

REBNY | July 1, 2026

The Real Estate Board of New York

Regarding Proposed Amendments to Rules Relating to Lead Dust

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the New York City Department of Health and Mental Hygiene (DOHMH) for the opportunity to comment on the proposed amendments to the City's lead dust rules.

The proposed amendment to Article 173 of the Health Code would adopt more stringent standards for lead-contaminated dust by lowering the allowable lead levels on floors, window sills, and window wells. These new limits – 4 $\mu\text{g}/\text{ft}^2$ for floors, 32 $\mu\text{g}/\text{ft}^2$ for sills, and 80 $\mu\text{g}/\text{ft}^2$ for wells – are stricter than the current standards (5 $\mu\text{g}/\text{ft}^2$, 40 $\mu\text{g}/\text{ft}^2$, and 100 $\mu\text{g}/\text{ft}^2$, respectively) and are based on updated EPA rules, which the City is required by law to match or exceed. The rule removes the old clearance table and replaces it with a single, unified definition of "lead-contaminated dust," and raises the bar for laboratory testing. Instead of relying only on New York State's ELAP certification, labs would now need both ELAP and EPA's NLLAP accreditation to ensure they can detect lead at very low levels. Under the new rules, clearance testing would need to be done by an independent third party, and property owners must keep records for ten years.

Protecting children and families from exposure to lead hazards is critically important, and REBNY supports the City's efforts to comply with updated federal requirements. It is worth noting, however, that this proposal marks the third time New York City has updated its lead dust standards in the past 10 years. Repeated revisions to these mandates create recurring compliance obligations rather than one-time expenditures, requiring owners to continually update testing and maintenance practices.

This reality is particularly challenging for owners of older buildings with rent-regulated units, as these owners face significant constraints in their ability to recover operating and compliance costs. Compliance with the proposed standards will require ongoing clearance testing, recordkeeping, and, where necessary, remediation work. Industry feedback indicates that dust wipe inspections typically cost between \$350 and \$550 per inspection, depending on the number of samples required. Although existing service providers may already meet the proposed laboratory accreditation requirements, property owners will continue to bear the costs of repeated testing and compliance activities.

As the City pursues these enhanced standards, it should also ensure that adequate financial and technical assistance is available to support compliance. Existing programs, including HPD's Lead Hazard Reduction and Healthy Homes Program and the City's Lead Paint Repair Grant Program, provide important resources but may not be sufficient to address the needs of the City's aging housing stock. The City should therefore evaluate whether current funding levels and program eligibility requirements are sufficient to help owners meet increasingly stringent standards or expand support, so owners can comply without undue burden. Some existing incentives, such as J-51 benefits for lead abatement work, are unavailable to many heavily rent-regulated properties due to program eligibility restrictions.

Protecting public health and preserving safe housing are shared goals. As the City considers additional lead hazard requirements, it should pair those obligations with meaningful support for property owners so that necessary improvements can be made efficiently while ensuring the continued maintenance and preservation of New York City's housing stock.

Thank you for your consideration of these points.

CONTACT:

Kate Goldmann

Senior Housing and Planning Analyst

Real Estate Board of New York

kgoldmann@rebny.com