

What Every Tenant Should Know About LOCAL LAW 1

PREVENTING CHILDHOOD LEAD POISONING

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PREVENTING CHILDHOOD LEAD POISONING LOCAL LAW 1

Young children are especially at risk for lead poisoning. Lead can harm a child's health, learning, and behavior.

Dust from lead paint is the most common cause of childhood lead poisoning. New York City banned lead paint for residential use in 1960. Even so, older buildings may still have lead paint on walls, windows, doors, and other surfaces.

Lead paint chips and dust can spread around the home if paint is peeling or home repairs are done unsafely. Young children can then swallow lead dust when they put their hands and toys in their mouths.

1. What Tenants Should Know

Local Law 1 is the New York City Childhood Lead Poisoning Prevention Act of 2003. The purpose of the law is to prevent lead paint hazards in housing and day care facilities. The law requires landlords to follow certain rules meant to help prevent children from being lead-poisoned.

Local Law 1 applies to apartments and common areas of buildings:

- Built before 1960 (or built between 1960 and 1978 if your landlord knows that the building contains lead paint),
- With 3 or more apartments, and
- Where a child under 7 years of age lives.

The law presumes that paint in these buildings is lead-based paint.

On turnover (when a tenant moves out), all rental units, including those in 1- and 2-family homes, are covered by the law.

What landlords must do

Local Law 1 says that landlords must:

- Find out if a child under 7 lives in any apartment in buildings covered by the law.
- Inspect those apartments for lead paint hazards.
- Use safe work practices and trained workers for any work that disturbs lead paint in applicable apartments and common areas, including required repairs of peeling paint.
- Make apartments 'lead safe' on turnover (when a tenant moves out and another moves in).
- Clean-up work areas thoroughly.
- Have 'clearance dust wipe tests' performed when work is finished to make sure cleanup is complete.
- Keep records of all notices, inspections, and repair of lead paint hazards, and other matters related to the law.

Your landlord needs to know if a child under 7 lives in your apartment

Every January, your landlord must send you a notice asking if a child under 7 lives in your apartment. Be sure to fill out the notice completely and return it by February 15. During the year, if you have a new baby, or if a child under 7 comes to live in your apartment, you must notify your landlord in writing.

Your landlord must inspect your apartment

If your landlord knows that a child under 7 lives in your apartment, your landlord must inspect your apartment for peeling paint and other lead paint hazards at least once a year. Your landlord must also check your apartment if you complain about peeling paint or other unsafe paint conditions. All lead paint hazards found during these inspections must be fixed safely.

Your landlord must check your apartment for the following lead paint hazards:

- Peeling paint.
- Deteriorated subsurfaces, including crumbling plaster and broken wood frames or molding.
- Friction surfaces, including painted doors and windows that bind or rub together.
- Impact surfaces, including painted baseboards, molding, and doors that may be hit by objects or by closing doors.
- Chewable surfaces, including all painted window sills and other surfaces that may have been chewed by children.

Work covered by the law

The law requires landlords to use safe work practices and trained workers for any work that disturbs lead paint. There are specific rules for:

- Repair of violations issued by the Department of Housing Preservation and Development (HPD).
- Repair and renovation work, including repainting, window replacement, plumbing, and electrical work.
- Work done on turnover (when a tenant moves out and another moves in).

Ways to repair lead paint hazards

Your landlord can use different ways to fix lead paint hazards. All of the following ways are acceptable:

- Wet-scrape peeling paint, and repaint.
- Enclose the lead painted surface by installing sheetrock or another rigid barrier.
- Remove lead painted components and install new ones (such as replacing a window).
- Remove lead paint using safe methods.
- Seal lead paint with approved “encapsulants”.
Encapsulants are durable, long-lasting coatings used to contain lead paint.

Some repair methods are dangerous and illegal

Landlords and contractors are not allowed to:

- Dry-sand or dry-scrape lead paint.
- Use a chemical paint remover containing methylene chloride.
- Grind or sand lead paint without using a special vacuum attachment.
- Use a heat gun over 1100° F or an open flame torch on lead paint.

2. Rules for Repair and Renovation Work

When landlords have work done in apartments, such as fixing plumbing, painting a room, or replacing windows, certain requirements may apply. Specific requirements depend on how much painted surface area is disturbed by the work.

BETWEEN 2 AND 100 SQUARE FEET

When disturbing between 2 and 100 square feet of lead paint in a room, landlords must complete all of following steps:

1: Hire trained workers.

Workers must have completed a training course in lead-safe work practices developed by the U.S. Department of Housing and Urban Development (HUD). Lead abatement workers certified by the U.S. Environmental Protection Agency (EPA) may also be hired.

2: Post warning signs outside the work area.

- The contractor must post the signs and make sure they stay in place until the work is done.
- The signs must say: WARNING: LEAD WORK AREA-POISON-NO SMOKING OR EATING.
- The landlord and the contractor must tell tenants to stay out of the work area.

3: Prepare the area before starting work.

The work area must be cleaned, cleared, and sealed off from the rest of the apartment so that lead dust does not escape from the work area.

- All floors, furniture, draperies, and other items in the work area must be HEPA-vacuumed (High Efficiency Particulate Air) or washed.
- Movable items, once cleaned, may be removed from the work area.
- One layer of plastic sheeting and waterproof tape must be used to cover and seal floors, windows, vents and items in the work area.

4: Clean-up every day.

Cleaning-up is vital to prevent occupant exposure to dust and debris.

- At the end of each work day, the work area must be thoroughly HEPA-vacuumed and wet-mopped.
- All work materials must be stored away from occupants, in sealed containers, or removed from the premises.
- Daily inspections must ensure that no dust or debris is tracked out of the work area.

5: Do a final clean-up.

- Final clean-up must be completed before surfaces are repainted.
- When the work is finished, all plastic sheeting must be removed safely. Plastic sheeting must be sprayed with water mist and all debris safely discarded. Plastic must then be folded carefully and sealed in heavy-duty plastic bags.

- All surfaces – including ceiling, walls, windows, floors, and furniture – must be HEPA-vacuumed, washed, and HEPA-vacuumed again.
- The work area must be inspected when the clean-up is finished. If dust and debris remain, the area must be re-cleaned.

6: Take 'clearance dust wipes'. Clearance dust wipes must be done to ensure proper clean-up.

- Landlords must hire a qualified, third party individual (independent of the landlord and contractor) to make a visual inspection and take clearance dust wipes.
- Three dust wipe samples must be collected from every room or area where work has been done: one from a window well, one from a window sill, and one from the floor. (If the room has no window, then only a floor sample must be taken.)
- In addition, one wipe sample must be taken from the floor in a room or area right next to the work area.
- Dust wipe results must be less than the following levels if not, clean-up and dust wipe testing must be repeated.
 - * Floors: 40 mcg/ square foot.
 - * Window sills: 250 mcg/ square foot.
 - * Window wells: 400 mcg/ square foot.
- The landlord must give a copy of clearance dust wipe results to the tenant.

MORE THAN 100 SQUARE FEET OR REMOVING WINDOWS

When disturbing more than 100 square feet of lead paint in a room or removing 2 or more windows in an apartment, landlords must complete all of the steps below:

1: Hire a lead abatement firm certified by the U.S. Environmental Protection Agency (EPA).

Workers must have completed a training course in lead-safe work practices developed by the U.S. Department of Housing and Urban Development or be EPA-certified lead-abatement workers.

2: Before work begins, landlords must:

- File notice of commencement of work with the Department of Health and Mental Hygiene (DOHMH) 10 days before work begins.
- Post notice of commencement of work outside the apartment and at the building entrance.

3: Landlords must follow steps 2 through 6 for 'disturbing between 2 and 100 square feet of lead paint' on pages 4-5.

4: In addition:

- Entrances and doorways in the work area must be sealed off with plastic sheeting, and
- Wherever plastic sheeting is required, two layers of 6-mil plastic sheeting must be used instead of one layer.

MOVING INTO A NEW APARTMENT

On turnover, landlords must inspect all apartments for lead paint hazards, repair lead paint hazards, and take clearance dust wipe tests before new tenants move in. When you rent a new apartment, all lead hazards should already be fixed.

3. Correcting Violations

Work ordered by the Department of Housing Preservation and Development (HPD)

HPD may inspect your apartment and order your landlord to repair peeling paint. The landlord and the contractor must use safe work practices and follow the same rules for 'disturbing more than 100 square feet of lead paint' outlined on page 8.

Requests for landlord records

Landlords must keep records of all notices, inspections, repairs of lead paint hazards, and other matters related to the law. HPD may request landlords to submit these records.

Work ordered by the Department of Health and Mental Hygiene (DOHMH)

If DOHMH orders your landlord to correct lead paint hazards, information on requirements that must be followed will be mailed to the landlord. Call 311 for more information.

4. You Can Help Prevent Lead Poisoning

- Let your landlord know if a child under 7 lives in your apartment.
- Report peeling paint to your landlord.
- Call 311 if your landlord fails to fix peeling paint.
- Keep children away from peeling paint and renovation work.
- Clean floors, window sills, and dusty places often with wet mops or wet cloths.
- Wash toys, pacifiers, and other items children put in their mouths.

- Wash children's hands often, especially before they eat.
- Use cold (not hot) tap water for making baby formula, drinking, and cooking. Let the water run for a few minutes before use.
- Do not use items that may contain lead, such as imported pottery, food and cosmetics, and traditional medicines.
- Keep children away from work clothes or tools of family members who do home repairs or other lead work.
- Remind your doctor to test your child for lead poisoning at ages 1 and 2 years, as required by law. Ask your doctor about testing older children.

5. More Information

Call 311 to:

- Report unsafe work practices and paint hazards.
- Get more information about Local Law 1.
- Get information about screening, diagnosis, and treatment for lead poisoning.
- Order more copies of this booklet, or copies in Spanish.
- Report discrimination if you believe you were refused housing because you have children.



Owners of multiple dwellings (3 or more apartments) must provide this booklet to tenants when they sign a lease or occupy an apartment if the multiple dwelling was built before 1960, or was built between 1960 and 1978 if the owner knows that the building has lead paint.



Healthy Homes:
A Key Step to a
Healthier New York



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