


FRICION SURFACES AND DUST WIPE SAMPLES

- In cases with more than one failed round of clearance dust wipe sampling, all painted friction surfaces that are found to be rubbing or binding will be cited as a lead hazard
- The lead hazard(s) shall be abated prior to further dust wipe sampling



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NOTICE AND DEMAND REMEDIATION OF HAZARDS


- No person shall commence lead paint remediation prior to receipt of a written notice and demand or equivalent
- Remediation activities may include:
 - Abatement
 - Replacement
 - Removal
 - Enclosure
 - Encapsulation
 - Paint film stabilization
- Due to its recognized propensity to degrade, the Department does not regard encapsulation as a form of permanent abatement warranting exemption of a unit from the inspection requirements of the registry



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LEAD SAFETY CERTIFICATIONS


- The lead safety certification will be awarded once an inspector attests that at the time of inspection, the rental unit was free of conditions conducive to lead poisoning and was free of lead dust hazards
- Surface-by-surface XRF inspections can be conducted to exempt properties that have fully abated from further inspection



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PROTECTION FOR TENANTS


- Owners must notify tenants that their unit is subject to rental registry requirements and provide them with education on lead safety
- If hazards are identified, all other units shall be assumed to likely contain lead-based paint hazards, and all other tenants shall be notified
- If the unit becomes vacant, it shall not be reoccupied until a lead safety certificate is issued



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LHD CONTRACTS

- All full-service counties have begun the contract process
- Partial service counties- Jefferson, Fulton, and Montgomery are working diligently to design programs that will best fit their needs
- 8 Counties are using a hybrid approach with third party inspections, LHD inspections, and collaboration with code enforcement
- 4 counties are using collaborations with code enforcement to conduct inspections
- 3 Counties plan to have the LHD conduct inspections
- 2 Counties plan to have third party entities conduct all inspections with audits by the LHD




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TRAINING INITIATIVES

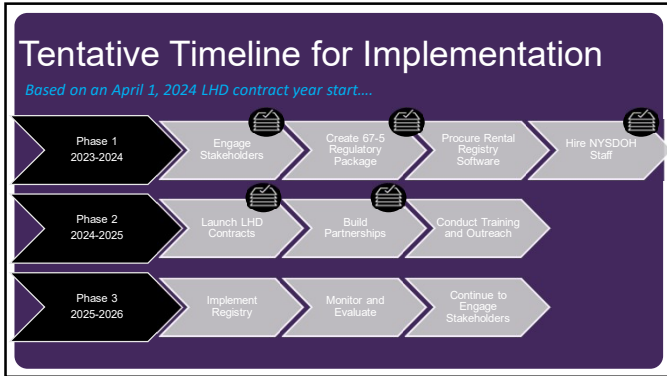
To encourage capacity building, many LHDs have devoted funds and time to supporting:

- EPA lead risk assessor trainings
- Incentives for contractors
- Funding for EPA lead safe work practices, lead abatement contractor, and RRP training

Almost all counties have funding set aside for county, municipal, and community training in lead safe work practices dedicating roughly \$600,000 to increasing workforce capacity



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CHALLENGES

- Variation in political will between county and municipal governments
- Population size and urban or rural status can affect capacity of LHDs
- Some LHDs have current rental registration programs, while others must build this program from the ground up
- Partial Service Counties need additional support given the current lack of environmental health services provided by these LHDs

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NEXT STEPS

- Continue meeting regularly with LHDs to review regulations and ensure program support
 - *Regulation review webinar planned for late January 2025
- Collaborations with HCR to continue to provide support for landlord remediation
- Further discussions with DOS to discuss partnerships that can be mutually beneficial
- Plan to meet with New York Conference of Mayors and Municipal Officials
- Proceed in complementing LHD work by creating partnerships with non-profit organizations and community action groups

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PUBLIC COMMENT

- Part 67-5 is now available for public comment: <https://dos.ny.gov/December-24-2024-vol-xlvi-issue-52>
- Questions or comments should be submitted to:
 - Katherine Ceroalo*
 - NYSDOH Bureau of Program Counsel*
 - Regulatory Affairs Unit*
 - Corning Tower, Empire State Plaza, rm. 2438*
 - regsqa@health.ny.gov*
- Public comment period ends 2/22/25
- Substance of proposed rule: <https://regs.health.ny.gov/regulations/proposed-rule-making>

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ADDITIONAL QUESTIONS? CONTACT:

rental.registry@health.ny.gov

THANK YOU!

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