

***Report to the City Council: The Department of Housing Preservation and Development's
Implementation of Local Law 1 of 2004 in FY 2024 (July 1, 2023 – June 30, 2024)***

The New York City Childhood Lead Poisoning Prevention Act, also known as Local Law 1 of 2004, as amended (“Local Law 1”), outlines the responsibilities of property owners and New York City agencies in the prevention of and response to lead-based paint hazards in tenant-occupied housing. This report is submitted annually in compliance with the related reporting requirement of Housing Maintenance Code § 27-2056.12.

Local Law 1 requires that property owners of tenant-occupied buildings erected prior to 1960, or tenant-occupied buildings erected between 1960 and 1978 where the owner has actual knowledge of the presence of lead-based paint, take preventative measures related to lead-based paint. Such measures include:

- providing an annual notice to tenants to determine if a child under six years old resides in the apartment
- conducting annual inspections in those apartments where a child under six resides and the common areas of those buildings to look for lead-based paint hazards
- hiring appropriately certified contractors to address these hazards
- performing specific lead-based paint hazard-reduction activities when an apartment turns over
- testing all painted surfaces for lead prior to August 2025

A lead-based paint hazard is defined in the law as any condition in a dwelling or dwelling unit that causes exposure to lead from lead-contaminated dust, from lead-based paint that is peeling, or from lead-based paint that is present on chewable surfaces, deteriorated sub surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects.

Local Law 1 requires that the New York City Department of Housing Preservation and Development (HPD) to:

- respond to complaints describing peeling paint, or a deteriorated subsurface or underlying defect in the dwelling unit in a building built prior to 1960 where a child under six years old resides with an inspection that is completed with an x-ray fluorescence (XRF) machine that can test the paint for lead and issue violations where lead-based paint hazards are found
- Inspect for peeling paint or a deteriorated subsurface or underlying defect in the dwelling unit in a building built prior to 1960 where a child under six years old is found to reside during any inspection, subsequently attempt to test any identified surfaces where there is a possibility of a hazard and issue a violation based on a presumption that the paint contains lead if testing cannot be completed.
- repair lead-based paint hazards when a property owner does not comply with HPD violations for such hazards or does not comply with a Commissioner’s Order to Abate (COTA) issued by the Department of Health and Mental Hygiene (DOHMH) in response to a child with an elevated blood lead level.
- audit property owner compliance with all record keeping requirements regarding lead-based paint.
- Allow property owners to file for exemptions from the presumption of lead-based paint.

HPD's work has protected thousands of children from lead-based paint hazards since the implementation of Local Law 1. The substantial reduction in the number of children with elevated blood lead levels at significantly lower thresholds is evidence of the progress that has been made. According to the DOHMH's most recent annual report to the New York City Council - [lead-rep-cc-annual-24.pdf \(nyc.gov\)](#), the number of children with elevated blood lead levels in New York City is approaching historic lows. The substantial reduction since 2005 in the number of children with elevated blood lead levels, even at much lower thresholds, is evidence of the progress that has been made.

This report provides information related to HPD's activities regarding lead-based paint in five important areas:

- **Section 1** presents data on HPD's enforcement activities for FY24. Overall, complaints about conditions related to peeling paint in an apartment where a child under six resides (lead-based paint complaints) increased by 26%, the number of lead-based paint hazard violations (violations for peeling paint in apartments where children under six reside) issued increased by 21%, and the amount of money that HPD spent on lead-based hazard remediation work in privately owned buildings increased 8%.
- **Section 2** presents data on HPD's audits of owners' records related to lead-based paint activities. HPD audited 750 properties.
- **Section 3** presents information about HPD's enforcement of turnover requirements. HPD has issued almost 5,000 violations for turnover based on inspections and audits.
- **Section 4** presents other existing initiatives towards reducing lead-based paint exposure, including outreach and education efforts targeted to ensure property owners understand their responsibilities regarding lead-based paint.
- **Section 5** presents Budget and Personnel data: During FY24, HPD increased both overall spending on lead-based paint activities and the capital commitment related to lead-based paint.
- **Section 6** identifies HPD's future initiatives.

Section 1: Enforcement for Lead-Based Paint Hazards

1.1 Complaints to HPD

Complaints are received for lead-based paint under Local Law 1 through 311, which operates 24 hours a day, seven days a week. Most complaints are called in or submitted online to 311 by tenants. 311 complaints require a caller or online submitter to indicate whether there is a child under six residing (routinely spending at least 10 hours a week) in the apartment.

Complaints where a child under age six resides in a dwelling unit and the occupant reports conditions related to painted surfaces (such as leaks or broken plaster) are counted as complaints prompting lead hazard inspections. These complaints are inspected by the Lead-Based Paint Inspection Program (LBPIP), a specialized unit of Housing Inspectors within the Division of Code Enforcement. LBPIP Inspectors are certified by the Environmental Protection Agency (EPA), receive other specialized appropriate training from HPD and are equipped with X-Ray Fluorescence Analyzers (XRF) to test potential lead-based paint hazards. Pursuant to the law, an inspection must be attempted within 10 days from the date of such a complaint.

The law also requires HPD to proactively inspect for lead-based paint hazards on *all* inspections when a child under age six resides in the apartment. Given this, HPD also routes complaints where it was indicated

from 311 that a child under six resides but with no reported conditions related to painted surfaces to the LBPIP for inspection. These complaints are not counted as lead-based paint complaints since there is no reported condition related to paint, but HPD reports them as part of the same workload because the process for inspection is the same as for lead-based paint complaints.

In both above complaint situations, after an attempt is made to contact the landlord to notify them of the complaint, the complaint is forwarded to the LBPIP to schedule an inspection with the tenant. If the tenant is reached and indicates that the condition has not been corrected, an appointment is set. If the tenant cannot be reached, an inspection is attempted without an appointment.

Table 1: Lead-Based Paint Complaints

Complaints for Peeling Paint Conditions Where a Child Under Six Years of Age Resides¹	FY20²	FY21³	FY22	FY23	FY24
Complaints Prompting Lead Hazard Inspections in Privately-Owned Buildings	18,460	26,974	39,787	38,752	48,775
Complaints in Privately-Owned Buildings Flagged on Intake with a Child Under 6 Residing Within but No Paint Hazard Reported	12,111	18,622	21,142	29,386	32,494

1.2 Inspections by HPD

1.2.1 Complaint Lead-Based Paint Inspection Process

A LBPIP inspection consists of an inspector creating a sketch of the apartment to designate all rooms, checking all painted surfaces for the presence of peeling or deteriorated paint and gathering any additional information regarding the ages of the child(ren). Using an XRF analyzer, the inspector will test any peeling or deteriorated surfaces within the apartment. Results from the XRF analyzer are downloaded into HPD’s database and if the test result indicates the presence of lead-based paint, a lead-based paint hazard violation will be issued.

1.2.2 Line of Sight Lead-Based Paint Inspection Process

The term “line of sight lead-based paint inspection” refers to inspections conducted if a child under six resides in the unit and the inspection is conducted by general Code Enforcement Housing inspectors who are not a part of the LBPIP. This occurs when inspections are conducted in apartments where no 311 complaint was filed, such as to investigate an allegation of a building-wide condition such as heat; where a filed complaint did not indicate the presence of a child; when the inspection is conducted proactively related to an enhanced enforcement program; or when there is a reinspection to confirm the correction of an existing violation. If a Housing Inspector enters an apartment in a legal residential unit in a building built prior to 1960 for any reason, the Housing Inspector will ask the occupant if a child under six resides

² During the final months of FY20—the first months of the COVID-19 pandemic—and the early months of FY21, the overall number of both lead- and non-lead-based complaints decreased.

³ The numbers for previous fiscal years have been updated to reflect the count of problems as reported on the Mayor’s Management Report.

there. If the occupant indicates that there is a child under six who resides in the unit, or if the Housing inspector observes a child, the Housing inspector is then required under Local Law 1 to check all painted surfaces for the presence of peeling paint or deteriorated sub-surfaces. The Housing Inspector will note any peeling paint or deteriorated subsurface, and the apartment will be referred to the LBPIP for an XRF inspection of these surfaces (conducted in the same manner as described above under the Complaint Lead-Based Paint Inspection Process). If there is no access to the unit when the LBPIP inspector attempts to inspect, a presumed lead-based paint violation is issued for the surfaces in each room where peeling paint was noted during the original inspection. Property owners may contest this presumption that the paint is lead-based paint by providing appropriate evidence to HPD.

At the time of a lead-based paint complaint inspection, a child under six complaint inspection by LBPIP or a line-of-sight lead-based paint inspection, the inspectors conducting such inspections are required to give the family a copy of the DOHMH information pamphlet about lead-based paint hazards. The pamphlet encourages blood testing for children to check for lead poisoning and advises the tenant of ways to help prevent lead-based paint poisoning.

Table 2: Inspections

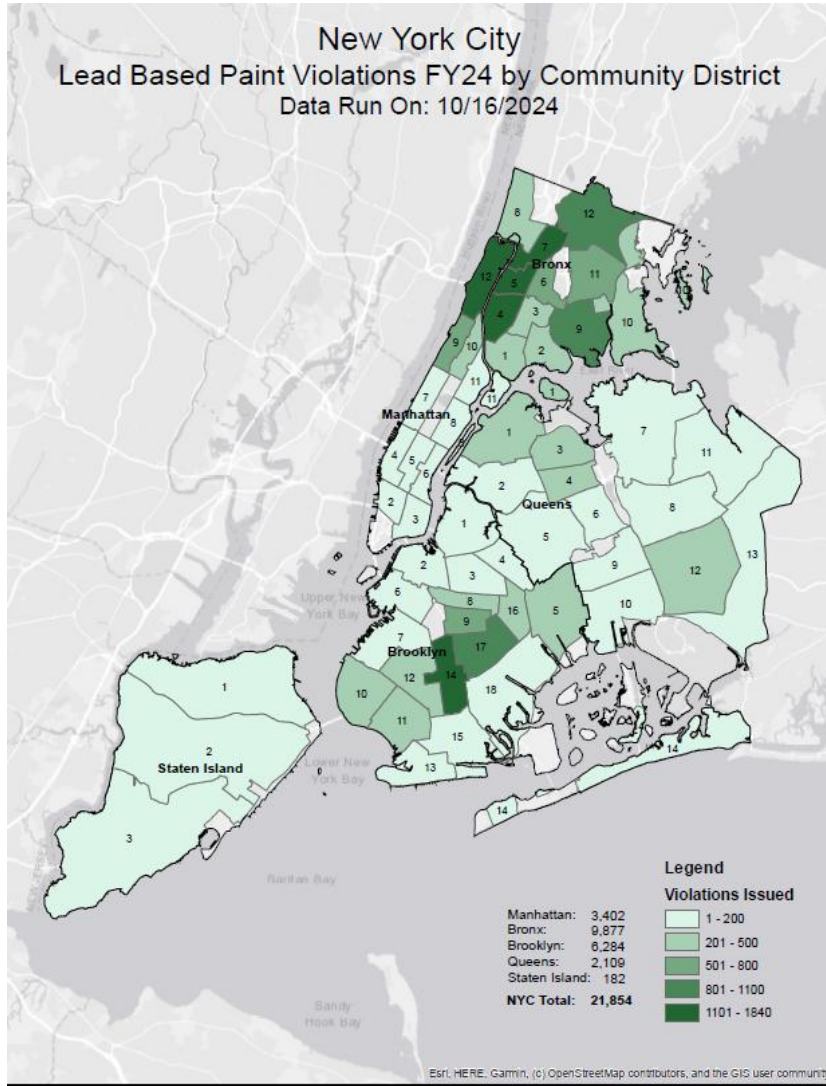
HPD Inspections Pursuant to Local Law 1 for Lead Hazards in Privately Owned Buildings	FY20	FY21	FY22	FY23	FY24
Total Inspections Attempted in Privately-Owned Buildings	37,448	48,913	61,511	65,275	78,235
Total Complaint Inspections Attempted	35,382	46,338	59,999	63,355	76,021
<ul style="list-style-type: none"> Based on a Complaint Prompting a Lead Hazard Inspections in Privately-Owned Buildings 	13,892	20,618	31,266	32,291	40,209
<ul style="list-style-type: none"> Based on a Child Under 6 Non-Lead-Based Paint Complaint 	9,000	12,456	18,237	19,697	22,737
<ul style="list-style-type: none"> Line of Sight Inspections⁴ 	12,490	13,264	10,496	11,367	13,075
Reinspection of Lead-Based Paint Violation	2,066	2,575	1,512	1,920	2,214

1.3 HPD Lead-Based Paint Hazard Violations

HPD violations are issued when HPD identifies that a child under the age of six routinely spends 10 or more hours a week in a rental unit in a unit in a building built prior to 1960 and there is peeling on a painted surface. If HPD tests the surface and the XRF reading is above 0.5 mg/cm², a positive lead-based paint violation will be issued. If HPD tests the surface and the XRF reading is 0.5 mg/cm², an inconclusive paint violation will be issued. If HPD does not test the surface, HPD presumes that the paint has lead and issues a presumed lead-based paint violation. Inconclusive violations can be challenged by the owner with a negative paint chip lab report (see contestation section) and presumed violations can be challenged with a negative XRF report.

⁴ Note that these numbers changed for previous years due to a counting error in the Line of Sight Inspection category for the previous period. Line of Sight inspections include non-lead line of sight inspections, inspections related to lead-based paint audits and inspections for the purpose of testing referrals to the LBPIP.

1.3.1 HPD Violations Issued, Downgraded and Certified by Owners as Corrected



A lead-based paint ⁵violation is issued for each room within an apartment where there is at least one positive XRF test, one inconclusive XRF test or one surface with peeling paint where the paint⁶ is presumed to be lead-based paint. An apartment may be issued multiple violations. Once a lead-based paint hazard violation is issued, a Notice of Violation (NOV) is sent to the owner along with a copy of the HPD Guide to Local Law 1 Work Practices. A call to the registered managing agent/owner of the property is also attempted in order to advise them of the existence of the condition, the mailing of the NOV and the expectation that the condition will be corrected on a timely basis. If the owner/agent provided an email address as part of their property registration, they may also receive an email advising them about the issuance of the violations.

The lead-based paint hazard NOV sent to owners includes a date by which the owner must correct the violation and certify that it has been corrected. Only the owner, managing agent, officer of the corporation that owns the property, or party otherwise responsible for the property can certify the violation. To certify, an owner must submit completed certification of correction forms indicating the work was entirely performed utilizing proper safe work practices. They also must provide documentation to support that the work was performed by a US Environmental Protection Agency (EPA)-licensed firm and provide copies of the clearance dust wipe test results. If an owner experiences any serious difficulties when attempting to correct violations, they can request up to two postponements of the date of correction using forms included in the NOV. An owner can also contest presumed lead-based paint hazard violations and violations issued if the lead-based paint tested as “inconclusive” with the XRF analyzer using

⁵ HPD inspectors use the XRF instrument Viken Detection Model Pb200i which classifies XRF results as inconclusive if they are equal to 0.5 mg/cm².

⁶ HPD inspectors did not XRF test the paint.

a contestation form provided by HPD and the owner’s submitted documentation meet the requirements for evidence that the paint is not lead-based.

Table 3: Lead-Based Paint Hazard Violations

Violations Issued by HPD Pursuant to Local Law 1	FY20	FY21	FY22	FY23	FY24
Total Lead-Based Paint Hazard Violations Issued ⁷	9,619	9,489	15,715	18,112	21,854
- Violations Based on a Positive XRF Test for Lead	5,757	6,562	9,380	10,087	12,261
- Violations for which Lead is Presumed	3,862	2,927	4,430	4,918	5,703
- Violations for which XRF testing was inconclusive	n/a	n/a	1,905	3,107	3,890
Status of Lead-Based Paint Hazard Violations Issued Pursuant to Local Law 1	FY20	FY21	FY22	FY23	FY24
Violations Downgraded (Presumed Lead-Based Paint Violations Issued Which Were Subsequently Tested and Found to Not Contain Lead-Based Paint)	2,952	2,032	2827	3,371	4,292
Violation Certifications Submitted by Owner	2,674	2,820	2170	2,741	3,518
Of Certified Violations Inspected, the Certified Violations that Remain Open because HPD could not access for verification	438	642	565	911	852
Certifications that Did Not Result in Removal of Violations (False Certifications)	72	245	28	30	62

1.3.2 Emergency Repairs pursuant to HPD lead-based paint hazard violations

If a lead-based paint violation has not been certified as corrected by the owner by the end of the certification period (see below for information on certification), HPD’s Environmental Hazards Unit (EHU) is required to attempt to inspect the unit within 14 days and will create a scope of work if the repair has not been completed.

If, upon inspection by EHU, it appears the owner has done work to correct the lead-based paint hazard but failed to file a clearance dust wipe test and other required documentation needed to certify the violation, the dust wipe samples are instead taken by EHU staff and sent to a laboratory for analysis. This is done to ensure the work performed by the owner did not leave behind lead-contaminated dust. If dust wipe test results are above the clearance level thresholds under Local Law 1 and therefore dust still poses a hazard, HPD hires a contractor to clean the affected area and performs another dust wipe test. HPD attempts to repeat this process until clearance levels have been achieved. The violation remains open on HPD’s violation record until the owner files required paperwork showing proper work practices. This is because the statute does not permit HPD to remove the violation if the owner does not submit documentation that the repair was performed using required safe work practices.

If the lead-based paint hazard has not been done and the violation issued was for presumed lead-based paint, EHU may test the peeling paint or deteriorated subsurface for which the violation was issued. If the

⁷ There were multiple factors contributing to this increase in violations, including an increase in the number of apartments for which a lead-based paint inspection is required and the lower lead in paint level at which lead-based paint is defined.

area tests negative, the violation is downgraded to a peeling paint violation (non-lead) and re-issued to the property owner as a class A violation. If the surface tested by EHU is positive or inconclusive, was previously tested positive or inconclusive by the LPBIP, or is not tested by EHU, EHU will issue a work order to one of its approved contractors to conduct appropriate lead-based paint remediation.

EHU monitors the contractor's work. Clearance dust wipe samples are taken by EHU after the work is complete and sent to a properly licensed lab for analysis. If the samples are below clearance levels, the job is closed. If the sample fails, the area is re-cleaned and tested again. All violations corrected through EHU are closed after correction occurs and clearance is achieved.

During FY24, HPD utilized twelve requirement contracts with EPA-certified lead abatement firms for lead hazard reduction work, with a maximum annualized award capacity of approximately \$6,000,000. Two additional contracts with another EPA-certified lead abatement firm are maintained for lead dust cleanup and are valued at \$200,000. In addition, HPD utilized pre-qualified vendors to award lead hazard reduction work on an as needed basis. One of the main obstacles to HPD's ability to correct lead hazard violations when an owner fails to do so is gaining access to the dwelling unit. HPD personnel and contractors must gain access on several occasions: to inspect, to XRF test and scope, to perform the work, and to collect clearance dust wipes for testing. The necessity of gaining access multiple times increases the likelihood that at some point access will be denied. To improve access, HPD also conducts inspections outside of normal work hours and on weekends. Performing the work, however, generally needs to occur during normal business hours. Access problems also arise when either an owner or tenant affirmatively refuses access to HPD personnel or contractors, or when the tenant is uncooperative in providing access to the apartment. If the tenant affirmatively denies access to the dwelling unit, the work is cancelled. If, after two unsuccessful visit attempts, access has not been obtained, a letter is sent to the tenant asking them to contact HPD to schedule an appointment. If no response is received within eight days, the job is cancelled. If the tenant responds and access is still not gained after scheduling an appointment, the job is cancelled. Whenever the work is cancelled, the violation remains open.

All work conducted by HPD is billed through the Department of Finance to the property. The charges become a lien against the property if not paid on time and may contribute to the property's eligibility for the City's tax enforcement proceedings.

Table 4: HPD Violation Correction in Privately Owned Buildings

	FY20	FY21	FY22 ⁸	FY23	FY24
Number of distinct apartments in which remediations were performed to correct violations	407	414	246	489	722
Total amount spent related to completed lead based paint remediation	\$758,337	\$1,075,092	\$1,005,596	\$1,947,325	\$2,209,779
Average amount spent by HPD per dwelling unit (contracted remediation only)	\$1,780	\$2,500	\$4,651	\$3,926	\$2,927
Total Amount Spent by HPD on lead-based paint abatement attempts and completions, dust wipe only work and clean	\$754,301	\$900,482	\$1,458,308	\$2,754,425	\$2,976,930
Median time between correction due date and initial inspection (scope) date (days)	17	10	19	26	14
Median time from initial inspection (scope) to Work Completed by HPD (days)	98	84	104	95	66

1.4 HPD Litigation

If the property owner or one of their employees denies access to the dwelling unit, the lead-based paint hazard violation is forwarded to the Housing Litigation Division (HLD) to seek a court order for access. HLD prosecutes access warrant cases to allow EHU to perform lead repairs. Housing Court judges are often reluctant to issue an access warrant without giving the owner several opportunities to do the work themselves, particularly when there is partial compliance, or evidence of difficulty in gaining sufficient access from the tenant to properly complete the violation, even though the statutory period to correct has passed. Most access warrant cases are concluded when a re-inspection finds that the owner has completed the work, often under consent orders issued as interlocutory relief during the Housing Court case.

HPD may also seek civil penalties when a property owner falsely certifies the correction of a condition.

⁸ *COVID-19 Impact:* Lead remediation work was not conducted during the last quarter of FY20 due to the COVID-19 pandemic. Work completed prior to March 2020 may not have been closed timely because work was stopped and HPD was unable to conduct dust wipes until after well into the pandemic. Work was limited during much of FY21 because tenants were still concerned about providing access for HPD and our vendors during much of the period. During this same period, violations continued to be issued and the number of violations increased as discussed in the sections above. Contractor capacity was also limited.

Table 5: Litigation

Litigation Pursuant to Local Law 1	FY20	FY21	FY22	FY23	FY24
Civil actions brought pursuant to false certification of violations (multiple violations may be grouped together for one civil action) ⁹	36	2	29	1	1
Civil actions seeking a warrant for access for HPD to perform emergency repairs	32	37	53	75	151

1.5 Department Training

All new Code Enforcement inspectors and EHU field staff receive a three-day EPA lead-based paint inspector training with an approved EPA training provider and are required to take the EPA test for certification. Renewals of certification are required every three years. During FY24, 153 employees attended classes associated with EPA Lead Inspector certifications. This includes 102 employees who were newly trained and 51 who attended mandatory refresher classes.

Housing Inspectors are also trained in: (1) Local Law 1 requirements regarding the surfaces and the definitions of surface conditions that require issuance of a specific violation; (2) how to designate the surfaces in a uniform manner (e.g., size of surfaces, compass location of wall, compass location of room) to ensure that the proper area is identified and remediated by the owner or HPD; and (3) the violation order numbers and department procedures for issuing each type of violations. Inspectors assigned to the LBPIP are additionally trained in the safe use of XRF machines and receive Radiation Safety Training.

1.6 Emergency Repair Pursuant to Department of Health and Mental Hygiene Referrals (DOHMH)

HPD also receives referrals directly from DOHMH when a property owner fails to abate the lead-based paint hazardous condition or fails to submit clearance dust wipes after performing abatement work ordered by DOHMH in an apartment where a child was found to have an elevated blood lead level. EHU will respond with emergency repairs or clean lead dust, as directed by DOHMH. In response to these referrals, HPD completed 45 lead-based paint hazard abatement projects and 65 dust clearance projects in FY24.

Section 2: Audits of Records Related to Lead-Based Paint Recordkeeping Requirements

HPD audits properties for records related to lead-based paint recordkeeping. These audits are generated based on two distinct processes: 1) Department of Health and Mental Hygiene Commissioner’s Order to Abate (COTA) Elevated Blood Lead Level referrals 2) HPD’s Building Lead Index. In both audit processes, HPD issues a Record Production Order (RPO) to the property owner if the building is a privately-owned multiple dwelling (three or more units). The records being demanded include records related to annual notices, annual visual inspections, the XRF testing performed pursuant to Local Law 31 of 2020, and all repairs, remediations, and abatements related to lead-based paint that are required under Local Law 1, including those required at turnover. The owner must provide 10 years of records. If the property owner supplies the appropriate records, HPD will attempt to conduct inspections in all units the records identify

⁹ Throughout the end of FY20 and the entirety of FY21, Housing Court activities were limited due to the COVID-19 pandemic.

a child under six resides in, and at least 20% of units identified to be without a child under six residing, to verify the owner’s information. If the owner supplies no records or incomplete records, HPD will issue violations to enforce the record retention requirements under Local Law 1. HPD will also attempt to access every unit and will conduct Local Law 1 inspections where there a child under the age of six resides. Violations are issued if there is peeling paint or a deteriorated subsurface and the XRF testing identifies lead in the paint during these inspections. HPD will also issue a turnover violation as appropriate (see Section 3 on Turnover for more details about these violations). As indicated in Section 2.3 Litigation, HPD may seek future compliance with these recordkeeping violations in Housing Court.

2.1 Audits Based on Department of Health and Mental Hygiene Commissioner’s Order to Abate (COTA) Elevated Blood Lead Level Referrals

DOHMH conducts an environmental investigation to determine possible exposure to lead in paint, dust, and other products when they receive data to indicate that a child has a blood lead level of ≥ 3.5 mcg/dL and < 18 years of age¹⁰ (effective October 25, 2023). If that investigation determines that lead-based paint hazards are present in the child’s home or another residential unit where the child is identified to spend time, DOHMH will issue a Commissioner’s Order to Abate (COTA) and HPD will receive a referral from DOHMH to audit the property’s lead-based paint records.

Table 6: Commissioners Order to Abate Audits

	2020	2021	2022	2023	2024
Buildings Audited	582	412	605	573	543
Of buildings audited in the period, buildings issued a violation Issued for Failure to Provide Documents (618)	571	393	570	526	505
Of buildings audited in the period, buildings Issued a violation for Failure to Conduct Annual Notice and Inspection (619)	289	364	543	485	471
Apartments in buildings audited in the period issued Violations for Lead-Based Paint Hazards Identified During Inspection	214	115	180	63	84

2.2 Audits Based on the Building Lead Index (BLI)

Local Law 70 of 2019 amended Local Law 1 to require HPD to conduct audits of properties for records related to Local Law 1 compliance. HPD adopted amendments to its lead-based paint rules to implement the law, defining how buildings are selected for audit through a Building Lead Index (BLI). Local Law 127 of 2023 further amended the selection criteria to require HPD to select buildings based on turnover violations. Using the BLI, built in collaboration with DOHMH, to identify a minimum of 200 buildings each fiscal year, HPD requests the lead-based paint related records from selected multiple dwelling property owners and follows up with building inspections. Approximately half of the buildings are selected based

¹⁰ The blood lead level trigger for DOHMH intervention has been lowered several times historically.

on a representative sample of buildings which have received violations from HPD for lead-based paint hazards. A second category focuses on buildings which have been issued a violation for leaks, mold, or other underlying conditions which might disturb the subsurface. HPD also factors additional information from DOHMH regarding the incidences of childhood lead exposure into the building selection process.

Table 7: Building Lead Index Audits by Calendar Year

	2020	2021	2022	2023	2024
Buildings Audited	285	298	207	207	207
Of buildings audited in the period, buildings issued a violation Issued for Failure to Provide Documents (620)	275	288	195	202	194
Of buildings audited in the period, buildings Issued a violation for Failure to Conduct Annual Notice and Inspection (619)	260	277	189	195	187
Apartments in buildings audited in the period issued Violations for Lead-Based Paint Hazards Identified During Inspection	54	80	65	30	36

2.3 Litigation related to Lead Audits

In FY24, HPD initiated litigation related to lead audits that resulted in the imposition of over \$230,000 in civil penalties and orders to correct in 17 buildings with more than 1200 homes. In particular, \$180,000 of that total amount was obtained in connection with two landlord portfolios, which accounted for 12 of the buildings in the Bronx and Manhattan. HPD will continue to pursue enforcement where the compliance falls short for these properties and other properties where court orders are in affect seeking recordkeeping compliance.

Additionally, HPD continues to collaborate with government partners to supplement its litigation efforts to bring major landlords into compliance with Local Law 1. Litigation teams led by the Office of Attorney General and New York City Law Department rely on HPD’s lead-based paint enforcement teams to identify and audit buildings where lead-based paint regulations are not followed.

Table 8: Litigation Pursuant to Recordkeeping Requirements

Litigation Pursuant to Local Law 1 Recordkeeping Requirements	FY20	FY21	FY22	FY23	FY24
Civil Actions Brought Pursuant to Failure to Submit Lead-Based Paint Documents Pursuant to § 27-2056.7	52	35	31	6	16

Section 3: Turnover Requirements

When a tenant no longer resides in a dwelling unit and the unit is vacant to be rented again, it is referred to as “turnover.” Upon turnover, Local Law 1 requires that owners complete certain lead-based paint

activities to ensure the unit is safe for the next tenant before they take occupancy. These activities fall under two separate categories: (1) abatement and (2) the correction of lead-based paint hazards.

Abatement means to permanently eliminate lead-based paint and lead-based paint hazards. This includes the removal of the lead-based paint from the surface or fixture, the replacement of the fixture, or the permanent enclosure or encapsulation of the lead-based paint. On turnover, owners are required to ensure that painted window and door friction surfaces either test negative for lead-based paint or those painted window and door friction surfaces must be abated. If abated, this should only be required to be performed one time, at the first turnover.

Correction of lead-based paint hazards can be done using non-permanent methods of correction, such as wet scraping peeling paint or making a painted surface smooth and cleanable. Owners must ensure that all lead-based paint hazards (ex. peeling paint) are corrected as well as make all bare floors, windowsills, and window wells smooth and cleanable at each turnover of the unit.

HPD may issue two different types of turnover violations. A turnover violation may be issued if either (1) there is a lead-based paint hazard (tested or presumed) on a door or a window friction surface where the tenant confirms they moved into the unit in August 2004 or later¹¹ or (2) the building is being audited by HPD, the tenant confirms they moved in within 10 years of the inspection date and the owner has provided no documentation that turnover activities were performed in their 10 years' of records, regardless of whether there is a child under six residing in the apartment. FY22 was the first full year of the implementation of turnover violations being issued during inspection unrelated to audits.

Table 9: Turnover violations

	FY20	FY21	FY22	FY23	FY24
Turnover: failure to provide documentation in response to an audit of compliance with turnover	1,607	6,254	4709	3,909	3,411
Turnover: lead-based paint hazard	n/a	297	1,348	1,364	1,586

Section 4: Other Lead-Based Paint Initiatives

4.1 Financial Assistance for Property Owners: Healthy Homes Primary Prevention Program

The Lead Hazard Reduction and Healthy Homes – Primary Prevention Program (PPP) is funded primarily by federal Lead Hazard Reduction grants from the US Department of Housing and Urban Development (HUD). Buildings that qualify for the PPP funding are constructed prior to 1960, including small homes and multifamily apartment buildings of any size, located in any of the five boroughs of New York City. The building must have lead-based paint that is not intact as determined by lead risk assessments performed by the program inspectors. The building or home must be occupied by households with low- and very low-income levels, and at least one or more units must house a child less than six years of age or a pregnant woman or be visited by a child less than six years of age on a regular basis. In FY24, the Program closed 6 projects with a total of 142 units (including the last of the projects where completed units “count” towards our 2020 HUD Lead Grant); and completed lead remediation work in 112 units in nine projects. The Program is in the process of finishing the last of the work to be completed under the HUD 2020 Lead Grant, which closes out in December 2024. In August 2024, the Program applied for a new HUD Lead Grant

¹¹ Local Law 1 of 2004 was effective August 2, 2004.

via the 2024 funding round; if awarded by HUD, it is anticipated that the new grant would begin in early CY 2025.

4.2 Required XRF Testing by 2025

Local Law 31 of 2020 (Local Law 31) requires all buildings built prior to 1960 to have completed testing of all dwelling units for the presence of lead-based paint by August 9, 2025, or within one year of a child under the age of six residing in or moving into the unit, whichever is sooner. The testing must be done using an XRF Analyzer and the owner must maintain all records, providing copies of those records to tenants. This law does not require the removal of all lead-based paint identified from the XRF testing.

Owners who conducted the required Local Law 31 compliance testing prior to December 1, 2021, with an XRF instrument that tested at the old 1.0 mg/cm² testing level are not required to perform another full apartment inspection at the new 0.5 mg/cm² testing level in order to have fulfilled the requirements of Local Law 31. However, any XRF testing performed after December 1, 2021, for compliance with Local Law 31 must be performed to meet the requirements of the new definition of lead-based paint.

4.3 Exemptions

4.3.1 Applications

Under Local Law 1, property owners of multiple dwelling buildings built prior to 1960 may apply to HPD seeking an exemption from the presumption that the paint is lead-based paint. The exemption process requires that owners follow the inspection protocols outlined in federal regulations and guidelines, which describe the methodology to be used and the qualifications for testing. An owner may seek an exemption for an individual unit in a building through individual testing or for all apartments in a building or development using a sampling methodology established by the US Department of Housing and Urban Development (HUD). An owner may also seek an exemption for the common areas of the building.

Effective December 9, 2019, HPD may grant two types of exemptions from the presumption of lead-based paint to residential properties built before 1960: **Lead Free or Lead Safe**. Building owners can apply for one of the two different types of exemptions, depending on the results of XRF testing and the work that has been completed related to lead-based paint abatement.

- A Lead-Free exemption certifies that all surfaces tested negative for lead-based paint at the time the paint was tested or that any surfaces that were identified as lead-based paint have been fully abated, meaning the lead-based paint was removed.
- A Lead Safe exemption certifies that any lead-based paint has been contained or encapsulated, requiring ongoing monitoring by the building owner.

Exemptions requested prior to December 9, 2019, were not issued an exemption with a distinct Lead Free or Lead Safe status.

Table 10: HPD Issued Exemptions

Exemptions – ALL¹²	FY20	FY21	FY22	FY23	FY24
Lead Exemption Applications Received	3,052	10,238	33,565	30,976	32,480
<i>Lead Exemption Applications Granted -One Unit</i>	1,667	8,069	26,677	20,315	21,862
<i>Lead Exemption Applications Granted -One or More than One Bldg</i>	0	11	20	25	22
Total Lead Exemption Applications Granted	1,667	8,080	26,697	20,340	21,884
<i>Lead Free</i>	0	1	5,391	20,317	21,845
<i>Lead Safe</i>	0	0	3	22	37
<i>Prior to Lead Safe/Lead Free</i>	1,667	8,079	21,303	1	2
<i>Apartments Exempted</i>	1,667	8,152	26,845	20,690	22,061
Lead Exemption Applications Rejected	1,166	1,461	4,100	5,788	6,053

4.3.2 Definition of lead-based paint definition change effect on exemptions

An exemption granted to a unit under the previous definition of lead-based paint remains in effect until the first turnover of the unit after December 1, 2021. Upon the first turnover of the unit after December 1, 2021, the exemption is no longer valid, and the unit is once again subject to all of the requirements of Local Law 1. The owner is obligated to inform HPD that the turnover occurred and HPD issues a formal revocation of the exemption. The owner may retest the unit and apply for a new exemption using the 0.5 mg/cm² threshold. During FY24 HPD distributed a second round of official guidance documents via mail to assist property owners navigate the turnover requirements. HPD established a process for property owners to report the turnover of a unit which had been granted an exemption status under the previous definition of lead-based paint and HPD formally revoked these exemptions. Notifications were mailed directly to all registered property owners with existing exemptions to remind property owners of their obligation to inform HPD when a turnover occurs of an exempted unit.

¹² In FY24, category definitions were revised; the table reflects these updates.

Table 11: HPD Revoked Exemptions

Exemptions – ALL	FY20	FY21	FY22	FY23	FY24
Lead Exemptions revoked for unit turnover	217	668	2,762	4,835	4,452

4.4 Lead-Based Paint Education and Outreach Campaigns

HPD remains committed to disseminating crucial information to building owners and agents regarding lead awareness and compliance with Local Law 1. Our efforts in FY24 included:

- a series of informational bulletins are sent to property owners, including three focused exclusively on lead-based paint ([Lead-Based Paint - HPD \(nyc.gov\)](https://www.nyc.gov/lead-based-paint)). These bulletins are emailed to over 41,500 property owners and managing agents.
- Four live webinar trainings were hosted, three of which were tailored specifically for property owners, and one created for both property owners and tenants. These webinars attracted over 730 attendees in total.
- Other webinars on various lead-based paint topics, providing specific guidance on topics such as violation correction, record-keeping, and turnover requirements are available for viewing on our website as well.

4.5 HPD-Owned Housing

HPD addresses lead-based paint hazards in housing owned by HPD and managed under HPD’s Office of Asset and Property Management (APM) through three approaches. One approach is responding to complaints received from residents in HPD-owned housing units using the same definition of a complaint that would prompt a lead hazard inspection in privately-owned housing. The second approach is fulfilling its requirement as a property owner to perform the annual notice and inspection requirements under Local Law 1. APM conducts the Local Law 1 annual notification process for tenants. Responses to the annual notification are monitored. Those responses reporting that a child under six resides in the dwelling unit are inspected under Local Law 1’s requirement that the property owner perform an annual inspection. The third approach is, as required for a property owner under Local Law 1, controlling for lead-based paint hazards anytime paint is disturbed in a unit where a child under 6 resides, for reasons that are not specific to a complaint or a Local Law 1 annual inspection. Under all approaches, if any lead-based paint hazards are identified in the unit or work is needed to control for any lead-based paint hazard, the Lead Compliance Unit will scope and contract for all necessary work.

Table 12: HPD-Owned Buildings

	FY21	FY22	FY23	FY24
Complaints Prompting Lead Hazard Inspections	40	52	62	47
Total inspections attempted based on a complaint prompting a lead hazard inspection	29	69	100	65
Responses to the annual notice indicating that a child under 6 resides in the apartment ¹³	130	124	106	67
Total inspections attempted in response to annual notice responses that a child under 6 resides in the apartment ¹⁴	175	181	186	30
The number of jobs performed by the department to address lead-based paint hazards	21	5	28	27

Section 5: Budget and Personnel

As of June 2024, 71 Housing inspectors and 12 Associate (Supervising) Inspectors were assigned to the Lead-Based Paint Inspection Program (LBPIP) to conduct inspections using XRF machines.

Table 13: HPD Lead-Based Paint Activities FY24 Budget as of 6/30/2024

FY24 Total Lead Spending	HC	PS	OTPS	OTPS	Total
			Lead Repair Only	(All Other)	
Lead Inspections and Repair	238	\$ 20,279,249	\$ 1,447,316	\$ 6,632,090	\$ 28,358,655
Lead Outreach ¹⁵	-			\$ 56,350	\$ 56,350
HPD/DOH Outreach Initiative	2	\$ 246,147	\$ -	\$ 40,145	\$ 286,292
Lead Demonstration Grant	4	\$ 282,965	\$ 645,477	80,946	\$ 1,009,388
Total	244	\$ 20,808,361	\$ 2,092,793	\$ 6,809,531	\$ 29,710,685

¹³ The process of attempting inspections in response to complaints was modified in FY24; the number reported here only reflect inspections through March 2024 and may be updated and counted using a new methodology in the FY25 report.

¹⁴ In FY24, the process for Annual Notice reporting was modified, and inspections are ongoing in FY25. These figures presented reflect these adjustments.

¹⁵ Outreach includes Advertising, Postage, Language line, etc.

FY24 Lead Capital Commitments	Capital Commitments	Total
Rehabilitation HUD Lead Grant (PPP)	\$ 4,750,857	\$ 4,750,857
	\$ 1,834,138	\$ 1,834,138
Total		\$ 6,584,995

Section 6: Looking Ahead

In FY25, HPD will:

- Launch a centralized web portal where owners will be able to file for Local Law 1 exemptions online. This work was completed in FY24 but will be released publicly in FY25.
- Continue to conduct outreach about lead-based paint to owners and tenants.
- Continue to work closely on lead-based paint compliance matters with other city and state enforcement agencies, including the New York State Office of the Attorney General, the New York City Law Department, the Department of Health and Mental Hygiene and the Department of Buildings.
- Collaborate with the Department of Health and Mental Hygiene to increase outreach by organizing activities for National Lead Poisoning Prevention Week.
- Continue to maintain ongoing engagement with property owners regarding the August 2025 Paint Testing Requirement by disseminating information through a coordinated outreach strategy that includes email bulletins, mailed postcards and automated messaging.

HPD remains committed to eliminating the risk of childhood lead exposure by increasing the enforcement and scope of Local Law 1 to address lead-based paint hazards in more apartments and at lower levels of lead.