

## 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
- 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 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)