

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

**Notice of Adoption of Amendments to Rules Regarding
Childhood Lead Poisoning Prevention and Control**

Notice is hereby given that pursuant to the authority vested in the Commissioner of the Department of Housing Preservation and Development (HPD) by sections 1043 and 1802 of the New York City Charter, Local Law 31 of 2020, and section 27-2090 of the Administrative Code of the City of New York, HPD is adopting amendments to rules regarding childhood lead poisoning prevention and control. A notice of proposed rulemaking was published in the City Record on February 24, 2021. The agency determined that since the rule merely clarifies a previous amendment, a public hearing would serve no public purpose.

Statement of Basis and Purpose of Amendments to Rules

The 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.