

CONTESTATION FOR LEAD-BASED PAINT HAZARD VIOLATIONS – Presumed Lead-Based Paint (Order 616)

Owners should use this form to contest a violation issued for 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
- 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: _____

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

1. 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.**

2. Contestation based upon Existing HPD Exemption

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

3. Contestation based upon content of lead in paint – for surfaces presumed to be lead-based paint

- ☐ a. XRF testing indicates there is no lead-based paint as defined by Local Law 1 of 2004 on the surfaces identified in the violations being contested.

If I have selected number 3a above, I have attached all of the following documents:

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

OR

_____ b. XRF testing indicated one or more inconclusive results. The paint chip sampling performed on those inconclusive surfaces combined with the XRF results 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.

If I have selected number 3b above, I have attached all of the following documents:

- A copy of the inspection 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 the 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 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)