

New York City Department of Health
Lead Poisoning Prevention Program

A Guide to New York City Local Law 38 of 1999 Keeping Your Home Safe from Lead-Based Paint Hazards

This guide outlines important changes to a New York City law to protect children under six years of age from becoming lead poisoned as a result of exposure to lead-based paint hazards in their homes. It includes a summary of your rights and obligations as a tenant and your landlord's duties under the law.

What is lead?

Lead is a poisonous metal. It is found in many places, especially in paint in homes built before 1960. It can also be in dust, water and soil.

Can lead affect your child's health?

Yes. Lead is a poison. Too much lead in the body can cause a serious health risk to children. Lead poisoning can impair children's health, learning and behavior.

Most children who have elevated blood lead levels do not have symptoms. You must have your child tested to learn if your child is at risk for health problems related to lead poisoning.

How can children get lead poisoning?

Most commonly, lead-based paint is the cause of lead poisoning. It may be found in older homes in NYC (especially those built before 1960). When this paint peels, or when it rubs against another surface, it can break into paint chips or crumble into dust. Young children can swallow lead dust and paint chips when they put fingers, toys, or pacifiers in their mouths. This normal hand to mouth behavior in children under six makes them more likely to get lead poisoned. Less commonly, lead that can cause lead poisoning also may be found in water, dirt (soil), traditional medicines, cosmetics, cans, pottery and as a by-product of some adult occupations and hobbies.

Should your child be tested for lead poisoning?

Yes. Your child's doctor must, by law, test your child at one and two years of age. Your child also should be tested at any other time between six months and six years of age when your doctor has determined that your child is at risk for lead poisoning. You should inform your doctor if you reside in a home with peeling paint that may contain lead or think that your child may have been exposed to some other lead hazard.

What does the law require your landlord to do to prevent lead poisoning?

If your building has three or more apartments and was built before 1960, your landlord must:

- Ask you if a child under six years of age reside in your home when you first sign or renew a lease or move into the apartment. The landlord will keep this information on record.
- Send you a notice once a year (like the one you receive for window guards) asking you if a child under six years of age resides in the home.
- Visually inspect your apartment once a year if a child under six years of age resides in your home.
- Correct any peeling lead-based paint or lead-based paint on a deteriorating subsurface, following the safe work practices described in the Exclusive Interim Controls section, if a child under six years of age resides in your home.
- Adjust any painted doors or windows so that they do not stick and cause paint to peel or chip when opened or closed. The safe work practices (Exclusive Interim Controls) described in this brochure must be followed if a

child under six years of age resides in your home.

- Correct any lead-based paint violations issued by the Department of Housing Preservation and Development (HPD) using safe work practices (described in the Exclusive Interim Controls section).

What is a lead-based paint hazard?

If you reside in a multiple dwelling (three or more apartments) built before 1960, in which a child under six years of age resides, a lead-based paint hazard under City law is:

- Peeling (chipped or cracking or deteriorated) paint
- Paint on a subsurface (plaster wall or window for example) that is deteriorating (in poor condition)

Does your landlord have to do anything special to correct lead-based paint hazards in a vacant apartment?

Whenever any apartment in a multiple dwelling (three or more apartments) built before 1960 becomes vacant, the landlord must repair all peeling paint and any conditions that might be causing the paint to peel.

What should you, the tenant do to make sure that your child is protected from lead-based paint hazard?

- It is important that you notify your landlord if a child under six years of age resides in or moves into your apartment.
- When you get the annual notice asking if there is a child under six years of age residing in your home, you should complete and return it to your landlord.
- Let your landlord into your apartment to inspect and repair lead-based paint hazards.
- Notify your landlord as soon as you see peeling paint, even if this happens after you have returned the annual notice, your or your apartment was inspected, or the hazard was repaired previously by the landlord.
- If the person repairing a lead-based paint hazard is not following the safe work practices described in the Exclusive Interim Controls, **call the New York City Department of Health Lead Poisoning Prevention Program, Lead Safe Abatement Unit at: (212) 676-6355**

How is the landlord expected to repair a lead-based paint hazard?

If your landlord receives a lead-based paint hazard violation from HPD, or discovers lead-based paint hazards during an inspection, or if you tell your landlord about a lead-based paint hazard, your landlord must safely repair it using "Exclusive Interim Controls." The "Exclusive Interim Controls" are safe work practices described in the Exclusive Interim Controls section.

For more information about Lead Poisoning, call 212-BAN-LEAD.

Exclusive Interim Controls (Safe Work Practices)

Before Work Starts

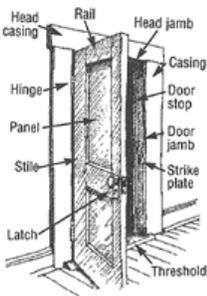
1. The work areas must be sealed off to prevent dwelling unit (apartment) occupants from entering the work area, where practicable. This is to be kept in place until the work and final clean up are completed.



2. All furniture and other items in the work area must be moved away from where the work is being done or covered with thick plastic or equivalent sheeting. The floor in and around the work area must be covered with thick plastic or equivalent sheeting. Before removing furniture or other items from the work areas the furniture must be cleaned with a special vacuum called a High Efficiency Particulate Air (HEPA) Filter vacuum.

Doing the Work

3. All plastic or like sheeting, drop cloths and other supplies, equipment and disposable clothing that are used in the work areas shall remain in the work area or be stored in a safe manner to minimize exposure to occupants.
4. Peeling paint or painted friction surfaces that bind (doors and windows subject to friction or abrasion) must be wet scraped using a scraper and water mister to reduce dust and other work-related debris. Cracked or peeling subsurfaces (the surfaces that have been painted) must be repaired before they are repainted.
5. All surfaces and floors in the work area must be HEPA vacuumed or detergent washed, prior to repainting, to remove any dust that may have collected when the work was done. All debris should be disposed of in a safe manner.
6. All paints, thinners, solvents, chemical strippers or other such flammable materials must be kept in the work area and stored in their original containers.
7. All doors, including cabinet doors, must be adjusted to ensure that they are properly hung, so that painted surfaces do not rub against each other, causing paint to chip.



8. All windows must be adjusted to ensure that they are properly hung, so that painted surfaces do not rub against each other, causing paint to chip.

Daily Clean Up

9. The work area must be thoroughly HEPA vacuumed or detergent washed at the end of each day. A visual examination must be done at the end of each workday to ensure that no peeling paint, paint chips, dust or other work-related debris have been released.

Final Clean Up

10. Your landlord is responsible for:
 - Supervising the work area to minimize the spread of peeling paint, paint chips and dust or other work debris from the work area; and
 - Advising you not to enter the work area until the work has been finished.
11. When the work is finished, all plastic or like sheeting, drop cloths or other materials are to be removed in a safe manner. All surfaces exposed to peeling paint, paint chips, dust or other work related debris during the course of work shall be HEPA vacuumed or detergent washed starting with ceilings, then down the walls and across the floors.

Dust Wipe Sampling

Dust Wipe Sampling is only required when the work has been ordered by HPD.

12. When lead-based paint hazards have been corrected on any interior wood trim, door, or window the landlord is required to take a surface dust wipe sample on the floor in and around (immediately adjacent to) the work area.
13. When lead-based paint hazards have been corrected on any interior wood trim or door near or immediately adjacent to a window, a surface dust wipe sample shall be conducted on the windowsill and window well in and around (immediately adjacent to) the work area.

Landlords May Decide to Follow the Health Code Procedures Specified in Section 173.14 Instead of Exclusive Interim Controls

14. Your landlord may elect to correct a lead-based paint violation by following the lead safe abatement procedures that are found in the NYC Health Code Section 173.14, instead of using the Exclusive Interim Controls.
15. When an owner receives an HPD violation and does not comply with the orders in a timely manner*, the owner will be required to follow additional lead safe abatement procedures found in NYC Health Code Section 173.14.



*Local Law 38 requires the landlord to correct violations within 21 days of service of the violations. The owner may request and may receive an extension of up to 45 days to complete the work by applying in writing to HPD, using the form provided with the notice of violations.

Where to Get Help

Who can I call to report peeling paint violations?

Call the Department of Housing Preservation and Development
(212) 960-4800

Who can I call to get my water tested for lead?

Call the NYC Department of Environmental Protection:
(718) DEP-HELP
(718) 337-4357

Who can I call if the person repairing lead paint hazards is making a mess or to report unsafe work practices (failure to use Exclusive Interim Controls) when lead-based paint hazards are being repaired?

Call the NYC Department of Health Lead Poisoning Prevention Program Lead Abatement Safety Unit:
(212) 676-6355

An inspector will be sent to your home. The landlord or contractor may be issued a fine or an order to correct the violations if the inspector finds violations.

Your landlord cannot evict you for filing a peeling paint complaint or reporting unsafe work practices.

Who can I call:

- **If I have questions or concerns about the contents of this brochure? or**
- **If I want additional information on the lead safe abatement procedures in Section 173.14 of the Health Code?**
- **For information on how and where to get my child screened, tested, diagnosed or treated, if necessary for lead?**
- **For information about lead poisoning**

Call the:

New York City Department of Health Lead Poisoning Prevention Program Hotline

(212) BAN-LEAD
(212) 226-5323 or
TDD (212) 442-1820.

We are here to help you with any questions you may have about lead poisoning, lead-based paint hazards and the safe work practices (Exclusive Interim Controls) that must be used when repairing lead-based paint hazards. **CALL US!**
(212) BAN-LEAD