

“Get Ahead of Lead” April 2025 Bulletin

April 14, 2025

Dear Property Owners,

Furthering our commitment to providing property owners information on their obligations under the law, the Department of Housing Preservation and Development (HPD) will be publishing a series of quarterly bulletins online and via email. Each bulletin will highlight one aspect of the law and is not meant to comprehensively cover all laws and rules that apply. Visit the [HPD website](#) to read this bulletin and past bulletins in other languages.

This publication is intended for informational purposes only and is not intended as legal advice. This information is not a complete or final statement of all the duties of owners and tenants regarding laws and rules relating to housing in New York City.

Upcoming Webinar

Title: Required Lead-Based Paint Testing for All Rental Units in NYC

Date/Time: Thursday, May 15th, 11:00am-12:30pm

Description:

Are you ready for August 9th, 2025? New York City’s *Local Law 31 of 2020* requires Owners to complete Lead-Based Paint Testing for *every* common area and rental unit by this date. In this Webinar we’ll start with an accessible introduction to the topic of Lead-Based Paint Testing, followed by a detailed overview of the Testing requirement: who must perform the testing, where to test, what to test, and how to keep and make use of records documenting your compliance.

Registration Link:

<https://attendee.gotowebinar.com/register/6161068772343493976>

Space is limited!

Dismissal of Lead-Based Paint Recordkeeping Violations

Property owners are required to maintain 10 years of records about how they have complied with multiple lead-based paint compliance requirements. Properties that HPD has audited may have been issued violations for failing to maintain such records. In addition to providing 10 years of records to satisfy these violations, open 618,619, or 620 violations can now be satisfied by:

- Requesting violation dismissal by using the new RPO Dismissal Request Form.
- Submitting a minimum of three consecutive years of documentation, including documents from the year of submission, (NOTE: If you previously submitted 3 years of documentation you are not required to resubmit them, but should indicate that they were already submitted on the lead dismissal request)
- Pay a fee of \$1000 for each year without sufficient records.

Details about the records that must be submitted, samples of the affidavits that may be needed and more instructions about this process are provided on the application. Please read it carefully before submitting any requests. **You should not submit any payments with the application.**

As a reminder, to avoid violations and penalties related to record-keeping of lead-based activities, property owners should ensure they are maintaining accurate and up-to-date record-keeping documentation for all required years and submit those records timely when audited. Owners who fail to maintain record-keeping documentation are subject to Class C violations, with the following penalties:

- Record-keeping violations:
 - Order numbers 614, 616, or 617: \$250 per day per violation, up to a maximum of \$10,000
 - Order number 618: \$1,000 maximum
 - Order number 619: \$1,500 maximum per violation
 - Criminal penalty: Misdemeanor punishable by a fine of up to \$500 or imprisonment for up to six months or both
 - Order number 620: \$1,000 minimum and \$5,000 maximum per violation

For more information on recordkeeping requirements, see ***Owner Record-keeping Responsibilities*** on [Lead-Based Paint - HPD](#) or view our [webinar](#) on this topic.

Local Law 127 – Turnover Violations Now a Criteria in Lead-Based Paint Audits

As required under Local Law 127, HPD will now consider turnover violations—violations that are issued when an apartment changes tenants without appropriate lead-based paint investigations and abatements taking place as a key factor in determining which buildings will be selected for lead-based paint audits. HPD is required to identify at least 200 buildings per year for audits based on HPD’s violation data.

What This Means for Property Owners

- Buildings with turnover violations will be more likely to be audited for lead-based paint compliance.
- Owners must ensure that all lead-based paint requirements are met upon unit turnover see **Requirements Upon Turnover of an Apartment** on [Lead-Based Paint - HPD](#) or watch our [Owner's Responsibilities at Apartment Turnover](#) webinar for more information.
- Failure to comply with turnover requirements may increase the risk of enforcement actions, fines, and additional inspections. The civil penalties associated with lead-based paint turnover violations are:

Turnover Violations:

- Order numbers 614, 621, 622 or 625: \$250 per day per violation, up to a maximum of \$10,000
- Order number 623: \$1,500 maximum per violation

Your Responsibilities

If you own a dwelling unit in a building constructed before 1960 (unless it is a 1- or 2-family home occupied by you or your family), you are required to complete lead-based paint activities focused on making the unit safe for a new tenant and before the new tenant takes occupancy (regardless of whether the new tenant has a child at the time of initial occupancy).

What You Must Do at Turnover

Before a new tenant moves in, you must:

1. Take immediate action of all lead-based paint hazards:
 - Identify and repair any peeling or damaged lead-based paint.
 - Address any underlying issues (such as leaks) that cause paint to deteriorate.
2. Make Surfaces Safe and Clean
 - Ensure all bare floors, windowsills, and window wells are smooth and easy to clean.
3. Address Friction Surfaces by:
 - Removing or permanently covering lead-based paint on:
 - All doors and door frames
 - All window friction surfaces

For more information specifically on turnover, watch our [Owner's Responsibilities at Apartment Turnover](#) webinar.

For any of the above work, you must follow Safe Work Practices

- Hire an EPA certified Abatement or Renovation firm to remove the paint or the painted surface using legal methods (e.g. wet scraping) and using safe work practices.
- A lead-based paint dust clearance test must be performed by an independent, certified EPA certified firm after work is completed.
- For more information on Safe Work Practices, see **Safe Work Practices** under *Owner Responsibilities* on [Lead-Based Paint - HPD](#) or our [Safe Work Practices in NYC: Knowing When and How to Use Certified Contractors](#)

[when Working with Lead-Based Paint](#) webinar.

Keep Records

- Maintain detailed records of all work done, including:
 - Names and certifications of workers
 - Test results
 - Work descriptions and locations

Regardless of if the tenant does not leave the unit (no tenant Turnover)

- By July 1, 2027, you must remove or cover all lead paint on friction surfaces in any unit where a child under six resides as of January 1, 2025, or within 3 years of a child moving in.

Helpful Tips

- You are responsible for identifying and take immediate action of lead-based paint hazards at turnover.
- Work on surfaces with lead-based paint must be done safely and tested by an independent professional.
- If a child under six resides in the unit, all work related to turnover as detailed above must be addressed by July 1, 2027, even without tenant turnover.
- Keep records of all work done for audit purposes.

If you have additional questions, visit [Lead-Based Paint - HPD](#) or contact 212-863-5501 for more Lead Information.