

Bulletin to Property Owners – November 2021

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.

IMPORTANT DATES (DETAILED BELOW)

DECEMBER 1: The level of lead in paint which triggers the requirements of Local Law 1 of 2004 is changing

DECEMBER 1 THROUGH DECEMBER 31: Annual Bedbug Filing (online)

BY JANUARY 15: Lead-Based Paint Annual Inquiry regarding the presence of a child under 6 – delivered to all tenants in buildings built prior to 1960

BY JANUARY 15: Window Guard annual inquiry regarding the presence of a child under 11 – delivered to all tenants in multiple dwellings (buildings with 3 or more units)

OTHER NOTICES AND INSPECTIONS REQUIRED FOR 2022

Indoor Allergen Hazards
Stove Knob Covers

Lead Based Paint

Starting December 1st the level of lead in paint which triggers the requirements of Local Law 1 of 2004 is changing

- 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 will be amended 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 Performance Characteristic Sheet (PCS) and programmed at a testing action level of 0.5 mg/cm². The U.S. Department of Housing and Urban Development has approved a PCS for the XRF instrument Viken Detection Model Pb200i tested at a 0.5 mg/cm² action level. Therefore, this instrument will be required to conduct XRF testing in New York City until another such

commercially available instrument tested at a 0.5 mg/cm² action level is issued an approved PCS at that action level.

For more information regarding this change see the October_2021 Lead [Bulletin](#), or you can review the [Frequently Asked Questions](#), both are available in other languages on [HPD's webpage](#), under *briefings*.

Annual Bedbug Filing

Property owners of multiple dwelling(s) are required to file the [Annual Bed Bug Report electronically](#) with HPD. The filing period starts December 1st and ends December 31st. For more information about Bedbug filing see the October 2021 [bulletin](#) or visit [HPD's webpage](#).

Lead Annual Notice and Window Guard Annual Notice (January 1 – January 16)

Between January 1 – January 16, New York City law requires owners of certain types of buildings distribute annual notices to tenants related to lead-based paint and window guards. The annual notices must be collected back from the tenant by February 15. The annual notice for each can be sent individually or by using an approved combined format when both notices are required for the building. The notices are provided below.

Window Guards

Property owners must use the annual notice to determine if a child 10 years of age or younger lives in an apartment. If a child 10 years of age or younger is determined to live in an apartment, the owner must provide and properly install approved window guards on all windows, including first floor bathrooms and windows leading onto a balcony or terrace in the apartment where the child lives and in each common area window, if any, in such buildings. The exceptions to this law are windows that open onto a fire escape and windows on the first floor that are a required secondary exit in a building in which there are fire escapes on the second floor and up. A tenant may also request to have a window guard installed even if a child 10 or younger does not live in the apartment.

Lead-Based Paint

Property owners must use the annual notice to determine if a child under 6 years of age resides in a dwelling unit. "Resides" for lead-based paint under NYC law means to routinely spend 10 or more hours per week within a dwelling unit. Once a child under 6 years of age has been determined to reside, the owner must perform an annual inspection in that apartment and in the common areas of the building to look for lead-based paint hazards which then must be corrected using certified contractors and safe work practices. Owners must keep track of distributing these lead-based paint annual notices, collecting them, the annual inspections, and all activities required on the New York City Childhood Lead Poisoning Prevention Act, also known as Local Law 1 of 2004, as amended, for at least 10 years. HPD has made available for you a [SAMPLE Delivery of Annual Notice for Prevention of Lead-Based Paint Hazards – Inquiry Regarding Child - Summary Form](#) or you may use a similar document to keep track of distributing the lead-based paint annual notice, in the event that your property's lead-based paint records are audited by [HPD](#). Other sample notices and more resources regarding Local Law 1 of 2004 are available on HPD lead-based paint [website](#).

The table below outlines when the window guard and lead-based paint annual notices are required:

	Window Guard Annual Notice	Lead-Based Paint Annual Notice
Multiple Dwellings (3 or more apartments)	Required, regardless of year built	<ul style="list-style-type: none"> • Required, for all buildings built before 1960. • Required also for buildings built 1960-1978 if the owner knows there is lead-based paint. • Must be provided in English and Spanish.
Private Dwellings (1-2 apartments where at least one unit is not occupied by the owner)	Not required, but recommended	<ul style="list-style-type: none"> • Required, for all buildings built before 1960. • Required also for buildings built 1960-1978 if the owner knows there is lead-based paint. • Must be provided in English and Spanish.

Depending on which form is required for a building, an owner can provide the tenants with each required form individually or use the combined form:

- Window Guard Annual [Notice](#)
- Lead-based Paint Annual Notice in [English](#) and [Spanish](#)
- Combined Lead-based Paint and Window Guard Annual Notice in [English](#) and [Spanish](#)

Indoor Allergen Hazards

Annual Requirements Reminder for Indoor Allergen Hazards

Owners of multiple dwellings are required by [Local Law 55 of 2018](#) to:

- Inspect units annually for indoor allergen hazards such as mice, cockroaches, rats and mold, and respond to any complaints received directly from tenants or HPD. Make sure vacant apartments are thoroughly cleaned and free of pests and mold before a new tenant moves in.
 - o [Sample Investigative Report](#)
- Provide the [What Tenants and Landlords Should Know About Indoor Allergens and Local Law 55 fact sheet](#) and a Notice with each tenant's lease that clearly states the property owner's responsibilities to keep the building free of indoor allergens.
- Remediate pest infestation. Use **Integrated Pest Management (IPM)** to address pest infestations. The safe work practices in Section 27-2017.9 of Local Law 55 and 28 Rules of the City of New York section 54-04 must be followed when assessing and correcting any underlying defects (such as moisture) that may have caused the infestation. [IPM Requirements](#).
- Remediate mold conditions. For more information on mold remediation and the specific requirements for your building (work practices and required contractors), see our [Allergen](#)

[Hazards](#) webpage.

Stove Knob Covers Annual Notice

Property owners of multiple dwellings are required to provide tenants with an [Annual Notice](#) (available in multiple languages on HPD's website page on [Stove Knob Covers](#)) which must inform tenants that:

- Stove knob covers will be made available within thirty days of distributing the annual notice;
- The owner must provide stove knob covers to any household that requests them, regardless of whether a child under six lives in the unit; and
- Tenants can forego stove knob covers through written refusal to the landlord. If a tenant does not submit written refusal to the owner, the owner is still obligated to provide stove knob covers to any household where the owner knows or reasonably should know that a child under age six resides

It is the owner's obligation to keep documented proof of any notification of refusal for stove knob covers, notification from dwelling units that requested stove knob covers, and documented proof that the owner attempted to provide stove knob covers to a household where the owner knows or reasonably should know that a child under age six resides. Owners are not required to submit notices to HPD.

NYC Department of Finance (DOF)

Save on unpaid Environmental Control Board judgements!

New York City is offering a temporary program allowing for the payment of a reduced amount for eligible Environmental Control Board (ECB) judgments.

If you have unpaid ECB judgments, they may be eligible for a reduction under the [FAIRER \(Fine and Interest Reduction Enabling Recovery\) Program](#).

Depending upon whether you had a hearing and whether the judgment was entered during the COVID-19 pandemic, your savings can be up to 75%. This savings includes the abatement of any interest associated with your judgments.

The FAIRER Program is available from September 20th to December 20, 2021. To participate, visit www.nyc.gov/mysummons. Please note that if you do not have any unpaid ECB judgments, you do not need to take any action at this time.

To learn more about the FAIRER Program, including eligibility criteria and other important information, visit www.nyc.gov/fairer. If you have questions, please [contact us online](#) or call 311.

Property Registration

Property Registration was due September 1st: If you submitted your registration after September 1st, HPD will be validating your submission in the order in which it was received and as quickly as possible.

You may be delayed in your ability to file for Dismissal Requests, file certifications, etc. Please be sure to submit your property registration well in advance of the deadline for the 2022-2023 registration season.

For more information on who is required to register and how to register, go to [HPD's webpage](#) or please reach out to the Registration Assistance Unit via email (Register@hpd.nyc.gov) or telephone (212-863-7000).

Please note that our offices are not currently open for walk-in registration assistance due to COVID-19.