

***Report to the City Council: The Department of Housing Preservation and Development's  
Implementation of Local Law 1 of 2004 in FY 2025 (July 1, 2024 – June 30, 2025)***

The New York City Childhood Lead Poisoning Prevention Act, also known as Local Law 1 of 2004, as amended (“Local Law 1”), outlines the responsibilities of property owners and New York City agencies in the prevention of and response to lead-based paint hazards in tenant-occupied housing. This report is submitted annually in compliance with the related reporting requirement of Housing Maintenance Code § 27-2056.12.

Lead is a metallic substance known to cause negative health effects. It was widely used in the production of paint. The use of lead-based paint was outlawed in New York City in 1960, but because so many pre-1960 housing units still exist today, the dangers of lead-paint remain. A lead-based paint hazard is defined in New York City law as any condition in a residential dwelling or dwelling unit that causes exposure to lead from lead-contaminated dust, from lead-based paint that is peeling, or from lead-based paint that is present on chewable surfaces, deteriorated sub surfaces, friction surfaces, or impact surfaces.

Local Law 1 of 2004 (as amended since that time) – known as the New York City Childhood Lead Poisoning Prevention Act -- requires that property owners of tenant-occupied buildings erected prior to 1960, or tenant-occupied buildings erected between 1960 and 1978 where the owner has actual knowledge of the presence of lead-based paint, take preventative measures related to lead-based paint. Such measures include:

- providing an annual notice to tenants to determine if a child under six years old resides in the apartment
- conducting annual inspections in those apartments where a child under six resides (routinely spends 10 or more hours a week) and the common areas of those buildings to look for lead-based paint hazards
- hiring appropriately certified contractors to address these hazards
- performing specific lead-based paint hazard-reduction activities when an apartment turns over
- testing all painted surfaces for lead prior to August 2025

Local Law 1 of 2004 also requires that the New York City Department of Housing Preservation and Development (HPD) to:

- respond to complaints describing peeling paint, or a deteriorated subsurface or underlying defect in the dwelling unit in a building built prior to 1960 where a child under six years old resides (routinely spends 10 or more hours a week) with an inspection that is completed with an x-ray fluorescence (XRF) machine that can test the paint for lead and issue violations where lead-based paint hazards are found
- inspect for peeling paint or a deteriorated subsurface or underlying defect in the dwelling unit in a building built prior to 1960 where a child under six years old is found to reside during any inspection, subsequently attempt to test any identified surfaces where there is a possibility of a hazard and issue a violation based on a presumption that the paint contains lead if testing cannot be completed.
- repair lead-based paint hazards when a property owner does not comply with HPD violations for such hazards or does not comply with a Commissioner’s Order to Abate (COTA) issued by the

Department of Health and Mental Hygiene (DOHMH) in response to a child with an elevated blood lead level.

- audit property owner compliance with all record keeping requirements regarding lead-based paint.
- allow property owners to file for exemptions from the presumption of lead-based paint.

HPD's work has protected tens of thousands of children from lead-based paint hazards since the implementation of Local Law 1. The substantial reduction in the number of children with elevated blood lead levels is evidence of the progress that has been made. According to the DOHMH's most recent annual report to the New York City Council - [lead-rep-cc-annual-25.pdf \(nyc.gov\)](#), the number of children under age 6 with elevated blood lead levels has declined by more than 93% since 2005, reaching historic lows even after the blood lead level threshold for action was lowered from 5 µg/dL to 3.5 µg/dL in 2022, allowing more children to receive protective services earlier. DOHMH also reported that in 2024, 4,655 New York City children under 6 years of age were identified with a blood lead level of 3.5 mcg/dL or greater, representing an 8% decline compared to 2023, when there were 5,078 children with blood lead levels of 3.5 mcg/dL or greater.

This report provides information related to HPD's activities regarding lead-based paint in five important areas:

- **Section 1** presents data on HPD's enforcement activities for FY25. In FY25, complaints about conditions related to peeling paint in an apartment where a child under six resides (lead-based paint complaints) decreased by 12%, the number of lead-based paint hazard violations (violations for peeling paint in apartments where children under six reside) issued decreased by 7%, and the amount of money that HPD spent on lead-based hazard remediation work in privately owned buildings increased by 67% as compared to FY24.
- **Section 2** presents data on HPD's audits of owners' records related to lead-based paint activities. HPD audited 700 properties during FY25.
- **Section 3** presents information about HPD's enforcement of the requirement for the removal of friction surfaces and making all bare floors, windowsills and window wells smooth and cleanable. HPD has issued more than 3,600 violations for turnover in FY25 based on inspections and audits.
- **Section 4** presents other existing initiatives towards reducing lead-based paint exposure, including outreach and education efforts targeted to ensure property owners understand their responsibilities regarding lead-based paint. In addition, these initiatives extend to the broader community on the dangers of lead exposure, and preventative measures families can take at home. Efforts are delivered through a variety of platforms, such as online presentations, webinars and in-person events all year round to provide guidance and connect families with available resources.
- **Section 5** presents Budget and Personnel data: During FY25, HPD increased both overall spending on lead-based paint activities and the capital commitment related to lead-based paint.
- **Section 6** identifies HPD's future initiatives.

## Section 1: Enforcement for Lead-Based Paint Hazards

### 1.1 Complaints to HPD

Complaints are received by HPD for peeling paint or an unstable underlying substrate, through 311, New York City's central complaint line. 311 operates 24 hours a day, seven days a week. Most complaints are called in or submitted online to 311 by tenants. 311 complaints about most conditions require a caller or online submitter to indicate whether there is a child under six routinely spending at least 10 hours a week in the apartment.

When HPD receives a complaint about a defective painted surface (which can include complaints directly about unsecured paint or about leaks which can affect a painted surface and cause the paint to become insecure or moldy) and a child under age six resides in a dwelling unit, if the occupant reports conditions related to painted surfaces (such as leaks or broken plaster) this is counted as a complaint prompting a lead-based paint hazard inspection. These complaints are inspected by the Lead-Based Paint Inspection Program (LBPIP), a specialized unit of Housing Inspectors within the Division of Code Enforcement. LBPIP Inspectors are certified by the Environmental Protection Agency (EPA), they also receive other specialized appropriate training from HPD and are equipped with X-Ray Fluorescence Analyzers (XRF) to test potential lead-based paint hazards. Pursuant to the law, an inspection must be attempted within 10 days from the date of such a complaint. As reported in the Mayor's Management Report, HPD responded to complaints prompting a lead inspection with a median response time of 2.5 days during FY25.

The law also requires HPD to proactively inspect for lead-based paint hazards on *all* inspections when a child under age six resides in the apartment. Given this, HPD also routes complaints where it was indicated from 311 that a child under six resides but with no reported conditions related to painted surfaces to the LBPIP for inspection. These complaints are not counted as lead-based paint complaints since there is no reported condition related to paint, but HPD reports them as part of the same workload because the process for inspection is the same as for lead-based paint complaints.

In both above complaint situations, after an attempt is made to contact the landlord to notify them of the complaint, the complaint is forwarded to the LBPIP to schedule an inspection with the tenant. If the tenant is reached and indicates that the condition has not been corrected, an appointment is set. If the tenant cannot be reached, an inspection is attempted without an appointment.

**Table 1: Lead-Based Paint Complaints**

Complaints for Peeling Paint Conditions Where a Child Under Six Years of Age Resides <sup>1</sup>	FY21 <sup>2</sup>	FY22	FY23	FY24	FY25
Complaints Prompting Lead Hazard Inspections in Privately-Owned Buildings	26,974	39,787	38,752	48,775	42,770
Complaints in Privately-Owned Buildings Flagged on Intake with a Child Under 6 Within but No Paint Hazard Reported	18,622	21,142	29,386	32,494	30,792

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<sup>2</sup> The numbers for previous fiscal years have been updated to reflect the count of problems as reported on the Mayor's Management Report.

## 1.2 Inspections by HPD

### 1.2.1 Complaint Lead-Based Paint Inspection Process

A LBPIP inspection consists of an inspector creating a sketch of the apartment to designate all rooms, checking all painted surfaces for the presence of peeling or deteriorated paint and gathering any additional information regarding the ages of the child(ren). Using an XRF analyzer, the inspector will test any peeling or deteriorated surfaces within the apartment. Results from the XRF analyzer are downloaded into HPD's database and if the test result indicates the presence of lead-based paint, a lead-based paint hazard violation will be issued.

### 1.2.2 Line of Sight Lead-Based Paint Inspection Process

The term "line of sight lead-based paint inspection" refers to inspections conducted if a child under six resides in the unit and the inspection is conducted by general Code Enforcement Housing inspectors who are not a part of the LBPIP. This occurs when inspections are conducted in apartments where no 311 complaint was filed, such as to investigate an allegation of a building-wide condition such as heat; where a filed complaint did not indicate the presence of a child; when the inspection is conducted proactively related to an enhanced enforcement program; or when there is a reinspection to confirm the correction of an existing violation. If a Housing Inspector enters an apartment in a legal residential unit in a building built prior to 1960 for any reason, the Housing Inspector will ask the occupant if a child under six resides there. If the occupant indicates that there is a child under six who resides in the unit, or if the Housing Inspector observes a child, the Housing Inspector is then required to check all painted surfaces for the presence of peeling paint or deteriorated sub-surfaces. The Housing Inspector will note any peeling paint or deteriorated subsurface, and the apartment will be referred to the LBPIP for an XRF inspection of these surfaces (conducted in the same manner as described above under the Complaint Lead-Based Paint Inspection Process). After this referral, if there is no access to the unit when the LBPIP inspector attempts to inspect, a presumed lead-based paint violation is issued for the surfaces in each room where peeling paint was noted during the original inspection. Property owners may contest this presumption that the paint is lead-based paint by providing appropriate evidence to HPD.

At the time of any lead-based paint complaint inspection, the inspectors conducting such inspections are required to give the family a copy of the DOHMH information pamphlet about lead-based paint hazards. The pamphlet encourages blood testing for children to check for lead poisoning and advises the tenant of ways to help prevent lead-based paint poisoning.

During FY25, HPD modified its policy to improve access for the inspection of lead-based paint hazards. The new protocol requires borough office housing inspectors to immediately contact the Lead Unit in real time to schedule apartments that need XRF testing. This change facilitates faster testing appointments with tenants and ensures that peeling paint is addressed promptly, which reduces violations for *presumed* lead-based hazards.

The FY 25 decrease in inspections as compared to FY24 is consistent with the decrease in the number of complaints received.

**Table 2: Inspections**

<b>HPD Inspections Pursuant to Local Law 1 for Lead Hazards in Privately Owned Buildings</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>
Total Inspections Attempted in Privately-Owned Buildings	48,913	61,511	65,275	78,235	68,620
Total Complaint Inspections Attempted	46,338	59,999	63,355	76,021	66,134
<ul style="list-style-type: none"> <li>Based on a Complaint Prompting a Lead Hazard Inspections in Privately-Owned Buildings</li> </ul>	20,618	31,266	32,291	40,209	34,297
<ul style="list-style-type: none"> <li>Based on a Child Under 6 Non-Lead-Based Paint Complaint</li> </ul>	12,456	18,237	19,697	22,737	19,247
<ul style="list-style-type: none"> <li>Line of Sight Inspections<sup>3</sup></li> </ul>	13,264	10,496	11,367	13,075	12,590
Reinspection of Lead-Based Paint Violation	2,575	1,512	1,920	2,214	2,486

### 1.3 HPD Lead-Based Paint Hazard Violations

HPD violations are issued when HPD identifies that a child under the age of six resides (routinely spends 10 or more hours a week) in a rental unit in a building built prior to 1960 and there is peeling on a painted surface. If HPD tests the surface and the XRF reading is above 0.5 mg/cm<sup>2</sup>, a positive lead-based paint violation will be issued. If HPD tests the surface and the XRF reading is 0.5 mg/cm<sup>2</sup>, an inconclusive paint violation will be issued. If HPD does not test the surface, HPD presumes that the paint has lead and issues a presumed lead-based paint violation.

#### 1.3.1 HPD Violations Issued, Downgraded and Certified by Owners as Corrected

A lead-based paint<sup>4</sup> violation is issued for each room within an apartment where there is at least one positive XRF test, one inconclusive XRF test or one surface with peeling paint where the paint is presumed to be lead-based paint. An apartment may be issued multiple violations. Once a lead-based paint hazard violation is issued, a Notice of Violation (NOV) is sent to the owner along with a copy of the HPD Guide to Local Law 1 Work Practices. A call to the registered managing agent/owner of the property is attempted in order to advise them of the existence of the condition, the mailing of the NOV and the expectation that the condition will be corrected on a timely basis. If the owner/agent provided an email address as part of their property registration, they may also receive an email advising them about the issuance of the violations.

The lead-based paint hazard NOV sent to owners includes a date by which the owner must correct the violation and certify that it has been corrected. Only the owner, managing agent, officer of the corporation that owns the property, or party otherwise responsible for the property can certify that the violation has been corrected. To certify, an owner must submit completed certification of correction forms indicating the work was entirely performed utilizing proper safe work practices. They also must provide documentation to support that the work was performed by a US Environmental Protection Agency (EPA)-licensed firm and provide copies of the clearance dust wipe test results. If an owner experiences any

<sup>3</sup> Note that these numbers changed for previous years due to a counting error in the Line of Sight Inspection category for the previous period. Line of Sight inspections include non-lead line of sight inspections, inspections related to lead-based paint audits and inspections for the purpose of testing referrals to the LBPIP.

<sup>4</sup> HPD inspectors use the XRF instrument Viken Detection Model Pb200i which classifies XRF results as inconclusive if they are equal to 0.5 mg/cm<sup>2</sup>.

serious difficulties when attempting to correct violations, they can request up to two postponements of the date of correction using forms included in the NOV.

An owner can also contest presumed lead-based paint hazard violations by presenting the results from an XRF analyzer and can contest inconclusive violations providing results of a paint chip sample<sup>5</sup>, along with a contestation form provided by HPD. If the contestation shows that the paint is not lead-based paint, the violation is downgraded from a lead-based paint violation to a less serious peeling paint or broken plaster violation that can be remediated without the required lead-based paint precautions.

During FY25, fewer lead-based paint violations were issued as compared to FY24. As mentioned in the Inspections section above, much of this decrease was driven by the change in inspection protocols to improve access for the lead-unit to conduct XRF testing after the initial visual assessment, resulting in a lower number of presumed violations. In FY25, 85% of presumed violations were downgraded, as compared to 75% in FY24. In addition, more lead-based paint violations were certified by owners as having been corrected in FY25 (27% of non-downgraded violations) as compared to FY24 (20% of non-downgraded violations).

**Table 3: Lead-Based Paint Hazard Violations**

<b>Violations Issued by HPD Pursuant to Local Law 1</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>
Total Lead-Based Paint Hazard Violations Issued <sup>6</sup>	9,489	15,715	18,112	21,854	20,380
- Violations Based on a Positive XRF Test for Lead	6,562	9,380	10,087	12,261	12,323
- Violations for which Lead is Presumed	2,927	4,430	4,918	5,703	4,337
- Violations for which XRF testing was inconclusive	n/a	1,905	3,107	3,890	3,720
<b>Status of Lead-Based Paint Hazard Violations Issued Pursuant to Local Law 1</b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>
Violations Downgraded (Presumed Lead-Based Paint Violations Issued Which Were Subsequently Tested and Found to Not Contain Lead-Based Paint)	2,032	2827	3,371	4,292	3,666
Violation Certifications of Correction Submitted by Owner	2,820	2170	2,741	3,518	4,497
Of Certified Violations Inspected, the Certified Violations that Remain Open because HPD could not access for verification	642	565	911	852	1,016
Certifications that Did Not Result in Removal of Violations (False Certifications)	245	28	30	62	103

<sup>5</sup> A paint chip sample is a small piece of paint collected from a surface and laboratory-tested to determine if it contains lead. Property owners may submit certified laboratory paint chip sample results to HPD to contest an inconclusive lead-based paint violation. This process is outlined in the HPD's amendments section 11-07 of Chapter 11 of Title 28 of the Rules of the City of New York, which allow owners to provide independent laboratory analysis as evidence when disputing such violations.

<sup>6</sup> There were multiple factors contributing to the increase in violations over this time period, including an increase in the number of apartments for which a lead-based paint inspection is required and the lower lead in paint level at which lead-based paint is defined.

### 1.3.2 Emergency Repairs pursuant to HPD lead-based paint hazard violations

If a lead-based paint violation has not been certified as corrected by the owner by the end of the certification period (see below for information on certification), HPD's Environmental Hazards Unit (EHU) is required to attempt to inspect the unit within 14 days and will create a scope of work if the repair has not been completed.

If, upon inspection by EHU EPA certified lead paint inspectors, it appears the owner has done work to correct the lead-based paint hazard but failed to file a clearance dust wipe test and other required documentation needed to certify the violation, the dust wipe samples are instead taken by EHU staff and sent to a laboratory for analysis. This is done to ensure the work performed by the owner did not leave behind lead-contaminated dust. If dust wipe test results are above the clearance level thresholds under Local Law 1 and therefore dust still poses a hazard, HPD hires a contractor to clean the affected area and performs another dust wipe test. HPD attempts to repeat this process until clearance levels have been achieved. If EHU is unable to gain access to the unit to perform the clearance test, a letter will be sent to the tenant notifying them that HPD was unable to access the unit and information on how to schedule an appointment for this to take place. The violation remains open on HPD's violation record until the owner files required paperwork confirming physical abatement was done by an EPA certified lead abatement vendor. This is because the statute does not permit HPD to remove the violation if the owner does not submit documentation that the repair was performed using required safe work practices.

If the lead-based paint hazard has not been done and the violation issued was for presumed lead-based paint, EHU may XRF test the peeling paint or deteriorated subsurface for which the violation was issued. If the area tests negative, the violation is downgraded to a peeling paint violation (non-lead) and re-issued to the property owner as a class A violation. If the surface tested by EHU is positive or inconclusive and was previously tested positive or inconclusive as issued by Code Enforcement, EHU will issue a work order to one of its approved contractors to conduct appropriate lead-based paint remediation. If the owner complied with the violation, an EHU Field Tech will collect dust wipes.

EHU monitors the contractor's work. Clearance dust wipe samples are taken by EHU after the work is complete and sent to a properly licensed lab for analysis. If the samples are below clearance levels, the job is closed. If the sample fails, the area is re-cleaned and tested again. All violations corrected through EHU are closed after abatement or remediation occurs, and clearance is achieved.

During FY25, HPD utilized seven contracts with EPA-certified lead abatement firms for lead hazard reduction work, with a maximum annualized award capacity of approximately \$8,750,000. Two additional contracts with another EPA-certified lead abatement firm are maintained for lead dust cleanup and are valued at \$200,000. In addition, HPD utilized pre-qualified vendors to award lead hazard reduction work on an as needed basis.

All work conducted by HPD is billed through the Department of Finance to the property. The charges become a lien against the property if not paid on time and may contribute to the property's eligibility for the City's tax enforcement proceedings.

One of the main obstacles to HPD's ability to correct lead hazard violations when an owner fails to do so is gaining access to the dwelling unit. HPD personnel and contractors must gain access on several occasions: to inspect, to XRF test and scope, to perform the work, and to collect clearance dust wipes for testing. The necessity of gaining access multiple times increases the likelihood that at some point the tenant will be unavailable to provide access. To improve access, HPD also conducts inspections outside of normal work hours and on weekends. Performing the work, however, generally needs to occur during normal business hours. Access problems also arise when either an owner or tenant affirmatively refuses access to HPD personnel or contractors. If the tenant affirmatively denies access to the dwelling unit, the work is cancelled. If, after two unsuccessful visit attempts, access has not been obtained, a letter is sent to the tenant asking them to contact HPD to schedule an appointment. If no response is received within eight days, the job is cancelled. If the tenant responds and access is still not gained after scheduling an appointment, the job is cancelled. Whenever the work is cancelled or if HPD is unable to get final clearance, the violation remains open.

The second challenge faced by EHU is staffing. HPD's technical staff manage compliance with the Housing Maintenance Code and HUD guidelines by performing complex, labor-intensive work that directly protects public health. In FY25 alone, approximately half of HPD's EPA-certified field staff left for other City agencies offering higher pay; although HPD invests heavily in training and offers internal pathways for advancement, inspectors and technical staff are often drawn to better-compensated positions elsewhere.

During FY25, HPD completed lead abatement work in more than 700 apartments. HPD had requirements contracts in place with four separate lead abatement vendors in order to maintain the volume of work that was being completed. The costs related to that abatement work increased both due to increases associated with lead-abatement work in general and an increase in the scope of work required for individual work orders.

**Table 4: HPD Violation Correction in Privately Owned Buildings**

	FY21	FY22 <sup>7</sup>	FY23	FY24	FY25
Number of distinct apartments in which remediations were performed to correct violations	414	246	489	722	721
Total amount spent related to completed lead based paint remediation	\$1,075,092	\$1,005,596	\$1,947,325	\$2,209,779	\$3,695,095
Average amount spent by HPD per dwelling unit (contracted remediation only)	\$2,500	\$4,651	\$3,926	\$2,927	\$5,125
Total Amount Spent by HPD on lead-based paint abatement attempts and	\$900,482	\$1,458,308	\$2,754,425	\$2,976,930	\$5,366,535

<sup>7</sup> COVID-19 Impact: Lead remediation work was not conducted during the last quarter of FY20 due to the COVID-19 pandemic. Work completed prior to March 2020 may not have been closed timely because work was stopped and HPD was unable to conduct dust wipes until after well into the pandemic. Work was limited during much of FY21 because tenants were still concerned about providing access for HPD and our vendors during much of the period. During this same period, violations continued to be issued, and the number of violations increased as discussed in the sections above. Contractor capacity was also limited.



completions, dust wipe only work and clean					
Median time between correction due date and initial inspection (scope) date (days)	10	19	26	14	27
Median time from initial inspection (scope) to Work Completed by HPD (days)	84	104	95	66	75

## 1.4 HPD Litigation

If the property owner or one of their employees denies access to the dwelling unit, the lead-based paint hazard violation is forwarded to the Housing Litigation Division (HLD) to seek a court order for access. HLD prosecutes access warrant cases to allow EHU to perform lead repairs. Housing Court judges are often reluctant to issue an access warrant without giving the owner several opportunities to do the work themselves, particularly when there is partial compliance, or evidence of difficulty in gaining sufficient access from the tenant to properly complete the violation, even though the statutory period to correct has passed. Most access warrant cases are concluded when a re-inspection finds that the owner has completed the work, often under consent orders issued as interlocutory relief during the Housing Court case.

HPD may also seek civil penalties when a property owner falsely certifies the correction of a condition.

**Table 5: Litigation**

Litigation Pursuant to Local Law 1	FY20	FY21	FY22	FY23	FY24	FY25
Civil actions brought pursuant to false certification of violations (multiple violations may be grouped together for one civil action) <sup>8</sup>	36	2	29	1	1	5
Civil actions seeking a warrant for access for HPD to perform emergency repairs	32	37	53	75	151	141

## 1.5 Department Training

All new Code Enforcement inspectors and EHU field staff receive a three-day EPA lead-based paint inspector training with an approved EPA training provider and are required to take the EPA test for certification. Renewals of certification are required every three years. During FY25, 104 employees attended classes associated with EPA Lead Inspector certifications. This includes 51 employees who were newly trained and 53 who attended mandatory refresher classes.

Housing Inspectors are also trained in: (1) Local Law 1 requirements regarding the surfaces and the definitions of surface conditions that require issuance of a specific violation; (2) how to designate the surfaces in a uniform manner (e.g., size of surfaces, compass location of wall, compass location of room) to ensure that the proper area is identified and remediated by the owner or HPD; and (3) the violation

<sup>8</sup> Throughout the end of FY20 and the entirety of FY21, Housing Court activities were limited due to the COVID-19 pandemic.

order numbers and department procedures for issuing each type of violations. Inspectors assigned to the LBPIP are additionally trained in the safe use of XRF machines and receive Radiation Safety Training.

## **1.6 Emergency Repair Pursuant to Department of Health and Mental Hygiene Referrals (DOHMH)**

HPD also receives referrals directly from DOHMH when a property owner fails to abate the lead-based paint hazardous condition or fails to submit clearance dust wipes after performing abatement work ordered by DOHMH in an apartment where a child was found to have an elevated blood lead level. EHU will respond with emergency repairs or clean lead dust, as directed by DOHMH. In response to these referrals, HPD completed 26 lead-based paint hazard abatement projects and 43 dust clearance projects in FY25.

## **Section 2: Audits of Records Related to Lead-Based Paint Recordkeeping Requirements**

HPD audits properties for records related to lead-based paint recordkeeping. These audits are generated based on two distinct processes: 1) Department of Health and Mental Hygiene Commissioner's Order to Abate (COTA) Elevated Blood Lead Level referrals 2) HPD's Building Lead Index. In both audit processes, HPD issues a Record Production Order (RPO) to the property owner if the building is a privately-owned multiple dwelling (three or more units). The records being demanded include records related to annual notices, annual visual inspections, the XRF testing performed pursuant to Local Law 31 of 2020, and all repairs, remediations, and abatements related to lead-based paint that are required under Local Law 1, including those required at turnover. The owner must provide 10 years of records. If the property owner supplies the appropriate records, HPD will attempt to conduct inspections in all units the records identify a child under six resides in, and at least 20% of units identified to be without a child under six residing, to verify the owner's information. If the owner supplies no records or incomplete records, HPD will issue violations to enforce the record retention requirements under Local Law 1. HPD will also attempt to access every unit and will conduct Local Law 1 inspections where there a child under the age of six resides. Violations are issued if there is peeling paint or a deteriorated subsurface and the XRF testing identifies lead in the paint during these inspections. HPD will also issue a turnover violation as appropriate (see Section 3 on Turnover for more details about these violations). As indicated in Section 2.3 Litigation, HPD may seek future compliance with these recordkeeping violations in Housing Court.

### **2.1 Audits Based on Department of Health and Mental Hygiene Commissioner's Order to Abate (COTA) Elevated Blood Lead Level Referrals**

DOHMH conducts an environmental investigation to determine possible exposure to lead in paint, dust, and other products when they receive data to indicate that a child has a blood lead level of  $\geq 3.5$  mcg/dL and  $< 18$  years of age<sup>9</sup> (effective October 25, 2023). If that investigation determines that lead-based paint hazards are present in the child's home or another residential unit where the child is identified to spend time, DOHMH will issue a Commissioner's Order to Abate (COTA) and HPD will receive a referral from DOHMH to audit the property's lead-based paint records.

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<sup>9</sup> The blood lead level trigger for DOHMH intervention has been lowered several times historically.

**Table 6: Commissioners Order to Abate Audits**

	2021	2022	2023	2024	FY25
Buildings Audited	412	605	573	543	480
Of buildings audited in the period, buildings issued a violation Issued for Failure to Provide Documents (618)	393	570	526	505	440
Of buildings audited in the period, buildings Issued a violation for Failure to Conduct Annual Notice and Inspection (619)	364	543	485	471	407
Apartments in buildings audited in the period issued Violations for Lead-Based Paint Hazards Identified During Inspection	115	180	63	84	24

## 2.2 Audits Based on the Building Lead Index (BLI)

Local Law 70 of 2019 amended Local Law 1 to require HPD to conduct audits of properties for records related to Local Law 1 compliance. HPD adopted amendments to its lead-based paint rules to implement the law, defining how buildings are selected for audit through a Building Lead Index (BLI). Local Law 127 of 2023 further amended the selection criteria to require HPD to select buildings based on turnover violations. Using the BLI, built in collaboration with DOHMH, to identify a minimum of 200 buildings each fiscal year, HPD requests the lead-based paint related records from selected multiple dwelling property owners and follows up with building inspections. Approximately half of the buildings are selected based on a representative sample of buildings which have received violations from HPD for lead-based paint hazards. A second category focuses on buildings which have been issued a violation for leaks, mold, or other underlying conditions which might disturb the subsurface and a third category of buildings with turnover violations. HPD also factors additional information from DOHMH regarding the incidences of childhood lead exposure into the building selection process.

**Table 7: Building Lead Index Audits by Calendar Year**

	2021	2022	2023	2024	FY25
Buildings Audited	298	207	207	207	214
Of buildings audited in the period, buildings issued a violation Issued for Failure to Provide Documents (620)	288	195	202	194	200
Of buildings audited in the period, buildings Issued a violation for Failure to Conduct Annual Notice and Inspection (619)	277	189	195	187	196

Apartments in buildings audited in the period issued Violations for Lead-Based Paint Hazards Identified During Inspection	80	65	30	36	14
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## 2.3 Litigation related to Lead Audits

In FY25, HPD initiated litigation related to lead audits that resulted in the imposition of over \$134,000 in civil penalties and orders to correct in 11 buildings with more than 927 homes. In particular, \$90,000 of that total amount was obtained in connection with a portfolio, which accounted for 6 of the buildings in the Bronx. HPD will continue to pursue enforcement where the compliance falls short for these properties and other properties where court orders are in affect seeking recordkeeping compliance.

Additionally, HPD continues to collaborate with government partners to supplement its litigation efforts to bring major landlords into compliance with Local Law 1. Litigation teams led by the Office of Attorney General and New York City Law Department rely on HPD’s lead-based paint enforcement teams to identify and audit buildings where lead-based paint regulations are not followed.

**Table 8: Litigation Pursuant to Recordkeeping Requirements**

Litigation Pursuant to Local Law 1 Recordkeeping Requirements	FY21	FY22	FY23	FY24	FY25
Civil Actions Brought Pursuant to Failure to Submit Lead-Based Paint Documents Pursuant to § 27-2056.7	35	31	6	16	19

## Section 3: Requirements for the removal of friction surfaces and making all bare floors, windowsills and window wells smooth and cleanable

Local Law 1 has since its inception required the removal of paint or the replacement of the surfaces for doors and windows with lead-based paint or paint of unknown lead content. That requirement, as well as addressing all lead-based paint hazards (ex. peeling paint) are corrected, making all bare floors, windowsills, and window wells smooth and cleanable, have been required upon turnover of an apartment from one tenant to another. This requirement has been known as “turnover”, referencing the time period during which the work was expected to be done. Local Law 123 of 2023, requires this same work to be done upon the earliest of turnover, or by July 1, 2027, in cases where a child under six resides in the unit as of January 1, 2025, or within three years if a child under the age of six resides in the unit after January 1, 2025.

### 3.1 At Turnover

When a tenant no longer resides in a dwelling unit and the unit is vacant to be rented again, it is referred to as “turnover.” Upon turnover, Local Law 1 requires that owners complete certain lead-based paint activities to ensure the unit is safe for the next tenant before they take occupancy. These activities fall under two separate categories: (1) abatement and (2) the correction of lead-based paint hazards.

Abatement means to permanently eliminate lead-based paint and lead-based paint hazards. This includes the removal of the lead-based paint from the surface or fixture, the replacement of the fixture, or the permanent enclosure or encapsulation of the lead-based paint. On turnover, owners are required to

ensure that painted window and door friction surfaces either test negative for lead-based paint or those painted window and door friction surfaces must be abated. If abated, this should only be required to be performed one time, at the first turnover.

Correction of lead-based paint hazards can be done using non-permanent methods of correction, such as wet scraping peeling paint or making a painted surface smooth and cleanable. Owners must ensure that all lead-based paint hazards (ex. peeling paint) are corrected as well as make all bare floors, windowsills, and window wells smooth and cleanable at each turnover of the unit.

HPD may issue two different types of turnover violations. A turnover violation may be issued if either (1) there is a lead-based paint hazard (tested or presumed) on a door or a window friction surface where the tenant confirms they moved into the unit in August 2004 or later<sup>10</sup> or (2) the building is being audited by HPD, the tenant confirms they moved in within 10 years of the inspection date and the owner has provided no documentation that turnover activities were performed in their 10 years' of records, regardless of whether there is a child under six residing in the apartment.

**Table 9: Turnover violations**

	FY21	FY22	FY23	FY24	FY25
Turnover: failure to provide documentation in response to an audit of compliance with turnover	6,254	4709	3,909	3,411	2,387
Turnover: lead-based paint hazard	297	1,348	1,364	1,586	1,261

### 3.2 Prior to Turnover

Based on the Annual Notice required under Local Law 1, property owners should be aware of which occupied apartments have a child under six. If a child under the age of six resided in a unit as of January 1, 2025, the owner is required to complete the required abatement work and work to make all bare floors, windowsills, and window wells smooth and cleanable by July 1, 2027. If a child under the age of six moves in an occupied unit after January 1, 2025, owners are legally mandated to complete these activities within three years after a child moves in. Lead-based paint hazard activities should be done as soon as practical after the annual lead-based paint investigation is completed.

## Section 4: Other Lead-Based Paint Initiatives

### 4.1 Financial Assistance for Property Owners: Healthy Homes Primary Prevention Program

The Lead Hazard Reduction and Healthy Homes – Primary Prevention Program (PPP) is funded primarily by federal Lead Hazard Reduction grants from the US Department of Housing and Urban Development (HUD). Buildings that qualify for the PPP funding are constructed prior to 1960, including small homes and multifamily apartment buildings of any size, located in any of the five boroughs of New York City. The building must have lead-based paint that is not intact as determined by lead risk assessments performed by the program inspectors. The building or home must be occupied by households with low- and very low-income levels, and at least one or more units must house a child less than six years of age or a pregnant

<sup>10</sup> Local Law 1 of 2004 was effective August 2, 2004.

woman or be visited by a child less than six years of age on a regular basis. In FY25, the Program closed 2 projects with a total of 3 units; and completed lead remediation work in 136 units in four projects. In August 2025, the Program applied for a new HUD Lead Grant via the 2025 funding round; if awarded by HUD, it is anticipated that the new grant would begin in late CY 2025.

## 4.2 Required XRF Testing by 2025

The deadline for property owners to complete XRF testing of all painted surfaces in all apartments – regardless of the presence of a child under six – and all common areas in building built prior to 1960 was August 2025. This requirement also applies to rental units in buildings built between 1960 and 1978 if the owner is aware of lead-based paint being present in the building. Property owners are encouraged to file for a Lead-Free Exemption based on negative test results with HPD. The testing must be done using an XRF Analyzer and the owner must maintain all records, providing copies of those records to tenants. This law does not require the removal of all lead-based paint identified from the XRF testing. In FY26, HPD will require these records as a part of any audits and appropriate violations will be issued to provide these documents.

Owners who conducted the required Local Law 31 compliance testing prior to December 1, 2021, with an XRF instrument that tested at the old 1.0 mg/cm<sup>2</sup> testing level are not required to perform another full apartment inspection at the new 0.5 mg/cm<sup>2</sup> testing level in order to have fulfilled the requirements of Local Law 31. However, any XRF testing performed after December 1, 2021, for compliance with Local Law 31 must be performed to meet the requirements of the new definition of lead-based paint.

## 4.3 Exemptions

As of June 2025, HPD identified approximately 1.68 million units in multiple dwelling buildings built prior to 1960. As of July 1, 2020, approximately 6% of those units were exempt from Local Law 1; as of July 1, 2025, that percentage has almost doubled to 11%. Owners continue to file exemption applications as XRF testing is completed. During FY25, HPD launched the Lead Exemption Online Portal (LEOP). This platform offers an efficient, user-friendly way to apply for lead exemptions, helping property owners—whether managing a single pre-1960 building or an extensive portfolio - report apartments free of lead-based paint with over 27,500 applications received in FY25.

### 4.3.1 Applications

Under Local Law 1, property owners of multiple dwelling buildings built prior to 1960 may apply to HPD seeking an exemption from the presumption that the paint is lead-based paint. The exemption process requires that owners follow the inspection protocols outlined in federal regulations and guidelines, which describe the methodology to be used and the qualifications for testing. An owner may seek an exemption for an individual unit in a building through individual testing or for all apartments in a building or development using a sampling methodology established by the US Department of Housing and Urban Development (HUD). An owner may also seek an exemption for the common areas of the building.

Effective December 9, 2019, HPD may grant two types of exemptions from the presumption of lead-based paint to residential properties built before 1960: **Lead Free or Lead Safe**. Building owners can apply for one of the two different types of exemptions, depending on the results of XRF testing and the work that has been completed related to lead-based paint abatement.

- A Lead-Free exemption certifies that all surfaces tested negative for lead-based paint at the time the paint was tested or that any surfaces that were identified as lead-based paint have been fully abated, meaning the lead-based paint was removed.
- A Lead Safe exemption certifies that any lead-based paint has been contained or encapsulated, requiring ongoing monitoring by the building owner.

Exemptions requested prior to December 9, 2019, were not issued an exemption with a distinct Lead Free or Lead Safe status.

**Table 10: HPD Issued Exemptions**

<b>Exemptions – ALL<sup>11</sup></b>	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>
<b>Lead Exemption Applications Received</b>	10,238	33,565	30,976	32,480	27,581
<i>Lead Exemption Applications Granted -One Unit</i>	8,069	26,677	20,315	21,862	16,961
<i>Lead Exemption Applications Granted -One or More than One Bldg</i>	11	20	25	22	114
<b>Total Lead Exemption Applications Granted</b>	8,080	26,697	20,340	21,884	17,075
<i>Lead Free</i>	1	5,391	20,317	21,845	17,069
<i>Lead Safe</i>	0	3	22	37	4
<i>Prior to Lead Safe/Lead Free</i>	8,079	21,303	1	2	2
<i>Apartments Exempted</i>	8,152	26,845	20,690	22,061	19,691
<b>Lead Exemption Applications Rejected</b>	1,461	4,100	5,788	6,053	5,785

#### 4.3.2 Definition of lead-based paint definition change effect on exemptions

An exemption granted to a unit under the previous definition of lead-based paint remains in effect until either the first turnover of the unit after December 1, 2021, or the granting of a new exemption under the new 0.5 mg/cm<sup>2</sup> threshold. Upon the first turnover of the unit after December 1, 2021, the exemption is no longer valid, and the unit is once again subject to all of the requirements of Local Law 1. The owner is obligated to inform HPD that the turnover occurred and HPD issues a formal revocation of the exemption. The owner may retest the unit and apply for a new exemption using the 0.5 mg/cm<sup>2</sup> threshold. During FY24 HPD distributed a second round of official guidance documents via mail to assist property owners navigate the turnover requirements. HPD established a process for property owners to report the turnover of a unit which had been granted an exemption status under the previous definition of lead-based paint and HPD formally revoked these exemptions. Notifications were mailed directly to all registered property owners with existing exemptions to remind property owners of their obligation to inform HPD when a turnover occurs of an exempted unit.

**Table 11: HPD Revoked Exemptions**

<sup>11</sup> In FY24, category definitions were revised; the table reflects these updates.

	FY20	FY21	FY22	FY23	FY24	FY25
Total Revoked	193	320	2,127	5,692	5,592	3,402
Revoked 1.0 exemption due to the granting of a new exemption at 0.5 mg/cm <sup>2</sup> threshold	94	290	1,767	4,833	4,541	2,627
Lead Exemptions revoked for unit turnover	0	0	295	736	854	640
Other	99	30	65	123	197	135

#### 4.4 Lead-Based Paint Education and Outreach Campaigns

HPD remains committed to disseminating crucial information to building owners and agents regarding lead awareness and compliance with Local Law 1. Our efforts in FY25 included:



- A series of informational bulletins are sent to property owners, including six focused exclusively on lead-based paint ([Lead-Based Paint - HPD \(nyc.gov\)](https://www.nyc.gov/lead-based-paint)). These bulletins are emailed to over 45,000 property owners and managing agents.
- Four live webinar trainings were hosted, three of which were tailored specifically for property owners, and one created for both property owners and tenants. These webinars attracted over 740 attendees in total.
- In FY25 HPD reached more than 30,000 property owners and management companies through its IVR automated system and distributed over 43,800 “Get Ahead of Lead” postcards to inform them about the upcoming August 2025 XRF Testing requirement.
- During the Month of October 2024 HPD hosted National Lead Poisoning Prevention Week in collaboration with the Department of Health and Mental Hygiene, an annual event of paramount



importance that serves as a call to action. The week is dedicated to raising awareness about the grave threat of lead exposure and its severe consequences, particularly for children under the age of six. A total of 15 events were hosted in all five boroughs through partnerships with NYC Parks Department, Columbia Hospital, CHHAYA, 34th Ave Coalition (Open Streets), Morris Heights Health Center, and the NYC Public Library just to name a few in the neighborhoods with the highest lead blood levels in young children, offering educational resources to parents and distributing 700 bags filled with storybooks, coloring books, crayons, and water bottles to children.

#### 4.5 HPD-Owned Housing

HPD addresses lead-based paint hazards in housing owned by HPD and managed under HPD's Office of Asset and Property Management (APM) through four approaches. One approach is responding to complaints received from residents in HPD-owned housing units using the same definition of a complaint that would prompt a lead hazard inspection in privately-owned housing. The second approach is fulfilling its requirement as a property owner to perform the annual notice and inspection requirements under Local Law 1. APM conducts the Local Law 1 annual notification process for tenants. Responses to the annual notification are monitored. Those responses reporting that a child under six resides in the dwelling unit are inspected under Local Law 1's requirement that the property owner perform an annual inspection. The third approach is, as required for a property owner under Local Law 1, controlling for lead-based paint hazards anytime paint is disturbed in a unit where a child under 6 resides, for reasons that are not specific to a complaint or a Local Law 1 annual inspection. Finally, in the event that residents are moved into a newly renovated unit, HPD takes steps to ensure compliance with appropriate lead regulations. Under all approaches, if any lead-based paint hazards are identified in the unit or work is needed to control for any lead-based paint hazard, the Lead Compliance Unit will scope and contract for all necessary abatement work to ensure compliance with lead regulations.

**Table 12: HPD-Owned Buildings**

	FY21	FY22	FY23	FY24	FY25 <sup>12</sup>
Complaints Prompting Lead Hazard Inspections	40	52	62	47	41
Total inspections attempted based on a complaint prompting a lead hazard inspection	29	69	100	65	16
Responses to the annual notice indicating that a child under 6 resides in the apartment <sup>13</sup>	130	124	106	67	55

<sup>12</sup> In FY25, APM attempted 16 inspections prompted by complaints. This figure reflects that many complaints did not require inspection because they were duplicated or for buildings HPD does not manage. The department also completed three abatement jobs during the year, with temporary delays due to vendor procurement and budget constraints. With new abatement vendors secured and dedicated funding in place, APM anticipates increased remediation activity and efficiency in the future fiscal years.

<sup>13</sup> The process of attempting inspections in response to complaints was modified in FY24; the number reported here only reflect inspections through March 2024 and may be updated and counted using a new methodology in the FY25 report.

Total inspections attempted in response to annual notice responses that a child under 6 resides in the apartment <sup>14</sup>	175	181	186	30	60
The number of jobs performed by the department to address lead-based paint hazards	21	5	28	27	3

## Section 5: Budget and Personnel

As of June 2025, 60 Housing inspectors and 9 Associate (Supervising) Inspectors were assigned to the Lead-Based Paint Inspection Program (LBPIP) to conduct inspections using XRF machines. Twenty-seven Construction Project Managers were assigned to the Bureau of Environmental Hazards to conduct scoping and monitor repairs.

*Table 13: HPD Lead-Based Paint Activities FY25 Budget as of 6/30/2025*

Total Lead Spending	HC	Personnel Services (PS)	Other Than Personnel Services (OTPS)	Total
Lead Inspections and Repair	214	\$ 17,898,650	\$ 8,127,469	\$ 26,026,119
Lead Outreach <sup>15</sup>	-		\$ 18,970	\$ 18,970
HPD/DOH Outreach Initiative	2	\$ 208,541	\$ 31,190	\$ 239,731
Lead Demonstration Grant	4	\$ 271,098	\$ 1,246,803	\$ 1,517,901
Total	220	\$ 18,378,289	\$ 9,424,432	\$ 27,802,721

FY25 Lead Capital Commitments	Capital Commitments
Rehabilitation HUD Lead Grant (PPP)	\$ 4,982,510
	\$ 1,933,153
Total	\$ 6,915,663

## Section 6: Looking Ahead

In FY26, HPD will:

- Continue to conduct outreach about lead-based paint to owners and tenants, including specifically messaging to property owners regarding the requirement for proactive lead remediation in apartments with children under six.
- 

<sup>14</sup> In FY24, the process for Annual Notice reporting was modified, and inspections are ongoing in FY25. These figures presented reflect these adjustments.

<sup>15</sup> Outreach includes Advertising, Postage, Language line, etc.

- Continue to work closely on lead-based paint compliance matters with other city and state enforcement agencies, including the New York State Office of the Attorney General, the New York City Law Department, the Department of Health and Mental Hygiene and the Department of Buildings.
- Collaborate with the Department of Health and Mental Hygiene to increase outreach by organizing activities for National Lead Poisoning Prevention Week.
- Expand and improve the Lead Exemption Online Portal.
- Moving ahead with the implementation of Local Laws 111, 122 and 123 of 2023 as resources are in place. We continue to advance procurement milestones for the build out of the technology changes necessary to implement these requirements.
- Establish a process to allow property owners to challenge certain violations based on the results of a paint chip sample demonstrating the absence of lead-based paint (“LBP”).

HPD remains committed to eliminating the risk of childhood lead exposure by increasing the enforcement of Local Law 1 to address lead-based paint in more apartments and at lower levels of lead.