

BOROUGH _____ HOUSE NO. _____ STREET NAME _____

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

Complete entire form and sign below.

State of New York

}ss:

County of _____

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

1. That I am the registered: (check applicable box)
 - Owner of the property
 - Managing Agent of the property
 - Officer of the Corporation that owns the property
 - Otherwise registered as responsible for the property
2. That I am currently registered with the Division of Code Enforcement for the subject property.
3. That I have examined the area(s) containing the violation(s) on the reverse side of this form and, to my knowledge such violation(s) whose number(s) I have listed below was (were) corrected on the date(s) I have indicated.
4. That I have read HPD's "Guide to Local Law 1 of 2004 Work Practices" and am aware of the work practices required to correct lead-based paint hazards safely and in accordance with the law.
5. That the work undertaken to correct the violation(s) was performed in accordance with the prescribed work practices.
6. That the following are the names and addresses of my agents or employees who performed the work to correct the lead-based paint hazard violation(s) that I have certified as corrected

NOV/NOF Number	Violation/Failure Number	Date Corrected	Name of Agent or Employee who Performed the Work	Address of Agent or Employee who Performed the Work

7. That I have attached a sworn statement made by my agent or employee 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.
8. That I have attached a copy of the EPA certification for the firm who performed the work to correct the lead-based pain hazard violation(s).
9. That I have attached a copy of the lead-contaminated dust clearance tests from a laboratory certified by the New York State Environmental Laboratory Approval Program.
10. That I have attached a copy of the certificate of training for the individual who performed the lead-contaminated dust clearance test.
11. My signature below indicates that I am submitting a separate and distinct certification for each violation listed above by Violation/Failure Number and I am aware that I am subject to penalties for false certification for each violation certified on this form.

Sworn to before me this _____ day of _____

Signature

Notary Public

Phone Number

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 105 East 106th Street, 4th Floor, New York, NY 10029, 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 212-863-5678.

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 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.

