

**CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Housing Preservation and Development (“HPD”) is proposing amendments to Chapter 11 of Title 28 of the Rules of the City of New York, concerning lead poisoning prevention and control, to clarify previous amendments made to such rules.

When and where is the hearing? The agency has determined that in light of the fact that the rule merely clarifies a previous amendment, a public hearing on the proposed rule would serve no public purpose.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to HPD through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@hpd.nyc.gov.
- **Mail.** You can mail comments to Deputy Commissioner AnnMarie Santiago, Department of Housing Preservation and Development, 100 Gold Street, Room 601, New York, N.Y. 10038.
- **Fax.** You can fax comments to AnnMarie Santiago at 212-863-7010.

Is there a deadline to submit comments? The deadline for submission of comments is March 29, 2021.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online and copies of all written comments concerning the proposed rules will be available to the public at the Office of Legal Affairs, 100 Gold Street, fifth floor, New York, N.Y. 10038.

What authorizes HPD to make these rules? Sections 1043 and 1802 of the New York City Charter (“City Charter”), Local Law 31 of 2020, and section 27-2090 of the Administrative Code of the City of New York authorize HPD to make these proposed rules.

Where can I find HPD’s rules? The agency’s rules are in title 28 of the Rules of the City of New York.

What laws govern the rulemaking process? HPD must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rules

The proposed amendments to Chapter 11 of Title 28 of the Rules of the City of New York clarify certain rules promulgated under the New York City Childhood Lead Poisoning Prevention Act of 2003 (Lead Law). The amendments clarify that the requirement to maintain and provide to a subsequent owner an affidavit from a lead inspector or risk assessor who performs testing to comply with Local Law 31 of 2020, applies only to testing that is performed after the effective date of the law--August 9, 2020.

New material is underlined.

[Deleted material is bracketed]

Section 1. Paragraph (1) of subdivision c of section 11-04 of chapter 11 of title 28 of the rules of the city of New York is amended to read as follows:

(c) (1) An owner shall maintain and transfer to a subsequent owner records of inspections of dwelling units performed pursuant to subdivisions (a) and (b) of this section. Such records shall include the location of such inspection, the results of such inspection for each surface in each room, as specified in subdivisions (a) and (b) of this section, and, for subdivision (b) of this section, for any such inspection that is performed after August 9, 2020, an affidavit from the lead inspector or risk assessor who performed the investigation for the presence of lead-based paint. An owner shall also keep a record of the actions taken as a result of an inspection performed under subdivisions (a) or (b) of this section pursuant to 28 RCNY §§11-02 or 11-05.

§2. These rules shall take effect immediately and shall be deemed to have been in effect as of August 9, 2020.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Lead Paint Rules

REFERENCE NUMBER: 2021 RG 003

RULEMAKING AGENCY: Department of Housing Preservation and Development

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: January 25, 2021

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Lead Paint Rules

REFERENCE NUMBER: HPD-78

RULEMAKING AGENCY: Department of Housing Preservation and Development

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the violations pose significant risks to public health and safety.

/s/ Francisco X. Navarro
Mayor's Office of Operations

January 25, 2021
Date