



THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
LEAD-BASED PAINT EXEMPTION UNIT
345 Adams Street, 10th Floor Brooklyn, NY 11201

APPLICATION FOR EXEMPTION FROM ADMINISTRATIVE CODE § 27-2056.5(a)
This application is to request an exemption from the presumption of lead-based paint in certain dwellings as established under the New York City Childhood Lead Poisoning Prevention Act, also known as Local Law 1 of 2004, and its amendments.

Before you begin:

- 1) Make sure your building was built before January 1, 1960. Only buildings built before this date can apply for the exemption.
- 2) Read and follow the instructions attached to this application.
- 3) Fill out this application completely.
- 4) Attach all required documentation. An incomplete application will not be accepted.
- 5) Submit the application and all required affidavits.
- 6) After April 1, 2024 ,you can complete this application online instead of the paper format.
- 7) If you are the representative of a governmental agency, do not use this application version. You must submit your application electronically.

Section 1: Building address

Borough _____

Street Address: _____

Building Identification Number (BIN): _____

Registration ID# (if applicable): _____

Block: _____ Lot: _____

Development Name (optional): _____

Note: If this application is for multiple buildings tested using the sample method, provide one building address here and the additional addressed in Section 4, subsection More Than One Building.

Section 2: Applicant Information

Applicant Name: _____

Applicant Mailing Address*: _____

Borough: _____ Zip Code: _____

Telephone: _____ Email: _____

* More detail will be collected below. The address you provide in this section may not be the address HPD sends written communication to regarding the exemption application.

Section 3: Type of building and authorized applicant

Choose the type of building for where the exemption is being requested and identify who is completing the application. Only the persons listed may apply for exemption.

a) Rental building with 3 or more units.

I understand the building must be validly registered or the application will be rejected. I understand all mailed communication regarding the exemption application will be mailed only to the address provided in the current property registration.

I am (select only one):

- The registered owner on the valid property registration.
 - A registered officer or director of the corporate owner.
 - The registered managing agent.
-

b) Rental building with only 1 or 2 units. I am (select only one):

- The registered owner on the valid property registration.
 - A registered officer or director of the corporate owner on the valid property registration.
 - The registered managing agent on the valid property registration.
 - The owner of an unregistered property. The property is unregistered because I live in the building. I understand I must submit the Affidavit of Ownership with the application, or it will be rejected. I understand all mailed communication regarding the exemption application will be mailed only to me at the property. My unit number is: _____ and my name is: _____ (First Name) _____ (Last Name)
 - The owner of an unregistered property. This property is unregistered because my immediate family member lives in the building. I understand I must submit the Affidavit of Ownership with the application, or it will be rejected. I understand all mailed communication regarding the exemption application will be mailed only to my immediate family member at the property. My immediate family member's unit number is: _____ and their name is: _____ (First Name) _____ (Last Name)
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c) Condominium Building.

- A registered representative of a condominium board of managers on the valid property registration.

- The owner of record for the condominium unit. I understand I must submit the Affidavit of Ownership with the application, or it will be rejected. If the condominium building is validly registered, I understand all mailed communication regarding the exemption application will be mailed to the contact on the property registration for the condominium building in addition to myself. My name is: _____ (First Name) _____ (Last Name) and my mailing address for correspondence regarding this exemption application is: _____ (Street), _____ (Unit), _____ (City), _____ (State), _____ (Zip code).

d) Cooperative Building.

- A registered representative of the cooperative housing corporation on the valid property registration.
- The shareholder of record on the proprietary lease for the cooperative dwelling unit. I understand I must submit the Affidavit of Ownership with the application, or it will be rejected. If the cooperative building is validly registered, I understand all mailed communication regarding the exemption application will be mailed to the contact on the property registration for the cooperative building in addition to myself. My name is: _____ (First Name) _____ (Last Name) and my mailing address for correspondence regarding this exemption application is: _____ (Street), _____ (Unit), _____ (City), _____ (State), _____ (Zip code).

Section 4: Exemption Detail

This exemption application is for (Choose ONE below and provide the additional information, if requested.):

- One unit/apartment that was tested. XRF test results must be provided for this specific unit.
 - a) (Required) Unit/apartment # _____
 - b) (Optional) Additional Location Information (ex. stair hall number):

Note: **If your application is for more than one apartment/unit and each was individually tested, you must submit a separate paper application for each unit.** Only ONE individually tested unit is allowed per paper application. Or the owner/applicant may complete the application online at ...

One Building

This section is only used if the building has been tested by a sample method. If all the units were individually tested, the owner must submit a paper application for each individual unit or complete the application online at ...

Units Only - All the units in a single building, tested by a sample method. Only ONE individual building per application.

Common Areas Only - All common areas in a single building, tested individually or by a sample method. Only ONE individual building per application.

Entire Building (Units and Common Areas) - All of the units in a single building, tested by a sample method, and its common areas, tested individually or by a sample method. Only ONE individual building per application.

Total number of dwelling units in the building: _____

Total number of dwelling units tested (the sample size): _____

More Than One Building:

This section can only be used IF all buildings in this group were built at the same time and have the same construction history as determined by an EPA certified lead inspector or risk assessor.

Units Only - All the units in all of the identified buildings, tested by a sample method, based on similar construction. (only ONE apartment complex per application)

Common Areas Only - All of the common areas in all of the identified buildings, tested individually or by a sample method.

Entire Apartment Complex (Units and common areas) - All of the units in all of the identified buildings, tested by a sample method, and their common areas, tested individually or by a sample method. (only ONE apartment complex per application)

Number of buildings in the complex: _____

Total number of dwelling units in the buildings: _____

Total number of dwelling units tested (the sample size): _____

One address was provided in Section 1. Provide the additional building addresses below.

Building #2

Street Address: _____

Borough: _____

Building Identification Number (BIN): _____

Registration ID#: _____

Block: _____ Lot: _____

Building #3

Street Address: _____

Borough: _____

Building Identification Number (BIN): _____

Registration ID#: _____

Block: _____ Lot: _____

Building #4

Street Address: _____

Borough: _____

Building Identification Number (BIN): _____

Registration ID#: _____

Block: _____ Lot: _____

Were more than four (4) buildings sampled for this application?

- Yes – Provide the name address information requested above for each additional building on a separate sheet of paper.
- No.

Section 5: Lead-based Paint Testing and Abatement

The questions below will help the owner/applicant know which documents they need to submit with the application.

5a. List the date lead-based paint inspection/XRF testing started: _____
and was completed: _____

5b. What were the results of the testing for lead-based paint?

- The unit/building tested negative – Skip to Section 6.
- The unit/building tested positive and needed abatement – Continue with 5c below.

5c. List the date abatement started: _____ and was completed:

5d. How was the abatement performed?

- The abatement contractor removed all the lead-based paint so the unit/building is now free of lead-based paint – Skip to Section 7.
- The abatement contractor did not remove all the lead-based paint and used some encapsulation or containment to cover the lead-based paint – Continue with 5e below.

5e. Was encapsulation used?

- No, the abatement used containment but not encapsulation – Skip to Section 8.
- Yes, the abatement used some encapsulation – Skip to Section 9.

Section 6: Units/Buildings That Tested Negative

This application may qualify for a Lead Free exemption status. For a unit/building that tested negative, the owner/applicant must initial the following statement:

_____(initial) I am submitting this application for an exemption from Administrative Code § 27-2056.5(a) on the basis that I have obtained a determination from a lead-based paint inspector or risk assessor certified pursuant to Title 40 CFR Part 745 subparts L and Q that each tested surface and component in each dwelling unit for the above-referenced multiple dwelling or individual dwelling unit or common area, is free of lead-based paint as is defined in Administrative Code §27-2056.2, and to the best of my knowledge, there has been no previous use of encapsulation or containment in these areas.

The documents the owner/applicant needs to submit are listed below:

- 1) A copy of the inspection report which demonstrates that all surfaces and components tested negative for lead-based paint prepared by an individual certified pursuant to Title 40 CFR Part 745 subparts L and Q (Inspector or Risk Assessor) in the format provided by

40 CFR §745.227(b) and HUD Guidelines Chapter 7. See pages 7-32 through 7-36 from Chapter 7 of the HUD Guidelines for the minimum requirements of the report.

- 2) A copy of the EPA certification for the certified inspector or risk assessor who performed the inspection and prepared the inspection report in support of this application for exemption.
- 3) The affidavit by the certified inspector or risk assessor who performed the inspection with original signature and notary. The language of the affidavit may not be altered. *(Note: If multiple inspectors or risk assessors were used, an affidavit for each must be submitted.)*

Section 7: Units/Buildings That Were Abated and All Lead-based Paint Removed

This application may qualify for a Lead Free exemption status. For a unit/building that tested positive, but all the lead-based paint was removed, the owner/applicant must initial the following statement:

_____ **(initial)** I am submitting this application for an exemption from Administrative Code § 27-2056.5(a) on the basis that I have obtained a determination from a lead-based paint inspector or risk assessor certified pursuant to Title 40 CFR Part 745 subparts L and Q that at least one tested surface or component in the above-referenced multiple dwelling or individual dwelling unit or common area has tested as lead-based paint as is defined in Administrative Code §27-2056.2, AND the lead-based paint on each surface and component has been abated, such that the lead-based paint has been removed or the surface or component has been replaced by a lead-based paint free surface or component so that the area has been made completely free of lead-based paint. To the best of my knowledge, there has been no previous use of encapsulation or containment in these areas.

The documents the owner/applicant needs to submit are listed below:

- 1) A copy of the inspection report which includes surfaces or components which tested positive and negative for lead-based paint prepared by an individual certified pursuant to Title 40 CFR Part 745 subparts L and Q (Inspector or Risk Assessor) in the format provided by 40 CFR §745.227(b) and HUD Guidelines Chapter 7. See pages 7-32 through 7-36 from Chapter 7 of the HUD Guidelines for the minimum requirements of the report.
- 2) A copy of the EPA certification for the certified inspector or risk assessor who performed the inspection and prepared the inspection report in support of this application for exemption.
- 3) The affidavit by the certified inspector or risk assessor who performed the inspection with original signature and notary. The language of the affidavit may not be altered. *(Note: If multiple inspectors or risk assessors were used, an affidavit for each must be submitted.)*
- 4) A copy of the EPA certification for the lead abatement supervisor or project designer who supervised the work.

- 5) A copy of the EPA abatement firm certification.
- 6) The affidavit from the Lead-Based Paint abatement firm signed by the lead abatement supervisor, project designer, or firm principal with original signature and notary. The language of the affidavit may not be altered.
- 7) Detailed records of the abatement and the substantial alterations performed.
- 8) A copy of the EPA certification for the lead inspector or risk assessor who took the surface dust samples.
- 9) The affidavit from the certified inspector or risk assessor who took the surface dust sample with original signature and notary. The language of the affidavit may not be altered. *(Note: If multiple inspectors or risk assessors were used, an affidavit for each must be submitted.)*
- 10) A copy of the State-certified laboratory analysis of all surface dust samples taken which indicates the method of analysis and preparation of the samples and the chain of custody for the sample.

Section 8: Units/Buildings That Were Abated Using Containment (No Encapsulation)

This application may qualify for a Lead Safe exemption status. For a unit/building that tested positive, but abatement used containment, the owner/applicant must initial the following statements:

_____ **(initial)** I am submitting this application for an exemption from Administrative Code § 27-2056.5(a) on the basis that I have obtained a determination from a lead-based paint inspector or risk assessor certified pursuant to Title 40 CFR Part 745 subparts L and Q that at least one tested surface or component in the above-referenced multiple dwelling or individual dwelling unit or common area has tested as containing lead-based paint as is defined in Administrative Code §27-2056.2 AND the lead-based paint on each surface and component within each dwelling unit has been abated AND at least one surface or component determined to be lead-based paint was abated using containment in accordance with 28 RCNY §11-08.

_____ **(initial)** I affirm that the containment will be periodically monitored at a minimum through visual assessment and risk assessment as outlined in the Instructions for this application and 28 RCNY 11-08 and as documented in the Monitoring Plan submitted with this application and that records will be maintained and available for inspection regarding such monitoring and any subsequent required maintenance actions and activities for at least 10 years. See HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 2nd Edition, July 2012, (HUD Guidelines) Chapter 12: Abatement and Chapter 13: Encapsulation and 28 RCNY §11-08.

The documents the owner/applicant needs to submit are listed below:

- 1) A copy of the inspection report which includes surfaces or components which tested positive and negative for lead-based paint prepared by an individual certified pursuant to Title 40 CFR Part 745 subparts L and Q (Inspector or Risk Assessor) in the format provided by 40 CFR §745.227(b) and HUD Guidelines Chapter 7. See pages 7-32 through 7-36 from Chapter 7 of the HUD Guidelines for the minimum requirements of the report.
- 2) A copy of the EPA certification for the certified inspector or risk assessor who performed the inspection and prepared the inspection report in support of this application for exemption.
- 3) The affidavit by the certified inspector or risk assessor who performed the inspection with original signature and notary. The language of the affidavit may not be altered. *(Note: If multiple inspectors or risk assessors were used, an affidavit for each must be submitted.)*
- 4) A copy of the EPA certification for the lead abatement supervisor or project designer who supervised the work.
- 5) A copy of the EPA abatement firm certification.
- 6) The affidavit from the Lead-Based Paint abatement firm signed by the lead abatement supervisor, project designer, or firm principal with original signature and notary. The language of the affidavit may not be altered.
- 7) Detailed records of the abatement and the substantial alterations performed.
- 8) A copy of the EPA certification for the lead inspector or risk assessor who took the surface dust samples.
- 9) The affidavit from the certified inspector or risk assessor who took the surface dust sample with original signature and notary. The language of the affidavit may not be altered. *(Note: If multiple inspectors or risk assessors were used, an affidavit for each must be submitted.)*
- 10) A copy of the State-certified laboratory analysis of all surface dust samples taken which indicates the method of analysis and preparation of the samples and the chain of custody for the sample.
- 11) A description from the abatement firm of how the containment could fail or be compromised and monitoring recommendations. *(Note: The abatement firm affirms to providing this description in the affidavit they complete.)*
- 12) The owner's plan for monitoring the containment to ensure the area remains lead safe.

Section 9: Units/Buildings Where the Abatement Included Encapsulation

This application may qualify for a Lead Safe exemption status. For a unit/building that tested positive, but abatement used any encapsulation (containment may have also been used), the owner/applicant must initial the following statements:

_____ **(initial)** I am submitting this application for an exemption from Administrative Code § 27-2056.5(a) on the basis that I have obtained a determination from a lead-based paint inspector or risk assessor certified pursuant to Title 40 CFR Part 745 subparts L and Q that at least one tested surface or component in the above-referenced multiple dwelling or individual dwelling unit or common area has tested as containing lead-based paint as is defined in Administrative Code §27-2056.2 AND the lead-based paint on each surface and component within each dwelling unit has been abated AND at least one surface or component determined to be lead-based paint was abated using encapsulation accordance with 28 RCNY §11-08 AND that if containment was also used it was in accordance with 28 RCNY §11-08.

_____ **(initial)** I affirm that the encapsulation (and containment, if applicable) will be periodically monitored at a minimum through visual assessment and risk assessment as outlined in the Instructions for this application and 28 RCNY 11-08 and as documented in the Monitoring Plan submitted with this application and that records will be maintained and available for inspection regarding such monitoring and any subsequent required maintenance actions and activities for at least 10 years. See HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 2nd Edition, July 2012, (HUD Guidelines) Chapter 12: Abatement and Chapter 13: Encapsulation and 28 RCNY §11-08.

The documents the owner/applicant needs to submit are listed below:

- 1) A copy of the inspection report which includes surfaces or components which tested positive and negative for lead-based paint prepared by an individual certified pursuant to Title 40 CFR Part 745 subparts L and Q (Inspector or Risk Assessor) in the format provided by 40 CFR §745.227(b) and HUD Guidelines Chapter 7. See pages 7-32 through 7-36 from Chapter 7 of the HUD Guidelines for the minimum requirements of the report.
- 2) A copy of the EPA certification for the certified inspector or risk assessor who performed the inspection and prepared the inspection report in support of this application for exemption.
- 3) The affidavit by the certified inspector or risk assessor who performed the inspection with original signature and notary. The language of the affidavit may not be altered. *(Note: If multiple inspectors or risk assessors were used, an affidavit for each must be submitted.)*
- 4) A copy of the EPA certification for the lead abatement supervisor or project designer who supervised the work.
- 5) A copy of the EPA abatement firm certification.
- 6) The affidavit from the Lead-Based Paint abatement firm signed by the lead abatement supervisor, project designer, or firm principal with original signature and notary. The language of the affidavit may not be altered.
- 7) Detailed records of the abatement and the substantial alterations performed.

- 8) A copy of the EPA certification for the lead inspector or risk assessor who took the surface dust samples.
- 9) The affidavit from the certified inspector or risk assessor who took the surface dust sample with original signature and notary. The language of the affidavit may not be altered. *(Note: If multiple inspectors or risk assessors were used, an affidavit for each must be submitted.)*
- 10) A copy of the State-certified laboratory analysis of all surface dust samples taken which indicates the method of analysis and preparation of the samples and the chain of custody for the sample.
- 11) A description from the abatement firm of how the encapsulation (and containment, if applicable) could fail or be compromised and monitoring recommendations. *(Note: The abatement firm affirms to providing this description in the affidavit they complete.)*
- 12) The owner’s plan for monitoring the encapsulation (and containment, if applicable) to ensure the area remains lead safe.
- 13) The affidavit from the certified lead abatement worker who applied the encapsulant with original signature and notary. The language of the affidavit may not be altered. *(Note: If multiple abatement workers were used, an affidavit for each must be submitted.)*
- 14) A copy of the EPA certification for the certified lead abatement worker who applied the encapsulant.

Section 10: Submit

(Print Name)

(Signature)

State of New York, County of _____

Notary Stamp

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

(Notary Print Name)

(Notary Signature)

Reminder: These following applicants must also submit an Affidavit of Ownership with the application. The Affidavit of Ownership must be submitted as the original signed document, not a copy.

- ✓ A 1 to 2-unit rental building where the owner also lives in the building.
- ✓ The owner of record for a condominium unit.
- ✓ The shareholder of record on the proprietary lease for the cooperative dwelling unit.

Send this application and all required documents and affidavits to:

Department of Housing Preservation and Development
345 Adams Street, 10th Floor
Brooklyn, NY 11201
Attn: Lead Exemption Unit

Questions about this application can be directed to HPD's Lead Exemption Unit at (212) 863-5501, Option 4.