

## Lead Paint Hazards in the Home

### What Tenants Should Know and Building Owners Must Do To Keep Homes Safe

Lead is a poison often found in old paint. Lead paint, and the dust that it turns into, is the most commonly identified source of childhood lead poisoning. Lead poisoning can cause learning and behavioral problems in children. The use of lead paint in residential buildings was banned in NYC in 1960. Buildings built before 1960 may still have lead paint on the walls, windows, windowsills, doors and other surfaces. If paint begins to peel or home repairs are done unsafely, lead paint and dust can spread around your home. When children put their hands and toys in their mouths, they can swallow lead dust.

To help protect children from lead poisoning, the law requires building owners to identify and fix **lead paint hazards** in apartments where children age 5 or younger live or routinely spend 10 or more hours per week. These laws apply if the building has rental units and was built before 1960 (or between 1960 and 1978 if the owner knows that the building has lead paint).

**Lead paint hazards** include peeling or damaged lead paint; lead paint on crumbling plaster or rotted wood; lead paint on doors and windows that touch, stick or rub together; and lead paint on windowsills and surfaces that children may chew on.

#### Building owners must:

- Distribute an **annual notice** to all tenants to learn whether a child age 5 or younger lives or routinely spends 10 or more hours per week in the apartment. Inspect any apartment where there is a child 5 or younger for lead paint hazards and give a copy of the inspection results to the tenant. To find the annual notice and instructions, visit [nyc.gov/health](http://nyc.gov/health) and search for **lead paint annual notice**.
- Repair lead paint hazards in all rental units using **safe work practices**, and make sure there is no lead paint on window and door surfaces that touch, stick or rub together, before a new tenant moves in. Provide temporary housing if lead paint hazards cannot be safely fixed with the tenant living in the apartment.
- Notify the NYC Department of Health and Mental Hygiene (the Health Department) when more than 100 square feet of lead paint will be disturbed in a room, or two or more painted windows will be replaced. Visit [nyc.gov/health](http://nyc.gov/health) and search for **notice of commencement form**.
- Keep records of everything related to lead paint inspections, notices and repairs for at least 10 years.

#### Safe Work Practices

- Use workers and firms certified by the U.S. Environmental Protection Agency (EPA) when fixing lead paint hazards and doing general repair work that disturbs lead paint.
- Post warning signs outside the work area.
- Move or cover all furniture and seal off floors, doors and other openings with plastic and waterproof tape.
- Clean the work area daily with either wet mops or a HEPA vacuum, **and** clean with wet mops and a HEPA vacuum after work is done.
- Have an independent EPA-certified contractor take clearance dust wipes after work is complete to make sure that lead dust levels are safe. Give a copy of the results to the tenant.
- Never dry-scrape or dry-sand lead paint.

### **5-Year Testing Requirement (Local Law 31 of 2020)**

Building owners must test all apartments for lead paint by August 2025, or within a year if a child age 5 or younger comes to live or routinely spend 10 or more hours a week in the apartment, whichever is sooner.

#### **Tenants must:**

- By February 15, fill out and return the annual notice you receive from your building owner. This form tells the owner if any children live or routinely spend time in your apartment.
- Notify the building owner in writing if, after you return the annual notice, you have a baby or if a child age 5 or younger comes to live or routinely spend 10 or more hours a week in your home.

#### **What To Know About Lead Paint Violations**

- The NYC Department of Housing Preservation and Development (HPD) will inspect for lead paint hazards in any apartment where a tenant has called **311** with a housing maintenance complaint and a child 5 or younger lives or routinely spends 10 or more hours per week, if the building was built before 1960.
- If HPD finds a lead paint hazard, the inspector will issue a violation to the building owner, and the owner will be required to fix the hazards within a certain time period.
- The building owner must use safe work practices, including workers and firms certified by the U.S. EPA, to fix lead paint hazard violations or to remove lead paint from doors or windows that touch, stick or rub together.
- Some violations will require HPD to return to the apartment to inspect and check whether the owner did the work. If the building owner does not correct a lead paint violation, HPD will fix the hazard. This may require multiple visits. It is important for tenants to provide access to HPD, and to let building staff or contractors into the apartment to make any needed repairs.
- HPD may ask a building owner for lead paint records and may inspect other parts of the building. HPD will issue violations for missing records or any hazard found during an inspection.

#### **Help Prevent Lead Poisoning**

- Call **311** to learn more about how to prevent lead poisoning or where to get a lead test, or to order more copies of this document or other materials about lead poisoning prevention.
- Report peeling, cracked or loose paint in your apartment to your building owner. If your building owner does not fix peeling paint or if you think repair work is being done unsafely, call **311**.
- Order a free lead test kit for drinking water by calling **311**. You will receive the results within 30 days of submitting the water sample.
- Wash floors, windowsills, hands, toys and pacifiers often.
- Remind your doctor to test your child for lead poisoning at ages 1 and 2. Ask the doctor about testing older children. If you do not have a doctor, call **311** for help finding one.

Owners of buildings with rental units must give this document to tenants when they sign a lease or move into an apartment if the building was built before 1960 (or between 1960 and 1978 if the owner knows that the building has lead paint). This document contains basic information about lead paint, is not intended to provide legal advice, and is provided for your convenience only. For a copy of the laws and applicable rules, visit [nyc.gov/hpd](https://nyc.gov/hpd) and search for **lead poisoning**. For more information about preventing lead poisoning, visit [nyc.gov/lead](https://nyc.gov/lead).