



THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
OFFICE OF ENFORCEMENT AND NEIGHBORHOOD SERVICES

“Get Ahead of Lead” January 2026 Briefing

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.

Stay Compliant: Annual Notice and Next Steps

In fiscal year 2025 HPD audited close to 700 buildings. Are you in compliance? Almost 650 of those buildings were issued violations for failure to provide requested audit documents. Over 600 buildings received violations for not completing the annual notice and investigation. Penalties may be significant for failure to conduct annual activities and maintain records. The Department of Housing Preservation and Development, the New York City Law Department and other enforcement agencies may seek penalties for violations of these requirements.

The Annual Notice is used to determine if a child under six routinely spends 10 or more hours each week in a dwelling unit. Owners of multiple dwellings built before 1960 (or between 1960 and 1978 if lead-based paint is suspected) should have already:

- Delivered the Annual Notice to tenants between **January 1st and January 16th**.
- Documented all activities related to [delivering the Annual Notice](#).

Upcoming Requirements (Action Needed)

- Collect completed notices from tenants by **February 15th**.
- Document the receipt of units that [did not respond](#) to the annual notice and, between February 16th and March 1, notify the Dept. of Health in writing at the below address per HMC 27-2056.4 (e)(3)(i):

Department of Health and Mental Hygiene — Healthy Homes

125 Worth Street, Sixth Floor, CN58

New York, NY 10013

- If, subsequent to the delivery of such annual notice, the owner does not receive a written response by February 15th and does not otherwise have actual knowledge as to whether a child of applicable age resides there, then the owner shall at reasonable times and upon reasonable notice inspect the occupant's dwelling unit to ascertain whether a child of applicable age resides there. Where, between February 16th and March 1st of that year the owner has made reasonable attempt to gain access to the dwelling unit and was unable to gain access, the owner shall notify the department of health and mental hygiene of that circumstance in writing. For guidance on how to conduct the visual assessment, view [HUD's Lead-based paint visual assessment training course](#).
- Document the results of the visual assessments. To help you maintain proper records, we recommend you use the sample [Recordkeeping Template for Visual Assessments](#)

You must retain all records related to notices, investigation and repairs for a minimum of 10 years.

Reminder: Local Law 123 of 2023

Now that you know which units have a child under 6 residing in a unit, there are new requirements you must complete in accordance with Local Law 123 of 2023. View our [Lead-Based Paint Abatement and Stabilization webinar](#) for more information about this requirement.

If a child under the age of six either (a) resided in a unit as of January 1, 2025, or (b) moved in an occupied unit after January 1, 2025, the property owner is legally obligated to complete lead-based paint abatement activities.

When must you complete this work?

Upon the earliest of:

- I. Turnover of any dwelling unit in a multiple dwelling erected prior to January 1, 1960; or
- II. By July 1, 2027, for any unit where a child under six resides as of January 1, 2025; or
- III. Within 3 years after a child under six begins to reside in a unit (if after January 1, 2025)

You can also visit [Lead-Based Paint - HPD](#) under Webinars for detailed information on other lead-based paint regulations.

Owner Responsibilities

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- ▶ Owner Recordkeeping Responsibilities
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- ▶ The Lease Notice
- ▶ Annual Requirements
- ▶ Requirements Upon Turnover of an Apartment
- ▶ Paint Testing Requirement
- ▶ Safe Work Practices
- ▶ Exemption
- ▶ Audits of Required Compliance Documents and Audit Recordkeeping Violations Audits
- ▶ Lead-Based Paint Hazard Violations
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Get Ahead of Lead: Stay in the Know

Local Law 31 of 2020 - XRF Testing Requirement

The deadline of August 9th, 2025 has passed to have all dwelling units and common areas of a building built prior to 1960 tested for lead-based paint. 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.

If you have completed this testing and all surfaces are negative, you are strongly encouraged to apply for a Lead-Free Exemption from HPD. Details on making such an application are provided below.

If you completed this testing and subsequently abated all lead-based paint, you are also encouraged to apply for a Lead-Free Exemption, providing not just your XRF testing but your evidence of appropriate abatement activity.

Exemptions

As mentioned above, all units and public areas are REQUIRED under the law to be tested by August 2025. If this testing determines that an apartment or a common area are free from lead-based paint OR if there is lead-based paint and the owner chose to permanently remove or encapsulate that paint (not all surfaces may be encapsulated), the owner may wish to file for an exemption with HPD. Exemptions will only be granted for units tested by an XRF machine with an approved Performance Characteristic Sheet (PCS) issued at an action level of 0.5 mg/cm².

In mid-December, HPD released some enhancements to improve the user experience when submitting Lead Exemption applications through the LEOP application in response to feedback highlighting concerns about the time-consuming nature of the document upload feature. Although there were no changes to the documentation required to receive an exemption, HPD significantly reduced the number of uploads required at the time of submission. For example, the amount of uploads required for a Lead-Safe application was

reduced to five from thirteen. The amount of uploads required for a Lead-Free application was reduced to two from five.

This change will reduce the amount of time it takes for applicants to prepare and upload documentation, encouraging more applicants to submit for exemptions via the LEOP application.

How do I file for Lead Exemption?

You should file your exemption using the [Lead Exemption Online Portal](#) (LEOP). HPD has significantly reduced the number of uploads required at the time of submission, reducing the amount of time it takes for applicants to prepare and upload documentation.

Units exempt prior to December 1, 2021

Beginning December 1, 2021, the legal standard to define lead-based paint was lowered from 1.0 mg/cm² to 0.5 mg/cm².

Exemptions granted at the 1.0 mg/cm² remain active **until such time as the unit is vacated by a tenant (turnover)**. Note: A lease renewal is not the same thing as turnover, and does not need to be reported to HPD, and does not affect the existing exemption.

As of the date of the turnover, the exemption is no longer valid.

Owners must notify the department when turnover occurs for a unit exempted at the 1.0 mg/cm² standard using the Affidavit of Turnover, which can either be submitted to HPD using the Lead Exemption Online Portal (LEOP) or by mail.

For current information on Owner Responsibilities under Local Law 31 and how to file an Exemption visit [Lead-Based Paint - HPD](#), or [LEOP - Home](#).

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Upcoming: Amendments to HPD Rules

[Adoption of amendments to rules relating to a process to allow property owners to challenge certain violations based on the results of an x-ray fluorescence \(“XRF”\) test demonstrating the presence of lead-based paint \(“LBP”\)](#)

HPD is adopting amendments to its rules related to lead poisoning prevention and control. The amendments establish a process to allow property owners to challenge certain violations based on the results of an XRF test demonstrating the presence of lead-based paint. HPD’s amendments add a new section 11-07.1 to Chapter 11 of Title 28 of the Rules of the City of New York to permit a registered owner of a multiple dwelling to challenge a violation issued based on a positive XRF test result ONLY on a surface where the substrate is either metal or ceramic.

When does this become effective?

Section 1 of this rule becomes effective on February 2, 2026

What do I need to submit?

You will be required to submit the following:

- Copy of the sworn written statement from the person who performed the paint chip sampling
- Copy of that person’s certification as a certified LBP inspector or risk assessor
- Copy of the inspection report provided by the person who performed the paint chip sampling
- Copy of the laboratory analysis of a paint chip sample

To stay up to date on HPD’s Rules & Amendments, visit [Rules - HPD](#)

To review proposed rules, and to voice opinions before the rules are adopted into law, visit [NYC Rules](#).



Dismissal of Lead-Based Paint Record-Keeping 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 RPO Dismissal Request Form. Please read it carefully before submitting any requests. **You should not submit any payments with the form.**

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
 - Order number 623: \$1,500 maximum per violation
 - Order number 626: \$1,500 per unit

For more information on recordkeeping requirements, see *Owner Record-keeping Responsibilities* on [Lead-](#)

[Based Paint - HPD](#) or view our [webinar](#) on this topic.