

LEAD-BASED PAINT INSPECTION REQUIREMENTS

Enforced by the NYC Department of Housing Preservation and Development (HPD), LL31 mandates inspections for lead-based paint hazards in both regulated rental units and in common areas of buildings constructed before 1960 or between January 1, 1960 and January 1, 1978 if the owner suspects there to be LBP present. Because of the danger of lead-based paint, property owners of buildings built before 1960 (or built between January 1, 1960, and January 1, 1978, if the owner knows there is lead-based paint) must presume that the paint is lead-based paint and follow the instructions under the law for doing any types of work that could disturb a lead-based paint surface and cause dust or debris from the paint. The law went into effect on August 9th, 2020 and requires that all residential building owners in NYC must test for the presence of lead-based paint in all dwelling units by **August 9th, 2025**. The property owner must have painted surfaces tested and receive results indicating that all paint has less than 0.5mg/cm² of lead in the paint.

- **For buildings built before Jan 1st, 1960:** LL31 is in effect. Even if you believe there is no lead based paint because the building underwent construction, LL31 still applies. You need it tested and then you can apply for an exemption.
- **For buildings built between Jan 1st, 1960 – Jan 1st 1978:** LL31 is relevant if you have actual knowledge of LBP.
- **For buildings built after Jan 1st, 1978:** LL31 does not apply.

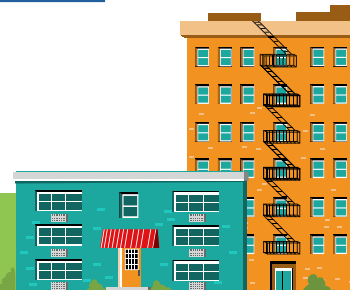
For buildings where LL31 does apply, all units and public areas are **REQUIRED** under the law to be tested by August 2025. Even if there is not a child that resides in your building, the owner is still required to undergo testing. LL31 also requires that all construction workers must be certified and follow prescribed safe work practices. Surfaces must be tested annually for at least 10 years after LBP is detected on the property and building owners must maintain records related to all testing activities.

For buildings who have already had LBP testing done and were built before Jan 1st, 1978, HPD will only except results from tests that were completed after 2021 because these tests include the threshold required for 2025.

Inspections must be conducted by a third-party, **EPA-certified lead inspector or risk assessor**, independent of the owner or any firm hired to perform lead-based paint remediation.

If this testing determines that an apartment or a common area are free from lead-based paint OR if there is lead-based paint and the owner chose to permanently remove or encapsulate that paint (not all surfaces may be encapsulated), the owner may wish to file for an exemption with HPD. Exemptions will only be granted for units tested by an XRF machine with an approved Performance Characteristic Sheet (PCS) issued at an action level of 0.5 mg/cm².

For more information, please watch HPD's webinar: [LBP Annual Notice and Record Keeping: An Owner's Guide to Compliance in NYC; Sample Affidavit by Certified Individual Who Performed LBP Testing](#)



CERTIFIED CONTRACTORS: SAFE WORKING ENVIRONMENTS

The CFHF Program assumes construction will continue into 2025; therefore, we will be using certified contractors who follow NYC's lead-based paint safe work practices. The law expects owners to be proactive in preventing LBP hazards. These regulations are aimed at protecting tenants from the health risks associated with lead exposure.

Any renovation, repair, or painting (RRP) project in a pre-1978 home or building is required by the EPA to be performed by lead-safe certified contractors. Where more than 100 square feet of lead-based paint or in work where 2 or more painted windows are being removed (per room), a contractor must be certified to perform abatement work and a notice of commencement must be provided to the DOHMH. In other words, the contractor must be RRP Certified and LBP Activities Certified.

EPA-Certified Contractors

- Contractors must follow Safe Work Practices for any work disturbing more than 2 square feet of lead-based paint or unknown lead content in a room
- RRP Certification: used for repairs and replacement work, does not include abatement work unless abated certified
- Lead-Based Paint Activities Certification: used for abatement work

Safe Work Practices: required in all buildings constructed before 1978

- Requirements for the work area meant to protect workers and building occupants
- Includes testing to confirm the work area was cleaned once the work was completed
- Includes lots of signage, plastic sheeting, wet methods to limit dust, no burning or sanding

General Repairs and Renovation Requirements

- For any work that might disturb lead-based paint or paint of unknown lead content, contractors must follow safe work practices and clearance measures.
- Remediation to correct lead-based paint hazards in the unit (for example if found during annual inspection) must follow clearance protocol.
- Clearance Measures:
 - Work area must be cleaned and free from lead-based paint dust at the conclusion of the job so occupants are not exposed to additional hazard
 - Clearance measures are required to ensure that the unit is safe for re-occupancy after the completion of both General Repair and Renovation AND Abatement work.
 - Independent EPA-certified contractor is hired to visually inspect for dust perform dust wipe samples.
 - **Tenants can only permanently reoccupy the area if the dust wipe lab analysis is below the contamination threshold*

ADDITIONAL INFORMATION

- 1. Paint Testing and Abatement:** Property owners are required to test for lead-based paint hazards and to address any hazards found. This may include encapsulation, ongoing monitoring, or full abatement of lead-based paint. If lead-based paint has not been tested, the property owner must:

- a. Monitor painted surfaces and repair areas where paint is peeling in apartments with children under 6 OR in common areas of the building.
 - *Testing all painted surfaces must be completed by 2025 so that we know where lead-based paint is located.*
 - b. Monitoring includes annual notices and investigations.
 - c. Repairs must be completed by certified firms/workers who follow federal and city regulations.
 - d. Abatement includes removing lead-based paint from doors and windows when an apartment becomes vacant.
 - e. Hazards include: peeling, chipping, or damaged lead paint. Dust from deteriorating lead paint, lead paint on crumbling plaster or rotted wood, lead paint on doors, door frames, windows, and window sills, and lead paint on other surfaces that children can shew or that get a lot of wear and tear.
- 2. Annual Notices:** LL31 also mandates that landlords provide annual notices to tenants regarding lead-based paint hazards and the results of any inspections or remediation efforts.
- 3. Documentation Requirements:** Property owners are required to maintain records related to lead-based paint inspections, testing, and remediation efforts for a minimum of ten years. Records to keep:
- EPA Certifications: the firm, the person who performed the work, person who performed dust wipe sampling (clearance testing)
 - Affidavits/Sworn Statements: from certified firm that performed the work, from certified person who performed dust wipe sampling.
 - Other: description/location of work done in each room, lab results for dust wipe sampling (clearance testing), checklist completed if occupant is allowed to temporary access to work area.
- 4. Penalties for Non-Compliance:** Failure to comply with LL31 can result in penalties, including fines and potential legal action. You are not violating the law if your building has lead based paint, but you are violating if you fail to comply with testing protocol.

2024 AND 2025 UPDATES AND CHANGES

Owners will be required to:

1. Effective September 1, 2024 — Provide annual notice and investigation records whenever LBP hazard or turnover violations are issued.
2. Conduct **XRF testing of common areas by August 2025**. Records of this must be maintained and submitted to HPD upon request.
3. In units where children under 6 live and with presumed LBP in multiple dwelling built prior to 1960 OR in private units built before Jan 1, 1960 where each unit is occupied by people other than the owner or the owner's family, the property must be abated and LBP hazards must be *remediated by July 2027*.
4. If a child under 6 moves into a unit with presumed LBP after Jan 1, 2025, the property owner must abate the LBP on door and window surfaces, and remediate LBP hazards within 3 years of the date the child moves in.