPBIP for this inspection.

### Line of Sight Lead-Based Paint Inspection Process

The term “line of sight lead-based paint inspection” refers to inspections conducted by general Code Enforcement Housing Inspectors not in the LBPIP when a child under six resides in the unit. This occurs

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<sup>1</sup> This is a count of distinct complaints, not distinct apartments. The same apartment may file multiple complaints within a period.

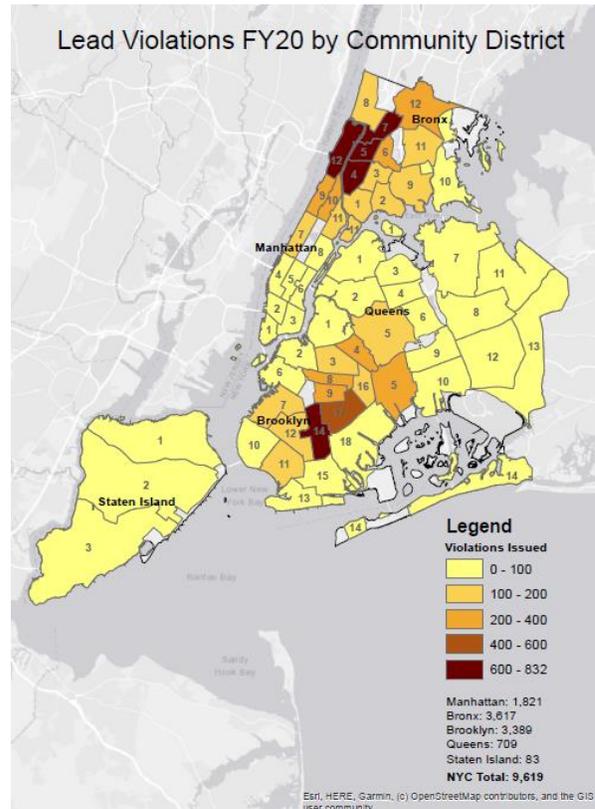
when inspections are conducted in apartments which did not file a complaint with 311, such as to investigate an allegation of a building-wide condition such as heat, filed a complaint but did not indicate the presence of a child, to conduct a proactive inspection of the building related to an enhanced enforcement program, or to reinspect existing violations. If a Code Enforcement Housing Inspector enters an apartment in a multiple dwelling for any reason, the Housing Inspector will ask the occupant if a child under six resides in the apartment. If the occupant indicates that there is a child under six who resides in the unit, or if the Housing Inspector observes a child, the Housing Inspector is then required under Local Law 1 to check all painted surfaces for the presence of deteriorated or peeling paint. The Housing Inspector will note any peeling paint or deteriorated surfaces and the apartment will be referred to the LBPIP for an XRF inspection of these surfaces (conducted in the same manner as described above under the Complaint Inspection process). If there is no access when the LBPIP attempts to inspect, a presumed lead-based paint violation is issued for the surfaces in each room where peeling paint was noted during the original inspection. Property owners may contest this presumption by supplying appropriate evidence to HPD.

At the time of both a lead-based paint complaint inspection or a child under six complaint inspection by LBPIP and line of sight lead-based paint inspection, the inspectors conducting such inspections are required to give to the family a copy of the DOHMH information pamphlet about lead-based paint hazards. The pamphlet encourages blood testing for children to check for lead poisoning and advises the tenant of ways to help prevent lead-based paint hazards. If HPD finds lead-based paint after testing the deteriorated or peeling paint, HPD also encourages the family to speak with DOHMH about the dangers of lead-based paint and the steps that the family can take to ensure that their child gets tested (if necessary) and / or stays safe. If the family agrees, the HPD Inspector will call DOHMH directly at the conclusion of the inspection and make that connection between the family and the DOHMH. Between May 2019 – June 2020, HPD connected 2,578 families to DOHMH staff.

<b>Inspections by HPD pursuant to Local Law 1 of 2004 based on complaints received and reinspections conducted within the period</b>	<b>FY19</b>	<b>FY20</b>
Total inspections attempted in privately-owned buildings	45,407	39,247
Total complaint inspections attempted	42,695	37,181
<ul style="list-style-type: none"> <li>• Based on a lead-based paint complaint</li> </ul>	18,803	13,892
<ul style="list-style-type: none"> <li>• Based on a Child Under 6 non-lead-based paint complaint</li> </ul>	9,544	9,000
<ul style="list-style-type: none"> <li>• Based on a Line of Sight inspection</li> </ul>	12,443	12,490
<ul style="list-style-type: none"> <li>• Based on a Line of Sight referral for testing</li> </ul>	1,905	1,799
<i>Reinspection of lead-based paint violation</i>	2,712	2,066

## Violations

Once a violation is issued, a Notice of Violation (NOV) is sent to the owner along with a copy of the HPD Guide to Local Law 1 Work Practices. A call to the registered managing agent/owner of the property is also attempted in order to advise him/her of the existence of the condition, the mailing of the NOV and the expectation that the condition will be corrected on a timely basis. If the owner/agent provided an email address as part of their property registration, they may also receive an email advising them about the issuance of the violations. Letters detailing the results of the HPD lead-based paint inspection where peeling paint was observed are sent to both tenants and owners. If violations have not been certified as corrected by the owner by end of the certification period (see below for information on certification), HPD's Environmental Hazards Unit (EHU) attempts to inspect within 10 days and will create a scope of work if the repair has not been completed.



Violations issued by HPD pursuant to Local Law 1 of 2004	FY19	FY20
Total violations issued	13,771	9,619
- Violations based on a positive XRF test for lead	7,362	5,757
- Violations for which lead is presumed	6,409	3,862
Status of violations issued pursuant to Local Law 1 of 2004	FY19	FY20
Violations downgraded (presumed lead-based paint violations issued which were subsequently tested and found to not contain lead-based paint)	5,018	2,952
Violation certifications submitted by owner	3,445	2,674
Of violations issued in the period, the certified violations that remain open	545	438
Certifications that did not result in removal of violations (false certifications) *	101	72
Violations corrected by HPD	802	843

\* FY19 data updated to include all lead violations reinspected within 70 days.

## Emergency Repairs

If the owner does not certify the correction of the violation within the mandated timeframe for the issued lead-based paint hazard violation, the Environmental Hazards Unit (EHU) conducts an inspection to determine what work needs to be done.

If the landlord has done work to correct the lead-based paint hazard violations but failed to file a dust wipe test and other required documentation, then the dust wipe samples are taken by HPD staff and sent to a laboratory for analysis. If dust wipe test results are above the clearance level thresholds under Local Law 1, HPD cleans the affected area and performs another dust wipe test. If the dust wipe test shows that clearance levels have been achieved, the repair order is closed. In this case, the violation remains open on HPD's violation record, unless and until the landlord files required paperwork showing proper work practices. This is because the statute does not permit HPD to remove the violation if the owner does not submit documentation that the repair was performed using required work practices.

If work needs to be done, HPD may test the paint in the area of the condition if a presumed lead-based paint violation was issued. If the area tests negative, the violation is downgraded to a peeling paint violation and re-issued to the property owner as a class A violation. If the surfaces test positive by EREH, were previously tested by the LPBIP, or continues to be presumed as lead-based paint, HPD will issue a work order to one of its approved contractors. HPD currently maintains two contracts with EPA certified lead abatement firms for remediation, with maximum annualized award capacity of approximately \$1,625,000 for FY20. EHU monitors the contractor's work. Clearance dust wipe samples are taken by HPD staff and sent to a properly licensed lab for analysis. HPD maintains one contract with a maximum award capacity of \$99,999 for dust wipe analysis. If the samples are below clearance levels, the job is closed. If the sample fails, the area is re-cleaned and tested again. All violations corrected through HPD are closed after correction occurs and clearance is achieved.

#### Billing for Costs

All work conducted by EREH is billed through the Department of Finance to the property. The charges become a lien against the property if not paid on time and may contribute to the property's eligibility for the City's tax enforcement proceedings.

#### Access Challenges

One of the main obstacles to HPD's ability to correct lead hazard violations when the owner fails to do so is gaining access to the dwelling unit. HPD personnel must gain access on several occasions: to inspect, to XRF test and scope, to perform the work, and to perform dust clearance testing. The necessity of gaining access multiple times increases the likelihood that at some point access will be denied. To improve access, HPD conducts inspections outside of normal work hours and on weekends. Performing the work, however, generally needs to occur during normal business hours.

Access problems also arise when either an owner or tenant affirmatively refuses access to HPD personnel or contractors, or when the tenant is uncooperative in providing access to the apartment. If the tenant affirmatively denies access to the dwelling unit, the work is canceled. If after two unsuccessful visit attempts, access has not been obtained, a letter is sent to the tenant asking him or her to contact HPD to schedule an appointment. If no response is received within eight days, the job is canceled. If the tenant responds and access is still not gained after scheduling an appointment, the job is canceled. Whenever the work is cancelled, the violation remains open.

HPD Violation corrections	FY19	FY20
Number of distinct apartments in which remediations were performed by HPD to correct violations in privately owned buildings	498	520
Dollars spent related to HPD violation remediation and clearance	FY19	FY20
Total amount spent by HPD related to lead-based paint work orders in privately owned buildings <sup>2</sup>	\$974,063	\$1,119,834.6
Average amount spent by HPD per dwelling unit (contracted abatement)	\$1,956	\$1,950

## Litigation

If the property owner or one of his/her employees denies access to the dwelling unit, the lead-based paint hazard violation(s) is forwarded to the Housing Litigation Division (HLD) to seek a court order for access. HLD prosecutes access warrant cases to allow EREH to perform lead repairs. Housing Court judges are often reluctant to issue access warrants without giving owners several opportunities to do the work themselves, particularly when there is partial compliance, or evidence of difficulty in gaining sufficient access from the tenants to properly complete the violations, even though the statutory period to correct has passed. Most access warrant cases are concluded when a re-inspection finds that the owner has completed the work, often under consent orders issued as interlocutory relief during the Housing Court case.

HLD also seeks enforcement against property owners when HPD has conducted an audit and found that the owner has not complied with recordkeeping and turnover requirements (see Section on Audits).

Litigation pursuant to Local Law 1 of 2004	FY19	FY20
Civil actions brought pursuant to false certification of violations (multiple violations may be grouped together for one civil action) *	87	36
Civil actions brought pursuant to failure to submit lead-based paint documents pursuant to Section 27-2056.7	14	52
Civil actions seeking a warrant for access for HPD to perform emergency repairs	60	32

\* FY19 data updated to exclude withdrawn cases.

Audits of Landlord Recordkeeping and Proactive Activities Broadly speaking, HPD made several changes to the audit process during FY20.

- Issued audit requests (Record Production Orders) to properties based on the Building Lead Index.
- Updated the Record Production Order (RPO) document, which explains to an owner the requirements about the owner's responsibility to provide records and more clearly outline documents that must be provided to satisfy the RPO.
- Provided sample documents for record keeping to property owners with the RPO and provided them on the website as well for proactive use by property owners.
- Issued violations (data is below) related to:
  - Record keeping pursuant to the BLI requirement:
  - Failure to conduct the annual notification and inspections (where warranted based upon the failure to submit records)

<sup>2</sup> Remediations performed by HPD may not be paid for during the same fiscal year. Expenditure and average cost are related to work orders paid in the FY, not necessarily work completed in the FY.

- failure to conduct turnover activities (where warranted, based upon the failure to submit records).

These changes were implemented for both types of audits that the Department conducts.

*Based on Department of Health and Mental Hygiene Elevated Blood Lead Level Referrals*

Prior to June 2019, when a child was identified as having an elevated blood lead level ( $\geq 15$  mcg/dL,  $< 18$  yrs. of age), DOHMH conducted an environmental investigation to determine possible exposure to lead in paint and other products. Since June 2019, this process occurs for a child with a blood lead level of  $\geq 5$  mcg/dL and  $< 18$  years of age. If that investigation determines that lead-based paint hazards are present in the child's home or another residential unit, DOHMH will issue a Commissioner's Order to Abate (COTA) and HPD will receive a referral from DOHMH. The referral triggers HPD to issue a Record Production Order to the property owner if the building is a privately-owned multiple dwelling (3 or more units). The records being demanded include records related to annual notices, annual inspections by the owner, and all repairs, remediations, and abatements related to lead-based paint that are required under Local Law 1. If the property owner supplies the appropriate records, HPD will attempt to conduct inspections in all units the records identify with a child under 6 and 20% of units without a child to verify the owner's information. If the owner supplies no records or incomplete records, HPD will issue violations to enforce the record retention requirement under Local Law 1. HPD will also attempt to access every unit and will conduct Local Law 1 inspections where there is a child under the age of 6. In FY21, these inspections expanded to include the new definition of "reside." Violations will be issued if there is peeling paint and the paint tests positive for lead identified during these inspections. As indicated above in the section regarding litigation, HPD may seek compliance with this violation in Housing Court.

*Based on the Building Lead Index*

Local Law 70 of 2019 amended Local Law 1 and requires HPD to conduct audits of properties for records related to Local Law 1 compliance. HPD adopted amendments to its lead-based paint rules to implement the law. Using the Building Lead Index, built in collaboration with DOHMH, to identify a minimum of 200 buildings each year, HPD requests the lead-based paint related records from selected multiple dwelling property owners and follows up with building inspections. Half of the buildings are selected based on a representative sample of buildings which have received violations from HPD for lead-based paint hazards. A second category focuses on buildings which have been issued a violation for leaks, mold, or other underlying conditions which might disturb the subsurface. HPD also includes additional information from the DOHMH regarding the incidences of childhood lead exposure. Additionally, under two other categories, there are buildings built prior to 1960 which are selected randomly. Property owners who produce insufficient records are issued violations for non-compliance as well as other violations for lead-based paint hazards found during the building inspection, and HPD may seek civil penalties. The first Record Production Order issued under this requirement was generated in December 2019. Because of the timeline requirements for owner response, inspection and certification related to issued violations, coupled with the closure of Housing Court for non-emergency cases in March 2020, HPD did not initiate cases based on the outcomes of these audits. Legal action is expected to start, as Housing Court allows, during the second quarter of FY21.

FY20 HPD Initiated Audits	COTA	BLI <sup>3</sup>
Buildings audited	582	285
Violations issued for failure to provide documents*	680	176
Violations issued for failure to conduct annual notice and inspection (619)	235	51
Apartments issued violation for owners' failure to conduct turnover work (614)	1339	286
Apartment to which lead-based paint hazard violations are issued	253	21
Civil penalties obtained against audited properties	\$38,900	\$12,500
Buildings against which civil penalties were obtained	13	1

\* Note that the violations issued are not a subset of buildings audited. Violations were issued in the period to buildings for which audit requests were sent out prior to the period and, due to delays caused by the COVID pandemic, violations for some buildings which received the request during the period will be issued in FY21.

### Emergency Repair Pursuant to Department of Health and Mental Hygiene Referrals

HPD also receives referrals directly from DOHMH when the property owner fails to abate the lead-based paint hazardous condition in the apartment where a child was found to have an elevated blood lead level. EREH will respond with emergency repairs. HPD also receives referrals when property owners fail to submit clearance dust wipes after performing abatement work ordered by DOHMH. HPD completed 41 lead-based paint hazard abatement projects and 56 dust clearance projects in FY20.

### City-Owned Housing

As a property owner, HPD is also required to comply with the requirements of Local Law 1. The Office of Asset and Property Management conducts an annual notification process for tenants. Responses to the annual notification are monitored. Those responses reporting the presence of a child under six are automatically forwarded to EREH to inspect, scope and perform all necessary work related to the correction of lead-based paint hazards. The reported information below reflects activity in Property Management, Tenant Interim Lease, Multifamily Preservation Loan Program, and Affordable Neighborhood Cooperative Program.

City-Owned Housing	FY19 <sup>4</sup>	FY20 <sup>5</sup>
Lead Complaints in City-owned buildings	283	128
Total inspections in City-owned buildings	217	120

## Section III: Other Strategies for Continued Progress

### Property Owner Training

HPD's Neighborhood Education and Outreach and the Division of Code Enforcement continues to provide courses in Lead Awareness and Local Law 1 Compliance and works to increase the awareness of the public about Local Law 1 through various community outreach events and marketing initiatives.

<sup>3</sup> Note that for FY20, 140 BLI Record Audit Demands were generated in response to the NYC Comptroller Audit (Detail).

<sup>4</sup> The FY19 report incorrectly reported Calendar Year; this data updated to reflect FY19.

<sup>5</sup> Apartments which responded to the Annual Notice as having a child under six are counted as complaints and sent to EHU for inspection.

## Healthy Homes Primary Prevention Program

The Lead Hazard Reduction and Healthy Homes –Primary Prevention Program (PPP) is funded primarily by federal Lead Hazard Reduction grants from the US Department of Housing and Urban Development (HUD). Buildings that qualify for the PPP funding are constructed prior to 1960, including small homes and multifamily apartment buildings of any size, located in any of the five boroughs of New York City. The building must have lead-based paint that is not intact as determined by lead risk assessments performed by the program inspectors. The building or home must be occupied by households with low- and very low-income levels, and at least one or more unit must house a child less than six years of age or a pregnant woman, or be visited by child less than six years of age on a regular basis. The program also has some funding to address conditions that pose other health risks to occupants, including excess moisture that leads to mold growth; vermin infestation; conditions that pose the risk of falls or other injuries; fire and electrical hazards; and others.

In the beginning of FY20 (July 2019), the Program closed out its \$3.7MM “Demo 2015” HUD grant, completing 250 housing units under the 3-year grant; and 142 housing units in FY19. HPD committed \$761,352 in city capital funds as matching funds for the grant; \$712,531 of this amount was allocated to housing units completed in FY19.

The Program commenced its “Demo 2017” HUD grant in FY19, and completed 4 housing units in FY20. A number of factors created delays in unit completion progress under the Demo 2017 grant, including new procurement protocols imposed by HUD, and, more significantly, the COVID pandemic which necessitated a 7-month hiatus in lead-based paint field services.

## LeadFreeNYC Lead-Based Paint Preservation Initiative

This initiative “layers” lead-based paint remediation and abatement financing into Green Housing Preservation Project (GHPP) and Multifamily Housing Rehabilitation Project (HRP) moderate-rehabilitation loans. FY20 saw some progress in program planning and staffing up; however, no loans containing city capital funding for lead abatement closed in FY20, as the COVID pandemic created serious pipeline delays. Program is currently identifying candidates for participation in the LeadFreeNYC initiative, with the goal of beginning to close on financing in the second half of FY21 and in FY22.

## Exemptions

Under Local Law 1, property owners of multiple dwelling buildings built prior to 1960 may apply to HPD seeking an exemption from the presumption that the paint is lead-based paint. The exemption process requires that owners follow the inspection protocols outlined in federal rules or guidelines, which describe the methodology to be used and the qualifications for testing. An owner may seek an exemption for an individual unit in a building through individual testing or for all apartments in a building or development using a sampling methodology established by the federal Department of Housing and Urban Development (HUD).

Effective December 9, 2019, HPD may grant two types of exemptions from the presumption of lead-based paint to multiple dwellings built before 1960: **Lead Free or Lead Safe**. Building owners can now apply to the two different types of exemptions, depending on the underlying work that has been completed related to lead-based paint mitigation.

- A Lead Free exemption certifies that all surfaces in the unit have been fully abated and are permanently free of lead-based paint.
- A Lead Safe exemption certifies that lead-based paint hazards have been contained, requiring ongoing monitoring by the building owner.
- Exemptions requested prior to December 9, 2019 have neither a Lead Free nor Lead Safe status.

<b>Exemptions</b>	<b>FY20</b>
Total units for which exemptions were received	6747
Total units for which exemptions were approved	7660
• <i>Lead Free</i>	1030
• <i>Lead Safe</i>	1
• <i>Approved prior to Lead Safe/Lead Free status</i>	6629

### Inspector Training

All new Code Enforcement inspectors and EREH field staff receive a three-day EPA lead-based paint Inspector training with an approved EPA provider and are EPA-certified Inspectors. During FY20, 132 employees attended classes associated with EPA lead inspector certifications. This includes 79 employees who were newly trained and 53 who attended mandatory refresher classes.

They are also trained in: (1) Local Law 1 requirements regarding the surfaces and the definitions of surface conditions that require issuance of a specific violation; (2) how to designate the surfaces in a uniform manner (e.g., size of surfaces, compass location of wall, compass location of room) to ensure that the proper area is identified and remediated by the owner or HPD; and (3) the violation order numbers. Inspectors assigned to the LBPIP are additionally trained in the use of XRF machines and the use of laptop computers to enter XRF and violation data while in the field. Training and renewal of certifications are monitored by the supervisory staff.

### Statistical Section Pursuant to §27-2056.12

FY20 Lead-based paint spending	HC	PS	OTPS		Capital commitments	Total
			Lead Repair	(All Other)		
Lead Inspections and Repair	231	\$ 15,846,673	\$ 923,419	\$ 3,280,606		\$ 20,050,698
HPD/DOH Outreach Initiative	3	\$ 272,923		\$ 1,379		\$ 274,301
HUD Lead Grant (PPP)	3	\$ 185,548		\$ 154,100	\$ 142,342	\$ 481,990
<b>Total</b>	<b>237</b>	<b>\$ 16,305,144</b>	<b>\$ 923,419</b>	<b>\$ 3,436,085</b>	<b>\$ 142,342</b>	<b>\$ 20,806,989</b>

## Section IV: Looking Ahead

Between July 1 and November 1, 2020 (FY21), HPD has already implemented two changes:

- Effective July 2020, HPD has started to enforce the new definition of “resides,” established under Local Law 64 of 2019, during inspections—proactively inspecting for lead-based paint hazards during all dwelling unit inspections in a pre-1960 building where a child under 6 routinely spends

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.

- HPD has added a requirement for XRF records to be provided to HPD during any COTA or BLI audit. This record demand is related to Local Law 31 of 2020, which sets a new requirement to XRF test all tenant-occupied rental units for the presence of lead-based paint using an independent Environmental Protection Agency (EPA) certified inspector or risk assessor. The inspection must take place within 5 years of the effective date of the law (by August 9, 2025) or within one year if a child under the age of 6 comes to reside in the unit (whichever is sooner) and the property owner is required to maintain all records.

In FY21, HPD will:

- Include one- and two-unit private dwellings that are tenant occupied into all enforcement activities as it relates to Local Law 1. HPD will launch an outreach and education campaign targeted at private dwellings to begin supporting them in this change (late 2020).
- Launch a centralized web portal where owners will be able to file for Local Law 1 exemptions online by the end of FY21.
- Enforce broader compliance with the turnover provisions of the law.

This continued activity reflects HPD's commitment to advance the goals set forth in LeadFreeNYC: eliminate the risk of childhood lead exposure by increasing the enforcement and scope of Local Law 1 to address lead-based paint hazards in more apartments and at lower levels of lead.