

CONTESTATION FOR TURNOVER VIOLATIONS –Where Paint Tested Inconclusive and Is Presumed to be Lead-Based Paint (Order 625)

This violation was issued because (1) at least one door or window friction surface was identified by an HPD inspector to have peeling or deteriorated paint in a unit where a child under the age of 6 routinely spends 10 or more hours a week, (2) the door or window friction surface tested inconclusive at 0.5 mg/cm² for lead-based paint, and (3) the tenant stated that they moved into the unit (turnover) in August 2004 or later. Therefore, all of the painted window and door friction surfaces in the unit were required to have been abated for lead-based paint under § 27-2056.8. The violation applies to all the window and door friction surfaces in the unit.

If you wish to contest this violation for failure to conduct turnover abatement of lead-based paint from all window and door friction surfaces, you may use this form indicating one of reasons below.

To submit this form, 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
- include required documents relevant to the reason for your contestation as detailed below
- submit no later than the date set for correction, which is printed on the front of the Notice of Violation, to: Department of Housing Preservation and Development, 345 Adams Street 10th Floor Brooklyn, NY 11201 ATTN: CONTESTATION UNIT

Building address: _____ Apt #: _____

Name of individual submitting the contestation: _____

Email address: _____ Phone #: _____

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 the violation for the following reason **(check only one reason)**:

1. Contestation based upon the length of tenancy

_____ The tenant moved in prior to August 2, 2004. **I have attached Documentation verifying this initial lease date for the current leaseholder.**

2. Contestation based upon the building age

_____ The building was built in or after 1960 and I have no knowledge of lead-based paint in the

building and have been issued no previous tested lead-based paint hazard violations which would have provided me with knowledge of lead-based paint. **I have attached a copy of the Certificate of Occupancy showing a constructed date in or after 1960.**

3. Contestation based upon Existing HPD Exemption

_____ There is an active HPD Lead Free Exemption for this unit.

4. Contestation based upon content of lead in paint – for violation surfaces tested inconclusive and presumed to be lead-based paint and for all other window and door friction surfaces in the unit

(Must check (a) AND either (b.1.) OR (b.2.)

a. **For the violation surface(s)**

(Note: Only paint chip sampling results can be submitted for the violation surface(s). XRF testing results are not acceptable.)

_____ The paint chip sampling performed on the surface(s) that tested inconclusive in the violation order has confirmed that there is no lead-based paint as defined by Local Law 1 of 2004 on the surface(s).

For the tested violation surface(s), I have attached

- 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.

AND

b. **For all other window and door friction surfaces in the unit**

(Must check EITHER (1) OR (2) below)

1. _____ XRF testing indicated there is no lead-based paint as defined by Local Law 1 of 2004 on all other window and door friction surfaces. I have attached:

- A copy of the XRF 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 XRF testing (Affidavit sample enclosed with this Notice of Violation).

OR

2. _____ XRF testing indicated one or more window and door friction surfaces with inconclusive results, and therefore paint chip sampling was performed. The paint chip sampling performed on those inconclusive surfaces, combined with the other negative XRF test results confirm

there is no lead-based paint as defined by Local Law 1 of 2004 on all other window and door friction surfaces. I have attached:

- A copy of the XRF report prepared by an EPA-certified Inspector or Risk Assessor;
- 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 XRF testing and 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 me of the results of this contestation in writing.

(Print Name)

(Authorized Signature)

State of _____, County of _____

Stamp

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

(Notary Signature)