

Bulletin to Property Owners – March 2022

Dear Property Owners,

The Department of Housing Preservation and Development (HPD) periodically provides updates on new legislation and information on available materials and resources to residential building owners to support compliance with the New York City Housing Maintenance Code, the New York State Multiple Dwelling Law and other relevant city codes. 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.

Lead Exemption Reminders:

March 1, 2022 was the last date to file an application of exemption from Local Law 1 of 2004 using testing of lead-based paint at the testing level of 1.0 mg/cm². HPD is now only accepting applications for exemption from Local Law 1 of 2004 using the testing of lead-based paint at the testing level of 0.5 mg/cm².

On December 1, 2021, in compliance with Local Law 66 of 2019 and the rules adopted by the Department of Housing Preservation and Development (HPD), the definition of lead-based paint was amended in Local Law 1 of 2004 (The New York City Childhood Lead Poisoning Prevention Act) to be defined as paint that has a lead content measured at **0.5 mg/cm² or greater** as determined by laboratory analysis or an XRF instrument with an approved PCS and programmed at a testing level of 0.5 mg/cm². As of February 2022, the U.S. Department of Housing and Urban Development has approved a PCS for two XRF instruments to test at 0.5 mg/cm²: the Viken Detection Model Pb200i and the SciAps Model X-550. Therefore, only these instruments can be used to conduct XRF testing in New York City under Local Law 1 of 2004 until another such commercially available instrument tested at 0.5 mg/cm² is issued an approved PCS at that testing level.

For more information regarding this change see the October 2021 Lead [Bulletin](#) also available in other languages on HPD's [webpage](#), or you can review the [Frequently Asked Questions](#).

You must notify HPD on turnover of a unit that was exempt under the testing level of 1.0 mg/cm².

Any exemption from Local Law 1 of 2004 granted to an apartment unit under the testing level of 1.0 mg/cm² is deemed revoked and no longer in affect as of the first turnover of that unit after December 1, 2021, and the owner is required to report this turnover to HPD. Owner's must report the turnover using the required [Affidavit](#), also available in other language on HPD's [webpage](#). More information is available in the [Frequently Asked Questions](#).

TURNOVER

Complete the work required in units at vacancy

When a dwelling unit changes tenants, (this is referred to as “**turnover**”) owners of buildings built before 1960 are required under Local Law 1 to complete lead-based paint activities focused on making the unit safe for a new tenant before the new tenant takes occupancy (regardless of whether the new tenant has a child). These activities must also be performed in units built between 1960-1978 if the owner has knowledge of lead-based paint. The requirements are:

- Remediate all lead-based paint hazards and any underlying defects when such underlying defects exist. At a minimum this would mean wet scrape and paint.
- Provide for the removal of lead-based paint on chewable surfaces with evidence of teeth marks or encapsulate the surface with a hard, puncture resistant encapsulant.
- Provide for the removal of all lead-based paint on friction surfaces on all doors and door frames.
- Provide for the removal of all lead-based paint on friction surfaces on all windows or provide for the installation of replacement window channels or sliders on the friction surfaces.
- Make all bare floors, window sills and window wells in the dwelling unit smooth and cleanable.

All the work must be done using [safe work practices](#) and by an appropriately certified contractor. Following any of the work above, a dust wipe must also be performed by a third party who is not related to the owner or the contractor who performed the remediation or paint removal. If done correctly and documented, the removal of the paint from the door and window friction surfaces would be a one-time occurrence.

Lead Annual Notice Reminder

If you have not received the completed Annual Notice from the tenant and cannot determine based on these follow-up investigations whether there is a child under six by **March 1st**, the owner must also notify DOHMH in writing that no notice has been received back from the tenant (a copy of this notification should also be maintained by the owner). The owner’s notification to DOHMH should be mailed to:

Department of Health and Mental Hygiene — Healthy Homes
125 Worth Street, Sixth Floor, CN58
New York, NY 10013

Alternative Enforcement Program (AEP)

As of January 31, 2022 HPD has selected severely distressed multiple dwellings for participation in the [Alternative Enforcement Program](#) (AEP). Owners and managers of buildings selected for AEP were notified and informed on how to be discharged from the program. If you are unsure if your building was selected, visit HPD’s webpage using the link above to view the 2022 list of buildings identified for participation in AEP.

Selection criteria include the number of class "B" hazardous and class "C" immediately hazardous housing maintenance code violations and the amount of emergency repair charges incurred as a result of the work performed by HPD. Failure to correct the qualifying conditions may result in emergency repair charges, liens, and significant fees. Being selected for this program subjects the building to frequent inspections, the issuance of Orders to Correct which require system replacements and significant fees. Keeping your violation record accurate and correcting Class C violations will keep your building from being selected for this program. If your building has been selected for this program, please contact the AEP at **212-863-8262**.

Dismissal Request Reminder:

As of January 2022, new requests must be submitted using the updated [Dismissal Request](#) form.

A Dismissal Request is the process property owners can use to remove an old violation if the condition was corrected, but the certification date has passed.

For more information on the updated changes see the January 2022 [bulletin](#).

"Get Ahead of Lead" Webinars

HPD's ["Get Ahead of Lead" webinar series](#) can help you learn more about your responsibilities and obligations under Local Law 1 of 2004 (lead-based paint laws and rules).

If you missed HPD's webinar: ***An Owner's Guide to the Lead-Based Paint Exemption Requirements and Application Process*** on February 24, 2022, it is now posted on our [webpage](#).

If you're interested in joining these live webinars, be on the lookout on upcoming bulletins.

Fire Safety Reminder

Self-closing doors should never be blocked and can help contain a fire from spreading throughout a building and property owners are required to ensure that all doors are self-closing and unencumbered to all for self-closing at all times. In all multiple dwelling types, the following doors are required to be self-closing:

- Building entrance doors
- Unit entrance doors
- Fire Stair doors
- Fire tower doors
- Bulkhead doors
- Rubbish chute closet doors
- Other doors accessing the public hall/stairs (building commercial space, garage areas, etc.)

HPD and the New York City Fire Department will be sharing more detailed information about your responsibilities as a property owner in the coming months. In the meantime, you can find resources to guide you and information about fire safety at <https://www.fdnysmart.org/resources/>.