

BOROUGH _____ HOUSE NO. _____ STREET NAME _____

CERTIFICATION OF CORRECTION OF LEAD-BASED PAINT HAZARD VIOLATION/HOUSING QUALITY STANDARDS FAILURE

Complete ownership statement and sections of form for applicable Order number and sign below.

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

1. That I am: (check)

- | | |
|---|--|
| <input type="checkbox"/> Currently registered owner of the property | <input type="checkbox"/> Otherwise registered as responsible for the property |
| <input type="checkbox"/> Currently registered officer or director of the Corporation that owns the property | <input type="checkbox"/> Owner or shareholder of record for a condo or cooperative unit that is tenant-occupied. |
| <input type="checkbox"/> Currently registered managing agent of the property | <input type="checkbox"/> Owner of 1-2 family dwelling where I or my immediate family reside. |

2. That I have complied with violation/failure number(s) _____ by conducting the appropriate actions and enclosing documentation as described below.

3. For any work completed, I have included

- An Affidavit from the EPA-certified abatement 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 28 RCNY §11-06; The start and completion date of the work; The address and contact information (phone or fax) for the EPA firm that completed the work.
- A copy of the EPA certification for the abatement firm that performed the work to correct the lead-based paint hazard violation(s).
- A copy of the State-certified laboratory analysis of all surface dust samples taken which indicates the method of preparation and analysis of the samples.
- An Affidavit from the individual who took the surface dust sample, verifying the date the sample was taken and indicating the address/dwelling unit where the sample was taken.
- A copy of the EPA certificate of the individual who took surface dust samples. The EPA certificate must be valid for the period when the dust samples were taken.

Authorized Signature

Phone Number

Email Address

State of New York, County of _____
Sworn to before me this _____ day of _____, 20_____

Stamp

(Notary Signature)

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

INSTRUCTIONS

You may be subject to the penalties described below unless you correct the lead-based paint hazard violation(s)/failure(s), using the prescribed work practices, and certify the correction of the Violation(s)/Housing Quality Standards Failure(s) by the date indicated on the front of this Notice of Violation/Housing Quality Standards Failure.

I. HOUSING MAINTENANCE CODE (HMC) AND MULTIPLE DWELLING LAW (MDL)

PENALTIES- A lead-based paint hazard violation is a Class C (immediately hazardous) violation. Failure to correct and certify correction by the specified date(s) will subject the owner to a civil penalty of **\$250** per day per violation, up to a maximum of **\$10,000**.

II. FEDERAL HOUSING QUALITY STANDARDS (HQS)

NON-COMPLIANCE- Housing Assistance Payments (HAP) will be suspended (abated) unless you correct and certify the correction of HQS failure(s) by the correction date. During the abatement period, you will not be able to collect HAP from HPD or the tenant. The tenant will only be responsible for his or her portion of the rent. It is a violation of federal regulations to sue tenants for non-payment of HPD's share of rent.

III. 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.

IV. 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.

V. 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 postponement of lead-based paint hazard violation correction date are enclosed with this Notice of Violation(s)/Housing Quality Standards Failure(s). These forms are also available on-line at nyc.gov/hpd or by calling 212-863-5501.

VI. 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 written verification that 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 affirmation of compliance with the required fee to have the lead-based paint hazard violation(s) removed.
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.

VII. VIOLATION SUBJECT TO AN INSPECTION FEE Local Law 65 of 2014 added section 27-2115(f)(8) to the NYC Housing Maintenance 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 timely 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.



EPA-Licensed Lead Abatement Firm Name

Address: _____

Tel: _____ Fax: _____ Email: _____

EPA Abatement Firm License Number: _____ Expiration date: _____

Dated: _____

Premises address: _____ Apt: _____

Violation Number(s) _____

I, _____, the EPA Firm Principal / Lead Abatement Supervisor / Project Designer for this abatement or remediation work, hereby swear that this firm performed the work under my supervision to correct the above lead paint hazard violation(s) in accordance with Housing Maintenance Code § 27-2056.11 and §11-06 of Title 28 of the Rules of the City of New York during the period commencing _____, 20__ and completed _____, 20__. All violations were corrected using methods consistent with all industry practices and standards. A copy of my EPA Lead Paint Abatement Firm license and, if I am a Lead Abatement Supervisor / Project Designer, my Lead Abatement Supervisor / Project Designer license in effect (license _____, exp _____) when the work was done is attached.

Sworn to before me this
_____ day of _____, 20__

Signature, EPA Firm Principal / Lead
Abatement Supervisor / Project Designer
EPA

Notary Public

AFFIDAVIT BY DUST WIPE SAMPLER

I _____ (print name), performed the sampling for lead based paint dust hazard clearance at the premises located at _____ (address), apartment number _____ on _____ (date). I have attached a copy of my EPA Certification issued under 40 CFR 745.226, either as Lead Inspector / Risk Assessor or my 6 month Interim Certification under 40 CFR 745.225 from an EPA accredited school to this affidavit.

Sworn to before me this _____ day of _____, 20_____

Signature

Notary Public

Phone Number

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