

BOROUGH _____ HOUSE NO. _____ STREET NAME _____

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

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 number _____

by conducting the appropriate actions and enclosing documentation as described by the Demand for Records Section(s) (enclosed with this Notice of Violation) referenced on this affidavit. (Check below the section for which you are certifying compliance.)

Order 618 or 620:

- That I have complied with all of the Demand for Records Sections which was enclosed with this Notice of Violation, which include record-keeping requirements related to annual notice/ annual inspection, work conducted on presumed lead-based paint surfaces and turnover and included with this Certification the appropriate attachments to substantiate that I am in compliance.

Order 619:

- That I have complied with the requirements related to the Annual Notice and Investigation as was described in the Demand for Records Section which was enclosed with this Notice of Violation and included with this Certification the appropriate attachments to substantiate that I am in compliance.

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



Please Note: 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.

Instructions to Comply with Violation Orders #618, #619 and #620

For compliance with violation order #618, #619 or #620, you must complete and return **ANY AFFIDAVITS AND COPIES OF SUPPORTING RECORDS** you are providing for all sections of this request. Keep a copy of this form and any affidavits that you submit for your records.

Records should be delivered in person or mailed with proof of delivery retained to:

Department of Housing Preservation and Development
94 Old Broadway, 7th Floor
New York, NY 10027
Attn: Record Audit

Questions about these violations can be directed to HPD’s Lead Unit at (212) 863-5581.

Instructions

For each of the below sections, a description of what documentation must be provided for **each year of the audit period** is indicated. Unless otherwise noted, all documents are required in each category.

Section 1: Audit of Annual Notice Distribution and Investigation (for Violation Orders #618, #619 and #620)

1.1 Proof of delivery of the Annual Notice to the occupant of each dwelling unit

- a. The completed and notarized **Affidavit of Delivery of Annual Notice** (enclosed with this order) with a sample copy of the annual notice that was delivered. You can also access a sample copy of this affidavit at <https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/rpo1-english.pdf>.
- b. A complete list with the building address, each dwelling unit number and the date of delivery to each dwelling unit or the date of the email notice sent to each dwelling unit.

ITEM “C” BELOW IS REQUIRED ONLY IF any of the dwelling units are exempt from the presumption of lead-based paint established in Administrative Code §27-2056.5(a) due to the provisions identified in the paragraph below:

- c. A complete list of any dwelling units in the building for which there is a lead exemption obtained from HPD for the dwelling unit that is in effect during the audit period; and a complete list of owner/shareholder-occupied cooperative or condominium dwelling units during the audit period, where the owner was not required to provide Annual Notices to such owner/shareholder. Any such lists must be signed by the owner.

1.2 Annual Notice response received from the occupant of each dwelling unit

- a. A list of the dwelling units with an indication of whether the dwelling unit responded and the response, including whether there is a child under six residing in the unit based on either the occupant’s verbal or written response or the owner’s inspection/knowledge.
- b. Copies of the completed and returned Annual Notice, where received. Documents must have the building address, dwelling unit number, and occupant’s name, signature and date.

ITEM “C” BELOW IS REQUIRED ONLY IF any dwelling units did not respond to the Annual Notice:

- c. The date when access was attempted to confirm the residence of a child or an indication that the owner had knowledge of a dwelling unit with a child under six; proof of providing written notice by certified or registered mail or by first class mail with proof of mailing of the need to access the unit; and a copy of the notice sent by the owner to the Department of Health and Mental Hygiene regarding failure to access any particular dwelling unit.

1.3 Annual investigation reports conducted pursuant to responses by occupants to Annual Notices

- a. Completed and notarized **Affidavit of Annual Investigation for Lead-Based Paint Hazards** (enclosed with this order). You can also access a sample copy of this affidavit at <https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/rpo1-english.pdf>.
- b. Copies of the inspection reports for dwelling units that were inspected, including a statement whether there was or was not peeling paint on all visually inspected components or similar documentation.

ITEMS “C” AND “D” BELOW ARE REQUIRED ONLY IF access was not gained to a dwelling unit for the investigation:

- c. Completed and notarized **Affidavit of No Access to Perform Annual Investigation for Lead-Based Paint Hazards** (enclosed with this order). You can also access a sample copy of this affidavit at <https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/rpo1-english.pdf>.
- d. Copies of the written notice given to the occupant informing the occupant of the need to access the unit or similar documentation and a record regarding access attempts and the reasons for failure of access.

Section 2: Audit of Work Performed to Correct Lead-Based Paint Hazard Violations (for ONLY Violation Orders #618 and #620)

2.1 For currently open and uncertified violations in the audit period

- ▶ If you require assistance identifying whether there are currently open and uncertified violations in the audit period, contact HPD’s Lead Unit at (212) 863-5581.
- ▶ If you have no currently open and uncertified lead-based paint hazard violations from HPD for the audit period, nothing is required to be provided for in Section 2.

Owner must provide **ALL** of the following **for each currently open and uncertified lead-based paint hazard violation**.

- a. Completed and notarized Affidavit AF-5. (This document is available at <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).
- b. 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 sample document can be found at <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).
- c. A copy of the EPA certification for the abatement firm that performed the work to correct the lead-based paint hazard violation(s).

- d. 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.
- e. 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 sample document can be found at <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).
- f. A copy of the Certificate of Training of the individual who took surface dust samples. The Certificate of Training must be valid for the period when the dust samples were taken.

Section 3: Audit of Non-Violation Work that Disturbed Lead-Based Paint or Paint of Unknown Lead Content (for ONLY Violation Orders #618 and #620)

3.1 Records for all non-violation work that disturbed lead-based paint or paint of unknown lead content on a surface greater than two square feet per room in a dwelling unit where a child under six years of age resides, or in the common areas of the building, including documentation of the work practices used

ITEM "A" BELOW IS REQUIRED ONLY IF no non-violation work on painted surfaces in apartments with children under six at the time of the repair was completed during the audit period:

- a. Completed and notarized **Affidavit for No Work that Disturbed Lead-Based Paint or Paint of Unknown Lead Content (Non-Violation)** (enclosed with this order). You can also access a sample copy of this affidavit at <https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/rpo1-english.pdf>.

OR IF SUCH WORK WAS PERFORMED:

Owner must provide a list of where work was performed and provide **ALL** of the following for each instance of work.

- b. An Affidavit from the EPA-certified abatement or EPA-certified Renovation 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 sample document can be found at <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).
- c. A copy of the EPA certification for the firm that performed the work.
- d. A copy of EPA certifications of the EPA-certified Renovators or Abatement Workers and Supervisors who performed the work.
- e. The location of the work performed in each room including a description of such work OR invoices for payment for such work.
- f. 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.
- g. An Affidavit from the individual who took the surface dust samples, verifying the date the sample was taken and indicating the address/dwelling unit where the sample was taken (a sample document can be found at <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).
- h. A copy of the Certificate of Training of the individual who took surface dust samples. The Certificate of Training must be valid for the period when the dust samples were taken.

ITEM “I” BELOW IS REQUIRED ONLY IF an occupant is not relocated from the dwelling and the work continues past one day:

- i. Checklists completed when/if occupants were allowed temporary access to a work area at the end of the day after work has ceased for the day.

ITEMS “J” AND “ ” BELOW ARE REQUIRED ONLY IF the work that was performed disturbed more than 100 square feet of lead-based paint or paint of unknown lead content in a room in a dwelling unit where a child under age six resides, or involved the removal of two or more windows in such unit:

- j. A copy of the owner’s completed and signed notice of commencement of work that was filed with the Department of Health and Mental Hygiene.
- k. Any changes in the information contained in the notice filed with the Department of Health and Mental Hygiene prior to commencement of work, or if work has already commenced, within 24 hours of any such change.

Section 4: Audit of Work Performed at Turnover of any Dwelling Unit (for ONLY Violation Orders #618 and #620)

REQUIRED FOR ALL:

- a. The completed and notarized **Affidavit for Turnover of Any Dwelling Unit** (enclosed with this order) listing any dwelling units where a tenant has vacated a dwelling unit and the dwelling unit has been re-occupied by a new tenant during the audit period. You can also access a sample copy of this affidavit at <https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/rpo1-english.pdf>.

ITEM “B” BELOW IS REQUIRED ONLY IF no work was necessary to comply with the requirements for turnover of the dwelling unit:

- b. The completed and notarized **Affidavit of No Turnover Work Necessary** (enclosed with this order). You can also access a sample copy of this affidavit at <https://www1.nyc.gov/assets/hpd/downloads/pdfs/services/rpo1-english.pdf>.

ITEMS “C” THROU H “I” BELOW ARE REQUIRED ONLY IF work was completed to comply with the requirements for turnover of the dwelling unit including remediating lead-based paint hazards or presumed lead-based paint hazards; removing lead-based paint on friction surfaces on all doors and door frames; removing lead-based paint on all friction surfaces of windows or providing for the installation of replacement window channels or sliders; and making all bare floors, window sills, and window wells smooth and cleanable:

- c. An Affidavit from the EPA-certified abatement firm or Renovation firm’s authorized agent or individual who performed the work stating that the work was performed in accordance with §27-2056.11(a)(3) 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 sample document can be found at <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).
- d. A copy of the EPA certification for the abatement firm where applicable, or Renovation firm that performed the work.
- e. A copy of EPA certifications of the EPA-certified Abatement Workers and Supervisors, where applicable, or Renovators who performed the work.
- f. The location of the work performed in each room, including a description of such work and components of parts of the dwelling unit that were replaced OR invoices for payment for such work.

- g. 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.
- h. An Affidavit from the individual who took the surface dust samples, verifying the date the sample was taken and indicating the address/dwelling unit where the sample was taken (a sample document can be found at <https://www1.nyc.gov/site/hpd/owners/Lead-Based-Paint.page>).
- i. A copy of the Certificate of Training of the individual who took surface dust samples. The Certificate of Training must be valid for the period when the dust samples were taken.

**AFFIDAVIT OF DELIVERY OF ANNUAL NOTICE –
MAILING/EMAILING/HAND-DELIVERY**

I, _____ (**print name**), swear or affirm under penalty of perjury as follows:

The delivery of the Annual Notice for Prevention of Lead-based Paint Hazards Inquiry Regarding Child, that is required under Administrative Code Section 27-2056.4 (“Annual Notice”) to each dwelling unit in the building located at _____ (“Premises”) was completed during the audit period by:

Select all that apply:

- Myself, the owner/managing agent
- My employee under my direction
- A third party hired by me or my employee under my direction

The procedure during the audit period to deliver the Annual Notice to each dwelling unit in the building located at the “Premises” was (**must select one**) by email or by mail or by hand-delivery to the occupant of the dwelling unit, or by a combination of email, mail, and hand delivery.

In support of this Affidavit, I am attaching any of the following records which I have in my possession for each year of the audit period:

- A sample copy of the Annual Notice in English and Spanish that was mailed/mailed/hand-delivered to the occupants of the building;
- A complete list with the building address, each dwelling unit number, the date of delivery to each dwelling unit or the date of the email notice sent to each dwelling unit, and the name of the individual who performed the delivery to each dwelling unit; and
- If the delivery was completed by a third party: the company’s name and address.

(Print Name)

(Signature)

State of New York, County of _____

Stamp

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

(Notary Signature)

AFFIDAVIT OF ANNUAL INVESTIGATION FOR LEAD-BASED PAINT HAZARDS

I, _____ (**print name**), swear or affirm under penalty of perjury as follows: I am the owner/managing agent for the building located at: _____
_____ (**address**) (“Premises”).

I or my employee, or an individual hired by me for this purpose, conducted a visual inspection for lead-based paint hazards in dwelling units where a child under the age of six resides and the common areas of the building where a child under the age of six resides that are required to be inspected annually under Administrative Code section 27-2056.4.

I understand that effective January 2020, the NYC Childhood Lead Poisoning Prevention Act (Local Law 1 of 2004) was amended so that the word “resides” 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. In either case, the child is considered to "reside" in the unit for purposes of compliance with the law.

In support of this Affidavit, I am attaching any of the records which I have in my possession for each year of the audit period that reflect:

- The dwelling units in which an inspection was conducted, including the name of the person who performed the visual inspection, the date of the inspection, and the dwelling unit number and a copy of the inspection for each unit.

(PrintName)

(Signature)

State of New York, County of _____

Stamp

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

(Notary Signature)

**AFFIDAVIT OF NO ACCESS TO PERFORM ANNUAL INVESTIGATION
FOR LEAD-BASED PAINT HAZARDS**

I, _____ (print name), swear or affirm under penalty of perjury as follows:

I am the owner/managing agent for the building located at: _____
(address) ("Premises").

I or my employee, or an individual hired by me for this purpose, attempted to conduct a visual inspection for lead-based paint hazards in dwelling units where a child under the age of six resides that are required to be inspected annually under Administrative Code section 27-2056.4.

I understand that effective January 2020, the NYC Childhood Lead Poisoning Prevention Act (Local Law 1 of 2004) was amended so that the word "resides" 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. In either case, the child is considered to "reside" in the unit for purposes of compliance with the law.

A visual inspection was not completed in certain dwelling units due to failure to gain access for the inspection, despite attempts to gain access and written notification to the occupant of the dwelling unit regarding the need for access for inspection.

In support of this Affidavit, I am attaching any of the records which I have in my possession for each year of the audit period that reflect:

- The dwelling units in which a visual inspection may have been required but was not conducted, and for each such unit:
 - Copies of the written notice provided by certified, registered or first-class mail to the occupant of such units regarding the need to access the unit for inspection, including the date of mailing with proof of mailing, or similar documentation;
 - The dates an attempt was made to gain access; and
 - The reason(s) that the inspection was not conducted (for example, no response to the annual notice regarding lead-based paint hazards, refusal to allow access, or no response to owner's notification of need for access for inspection).

(PrintName)

(Signature)

State of New York, County of _____

Stamp

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

(Notary Signature)

AFFIDAVIT FOR NO WORK THAT DISTURBED LEAD-BASED PAINT OR PAINT OF UNKNOWN LEAD CONTENT (NON-VIOLATION)

I, _____ (print name), swear or affirm under penalty of perjury as follows:

I am the owner/managing agent for the building located at: _____ (address) (“Premises”) and I have not performed or caused to be performed by an employee or contractor any work that disturbed more than two square feet of any lead-based paint or paint of unknown lead content in any room of an apartment where a child under six years of age resided at the time at the Premises during the audit period.

I understand that effective January 2020, the NYC Childhood Lead Poisoning Prevention Act (Local Law 1 of 2004) was amended so that the word “resides” 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. In either case, the child is considered to "reside" in the unit for purposes of compliance with the law.

I have listed each unit below where work was performed during the audit period when I was the owner/managing agent, and I have indicated the basis for stating the work did not disturb lead paint:

Unit Number	Choose the reason below (X).			
	Unit has HPD lead free paint exemption.	Unit was tested for lead-based paint by an EPA-certified Inspector or Risk Assessor and no painted surface tested positive for lead-based paint.*	No child under 6 years of age resided in the unit at the time.	The work performed did not disturb more than two square feet of any lead paint or paint of unknown lead content in a room.

*If the dwelling unit was tested for lead-based paint and tested negative for lead-based paint, I am attaching the following required documentation:

- A copy of the inspection report prepared by an EPA-certified Inspector or Risk Assessor.
- A copy of the EPA certification of the Inspector or Risk Assessor valid for the inspection date.
- A notarized Affidavit by the Inspector or Risk Assessor who conducted the inspection. (Affidavit enclosed with this order).

Please add additional copies of this Affidavit if additional space is needed to list all the units.

(Print Name)

(Signature)

State of New York, County of _____

Stamp

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

(Notary Signature)

AFFIDAVIT FOR TURNOVER OF ANY DWELLING UNIT

I, _____ (print name), swear or affirm under penalty of perjury as follows:

I am the owner/managing agent for the building located at: _____
 (address) (“Premises”) and that:

Must Select **ONE**:

No dwelling unit was vacated and re-occupied by a new tenant (turnover) during the audit period when I was the owner/managing agent.

OR

The following dwelling units were vacated and re-occupied by a new tenant (turnover) during the audit period when I was the owner/ managing agent.

Unit Number	Date the previous tenant ended occupancy	Date the new tenant started occupancy

Please add additional copies of this Affidavit if additional space is needed to list all the units.

For any unit that did turn over, the owner/managing agent must also submit all records listed in Section 4 “c” through “i” of the Record Production Order to demonstrate compliance with the work requirements.

For any unit that did turn over but for which turnover work was not required, the owner/managing agent must complete and submit the **Affidavit of No Turnover Work Necessary**.

 (Print Name)

 (Signature)

State of New York, County of _____

Stamp

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

 (Notary Signature)

AFFIDAVIT OF NO TURNOVER WORK NECESSARY

I, _____ (print name), swear or affirm under penalty of perjury as follows:

I am the owner/managing agent for the building located at: _____ (address) (“Premises”) and that the following dwelling units were vacated and re-occupied by a new tenant (turnover) during the audit period when I was the owner/managing agent but did not require turnover work pursuant to Administrative Code Section 27-2056.8.

I have listed each unit below and indicated the basis for stating the unit did not require turnover work:

Unit Number	Choose the reason below (X).			
	Unit has HPD Lead Free paint exemption.	Unit has no painted window and door friction surfaces, the floor, window sills and window wells were smooth and cleanable, and there were no lead-based paint hazards or underlying defects to correct.	Unit window and door friction surfaces have tested negative for lead-based paint*, the floor, window sills and window wells were smooth and cleanable, and there were no lead-based paint hazards or underlying defects to correct.	Unit was tested for lead-based paint by an EPA-certified Inspector or Risk Assessor and no painted surfaces tested positive for lead-based paint.*

*If the dwelling unit was tested for lead-based paint and either the window and door friction surfaces were negative for lead-based paint (column 3, above) or no painted surfaces tested positive for lead-based paint (column 4, above), I am attaching the following required documentation:

- A copy of the inspection report prepared by an EPA-certified Inspector or Risk Assessor.
- A copy of the EPA certification of the Inspector or Risk Assessor valid for the inspection date.
- A notarized Affidavit by the Inspector or Risk Assessor who conducted the inspection, (Affidavit enclosed with this order).

Please add additional copies of this Affidavit if additional space is needed to list all the units.

(Print Name) (Signature)

State of New York, County of _____ Stamp

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

(Notary Signature)