



**PETITION FOR ADMINISTRATIVE REVIEW (PAR)**

This form is a petition to the Division of Housing and Community Renewal (DHCR) appealing an Order of a Rent Administrator. It must be completed, attached to a copy of the Order being appealed in accordance with the Instructions on Side Two of this form, and filed with DHCR.

**Section A. Identification of the Order being appealed:**

1. Case Docket No.: CS610034 OM 2. Date Order Issued: 08/21/2014  
 3. DHCR Issuing Office:  Gertz Plaza Rent Office  Westchester Rent Office  Nassau Rent Office

CU 630018 RT  
 BX 630013 B  
 06/23/2015

**Section B. Identification of premises involved in the Order:**

4. Number and Street: 930 Grand Concourse Apt. No.: \_\_\_\_\_ or  Building-Wide  
 Garden Apartment Complex  Multi-building Complex  
 City, State, Zip Code: Bronx New York NY 10451

**Section C. Identification of Petitioner:**

5. Jesse E. Hamilton Ten Rep  
 Petitioner's Name  
(718) 293-8366  
 Daytime Telephone Number  
 Petitioner's Mailing address  
930 Grand Concourse  
 Number and Street Apt. No. \_\_\_\_\_  
Bronx NY 10451  
 City, State, Zip Code

**Identification of Petitioner's Attorney/Authorized Representative:**

6. \_\_\_\_\_  
 Name of Attorney/Authorized Representative  
 ( )  
 Daytime Telephone Number  
 \_\_\_\_\_  
 Mailing Address (No. and Street)  
 \_\_\_\_\_  
 City, State, Zip Code

7. Petitioner is the (check one):  Owner  Tenant  Sub-tenant  Authorized owner representative\*  
 Authorized tenant representative\*  Other \_\_\_\_\_  
 (\* A signed authorization must be attached)  Managing Agent for Owner

**Section D. Statement of Petitioner:**

8. I, the undersigned, object to the Order identified in Section A above, and request that it be (check one):  
 Reversed (cancelled completely)  Modified (changed in part)  
 9. I believe the error of fact and/or law in the Order being appealed is (attach additional sheet(s) if necessary):  
See attachments

Item 10. The names and addresses of all other parties affected by the Order being appealed are as follows: Note: If you are the tenant (or subtenant) or the tenant's representative, provide in the space below only the owner's (and the prime tenant's, if relevant) name and address. If more than one owner is involved or there is a new owner, provide this information for each owner. If you are the owner or the owner's representative, provide in the space below the names and addresses of all tenants and other parties (e.g., prior owner, subtenant) affected by the Order. Attach additional sheet(s) if necessary. Be sure to attach a complete copy of the Order being appealed.

<u>See Attachment</u>			
Name	Address	Name	Address
Name	Address	Name	Address
Name	Address	Name	Address

**Section E. Affirmation or Verification (You must complete either the verification or the affirmation. See instructions on the reverse side of this form before completing this section):**

**Affirmation** (Does not require notarization):

I have read the foregoing petition and any attachments thereto and I affirm that the same is true, to my own knowledge except as to those matters which I have stated to be based on information and belief, and as to those matters, I believe it to be true. False statements made in this petition may subject me to the penalties provided by law.

Jesse E. Hamilton Name of Petitioner (please print)  
Jesse E. Hamilton Signature of Petitioner  
7/26/15 Date

930 Grand Concourse Tenants Association  
Bronx, New York 10451

July 26, 2015

Woody Pascal – Deputy Commissioner  
State of New York DHCR – Rent Administration Office  
92 – 31 Union Hall Street  
Queens, New York 11413  
Docket No.: 630018RT  
DRO Docket No. Bx630013B

Mathews Varghese – Rent Administrator  
Re: Reference #112014 – 0027  
Docket# CS610034 – OM

Woody Pascal, Deputy Commissioner:

I thank you for your response of 06/23/15 recognizing the 930 Grand Concourse Tenants' Right to file an Administrative Appeal. The original petition was filed on 08/25/14 (which was ten (10) months ago) to the rent administrator Mathew Varghese, and after waiting such a lengthy time for DHCR to respond to the tenants' complaint about the landlord's MCI request it seemed unusual that the tenants' complaints were rejected.

When you quoted the rent stabilization codes to address tenants' rights, you mentioned several codes (even those not related to this petition), but the only code mentioned that was relevant was Part 2510 of the Tenant's Protection Regulation. Within the content and tone of your letter you presented numerous obstacles that significantly impeded any reasonable chance for tenants to have a positive outcome.

Tenants filed an extensive report that questioned the contractor's misleading accounting practices and numerous health violations regarding why they didn't conduct a 'certified' preconstruction test to determine if lead paint and/or asbestos existed in the sub strait of the wall and floors. Additionally, there was no prior notice from the landlord to tenants warning them of any pending health hazards. As a result, the contractor worked in violation of NYC Health Codes for three (3) months by not utilizing isolated plastic barriers to contain any lead paint dust particles and they used inappropriate drilling equipment that compounded the dust dispersement problem. The only protection afforded tenants from day one was the placement of a plastic covering over the furniture. Nevertheless, dust still escaped

to land on curtains, pictures, light fixtures and the floor. Even after tenants informed the landlord of these hazardous health and safety issues, it was obvious that the Tenants Protection Regulation Code 2510 was completely ignored by DHCR. The landlord purposely put every tenant in the building at-risk as a result of the health hazards created by the electrical upgrade work. Tenants became fearfully concerned (from the first day) about hazardous conditions they were forced to live with, and they defiantly refused to give the workers access to their apartments unless they used the NYC Health Departments safety requirements for encountering lead paint. In retaliation for this refusal, the landlord issued pending eviction letters to tenants, even while the landlord was in violation of health codes! This form of tyranny which forced tenants to comply under duress was typical of Nazi tactics used during World War II. This is America. Repulsive tactics of this nature are illegal in this country! It is unthinkable during this day and time that tenants were forced to accept living in dangerous health conditions that could be easily corrected by following established city and state lead paint guidelines.

As a result, tenants contacted the New York City Department of Health knowing that the building was over eighty years old and that it was a common practice that buildings constructed during this period used lead paint. When the Department of Health conducted a dust particle test the results came back lead-paint positive. This required test took place after three (3) months of tenants experiencing excessive exposure to contaminated dust in apartments, stairwells, elevators and hallways. Even though DHCR was informed of this dangerous situation in its petition, DHCR's main response was that the tenants failed to verify or affirm the petition. This statement clearly indicated that DHCR ignored all of the tenants' compelling complaints by using this watered down process as a means of ruling in favor of the landlord. Furthermore, to add insult to injury, DHCR is requiring that the tenants meet all procedural requirements within thirty-five (35) days or face petition dismissal. Is DHCR actually saying that even if tenants file a bona fide petition with good content and compelling substance, it could be superseded by procedural requirements (which were not indicated)?

Since this is a landlord initiative, part of tenants' rights during repairs of this nature requires that the landlord must provide hotel accommodations until the apartment is completely safe for occupancy. This process was not followed as prescribed by the Department of Health. So, tenants were forced to endure being exposed to lead paint dust for an extended period of time.

While observing workers covered with dust using small hand drills with no vacuum attachment to catch dispersed dust, it was a deep concern as to why they did not dress in protective clothing and did not wear face masks to avoid /minimize inhalation of lead paint dust. It was noted by the super (who is certified) that the workers did not have required certification to dislodge, handle and properly

dispose of lead paint dust. When tenants questioned the workers about their personal safety they responded by saying that a job is more important than health concerns. Workers self-identified themselves as being from Croatia and spoke very little English, making it difficult for them to clearly communicate with tenants. When tenants began taking photographs to document the work being done, the workmen would stop working and turn away from the camera – hiding their faces. It could have been justifiably assumed that there were serious immigration problems at hand, but tenants decided that reporting this to the landlord would have been an exercise in futility. It was evident that there were serious violations with the Labor Department, the Health Department and the Department of Buildings as to how the work was done. Originally, the plan was to drill holes through the concrete floors in the linen closets of each apartment line then run the electrical BX wiring from the eleventh (11<sup>th</sup>) floor down to the basement. This plan was initially submitted to the Buildings Department but it was an obvious blunder from the very beginning. When the workers realized that the accumulation of BX cable would take up all of the available space in the closets from the sixth (6<sup>th</sup>) floor down to the basement they (without Department of Buildings notification) decided to change plan and started drilling holes at the ends of hallways on each floor. This unauthorized change created further exposure to health hazards as tenants unexpectedly encountered dust particles as they entered and left their apartments.

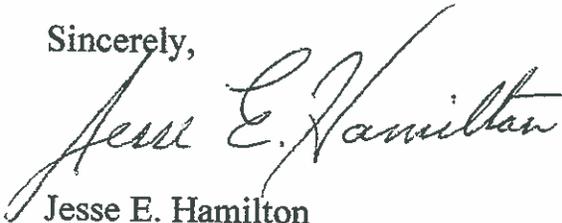
Time after time, procedures were not followed but the work continued without appropriate corrections. Part of the New York City Department of Health protocol was that all lead paint dust must be collected by washing down ceilings and walls and that all hallway carpeting should be removed for cleaning to insure that the lead paint was safely removed. As of this date the carpets have never been removed to follow the process prescribed by the Department of Health. One week after the Department of Health reported their positive lead paint results, the N.Y.C. Buildings Department was alerted to inspect on-going BX cable installation and address any violations. Their inspector, prior to entering the 930 Grand Concourse building, checked the front entrance glass door to see if appropriate building code certificates were posted. After not seeing the 'Lead Paint Certificate', the building inspector recorded his findings and requested to see the work supervisor who stated that the building super had the certificate in his basement office. The building super looked through several papers on his desk and stated that a copy was at the construction company's main office. With no certificate on the premises, the building inspector stopped all work until the 'Lead Paint Certificate' was posted on the front door. The building inspector then gave the work supervisor a two-hour grace period during lunch to obtain and post the required document or stop all work on the site. As a result of noncompliance, all the workers were sent

home. It is evident that without the tenants' proactive stance to protect their safety and health, this serious oversight would not have been detected and corrected.

In retrospect, this entire electrical upgrade was done in violation of numerous factors that were presented in the tenants' petition. Unfortunately, the only concern that DHCR focused on was the fact that their procedures were not followed. Now is the time for DHCR to stop their posturing and favorably respond to the tenants' request to recognize the major violations that the landlord was totally aware of but chose to ignore, opting to sacrifice tenants' health in the process. In New York City, New York State and across the nation it is the responsibility of all citizens to "say something if you see something". The tenants of 930 Grand Concourse followed this creed to the letter, In fact it was the tenants and not the landlord who took appropriate action to confirm the existence of conditions that were dangerous to health and safety. Although the landlord was fully aware (or should have been aware) of the dangerous lead paint situation no preemptive action was taken prior to starting the work as required by New York State and New York City health codes regarding the handling of lead paint. The substance and intent of the landlord's devious action is, in reality, tantamount to a TERRORIST ATTACK. It matters not if it's in the Middle East or New York City, the outcome is the same when you knowingly and purposefully put people's lives at risk.

It is, therefore, incumbent upon DHCR to follow procedural requirements under the Rent Stabilization Code Part 2510 of the Tenants Protection Regulation, and approve the tenants' petition to deny the landlord's MCI request. Thank you.

Sincerely,



Jesse E. Hamilton  
President/Tenants' Representative

Enclosures: Petition for Administrative Review (2 pages)

Order & Opinion Rejecting Petition for Administrative Review –Woody Pascal (1 page)

Notice of Tenant MCI Increase: NYC DHCR – BLDG Management Co., Inc. (2 pages)

MCI Application for 930 Grand Concourse – Mathews Varghese (1 page)

Report for Lead Dust Wipe Sample Results – Enviro-Probe, Inc. (4 pages)

New York City, New York State & Federal Guidelines Controlling Lead Paint (8 pages)

Cc: Hon. Keith Wright, Chairman – New York State Housing Commission

Hon. Jamie Rubin, Commissioner/CEO – DHCR

Hon. Latoya Joyner – Assemblywoman (77<sup>th</sup> A.D.)

Hon. Ruben Diaz, Sr. – New York State Senator (32<sup>nd</sup> S.D.)

STATE OF NEW YORK  
DIVISION OF HOUSING & COMMUNITY RENEWAL  
OFFICE OF RENT ADMINISTRATION  
92-31 UNION HALL STREET  
JAMAICA, NEW YORK 11433

FORM NO: RO 16A (5/2014)  
ISSUE DATE: 06/23/2015  
ADMINISTRATIVE REVIEW  
DOCKET NO: CU 630018 RT  
DRO DOCKET NO: BX 630013 B

IN THE MATTER OF THE ADMINISTRATIVE APPEAL OF  
JESSE E. HAMILTON  
APT 11E  
930 GRAND CONCOURSE  
BRONX, NY 10451 PETITIONER

PREMISES:  
APT NO: VARIOUS  
930 GRAND CONCOURSE  
BRONX NY 10451

ORDER AND OPINION REJECTING PETITION FOR ADMINSTRATIVE REVIEW

ON 09/25/2014, THE ABOVE-NAMED PETITIONER FILED A PETITION FOR ADMINISTRATIVE REVIEW AGAINST AN ORDER ISSUED ON 08/25/2014, BY THE RENT ADMINISTRATOR.

THE PETITION IS REJECTED PURSUANT TO THE APPLICABLE REGULATIONS (PART 2529 OF THE RENT STABILIZATION CODE, PART 2510 OF THE TENANT PROTECTION REGULATIONS, PART 2108 OF THE STATE RENT & EVICTION REGULATIONS, OR PART 2208 OF THE CITY RENT & EVICTION REGULATIONS), SINCE IT FAILS TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

- THE PETITIONER FILING THE PETITION HAS FAILED TO VERIFY OR AFFIRM THE PETITION.

THEREFORE, IT IS ORDERED, THAT THE PETITION IS HEREBY REJECTED, WITHOUT PREJUDICE TO THE RIGHT OF THE PETITIONER TO REFILE PROPERLY WITHIN THIRTY-FIVE (35) DAYS FROM THE ISSUE DATE OF THIS ORDER. SHOULD THE PETITIONER DO SO, THE REFILED PETITION MUST INCLUDE A COPY OF THE ADMINIGTRATOR'S ORDER AND MUST REFERENCE THE DOCKET NUMBER OF THIS ORDER REJECTING THE PETITION FOR ADMINISTRATIVE REVIEW.

PLEASE TAKE NOTICE THAT SHOULD YOU FAIL TO FULLY COMPLY WITH ALL REQUIREMENTS FOR FILING A PROPER ADMINISTRATIVE APPEAL, WITHIN THIRTY-FIVE (35) DAYS, THERE WILL BE NO FURTHER OPPORTUNITY TO REFILE. A LATE REFILING OR ONE THAT DOES NOT MEET ALL PROCEDURAL REQUIREMENTS MAY BE DISMISSED WITHOUT A FURTHER RIGHT TO REFILE.

THE PETITIONER IS HEREBY CAUTIONED THAT IT SHALL BE INSUFFICIENT TO ATTEMPT TO COMPLY WITH THIS ORDER BY RESUBMITTING A COPY OF THE PETITION WHICH HAS BEEN REJECTED. A NEW FILING IS REQUIRED AND FAILURE TO SO REFILE IN COMPLIANCE WITH ALL PROCEDURAL REQUIREMENTS WITHIN 35 DAYS MAY RESULT IN A DISMISSAL OF THE PROCEEDING.

SHOULD PETITIONER BE UNABLE TO CORRECT THE PROCEDURAL DEFECT(S) INDICATED ABOVE WITHIN THE 35 DAY REFILING PERIOD, THE PETITIONER MUST NEVERTHELESS REFILE WITHIN THE STATED 35 DAYS, SETTING FORTH THE REASON WHY THE DEFECT(S) COULD NOT BE CURED AS OF THE TIME OF REFILING AND REQUEST AN EXTENSION OF TIME WITHIN WHICH TO PERFECT THE APPEAL. REQUESTS FOR ADDITIONAL TIME TO REFILE CANNOT BE CONSIDERED OR GRANTED.

WOODY PASCAL\*  
DEPUTY COMMISSIONER

JESSE E. HAMILTON  
APT 11E  
930 GRAND CONCOURSE  
BRONX NY 10451



NEW YORK STATE  
DIVISION OF HOUSING  
& COMMUNITY  
RENEWAL

HOUSING  
TRUST FUND  
CORPORATION

STATE OF  
NEW YORK MORTGAGE  
AGENCY

NEW YORK STATE  
HOUSING FINANCE  
AGENCY

NEW YORK STATE  
AFFORDABLE HOUSING  
CORPORATION

STATE OF  
NEW YORK MUNICIPAL  
BOND BANK AGENCY

TOBACCO SETTLEMENT  
FINANCING  
CORPORATION

ANDREW M. CUOMO  
GOVERNOR

DARRYL C. TOWNS  
COMMISSIONER/CEO

October 31, 2014

Various Tenants  
930 Grand Concourse  
Bronx, NY 10451

RE: Docket No. **CS610034OM**  
MCI Application for 930 Grand Concourse

Dear Tenant:

On 8/21/14, you were served notice of a pending rent increase application based upon a major capital improvement (MCI) under docket No. **CS610034OM**. **Apartments Restoration** in conjunction with Electrical Upgrade for the cost of **\$100,700.00** was erroneously omitted on the service notice to the tenants. However, there is no change in the requested rent increase per room per month as the total cost remains the same. This is a summary of the owner's application.

Electrical Upgrade	\$ 600,900.00
Apartments Restoration	<u>100,700.00</u>
	<b>\$ 703,600.00</b>

Rent increase requested- \$18.73 per room per month.

This letter is to notify you that Apartments Restoration in conjunction with Electrical Upgrade will be **included** when the order is issued.

If you wish to comment to this letter, you are hereby given thirty (30) days to respond. Include docket number on all correspondence.

We apologize for any confusion this may have caused

Sincerely,

Mathews Varghese  
Rent Administrator

cc: BLDG Management Co., Inc.



**NOTICE TO TENANT OF MCI RENT INCREASE APPLICATION**

**Mailing Address of Owner:**

Bldg Management Co., Inc.  
 417 Fifth Avenue  
 4th Floor  
 New York NY 10016

**Subject Premises:**

Apt No: VARIOUS  
 930 Grand Concourse  
 Bronx NY 10451

This is a summary of an application for a Major Capital Improvement rent increase filed by the owner of your building. This is not an order increasing your rent at this time. This is your opportunity to comment on the increase requested. If you wish to comment on the information provided, you may use the Tenant Response page of this notice. Your response should be signed, dated and mailed within thirty (30) days of the date printed above. If you need more than thirty (30) days to respond, use the Tenant Response page of this notice to request an extension. Include the docket number on all correspondence.

If you need assistance in understanding and/or responding to this notice, please call our Rent Infoline at (718) 739-6400 as we can provide assistance to callers in over 170 languages (including Spanish, Chinese, Russian, Creole). All responses to this notice must be in English.

ITEM(S) FOR WHICH INCREASE IS REQUESTED	AGE OF ITEM(S) REPLACED	WORK DATES		OWNER'S CLAIMED COST
		FROM	TO	
ELECTRICAL UPGRADE	25	03/27/2012	04/24/2013	602,900.00
1. TOTAL CLAIMED MCI COSTS				703,600.00
2. DEDUCTIONS FROM CLAIMED MCI COSTS				
A. COMMERCIAL ALLOCATION OF MCI		(	63,324.00 )	
B. COOPERATIVE RESERVE FUND/CREDIT		(	0.00 )	
C. INSURANCE PROCEEDS FROM LOSS		(	0.00 )	
D. GRANT AMOUNTS FROM GOV'T AGENCIES		(	0.00 )	
3. TOTAL DEDUCTIONS FROM MCI COSTS (add lines 2A through 2D)		(	63,324.00 )	
4. NET CLAIMED MCI COSTS (subtract line 3 from line 1)				640,276.00
5. AMORTIZE OVER 84 MONTHS (divide line 4 by 84)				7,622.33
6. TOTAL RESIDENTIAL ROOMS IN BUILDING				407
7. RENT INCREASE PER ROOM PER MONTH (divide line 5 by line 6)				18.73

To: JESSE E. HAMILTON & CLAUDIA OR  
 CURRENT OCCUPANT DO NOT FORWARD  
 APT 116  
 930 GRAND CONCOURSE  
 BRONX NY 10451



State of New York  
Division of Housing and Community Renewal  
Office of Rent Administration  
Web Site: [www.nyshcr.org](http://www.nyshcr.org)

MCI Unit  
92-31 Union Hall St  
Jamaica NY 11433  
(718) 739-6400

Docket Number  
CS 610034 OM  
Mailing Date  
08/21/2014

## NOTICE TO TENANT OF MCI RENT INCREASE APPLICATION

MCI rent increases are based on the number of rooms in your building. The owner's application states that there are 6 rooms in your apartment. The definition of a room for Major Capital Improvement rent increase purposes can be found in Policy Statement 93-2 which is available from the Office of Public Information at the telephone number noted below or on the DHCR website ([www.nyshcr.org](http://www.nyshcr.org)).

If you wish to challenge this room count you must provide substantive evidence in the form of either copies of floor plans or hand drawn diagrams, which include the exact measurements of all walls, noting the location of all windows, doors and archways for each room in the apartment.

You may review a copy of the MCI application and supporting documentation at:

- THE DHCR OFFICE LISTED AT THE TOP OF THIS FORM. VISIT [WWW.NYSHCR.ORG](http://WWW.NYSHCR.ORG) OR CALL (718) 739-6400 TO REQUEST AN APPLICATION FOR "ACCESS TO RECORDS" FORM
- THE OFFICE OF THE RESIDENT MANAGER, MANAGING AGENT, OR SUPERINTENDENT LOCATED AT: (SUPERINTENDENT APT.)930 GRAND CONCOURSE, BX., NY 10451

MCI Docketing Unit  
Mailing Date: 08/21/2014



LISTING OF TENANTS  
 RECEIVING ORDER

Subject Housing Accommodation: 930 GRAND CONCOURSE  
 BRONX NY 10451

930 GRAND CONCOURSE

RENT STABILIZED APARTMENTS

APARTMENT NUMBER	TENANT NAME	APARTMENT NUMBER	TENANT NAME
2B	TRACEY LEWIS	10A	PATRICIA THORNE
2C	BAYO NKEMANY	10C	JOANNE CANALES
2D	P THOMAS/G BECKETT	10E	TERRY DIGGS
2E	LETICIA PEGUERO	10F	LISA STODDART
2F	Y JAMES	10H	CURTIS SMITH
2K	JAMES JETER	10J	S MANZANET
3D	JEREMY ROYSTER	10K	MILA ALVAREZ
3G	MILTON BARTHOLOMEW	11A	LEONA CAMERON
3J	ROBIN VENABLE	11B	CHARLES CONE
4B	CAROL WALTER	11C	DEIRDRE SCOTT
4E	DOROTHY JOHNSON	11E	JESSE HAMILTON
5R	CLAYTON BELMONTES		
5C	E TYSON		
5D	DANIEL GARMENDIZ		
5E	ROBERT HENDRIX		
5F	YVETTE LOWE		
5J	LISA MCAULIFFE		
6C	S AKKARAJU		
6E	KELVIN SUAZO		
6F	ADA FRIDAY		
7B	GLENN MCKOY		
7C	KIM FORD		
7D	JOSEPH JONES		
7E	J OYOLA		
7F	H RIOS		
7G	PATRICIA EDMISTON		
7K	ELIZABETH WRIGHT		
8A	REBECCA KENT		
8B	DEBORAH GRANT		
8D	GRACE COLES		
8E	WILLIAM/VIVIAN KENT		
8G	MARIE WILLIAMS		
8J	DOROTHY ALSTON		
8K	HARRIET HART		
9B	JENNIFER STONE		
9C	D SLOANE		
9D	CARRIETTA JACKSON		
9E	B ROSARIO		
9F	F SCHOENFELDER		
9H	WILLIAM H. COLLINS		
9J	RUSTY CHAMBLISS		
9K	LILLIAN DEJESUS		

# ENVIRO-PROBE, INC.

108 Liberty Street  
Metuchen, NJ 08840  
Phone: (732) 494-4600  
Fax: (732) 494-4611

## REPORT FOR LEAD DUST WIPE SAMPLE RESULTS

Client: Lead Poisoning Prevention Program  
253 Broadway, 11th floor, CN-58  
New York, NY 10007

Date Received: 07/10/12  
Date Analyzed: 07/11/12  
Date of Report: 07/11/12  
EPI Case #: 12-5114

Child ID #: L2012-0554  
Sampling Location: 930 Grand Concourse, Apt. 5D, Bronx NY  
Sampled By: W. Jean-Francois  
Sampling Date: 07/06/12  
Sampling Time: Not Available

Sample Number	Lab ID Number	Sampling Location	Surface Type	Wipe Area (inches)	Wipe Area (inches)	Area (ft <sup>2</sup> )	Total Micrograms (ug)	Micrograms per square ft. (ug/ft <sup>2</sup> )	Pass or Fail
070612-1249-001	43959	Apt. entrance foyer from 5th floor public hallway *	Floor	12	12	1.00	38.0	38	Pass
070612-1249-002	43960	Left room (liv rm) from apt entrance foyer *	Floor	12	12	1.00	13.3	13	Pass
070612-1249-003	43961	Middle room (din rm) from apt. entrance foyer *	Floor	12	12	1.00	13.1	13	Pass
070612-1249-004	43962	Front room (liv rm) from middle room (din rm)	Floor	12	12	1.00	39.8	40	Fail
070612-1249-005	43963	Front room (liv rm) from middle room (din rm)	WS	31	3	0.65	20.4	32	Pass
070612-1249-006	43964	Left front room (bdm) from middle rm (din rm)	Floor	12	12	1.00	<12.0	<12	Pass
070612-1249-007	43965	Left front room (bdm) from middle rm (din rm)	WS	31	3	0.65	<12.0	<18	Pass
070612-1249-008	43966	Blank					<12.0		Pass

\* No Window

**Threshold Limits:**

Method Detection Limit (MDL): 3.0ug/ft<sup>2</sup>  
Reporting Limit (RL): 12.0ug/ft<sup>2</sup>

Floor: 40ug/ft<sup>2</sup>

Window Sill (WS): 250ug/ft<sup>2</sup>

Window Well/Trough (WW/WT): 400ug/ft<sup>2</sup>

Results relate only to the items tested. Sample results are not corrected for blanks.

Samples are received in good condition, except of noted.

Samples below the RL are reported with less than sign (<). Test results meet all NELAC requirements.

This report shall not be reproduced except in full, without the written approval of the laboratory.

The samples are not collected by Enviro-Probe, Inc. This report is not endorsed by any US government agency.

Method # 7000B  
Lab AIHA # 100247

Preparation Method # 3050B  
Lab NYSDOH ELAP # 11404

VM  
Lab Analyst  
  
Lyudmila Kogan  
Lab Manager

c/o B. Goodwin APHS.1

THE CITY OF NEW YORK  
DEPARTMENT OF HEALTH

253 Broadway - CA 58  
New York, NY 10007



Mr. Daniel Garmendiz  
930 Grand Concourse, Apt 50  
Bronx NY 10451

1045132710



LEAD POISONING PREVENTION PROGRAM  
 253 Broadway, 11th Floor, CN-58, New York, NY 10007, (212) 676-6375, Fax: (212) 676-6188  
 FIELD SAMPLING AND CHAIN OF CUSTODY FORM FOR ENVIRONMENTAL SAMPLING

CHILD ID #: \_\_\_\_\_

Page 1 of 2

Inspector Name: W. Jean - Francois  
 Sampling Address: 930 Grand Avenue  
 Name of Property Owner: - UNK -  
 Owner Address: - UNK -

Badge # 3089 ID # 1849 Job Number (XRF):  
 Apt.: 5D Health Area: 330

Sample ID # \_\_\_\_\_ Date (Month/Year) - \_\_\_\_\_  
 Employee ID - \_\_\_\_\_  
 Sample ID (3 digits) \_\_\_\_\_  
 e.g. 040-1234-001

Sample ID # Date (Month/Year) - Employee ID - Sample ID (3 digits) e.g. 040-1234-001	Room Name (Must match XRF room name)	Component	Sample Area (Length x Width in inches)	Comments Note special sample conditions, locations, and sample type. For example: Conditions: carpeted floor; bare soil Location: window on left on Wall 1; back yard Type: dust, soil, paint chip, water	Check here if no XRF samples were taken in apartment
070612-1249-001	Apt Entrance Foyer from 5th Fl Public hallway	<input checked="" type="checkbox"/> Floor <input type="checkbox"/> Window Sill Other:	12" x 12"	Wooden Floor (NW window)	
070612-1249-002	left rm (Bedroom) from Apt Entrance Foyer	<input checked="" type="checkbox"/> Floor <input type="checkbox"/> Window Sill Other:	12" x 12"	Wooden Floor (Window on wall #3)	
070612-1249-003	Middle rm (Dormitory) from Apt Entrance Foyer	<input checked="" type="checkbox"/> Floor <input type="checkbox"/> Window Sill Other:	12" x 12"	Wooden Floor (NW window)	
070612-1249-004	Front rm (Kitchen) from Middle rm (Dormitory)	<input checked="" type="checkbox"/> Floor <input type="checkbox"/> Window Sill Other:	12" x 12"	Wooden Floor (NW window)	
070612-1249-005	Front rm (Living) from Middle rm (Dormitory)	<input type="checkbox"/> Floor <input checked="" type="checkbox"/> Window Sill Other:	31" x 3"	Wooden Jtl wall #3	

Collected by: W. Jean - Francois Date Collected: 07/06/12 Batch #: 71012-f  
 Transferred to: \_\_\_\_\_ Date Transferred: \_\_\_\_\_ Reason for Transfer: \_\_\_\_\_  
 Transferred to: PHSA 12-5116 Date Transferred: \_\_\_\_\_ Reason for Transfer: \_\_\_\_\_  
 Sanitarian Signature: \_\_\_\_\_ Received Date: 07/06/12  
 Associate PHS I Signature: \_\_\_\_\_ Good Condition Date: 7/6/12  
 Note for Laboratory: Dust wipes and paint chip results should be sent to LPPP within 24 hours unless specified otherwise. Soil and water results should be sent to LPPP within 48 hours unless specified otherwise.

SUBTITLE B -- LEAD EXPOSURE REDUCTION

SEC. 1021. CONTRACTOR TRAINING AND CERTIFICATION.

(a) Amendment to the Toxic Substances Control Act. The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding after title III the following new title:

"TITLE IV -- LEAD EXPOSURE REDUCTION

"SEC. 401. DEFINITIONS.

"For the purposes of this title:

"(1) Abatement. The term 'abatement' means any set of measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Administrator under this title. Such term includes --

"(A) the removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; and

"(B) all preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

"(2) Accessible surface. The term 'accessible surface' means an interior or exterior surface painted with lead-based paint that is accessible for a young child to mouth or chew.

"(3) Deteriorated paint. The term 'deteriorated paint' means any interior or exterior paint that is peeling, chipping, chalking or cracking or any paint located on an interior or exterior surface or fixture that is damaged or deteriorated.

"(4) Evaluation. The term 'evaluation' means risk assessment, inspection, or risk assessment and inspection.

"(5) Friction surface. The term 'friction surface' means an interior or exterior surface that is subject to abrasion or friction, including certain window, floor, and stair surfaces.

"(6) Impact surface. The term 'impact surface' means an interior or exterior surface that is subject to damage by repeated impacts, for example, certain parts of door frames.

"(7) Inspection. The term 'inspection' means

"(A) a surface-by-surface investigation to determine the presence of lead-based paint, as provided in section 302(c) of the Lead-Based Paint Poisoning Prevention Act, and

"(B) the provision of a report explaining the results of the investigation.

"(8) Interim controls. The term 'interim controls' means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment an operation of management and resident education programs.

"(9) Lead-based paint. The term 'lead-based paint' means paint or other surface coatings that contain lead in excess of 1.0 milligrams per centimeter squared or 0.5 percent by weight or

"(A) in the case of paint or other surface coatings on target housing, such lower level as may

dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase."

(4) Compliance Assurance. Whenever a seller or lessor has entered into a contract with an agent for the purpose of selling or leasing a unit of target housing, the regulations promulgated under this section shall require the agent, on behalf of the seller or lessor, to ensure compliance with the requirements of this section.

(5) Promulgation. A suit may be brought against the Secretary of Housing and Urban Development and the Administrator of the Environmental Protection Agency under section 20 of the Toxic Substances Control Act to compel promulgation of the regulations required under this section and the Federal district court shall have jurisdiction to order such promulgation.

(b) Penalties for Violations. --

(1) Monetary penalty. Any person who knowingly violates any provision of this section shall be subject to civil money penalties in accordance with the provisions of section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

(2) Action by secretary. The Secretary is authorized to take such lawful action as may be necessary to enjoin any violation of this section.

(3) Civil liability. Any person who knowingly violates the provisions of this section shall be jointly and severally liable to the purchaser or lessee in an amount equal to 3 times the amount of damages incurred by such individual.

(4) Costs. In any civil action brought for damages pursuant to paragraph (3), the appropriate court may award court costs to the party commencing such action, together with reasonable attorney fees and any expert witness fees, if that party prevails.

(5) Prohibited act. It shall be a prohibited act under section 409 of the Toxic Substances Control Act for any person to fail or refuse to comply with a provision of this section or with any rule or order issued under this section. For purposes of enforcing this section under the Toxic Substances Control Act, the penalty for each violation applicable under section 16 of that Act shall not be more than \$10,000.

(c) Validity of Contracts and Liens. Nothing in this section shall affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan, nor shall anything in this section create a defect in title.

(d) Effective Date. The regulations under this section shall take effect 3 years after the date of the enactment of this title.



# LANDLORD INSTRUCTIONS FOR COMPLYING WITH COMMISSIONER'S ORDER TO REMEDIATE LEAD PAINT HAZARDS

New York City Department of Health & Mental Hygiene – Healthy Homes Program/Lead Poisoning Prevention

**1PP**

You have been served with a Commissioner's Order to Remediate Nuisance. You are ordered to correct lead paint violations in a dwelling, which you own or manage, within **21 days** of receipt of the Order. The New York City Department of Health and Mental Hygiene (DOHMH) Healthy Homes Program/Lead Poisoning Prevention (HHP/LPP) identified these violations during an inspection.

## LANDLORDS MUST:

**Hire an EPA-Certified Lead Abatement Firm to Repair all Violations** using approved remediation methods.

- The firm must be certified by the US Environmental Protection Agency (EPA) to perform lead abatement work.
- The firm must use workers who have taken a course in safe work practices for interim controls approved by the US Department of Housing and Urban Development (HUD) and the EPA. Workers who are EPA-certified in lead abatement may also do the work.

**Make sure the contractor uses safety standards listed in the New York City Health Code §173.14.**

Examples of Health Code safety standards include:

- Cleaning all floors, furniture, draperies, carpets and other objects in the work area with a HEPA (High Efficiency Particulate Air) vacuum before work begins.
- Covering floors, windows, and air vents with 2 layers of plastic sheeting.
- Sealing the work area with plastic sheeting and covering doorways with 2 layers of plastic.
- Cleaning and removing furniture or cleaning and covering furniture with plastic sheeting
- Using only approved lead remediation methods (see **5PP**) for prohibited methods which may not be used).
- Using wet methods and HEPA vacuuming for daily and final cleaning.

**File a Notification of Commencement of Lead Remediation** (yellow form)

- Fill out the notification form completely and sign.
- Fax or hand-deliver the form to the Field Services Unit (FSU) of the HHP/LPP, 1-3 days before work begins. Forms can be faxed to (347) 396-8926 or (646) 632-6004.
- File a new notification if you change the contractor, the dust wipe testing company, or the start date.

**Hire an EPA-Certified Lead Inspector** to take clearance dust wipe samples when the work is completed (refer to **2PP**).

- Results must be faxed or hand delivered to the HHP/LPP by the building owner or the dust wipe testing company within 5 days after work is finished.
- An EPA-Certified Inspector or Risk Assessor that is independent of the contractor must take the samples.

## IMPORTANT NOTICE

- Call **(646) 632-6002** for more information about complying with the Commissioner's Order or if you wish to contest the violations. To contest the Order, you must contact the Healthy Homes Program/Lead Poisoning Prevention within 3 days of receipt of the Order.
- Failure to comply fully with a Commissioner's Order to Remediate can result in fines of up to \$2,000 per violation.
- A HHP/LPP inspector may visit the work site unannounced to conduct safety re-inspections.
- A tenant **CANNOT** be evicted for lead paint violations.
- Federal law requires that landlords notify tenants and prospective buyers about any known lead paint in the apartment or house.



# LANDLORD INSTRUCTIONS FOR HIRING Lead REMEDIATION CONTRACTORS & lead INSPECTORS

2PP

New York City Department of Health & Mental Hygiene - Healthy Homes Program/Lead Poisoning Prevention

**You have been served with a NYC DOHMH Commissioner's Order to Remediate Nuisance and must correct lead paint hazards in the dwelling cited in the order.**

**The firm you hire to conduct remediation must:**

- Possess a certificate of approval issued by the EPA to perform lead-based paint activities.
- Repair all violations using NYC Health Code safety standards.
- Use trained workers to repair lead paint violations. If you choose the wet scraping and re-painting method to conduct repairs, the workers must have either HUD lead safety training or EPA lead abatement training. If you choose a more permanent method to correct the violations the workers must have EPA lead abatement training.
- Remove 'Lead paint' and 'SNC' markings from components stamped by HHP/LPP to identify lead paint violations. This should be done in the course of correcting violations or after a contestation has been accepted.

**The firm you hire to conduct clearance dust wipe testing must:**

- Possess a certificate of approval issued by the EPA to perform lead-based paint activities.
- Use an EPA certified Lead Inspector or Risk Assessor to conduct clearance dust wipe sampling.

**How do I find EPA-certified firms and inspectors?**

- Call EPA at 732 321-6671 for a list of lead abatement firms and lead evaluation firms.
- Search on the EPA website for certified abatement/inspection firms at: <http://cfpub.epa.gov/flpp/>
- Look in the yellow pages for lead abatement, environmental services and lead inspections.
- HHP/LPP does not endorse any specific lead abatement contractor, firm, inspector or listing service.

**What should I tell a lead abatement contractor who will be repairing the violations?**

Tell the contractor to use only approved remediation methods, safety standards, and cleaning methods. The contractor should be familiar with the New York City Health Code.

- Tell the contractor to provide you with:
  - A work plan that describes: how each violation will be corrected, how the contractor will prepare the work area and seal off the rest of the dwelling, how the work area will be cleaned and how long the job will take.
  - References from other building owners who had similar work done.

**What should I tell a lead inspector who will be taking dust wipes?**

Tell the inspector or risk assessor that they must:

- Be a third-party, who is independent of the building owner and independent of any individual or firm that performs the repair work.
- Use a laboratory with the following credentials:
  - Accreditation by the National Lead Laboratory Accreditation Program (NLLAP).
  - Approval by New York State to analyze the dust samples.
  - Certification by the American Industrial Hygiene Association (AIHA) or the American Association of Laboratory Accreditation (A2LA).
- Provide you with the Environmental Laboratory Approval Number (ELAP) and the AIHA or the A2LA certificate number.

**For more information call the New York City Department of Health and Mental Hygiene Healthy Homes Program/Lead Poisoning Prevention at (646) 632-6002.**



# INSTRUCTIONS FOR EPA CERTIFIED CONTRACTORS & LEAD INSPECTORS

**3PP**

New York City Department of Health & Mental Hygiene - Healthy Homes Program/Lead Poisoning Prevention

## LANDLORDS

Please read and forward this notice to the EPA certified contractor and lead inspector you hire.

## NOTICE TO CONTRACTORS

### Contractors must:

- Provide the company name, contact person, phone and fax numbers, company address and EPA certificate number to the building owner before starting the job.
- Sign the Notification of Commencement of Lead Remediation (yellow form).

### Contractors should provide a scope of work to the building owner for all lead hazard repairs:

- List all surfaces and components to be remediated as cited in the Commissioner's Order.
- Describe how each hazard will be remediated.
- Provide a start and finish date for the repairs.

### Contractors must use the safety standards in New York City Health Code §173.14.

- Be aware that the work site may be inspected at any time by HHP/LPP staff to determine compliance with safety rules and regulations.
- Violations may be issued if safety rules, regulations and/or administrative requirements are not followed.

For full details refer to New York City Health Code §173.14

## NOTICE TO LEAD INSPECTORS

### If you have been hired to take dust wipe samples when ordered work is finished, you must:

- Follow all regulations set forth by the EPA and NYC Health Code for conducting clearance.
- Be a third-party, who is independent of the building owner and independent of any individual or firm that performs the work.
- Not be an employee of the building owner or the abatement contractor.
- Provide your company name, contact person, phone number, fax number and company address to the building owner before the job starts.
- Provide your EPA Certificate Number to the building owner before the job starts.
- Sign the Notification of Commencement Form (yellow form).
- Collect three dust wipe samples from each room or area where work has been conducted; one wipe sample each from a window well, a window sill and the floor. In addition, dust wipe samples shall be collected from the floor in rooms or areas immediately adjacent to the work area.
- Submit dust wipe samples for analysis to a laboratory accredited by the National Lead Laboratory Accreditation Program (NLLAP) and approved by the NYS Environmental Laboratory Approval Program (ELAP).
- Submit clearance dust wipe laboratory reports directly to the New York City Department of Health and Mental Hygiene HHP/LPP. Reports may be sent by fax to (347) 396-8926 or (646) 632-6004 or hand delivered to the Field Support Unit at: 125 Worth Street 6<sup>th</sup> Floor, New York, NY 10013.

### NOTICE:

- Working without proper EPA-certification or failure to follow safety standards can result in fines up to \$2000 per violation to the contractor and the building owner.
- Falsification of records or documents may result in fines and/or criminal prosecution.

For more information call the New York City Department of Health and Mental Hygiene Healthy Homes Program/Lead Poisoning Prevention (HHP/LPP) at (646) 632-6002.

**LANDLORDS AND CONTRACTORS:** The New York City Health Code requires you to repair the violation(s) cited in the Commissioner's Order.



**FIX BUILDING PROBLEMS**

First things first. As a part of the remediation, you **must** repair any conditions that may cause paint to peel, crack, blister, or chip. Common building problems that damage paint include: water leaks from pipes, roofs, windows, or radiators. Any repair or maintenance work that disturbs paint must be done safely to prevent release of paint dust and debris.

Remediation includes wet scraping and re-painting which is a temporary repair method used to reduce lead-based paint hazards. Components fixed through wet-scraping and re-painting may be subjected to future testing for lead based paint hazards by the Department if they are again found to be peeling, chipping, chalking or flaking.

Abatement is a permanent repair method and includes enclosure, replacement or paint removal to correct lead-based paint hazards.

All surfaces near the work area damaged during remediation or abatement must be brought back to an intact condition and repainted using safe methods.

Please note that any of the below repair methods can be used to comply with the Commissioner's Order issued to you.

Please refer to New York City Health Code §173.14 to review all acceptable methods.

**What Methods Can be Used to Correct What Violations**

<b>Enclosure</b>	<b>Replacement</b>	<b>Paint Removal</b>	<b>*Wet Scraping and Re-Painting</b>
Fastening a rigid and durable barrier to cover entire surface area.	Replacing a building component with a new component free of lead-based paint.	Removing all lead-based paint from a building component.	Removing loose paint while components are wet and then re-painting.
Windows: stools (sills), aprons, and casings only	Windows	Windows	Windows - see **Wet Scraping and Re-painting Window friction surfaces below
Doors and door frames	Doors and door frames	Doors and door frames	Doors and door frames
Radiators, cabinets, and other surfaces	Radiators, cabinets, and other surfaces	Radiators, cabinets and other surfaces	Radiators, cabinets, and other surfaces
Walls and ceilings	Baseboards, moldings and trim	Baseboards, moldings and trim	Walls and ceilings and all other molding and trim

**\* Wet-scraping and re-painting is not a form of abatement.**

**\*\* Wet Scraping and Re-painting Window Friction Surfaces:** A window friction surface is any part of a window that touches or is in contact with another window part such that the two surfaces are capable of relative motion, and abrade, scrape or bind when in motion. If you choose to wet scrape and re-paint window parts that have friction surfaces such as sashes, stops, parting beads, jambs and wells, you must install replacement window channels or slides on the friction surfaces.

**During all lead paint remediation work, you must use New York City Health Code Safety Standards described in Section 173.14. Safety standards include: preparing the work area, containing dust and debris, and daily and final cleanup. If you fail to follow these safety standards you are subject to fines.**

**ENCLOSURE**

**Enclosure is the installation of a rigid barrier onto a lead painted surface.**

Do not use enclosure where structures cannot hold the weight of the enclosure or are not sound.

To use this method to repair violations, firm and workers must be EPA certified to conduct lead abatement.

**To enclose a lead painted surface, follow these directions:**

1. Dampen loose or defective paint with a water mister.
2. Use a scraper to remove it while it is damp.
3. Before covering walls, remove baseboards.
4. Cover walls entirely with wallboard, sheetrock, plasterboard, or paneling.
5. Tightly seal all seams after enclosure and replace baseboards with lead-free components.
6. Paint new component (where appropriate) with primer and two coats of non-lead based paint.
7. Clean up debris and dust as you work.

**REPLACEMENT**

**This method is strongly recommended for windows and doors.**

To use this method to repair violations, firm and workers must be EPA certified to conduct lead abatement.

**To remove and replace lead painted components, follow these directions:**

1. Wet mist or HEPA-vacuum old component before removal.
2. Remove entire component, minimize dust dispersal, wrap in plastic and dispose of properly.
3. Install new part. Seal properly to avoid leaving spaces or holes around edges.
4. Paint new component as necessary with primer and two coats of non-lead based paint.
5. Clean up debris and dust as you work.

**PAINT REMOVAL**

**This method preserves historic or decorative building parts, but is *not* recommended in most other cases.**

To use this method to repair violations, firm and workers must be EPA certified to conduct lead abatement.

**To remove all lead paint on a surface, follow these directions:**

1. Select a paint removal method: wet scraping and painting; chemical stripping; using a heat gun below 1100°F; or power sanding with HEPA dust collector. Remove all paint from surface. These methods can be used on-site or off-site. If removing paint on-site, exercise extreme caution.
2. Clean up debris and dust as you work.
3. Seal surfaces with a primer and two coats of non-lead based paint or other coating material.

**\*WET SCRAPING AND PAINTING**

**This is not a permanent method and requires regular maintenance.**

To use this method to repair violations, firm must be EPA certified to conduct lead abatement; workers must have completed a lead-safe work practices training approved by HUD pursuant to 24 CFR § 35.1330 Interim Controls or be EPA certified to conduct lead abatement.

**To remove only the damaged areas of lead paint on a surface, follow these directions:**

1. Dampen loose or defective paint with a water mister.
2. Use a scraper to remove it while it is damp.
3. Clean up debris and dust as you work.
4. Seal surfaces with a primer and two coats of non-lead based paint or other coating material.

\* If you choose to wet scrape and re-paint window parts such as sashes, stops, parting beads, jambs and wells, you must install replacement window channels or slides on the friction surfaces.



**PROHIBITED METHODS OF PAINT REMOVAL**

- Dry scraping and sanding
- Chemical strippers containing methylene chloride
- Grinding or sanding without HEPA exhaust
- Heat guns operating above 1100 degrees Fahrenheit
- Open flame gas fired torch