

CONTESTATION FOR LEAD-BASED PAINT HAZARD VIOLATIONS – Paint Tested Inconclusive and Presumed Lead-Based Paint (Order 624)

Owners should use this form to contest a violation issued for paint tested inconclusive and presumed lead-based paint hazards. To submit, you must complete all of the following:

- properly complete the form, including selecting one reason for your contestation, properly sign the form, and have it notarized
- attach the Notice of Violation
- include required documents relevant to the reason for your contestation
- mail at least 6 days prior to the date set for correction, which is printed on the front of the Notice of Violation, to: Department of Housing Preservation and Development, 94 Old Broadway 7th Floor New York, NY 10027
ATTN: CONTESTATION UNIT

Building address: _____

Name of individual submitting the contestation: _____

Violation #(s) for contestation: _____

I am the: (check only one)

- _____ Currently registered owner of the property
- _____ Currently registered Officer or Director of the Corporation that owns the property
- _____ Currently registered Managing Agent of the property
- _____ Otherwise registered as responsible for the property
- _____ Owner or shareholder of record for a condo or cooperative unit that is tenant-occupied
- _____ Owner of a 1-2 family dwelling where I or my immediate family reside

I am contesting the issuance of this violation because the paint chip sampling performed has confirmed that there is no lead-based paint as defined by Local Law 1 of 2004 on the surfaces identified in the violations being contested. I have attached all of the following documents:

- A copy of the paint chip sampling report prepared by an EPA-certified Inspector or Risk Assessor;
- A copy of the EPA certification of the Inspector or Risk Assessor valid for the inspection date;
- A notarized Affidavit by the Inspector or Risk Assessor who conducted the paint chip sampling (Affidavit sample enclosed with this Notice of Violation); and
- A copy of the State-certified laboratory analysis of the paint chip sample.

I understand that HPD will inform both me and the occupant of the unit of the results of this contestation in writing.

Authorized Signature

State of New York, County of _____

Stamp

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

(Notary Signature)

**AFFIDAVIT BY CERTIFIED INDIVIDUAL
WHO PERFORMED LEAD-BASED PAINT TESTING**
(Submit only where required by this Notice of Violation)

I, _____ (print name), performed the inspection and testing and/or sampling for lead-based paint at the premises located at _____ (street), _____ (city), _____ (state); _____ (zip), _____ (unit number, if applicable) on _____ (date).

I am certified to perform such inspections and testing and/or sampling under Part 745 of Title 40 of the Code of Federal Regulations subparts L and Q. I performed the inspection, and testing and/or sampling in accordance Title 40 CFR § 745.227, and Chapter 7 of the U.S. Department of Housing and Urban Development's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, 2nd Edition (July 2012).

I have attached a copy of my EPA certification to this affidavit. My EPA certification number is _____ and it expires on _____.

I have also attached to this affidavit a copy of the EPA certification of my firm (firm name): _____.

(Print Name)

(Signature)

State of New York, County of _____

Notary Stamp

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

(Notary Print Name)

(Notary Signature)