

**AFFIDAVIT OF COMPLIANCE (AF-5)
LEAD-BASED PAINT HAZARD VIOLATIONS - WORK COMPLETED AFTER AUGUST 1, 2004**

Violation Number(s): _____
Apt # _____

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

1. That the apartment listed above is a unit in the following premises, _____, _____, (print entire building address, including borough);

2. That I am (select one):

- | | |
|---|--|
| <input type="checkbox"/> The currently registered owner of the property | <input type="checkbox"/> Otherwise registered as responsible for the property |
| <input type="checkbox"/> The currently registered officer or director of the corporation that owns the property | <input type="checkbox"/> The owner or shareholder of record for a condo or cooperative unit that is tenant occupied. |
| <input type="checkbox"/> The currently registered managing agent of the property | <input type="checkbox"/> The owner of 1-2 family dwelling where I or my immediate family reside |

3. 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 all applicable laws;
4. That the work undertaken to correct the above-referenced violation(s) was performed in accordance with the required work practices;
5. That I have attached an **original** sworn statement made by the EPA-certified 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 affidavit can be found at www.nyc.gov/lead-based-paint);
6. That I have attached a copy of the EPA certification for the firm that performed the work to correct the lead-based paint hazard violation(s);
7. That I have attached to this form proof that HPD performed the lead-contaminated dust clearance test; **or** that I have caused a lead-contaminated dust clearance test ("clearance test") to be performed by an independent third party, and I have attached to this form:
- the results of the lead-contaminated dust clearance test from a laboratory certified by the New York State Environmental Laboratory Approval Program; and
 - an **original** 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 affidavit can be found at www.nyc.gov/lead-based-paint); and
 - a copy of the EPA certificate for the individual who took surface dust samples. The EPA certificate must be valid for the period when the dust samples were taken.

(Print Name) (Signature)

State of _____, County of _____ *Notary Stamp*

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

(Notary Print Name) (Notary Signature)

**INSTRUCTIONS – DISMISSAL REQUEST
LEAD-BASED PAINT HAZARD VIOLATIONS AFFIDAVIT OF COMPLIANCE (AF-5) – WORK
COMPLETED AFTER AUGUST 1, 2004**

This affidavit can only be used in connection with violation order # 616, 617 and 624.

LEAD-BASED PAINT HAZARD VIOLATIONS on record with the Department of Housing Preservation and Development (HPD) for which the certification period has expired can be dismissed **ONLY IF**:

- HPD has inspected and found the work properly completed. You can check HPD’s website at www.nyc.gov/hpd and use HPDONLINE from the home page (check the tab labelled Overdue Violations) to determine if HPD has already inspected the condition.
 - If the violation has already been observed corrected by HPD and the violation is marked as Inspection Completed, you may submit the properly completed original AF-5 and documentation listed on that form directly to the Lead-Based Paint Inspection Unit at **94 Old Broadway, 7th Floor, New York, NY 10027**.
 - If the violation has **not** already been observed corrected by HPD and the violation is marked as INSPECTION REQUIRED, a properly completed Dismissal Request form with the appropriate fee must be submitted to HPD. You can obtain a Dismissal Request form at <https://www.nyc.gov/assets/hpd/downloads/pdfs/services/dissmissal-request-form.pdf>. Once the Dismissal Request is completed, you will receive a Defect Letter instructing you on the next steps towards the dismissal of the violation.
- The appropriate work practices were used to correct the condition. A detailed description of the work practices that must be used to correct lead paint hazard violations after August 1, 2004 is included in an HPD pamphlet – GUIDE TO LOCAL LAW #1 OF 2004 WORK PRACTICES - available on the HPD website (www.nyc.gov/lead-based-paint). If you have any questions, you may call the Lead-Based Paint Inspection Unit at 212-863-5501.
- The appropriate documentation regarding the work methods and cleanup process is submitted with:
 - a properly completed Affidavit of Compliance (AF-5) form.
 - the documentation listed on the AF-5 that reflects that the work was properly completed.

To properly complete this Affidavit of Compliance (AF-5):

- ✓ Indicate one or multiple violation sequence numbers for violations corrected and tested at the same time within a single apartment.
- ✓ Indicate the apartment number related to these violations (an affidavit can only cover one apartment).
- ✓ Type or print your name.
- ✓ Enter the building address.
- ✓ Select your owner/agent status. (Note: If you are the owner or managing agent for the building (not an owner or shareholder of record for a condo or cooperative unit) and the building is required to register, the building must be validly registered, and you must be the owner or managing agent reflected on the registration in order to complete the AF-5.)
- ✓ The affidavit must be notarized. To have it notarized, you must sign the affidavit in front of a notary public, who must also sign and affix their stamp on the form.

Compile the required documents as listed on the Affidavit. For sample documents or questions about the documents, visit www.nyc.gov/lead-based-paint or contact the Lead-Based Paint Inspection Unit at 212-863-5501.

You will receive a confirmation indicating whether the violations will be dismissed once HPD completes the review of your submitted documents and, if necessary, completes the inspection.