

INSTRUCTIONS

I. **PENALTIES:** You may be subject to the penalties described below unless you correct the lead-based paint hazard violation(s), using the prescribed work practices, and certify the correction of the violation(s) by the date indicated on the front of this Notice of Violation(s). A lead-based paint hazard violation is a Class C (immediately hazardous) violation. Failure to correct and certify correction by the specified dates will subject the owner to a civil penalty of **\$250** per day per violation, up to a maximum of **\$10,000**.

IMPORTANT NOTICE ABOUT THE COMPLETION OF WORK: Please be advised that the New York City Department of Health and Mental Hygiene Orders prohibit certain companies from performing lead paint testing, lead dust sampling, lead paint and lead dust analysis or lead abatement work. Consult DOHMH's website at: <http://www1.nyc.gov/site/doh/health/health-topics/lead-poisoning-information-for-building-owners.page> to access a listing of these companies. Certifications for corrections of HPD violations will be rejected should one of the companies identified on DOHMH's website complete work or testing related to these violations.

II. **HOW TO CERTIFY:** Only an Owner, Managing Agent, Officer of the corporation that owns the property or party otherwise responsible for the property listed on a valid Property Registration filed with the Department may certify the correction of a violation.

1. Complete the Certification form on the back of the AGENCY Copy of this Notice of Violation.
2. Attach the following documents:
 - a. A sworn statement made by the EPA firm's authorized agent or individual who performed the work to correct the lead-based paint hazard violation(s) stating that the work was performed in accordance with §27-2056.11 of Article 14 of the Housing Maintenance Code and §11-06 of Title 28 of the Rules of the City of New York, **the start and completion date of the work, address and contact information (phone or fax) for the EPA firm that completed the work. (A sample can be found at <http://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).**
 - b. A copy of the EPA certification for the firm that performed the work to correct the lead-based paint hazard violation(s).
 - c. A copy of the lead-contaminated dust clearance tests from a laboratory certified by the New York State Environmental Laboratory Approval Program (a list of labs can be found at <http://www.wadsworth.org/regulatory/elap/certified-labs>).
 - d. An affidavit from the individual who took the surface dust sample, verifying the date the sample was taken and indicating the address/apartment where the sample was taken. (A sample can be found at <http://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).
 - e. A copy of the certificate of training for the individual who performed the lead-contaminated dust clearance test(s).
3. Sign the Certification form and have your signature notarized.
4. Keep the OWNER Copy for your records.
5. Return the AGENCY Copy to the Division of Code Enforcement at 94 Old Broadway, 7th Floor, New York, NY 10027, in person or by certified or registered mail, return receipt requested. The AGENCY Copy must be hand delivered or postmarked on or before the date by which the correction is required to be certified.

III. **HOW TO REQUEST A POSTPONEMENT:** You may request that the Department extend the date to correct lead-based paint hazard violations if there are valid reasons why you cannot complete the work within the time frame. Forms specifically designed for requesting postponement of a lead-based paint hazard violation correction date are enclosed with this Notice of Violation(s). These forms are also available on-line at nyc.gov/hpd or by calling 212-863-5501.

IV. INFORMATION AND ASSISTANCE:

1. Lead-based paint hazard violations will not be removed unless Department records contain timely and valid certification documents, lead-contaminated dust clearance tests, and the Department has conducted a final inspection that verifies the violation has been corrected.
2. If the time set for certification has expired, you may file for a Dismissal Request inspection in the Division of Code Enforcement Borough Office in which the building is located and submit the appropriate affidavit of compliance, along with all required documentation and the required fee, to have an inspection conducted if necessary.
3. If you have questions concerning the nature and extent of work required for compliance with the law, consult HPD's "Guide to Local Law 1 of 2004 Work Practices." For information on Local Law 1 of 2004, visit nyc.gov/hpd.
4. If you request, the Department will confer with you concerning the nature and extent of the work required for compliance with the law and methods of financing the required work. Contact information for HPD can be obtained at nyc.gov/hpd or through 311.

V. **VIOLATION SUBJECT TO AN INSPECTION FEE** Local Law 65 of 2014 added section 27-2115(f)(8) to the NYC Housing Maintenance Administrative Code to authorize HPD to impose a fee for the third and each subsequent complaint-based housing inspection it performs in a particular dwelling unit where HPD has already inspected the unit twice in the same 12-month period, has issued hazardous (class B) or immediately hazardous (class C) violations, and the owner has failed to repair and timely certify that those violations have been corrected. The fee, if not paid, becomes a tax lien against the property.

FALSE CERTIFICATION IS A CRIME! The Housing Maintenance Code provides for a fine of up to \$1,000, imprisonment of up to a year, or both, for willfully submitting a false statement. Criminal Penalties are also provided by the Penal Code for such false statements. In addition, the Housing Maintenance Code §27-2115 provides that a person who makes a false certification of correction of a lead-based paint hazard violation SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN \$1,000 NOR MORE THAN \$3,000 for each false certification made.

CERTIFICATION OF CORRECTION OF LEAD-BASED PAINT HAZARD VIOLATION(S)

Complete entire form and sign below.

State of New York

} ss:

County of _____

I, _____ (PRINT NAME), swear or affirm under penalty of perjury as follows:

1. That I am the registered: (check applicable box)

<input type="checkbox"/> Owner of the property	<input type="checkbox"/> Managing Agent of the property
<input type="checkbox"/> Officer of the Corporation that owns the property	<input type="checkbox"/> Otherwise registered as responsible for the property
2. That I am currently registered with the Division of Code Enforcement for the subject property.
3. That I have examined the area(s) containing the violation(s) on the reverse side of this form and, to my knowledge such violation(s) whose number(s) I have listed below was (were) corrected on the date(s) I have indicated.
4. That I have read HPD's "Guide to Local Law 1 of 2004 Work Practices" and am aware of the work practices required to correct lead-based paint hazards safely and in accordance with the law.
5. That the work undertaken to correct the violation(s) was performed in accordance with the prescribed work practices.
6. That the following are the names and addresses of my agents or employees who performed the work to correct the lead-based paint hazard violation(s) that I have certified as corrected

Violation/Item Number	Date Corrected	Name of Agent or Employee who Performed the Work	Address of Agent or Employee who Performed the Work

7. That I have attached:
 - a. a sworn statement made by the EPA firm's authorized agent or individual who performed the work to correct the lead-based paint hazard violation(s) stating that the work was performed in accordance with §27-2056.11 of Article 14 of the Housing Maintenance Code and §11-06 of Title 28 of the Rules of the City of New York, which includes **the start and completion date of the work, address and contact information (phone or fax) for the EPA firm that completed the work.**
 - b. a copy of the EPA certification for the firm who performed the work to correct the lead-based paint hazard violation(s).
 - c. a copy of the lead-contaminated dust clearance tests from a laboratory certified by the New York State Environmental Laboratory Approval Program.
 - d. an affidavit from the individual who took the surface dust sample, verifying the date the sample was taken and indicating the address/apartment where the sample was taken.
 - e. a copy of the certificate of training for the individual who performed the lead-contaminated dust clearance test.
8. My signature below indicates that I am submitting a separate and distinct certification for each violation listed above by Violation/Item Number and I am aware that I am subject to penalties for false certification for each violation certified on this form.

Sworn to before me this _____ day of _____

Signature

Notary Public

Phone Number

**THE MAKING OF A FALSE CERTIFICATION IS A CRIME
PUNISHABLE BY A FINE AND/OR IMPRISONMENT**

1st REQUEST FOR POSTPONEMENT OF TIME TO CORRECT LEAD-BASED PAINT HAZARD VIOLATION

(Owner—Return this form to the Department of Housing Preservation and Development,

Division Of Code Enforcement, 94 Old Broadway, 7th Floor, New York, NY 10027 (Att: Lead Violation Postponement Unit)

For more information or assistance regarding postponements, you may call 212-863-5501

Item Nos. :

Building Address :

Owner/Managing Agent Information:

Tel:
Email:

Dear Director:

I am requesting a postponement of the time to correct the above referenced lead-based paint hazard violations(s). In order for HPD to consider this request, I understand that this form must be completely filled out and notarized and that all supporting documentation must be submitted with this form not later than five days preceding the date set of correction in the notice(s) of violation.

I (print name) _____
am the registered owner, registered officer or director of a corporate owner, or the registered managing agent of the multiple dwelling where the violation occurred.

I have taken the following steps to promptly correct the violation(s)

(Attach additional pages as necessary to describe in detail the steps taken.)

I am unable to fully correct the violation(s) within the time set for correction of the violation(s) because of one or more of the following circumstances (For each circumstance checked, supply a detailed statement, attaching additional pages as necessary):

Serious technical difficulty (describe): _____

Inability to obtain necessary materials, funds or labor (describe): _____

Inability to gain access to make the required repair (describe the steps taken to gain access, the reasons why access could not be obtained, and include a copy of the written notice to the tenant, with a copy of the receipt for certified or registered mail, informing the tenant of the necessity of access to correct the violation):

1st REQUEST FOR POSTPONEMENT OF TIME TO CORRECT LEAD-BASED PAINT HAZARD VIOLATION

(Owner—Return this form to the Department of Housing Preservation and Development,

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For more information or assistance regarding postponements, you may call 212-863-5501

I am performing one or more substantial capital improvements that will, when completed, significantly reduce the presence of lead-based paint in the subject multiple dwelling or dwelling unit **AND** the paint that is the subject of the violation has been stabilized. (Describe detailed statement of substantial capital improvements. Attach an affidavit from an EPA certified firm confirming that the paint has been stabilized, a copy of the firm's EPA certification, copies of work contracts, building permits, DOB plans, invoices for materials purchased and any other evidence that work has commenced and substantial progress has been made) _____

I understand that I along with the occupant from the subject unit will be notified of the Department's decision on whether or not to this postponement request will be granted.

State of New York)
County of _____)

(Signature)

Sworn to before me this
_____ day of _____

THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
DIVISION OF CODE ENFORCEMENT

Form L-06

Nov Id:

CONTESTATION OF LEAD-BASED PAINT VIOLATION

This form may only be used to contest lead-based paint violations that: (1) were not tested for the presence of lead-based paint by HPD; (2) are violations for metal surfaces ONLY for which HPD test results were inconclusive; or (3) were not tested for the presence of lead-based paint by HPD and the owner believes the building was erected after January 1, 1960.

Owner— Please mail this form and attached documents to: Department of Housing Preservation and Development, 100 Gold Street, Room 6 - M1C, New York, NY 10038

Item Nos. not tested by HPD:

Building Information :

Owner Information :

Tel:

Email:

Dear Director:

I am writing to contest the above referenced lead-based paint hazard violation(s). The violations that I am contesting are for surfaces which were not tested by HPD; were violations on metal surfaces that were tested by HPD and results were inconclusive (as indicated above); or were surfaces that were not tested by HPD and the building was erected after January 1, 1960. I understand that this form must be completely filled out and notarized and that all supporting documentation must be submitted with this form not later than six days prior to the date set for correction in the notice(s) of violation(s) in order for HPD to consider this contestation.

I _____ (print name and check applicable box) am

_____ the registered owner of the above referenced multiple dwelling;

_____ a registered officer or director of a corporate owner of the above referenced multiple dwelling;

_____ the registered managing agent of the above referenced multiple dwelling;

_____ the shareholder of record on a proprietary lease on the above referenced dwelling unit;

_____ the owner of record for the above referenced condominium unit;

1. Contestation based upon content of lead in paint - surfaces not tested by HPD:

I have attached all of the following documents to support this contestation:

- The results of the lead-based paint testing and/or paint chip laboratory analysis (paint chip analysis is only accepted for small metal surface components that cannot be properly XRF tested), including a description of the testing/analysis methodology and the manufacturer and model of the instrument used to perform testing (*The paint chip laboratory analysis results are provided in mg/cm².);
- A sworn written statement by the person who performed the testing and sampling, using the attached form, stating that such testing or sampling was performed in accordance with §27-2056.2.(7) and §27-2056.5 of Article 14 of the Housing Maintenance Code and the rules promulgated thereunder; and, if paint chip sampling was performed, additionally stating that such sampling was done in accordance with 40 CFR §745.227;
- A copy of the certificate of training of the person who performed the testing or sampling as well as a copy of the NY State ELAP certification for the laboratory that performed any paint chip analysis;
- A copy of the inspection report provided by the person who performed the testing or sampling, which includes a description of the surfaces in each room where the testing or sampling took place.

CONTESTATION OF LEAD-BASED PAINT VIOLATION

2. Contestation based upon content of lead in paint – metal surfaces only that tested inconclusive by HPD:

I have attached all of the following documents to support this contestation:

- A chain of custody document for the paint chip samples taken from the contested area.
- The laboratory analysis of the paint chip samples. The paint chip laboratory analysis results are provided in mg/cm2.;
- A sworn written statement by the person who performed the sampling, using the attached form, stating that such sampling was performed in accordance with §27-2056.2.(7) and §27-2056.5 of Article 14 of the Housing Maintenance Code and the rules promulgated thereunder and that such sampling was done in accordance with 40 CFR §745.227
- A copy of the certificate of training of the person who performed the sampling
- A copy of the NY State ELAP certification for the laboratory that performed the paint chip analysis;
- A copy of the inspection report provided by the person who performed the sampling, which includes a description of the surfaces in each room where the sampling took place.

3. Contestation based upon date the subject multiple dwelling was erected– surfaces not tested by HPD:

- I have submitted documentation that the above referenced multiple dwelling was erected after January 1, 1960. I understand that if HPD accepts this contestation based upon the date that the multiple dwelling was erected, that HPD may perform further testing in the subject dwelling unit to determine the lead content of paint.

I understand that HPD will inform both myself, and the occupant of the unit of the results of this contestation in writing.

State of New York)
County of _____)

(Authorized Signature)

Sworn to before me this
_____ day of _____

(revised 10/2007)

THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
DIVISION OF CODE ENFORCEMENT

Form L-06

Nov Id:

CONTESTATION OF LEAD-BASED PAINT VIOLATION

AFFIDAVIT BY LEAD-BASED PAINT TESTER/SAMPLER

Re: Item Nos. not tested by HPD:

I _____ (print name), performed the testing and/or sampling for lead-based paint at the premises located at _____ (address, including apartment number) on _____ (date). I am certified as an inspector or risk assessor in accordance with subparts L and Q of 40 CFR part 745. I performed the testing and/or sampling in accordance with 40 CFR § 745.227

I have attached a copy of my certificate of training to this affidavit.

State of New York)
County of _____)

(Signature)

Sworn to before me this
_____ day of _____

IMPORTANT UPDATES TO THE GUIDE TO LOCAL LAW #1 OF 2004 WORK PRACTICES

(updated September 2020)

Local Law 1 of 2004 requires that owners follow and retain evidence that safe work practices were used for all repair work in a dwelling unit or building common area where a child under the age of six resides when more than two square feet (or 10 percent of the total surface area of small component) of lead-based paint or paint of an unknown lead content is disturbed. This applies to buildings built prior to 1960 where the law presumes there is lead-based paint, or building built between 1960 and 1978 when the owner is aware of there being lead-based paint.

Please note the following changes to Local Law #1 that recently became effective as you review the enclosed Guide to Local Law #1 of 2004 Work Practices:

1. As of January 1, 2020, the term “reside” now means that a child under six years of age lives in the dwelling unit in a pre-1960 building, OR a child under six years of age routinely spends 10 or more hours per week in such a dwelling unit.
2. Effective August 9, 2020, Local Law 31 of 2020 states that an owner must use an Environmental Protection Agency (EPA) certified inspector or risk assessor, independent of the owner or any firm hired to perform lead-based paint remediation, to test for the presence of lead-based paint in all dwelling units. The inspection must take place within five years of the effective date of the law (by August 9, 2025) or within one year if a child under the age of six comes to reside in the unit (whichever is sooner).

Please review this Guide in its entirety so that you are aware of the requirements regarding the treatment of painted surfaces if your building was built prior to 1960, or if your building was built between 1960-1978 and you are aware that there is lead-based paint in the building.

Note regarding window and door friction surfaces: Although these surfaces are not required to be abated related to a lead-based paint violation (only remediated), they do have to be addressed such that they must not create or allow continued binding surfaces, otherwise this will be determined as non-compliance. Since window and door friction surfaces are required to be abated at turnover, HPD strongly encourages owners to abate friction surfaces whenever positive lead-based paint violations are issued. This will result in a safer apartment and fewer lead positive tests when you are testing pursuant to the Local Law 31 requirements.

If you have questions regarding how lead-based paint work should be conducted, you can contact HPD’s Lead-Based Paint Inspection at (212) 863-5501 or visit the [HPD Lead-Based webpage](#).

Additional updates regarding changes to lead-based paint requirements and to general maintenance responsibilities of property owners are available on the [HPD Housing Quality / Safety webpage](#).

Other Languages: 繁體中文 | Español | Русский | 한국어 | Kreyòl ayisyen | افرسی

GUIDE TO LOCAL LAW #1 OF 2004 WORK PRACTICES

THIS GUIDE IS INTENDED FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT A COMPLETE OR FINAL STATEMENT OF ALL OF THE DUTIES OF OWNERS WITH REGARD TO LEAD-BASED PAINT HAZARDS AND VIOLATIONS OR REPAIR AND RENOVATION WORK. FOR A COMPLETE STATEMENT OF THE LAW CONSULT HOUSING MAINTENANCE CODE ARTICLE 14 (ADMINISTRATIVE CODE §27-2056.1 ET SEQ.), CHAPTER 11 OF TITLE 28 OF THE RULES OF THE CITY OF NEW YORK, AND NEW YORK CITY HEALTH CODE §173.14

COPIES OF THE HPD RULES AND THE LAW ARE AVAILABLE AT:
http://www.ci.nyc.ny.us/html/hpd/html/homeowner/lead_paint.shtml

INFORMATION ABOUT HOW TO CORRECT LEAD HAZARDS WHERE AN ORDER HAS BEEN ISSUED BY THE COMMISSIONER OF HEALTH IS AVAILABLE AT:
<http://www.ci.nyc.ny.us/html/doh/html/pub/pub.shtm?l?lead>

INFORMATION ON WORKER TRAINING AND CERTIFIED TRAINING PROVIDERS IS AVAILABLE AT: www.epa.gov/lead

Owners must correct all lead-based paint hazards and lead-based paint hazard violations in dwelling units where a child under the age of 6 resides. A lead-based paint hazard is any condition in a dwelling or dwelling unit where a child under age 6 resides that causes exposure to lead from lead-contaminated dust, from lead-based paint that is peeling, or from lead-based paint that is present on chewable surfaces, deteriorated subsurfaces, friction surfaces, or impact surfaces that would result in adverse human health effects. All paint in a pre-1960 multiple dwelling unit where a child under age 6 resides and in the common areas of such multiple dwellings is presumed to be lead paint. Correcting lead-based paint hazards and violations promptly using proper work practices and properly trained workers is critical in preventing lead poisoning in young children.

Lead-based paint hazards must be corrected in accordance with the work practices set forth in section 11-06 of Chapter 11 of Title 28 of the Rules of the City of New York (28 RCNY §11-06), and trained workers must be used to do the work. Lead-based paint violations issued by the Department of Housing Preservation and Development must also be corrected using special work practices and trained workers, as set forth in 28 RCNY §11-06. In addition, ANY repair or renovation work in dwelling units where a child under age 6 resides, that disturbs lead-based paint or paint of unknown lead content, is subject to these work practices and must be performed by trained workers. Finally, orders issued by the

Department of Health and Mental Hygiene for correction of violations where a child has been identified to have an elevated blood lead level, must be corrected in accordance with New York City Health Code § 173.14.

Throughout this guide, except where otherwise specified, the words, "department" and "HPD" mean the New York City Department of Housing Preservation and Development, and the acronym "DOHMH" means the New York City Department of Health and Mental Hygiene. The term, "this section" refers to the provisions of this guide as set forth herein.

The following work practices apply to work performed in a pre-1960 multiple dwelling or in a multiple dwelling built between 1960 and 1978 where an owner knows there is lead paint, when the work is performed either in a dwelling unit in which a child under age 6 resides or in the common areas of such a building.

Safe Work Practices.

(a) Filing Procedures for Work Disturbing more than 100 square feet of Painted Surface per Room where no Lead-based Paint Hazard Violation has been issued by HPD. For work that will disturb more than 100 square feet of lead-based paint or paint of unknown lead content per room, or involves the removal of two or more windows where no lead-based paint hazard violation has been issued by HPD an owner must file a notice of commencement of the work. The notice must be filed with DOHMH not less than ten days prior to beginning the work.

(b) Licensing and Training.

(1) Abatement. All work conducted as part of an abatement must be performed by firms and personnel certified to perform lead-based paint activities in accordance with regulations issued by the United States Environmental Protection Agency (EPA) at subpart L of 40 CFR part 745 for the abatement of lead hazards, or successor rule. See 28 RCNY §11-01(a) for the definition of "abatement".

(2) Lead-Based Paint Hazard Violations issued by HPD and Work Disturbing more than 100 square feet of Painted Surface per Room. Work ordered by HPD to correct a lead-based paint hazard violation issued under article 14 of the Housing Maintenance Code, or work that disturbs more than 100 square feet of lead-based paint or paint of unknown lead content per room, or involves the removal of two or more windows, must be performed by a firm certified to perform lead abatement by the EPA in accordance with subpart L of 40 CFR part 745 or successor rule. Workers conducting such work must be trained, at a minimum, in accordance with the regulations issued by the United States Department of Housing and Urban Development (HUD) at 24 CFR §35.1330(a)(4), or successor rule, or under an equivalent program approved by HPD or DOHMH.

Such work must be followed by clearance dust testing performed by a independent third party who has been properly trained.

(3) Work Disturbing less than 100 square feet of Painted Surface per Room where no Lead-based Paint Hazard Violation has been issued by HPD. Work performed that will disturb less than 100 square feet of lead-based paint or paint of unknown lead content per room, where no lead-based paint hazard violation has been issued by HPD, must be performed by workers trained under regulations issued by HUD at 24 CFR §35.1330 (a)(4), or successor rule, or under an equivalent program approved by HPD or DOHMH.

Such work must be followed by clearance dust testing performed by a independent third party who has been properly trained.

(4) Turnover Work. Work performed in a dwelling unit upon turnover (vacancy of a unit) in accordance with §27-2056.8 of article 14 of the Housing Maintenance Code and 28 RCNY §11-05. No person shall perform a lead-contaminated dust clearance test pursuant to this paragraph unless such person is a third party, who is independent of the owner and any individual or firm that performs the work upon turnover. Personnel performing lead-contaminated dust clearance testing after completion of such work must be trained in accordance with regulations issued by HUD, or successor rule, or under an equivalent program approved by HPD or DOHMH.

(c) Recordkeeping. An owner must keep a record of all work performed pursuant to this section and such records must be maintained for a period of ten years from the date of completion of the work, or transferred to a subsequent owner and maintained during such time period, and made available to HPD upon request.

(d) Work Methods.

Minimizing dust dispersion. Work must be carried out in such a manner as to minimize the penetration or dispersal of lead contaminants or lead-contaminated materials from the work area to other areas of the dwelling unit and building or adjacent outdoor areas. Repair of lead-based paint hazard violations may be performed by wet sanding, wet scraping, removal, enclosure, encapsulation, replacement or abatement except where otherwise specified in article 14 of the Housing Maintenance Code or the rules promulgated there under. All plastic sheeting used must be six-mil polyethylene.

(e) Prohibited Methods. The following methods must **not** be used while performing work that disturbs lead-based paint or paint of unknown lead content under the circumstances described in this guide:

(1) Open flame burning or torching.

(2) Machine sanding or grinding without HEPA (high efficiency particulate air filter) local exhaust control.

(3) Abrasive blasting or sandblasting without HEPA local exhaust control.

(4) Heat guns operating above 1100 degrees Fahrenheit or charring the paint.

(5) Dry sanding or dry scraping.

(6) Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the United States Consumer Product Safety Commission at 16 CFR §1500.3, and/or a hazardous chemical in accordance with the United States Occupational Safety and Health Administration regulations at 29 CFR §§1910.1200 or 1926.59, as applicable to the work.

(f) Work Practices and Surface Finishing.

(1) All tools and materials used when disturbing paint lead-based paint or paint of unknown lead content must be used in accordance with the manufacturer's instructions.

(2) All work activities must be performed using standard construction and treatment methods, and in accordance with manufacturer's instructions, where applicable.

(3) All surfaces where paint has been disturbed must be sealed and finished with appropriate materials. Underlying surface substrates must be dry and protected from future moisture before applying a new protective coating or paint, and all paints and coatings must be applied in accordance with the manufacturer's recommendations.

(g) Occupant Protection.

(1) Lead-Based Paint Hazard Violations issued by HPD and Work Disturbing more than 100 square feet of Painted Surface. Work ordered by HPD to correct a lead-based paint hazard violation or work that will disturb more than 100 square feet of lead-based paint or paint of unknown lead content, or that involves the removal of two or more windows, must be performed in accordance with the following requirements:

(i) Postings. No later than twenty-four hours prior to beginning work a warning sign of at least 8-1/2" by 11" with letters at least one inch high, reading as follows: WARNING: LEAD WORK AREA - POISON - NO SMOKING OR EATING must be posted adjacent to the work area and must remain in place until the work area has been cleared for re-occupancy. In addition, a notice of commencement of work information submitted to DOHMH, where applicable, must be posted at the entrance to the dwelling and at the entrance to the dwelling unit.

(ii) Pre-cleaning and protecting moveable

items. Objects and floors in the work area must be cleaned and then objects must either be moved or protected by plastic sheeting.

(iii) Sealing vents. Forced-air systems within the work area must be turned off and covered with plastic sheeting.

(iv) Affixing doorway entrance flap. The work area must be sealed off from non-work areas by taping with waterproof tape and plastic sheeting to create a flap opening into the work area.

(v) Covering floors. The floor of the work area must be covered with at least two sheets of plastic sheeting.

(vi) Sealing openings. All openings, including windows, except those required to be open for ventilation, not sealed off or covered in accordance with this section, must be sealed with two layers of plastic sheeting.

(vii) Instructing occupants. Occupants must be instructed by the owner and contractor to avoid entering the work area until final clearance levels have been achieved.

(viii) Hazardous materials. All hazardous materials must be delivered to the building and maintained during the course of the work in their original containers bearing the manufacturer's labels, and all material safety data sheets, as may be required by law, must be on-site and made available upon request to the occupants of the dwelling unit.

(ix) Clean-up and lead-contaminated dust clearance testing procedures:

(A) Daily clean-up. At the completion of work each day, the work area must be thoroughly wet-mopped or HEPA-vacuumed. In addition, any work area and other adjoining area exposed to lead or lead-contaminated materials must be cleaned as follows:

(a) Large debris (e.g., door, windows, trim). Large debris must be wrapped in plastic sheeting, sealed with waterproof tape, and moved to the area designated for trash storage on the property to be properly disposed of in a lawful manner.

(b) Small debris. Small debris must be HEPA-vacuumed or wet swept and collected. Dry sweeping is prohibited.

(c) Clean-up adjacent to the work area. On a daily basis, as well as during final clean-up, the area adjacent and exterior to the work area must be examined visually to ensure that no lead debris has escaped containment.

(d) Supply storage. Upon finishing work for the day, all work supplies must be stored in sealed containers or removed from the premises, in a lawful manner.

(B) Final clean-up. Final cleaning must be performed as follows, in the following sequence:

(a) The final cleaning process may not start sooner than one (1) hour after paint disturbance activities have been completed, but before repainting, if necessary.

(b) First, all plastic sheeting must be sprayed with water mist and swept prior to removal, and placed in double four-mil or single six-mil plastic bags. Plastic bags must be sealed and properly disposed of in a lawful manner.

(c) Second, all surfaces in the work area must be HEPA-vacuumed.

(d) Third, all surfaces in the work area must be washed with a detergent solution. Wash water must be properly disposed of in a lawful manner.

(e) Fourth, all surfaces exposed to lead dust generated by the lead-based paint disturbance process must be HEPA-vacuumed again.

(f) Fifth, all surfaces must be inspected to ensure that all surfaces have been cleaned and all visible dust and debris have been removed.

(C) Final inspection. After final clean-up, and re-painting if necessary, has been completed, a final inspection must be made by a third party retained by the owner who is independent of the owner and the contractor. The final clearance evaluation must include a visual inspection and lead-contaminated dust clearance testing. Three wipe samples must be collected and tested from each room or work area; one wipe sample each must be taken from a window well, a window sill and the floor. In addition, lead-contaminated dust clearance samples must be collected and tested from the floor in rooms or areas immediately adjacent to the work area.

(D) Clearance for re-occupancy. Lead-contaminated dust levels in excess of the following constitute contamination and require repetition of the clean-up and testing process in all areas where such levels are found. Areas where every lead-contaminated dust sample result is below the following levels may be cleared for re-occupancy:

Samples taken prior to June 12, 2019:

- Floors: 40 micrograms of lead per square foot
- Window Sills: 250 micrograms of lead/square foot
- Window Wells: 400 micrograms of lead/square foot

Samples taken on/after June 12, 2019:

- Floors: 10 micrograms of lead per square foot
- Window Sills: 50 micrograms of lead/ square foot
- Window Wells: 100 micrograms of lead/ square foot

Only upon receipt of laboratory test results showing that the above dust lead levels are not exceeded in the dwelling may the work area be cleared for permanent re-occupancy. However, temporary access to work areas may be allowed, provided that clean-up is completed and dust test samples have been collected in compliance with this section. The owner must provide all lead-contaminated dust clearance test results to the occupants of the dwelling or dwelling unit.

(E) Relocation. An owner must request that an occupant temporarily relocate where it appears that work cannot be performed safely with occupants

in residence. Such owner must offer a suitable, decent, safe and similarly accessible dwelling unit that does not have lead-based paint hazards to such occupants for temporary relocation. Unreasonable refusal by such occupants to relocate pursuant to such offer constitutes a refusal of access under Housing Maintenance Code §§27-2009 and 27-2056.4(b), and, where applicable, 9 NYCRR §2524.3(e). Relocation is not required provided that work can be done safely with occupants in residence, and that at the end of each day of work, the work area is properly cleaned as specified in subdivision (g)(1)(ix)(A) of this section; occupants have safe access to areas adequate for sleeping; occupants have bathroom and kitchen facilities available to them; occupants have safe access to entry/egress pathways; and the work does not create other safety hazards (e.g., exposed electrical wiring or holes in the floor).

(F) Temporary access to the work area when occupants not relocated. When occupants are not relocated, temporary access may be allowed to areas in which work is in progress after work has ceased for the day, provided that at the end of each work day:

(a) Any work area to be accessed is properly cleaned as specified in the daily clean-up requirements of subdivision (g)(1)(ix)(A) of this section and the final clean-up requirements of subdivision (g)(1)(ix)(B)(b) through (d) and (f);

(b) There are no safety hazards (including, but not limited to, exposed electric wiring or holes in the floor) or covered vents;

(c) Floor coverings containing leaded dust and debris and hazardous materials are removed;

(d) Floors in the work area are re-covered with a non-skid floor covering securely taped to the floor;

(e) Work areas are prepared in accordance with the requirements above when work recommences; and

(f) At the end of each work day, and before access is permitted, a checklist indicating compliance with these conditions is completed and signed by the person responsible for overseeing the work. No person shall make a false, untrue or misleading statement or forge the signature of another person on any document or record required to be prepared pursuant to these rules.

(g) Temporary access in accordance with these provisions may be allowed for no longer than five days. If work has not resumed within five days, temporary access may continue only if the person responsible for overseeing the work has repeated the actions required by clauses (a) through (f) of this subparagraph (F). Nothing herein shall extend the time for compliance with any violation issued pursuant to article 14 of the Housing Maintenance Code.

(2) Work Disturbing less than 100 square feet of Painted Surface per Room where no Lead-based Paint Hazard Violation has been issued by HPD. Work that will disturb less than 100 square feet of

lead-based paint or paint of unknown lead content per room where no lead-based paint hazard violation has been issued by HPD must be performed in accordance with the following requirements:

(i) Postings. A warning sign must be posted in accordance with subdivision (g)(1)(i) of this section and caution tape must be placed across the entrance to the work area.

(ii) Pre-cleaning and protecting moveable items. Must be performed as described in subdivision (g)(1)(ii) of this section.

(iii) Covering floors. The floor of the work area must be covered with plastic or equivalent sheeting as described in subdivision (g)(1)(ii) of this section.

(iv) Sealing openings. Where applicable, forced air systems in the work area must be turned off and any openings in the work area must be sealed as described in subdivision (g)(1)(iii) and (iv) of this section.

(v) Instructing occupants. Occupants must be instructed by the owner and contractor to avoid entering the work area until final clean up has been completed.

(vi) Hazardous materials. All hazardous materials must be handled as described in subdivision (g)(1)(viii) of this section.

(vii) Clean-up and lead-contaminated dust clearance testing must be conducted in accordance with subdivision (g)(1)(ix) of this section.

(viii) Relocation and temporary access to work areas when occupants are not relocated, where provided, must be performed in accordance with (g)(1)(ix)(E) and (F) of this section.

(3) Turnover¹. Work performed in a dwelling unit on turnover in accordance §27-2056.8 of article 14 of the Housing Maintenance Code.

(i) Preparation. The procedures described in subdivision (g)(2)(i)-(iv) of this section must be followed.

(ii) Clean-up. At the completion of work, the work area must be thoroughly wet-mopped or HEPA-vacuumed and a visual examination must be conducted in the work area and the area adjacent and exterior to the work area. Any noted lead-contaminated dust or debris must be wet-mopped or HEPA-vacuumed. All work supplies must be stored at the end of each work day in sealed containers or removed from the premises, in a lawful manner.

(iii) Lead-contaminated dust clearance testing. Lead-contaminated dust clearance testing must be conducted in accordance with subdivision (g)(1)(ix)(C)-(D) of this section.

¹Under HPD's rules, "Turnover" means the new occupancy of a dwelling unit after termination of a prior tenancy, and does not include temporary relocation of a tenant. Owners must repair all lead hazards in any pre-1960 multiple dwelling unit or in any pre-1960 non owner occupied private dwelling unit. Owners must certify that they have complied with the turnover requirements in a notice provided to the new occupant.

Dear Owner/Managing Agent:

The enclosed Notice of Violation describes an emergency condition(s) reported by the Division of Code Enforcement of the Department of Housing Preservation and Development ("HPD") of the City of New York ("City").

It is YOUR responsibility to timely and properly correct the violation/emergency condition. If you fail to do so, the City may perform or contract for emergency repairs to correct the violation at your expense. The City is subject to laws governing procurement, contracting, wages, and other matters that may make such work significantly more expensive than the price you could obtain if you perform or contract for the work yourself. The City will bill you for the cost of the emergency repair plus related fees. If you fail to pay, the City will file a tax lien against the property. The tax lien will bear interest and may be sold and/or foreclosed to collect the amount you owe. Failure to correct violations may also result in civil penalties imposed by the Housing Court.

Avoid emergency repair and service charges and remove the violation(s) from the HPD records at no cost by timely and properly correcting the violation/emergency condition and timely certifying such correction to HPD. Instructions on how to certify correction of a violation are located on the back side of the enclosed Notice of Violation. You must submit the certification of violation correction to HPD by the CERTIFICATION DATE indicated on the Notice of Violation. You may also certify correction online, using eCertification. Go online to [nyc.gov/hpd](http://www.nyc.gov/hpd) for more information and enroll for eCertification at <http://www.nyc.gov/html/hpd/html/owners/e-certification.shtml>. To certify violation correction, you must be the registered owner or managing agent of the property. For registration assistance, visit the HPD website at www.nyc.gov/hpd or call the Registration Assistance Unit at (212) 863-7000.

If any of the violations cited on the enclosed form are for **lead-based paint hazards** (order numbers 616 and 617), the Notice of Violation includes a brochure describing the required work practices to correct the emergency condition(s) and forms required for requesting a postponement of the correction date. Questions regarding correction of lead-based paint hazard violations should be directed to (212) 423-5070.

Questions regarding violation correction and certification may be directed to the appropriate HPD Borough Code Enforcement Office.

Manhattan: (212) 863-5030
94 Old Broadway, 7th Floor, New York, NY 10027
Bronx: (212) 863-7050
1932 Arthur Avenue, 3rd Floor, Bronx, NY 10457
Brooklyn: (212) 863-6620
701 Euclid Avenue, Brooklyn, NY 11208
Brooklyn: (212) 863-8060
210 Joralemon Street, Room 804, Brooklyn, NY 11201
Queens: (212) 863-5990
120-55 Queens Blvd, 1st Floor, Kew Gardens, NY 11424
Staten Island: (212) 863-8100
Borough Hall, 2nd Floor, St. George, NY 10301

HPD's Public Outreach and Education (POE) offers a variety of training courses for owners, property managers and superintendents. For more information or to register for a course, please visit the HPD website at www.nyc.gov/hpd or call POE at (212) 863-8830.

Very truly yours,
Division of Code Enforcement



Department of
Housing Preservation
& Development
nyc.gov/hpd

Office of Enforcement &
Neighborhood Services
100 Gold Street
New York, N.Y. 10038

Estimado propietario/agente administrador:

La Notificación de violación adjunta describe estados de emergencia informados por la División de Cumplimiento del Código del Departamento de Conservación y Desarrollo de Vivienda ("HPD", por su sigla en inglés) de la Ciudad de Nueva York ("Ciudad").

USTED es responsable de corregir de manera correcta y oportuna el estado de emergencia/violación. Si no lo hace, la Ciudad puede realizar o contratar reparaciones de emergencia para corregir la violación a su cargo. La Ciudad está sujeta a leyes que rigen la obtención, la contratación, los salarios y otros asuntos que pueden hacer que dicho trabajo sea significativamente más costoso que el precio que usted podría obtener si realiza o contrata el trabajo por sí mismo. La Ciudad le facturará el costo de la reparación de emergencia más los cargos relacionados. Si no paga, la Ciudad presentará un embargo fiscal contra la propiedad. El embargo fiscal devengará intereses y se puede vender y/o ejecutar para cobrar la cantidad que adeuda. Si no corrige las violaciones, también puede tener como resultado sanciones civiles impuestas por el Tribunal de la Vivienda.

Evite los cargos de servicio y reparaciones de emergencia, y quite las violaciones de los registros del HPD sin cargo al corregir de manera correcta y oportuna el estado de emergencia/violación y al certificar oportunamente dicha corrección para el HPD. Las instrucciones sobre cómo certificar la corrección de una violación se encuentran en la parte posterior de la Notificación de violación adjunta. Debe enviar la corrección de la certificación de violación al HPD en la FECHA DE CERTIFICACIÓN indicada en la Notificación de violación. También puede certificar la corrección en línea, mediante el uso de eCertification. Visite en Internet [nyc.gov/hpd](http://www.nyc.gov/hpd) para obtener más información e inscribirse en eCertification en <http://www.nyc.gov/html/hpd/html/owners/e-certification.shtml>. Para certificar la corrección de la violación, usted debe ser el propietario o agente administrador registrado de la propiedad. Para obtener ayuda en el registro, visite el sitio web de HPD en www.nyc.gov/hpd o llame a la Unidad de Ayuda para el Registro al (212) 863-7000.

Si alguna de las violaciones citadas en el formulario adjunto es para los **riesgos de la pintura con plomo** (números de pedido 616 y 617), la Notificación de violación incluye un folleto que describe las prácticas del trabajo requerido para corregir los estados de emergencia y las formas requeridas para solicitar un aplazamiento de la fecha de corrección. Las preguntas relacionadas con la corrección de las violaciones de riesgos de la pintura con plomo se deben dirigir al (212) 423-5070.

Las preguntas relacionadas con la corrección y certificación de la violación se pueden dirigir a la Oficina de Cumplimiento del Código del Municipio del HPD adecuado.

Manhattan: (212) 863-5030
94 Old Broadway, 7th Floor, New York, NY 10027
Bronx: (212) 863-7050
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Staten Island: (212) 863-8100
Staten Island Borough Hall, 2nd Floor, Staten Island, NY 10301

El Servicio Público de Asistencia a la Comunidad y Educación (POE, por su sigla en inglés) del HPD ofrece una variedad de cursos de capacitación para propietarios, encargados y gerentes de propiedades. Para obtener más información o registrarse para un curso, visite el sitio web del HPD en www.nyc.gov/hpd o llame al POE al (212) 863-8830.

Atentamente,
División de Cumplimiento del Código



Printed on paper containing 30% post-consumer material.

ESB Form 1 (rev. 4/2018)