

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

THE PEOPLE OF THE STATE OF NEW YORK,
by LETITIA JAMES, Attorney General of
New York, ONONDAGA COUNTY, NEW YORK,
and the CITY OF SYRACUSE, NEW YORK,

Index No. 007412/2023

Plaintiffs,

-against-

TODD L. HOBBS, TLH HOLDINGS, LLC, and
TLH PROPERTIES, LLC,

Defendants.

CONSENT ORDER AND JUDGMENT

WHEREAS, plaintiffs, the People of the State of New York (the “State”), acting by and through by their attorney, Letitia James, Attorney General of the State of New York, Onondaga County, New York (the “County”), and the City of Syracuse, New York (the “City”) commenced this action on July 17, 2023 by filing a complaint (the “Complaint”) against defendants Todd L. Hobbs, TLH Holdings, LLC, and TLH Properties, LLC (the “Hobbs Defendants”) pursuant to New York Executive Law § 63(12) and General Business Law § 349 alleging, *inter alia*, false disclosures and violations of Article X of the Onondaga County Sanitary Code, Chapters 27 and 54 of the Revised General Ordinances of the City of Syracuse, known as the Property Conservation Code of the City of Syracuse and the Lead Abatement and Control Ordinance of the City of Syracuse, respectively, the New York State Property Maintenance Code, New York State Real Property Law § 235-b(1), the New York

State Public Health Law and its attendant regulations, the U.S. Environmental Protection Agency's implementing lead disclosure regulations, 40 C.F.R. Part 745, Subpart F; the U.S. Department of Housing and Urban Development's implementing lead disclosure regulations, 24 C.F.R. Part 35, Subpart A; and the U.S. Environmental Protection Agency's implementing regulations governing residential property renovation, 40 C.F.R. Part 745, Subpart E; and

WHEREAS, this Consent Order and Judgment ("Consent Judgment") is entered at the request of the State, City, County, and the Hobbs Defendants; and

WHEREAS, the Complaint alleged that poisoning of children from lead-based paint in aging rental housing is an ongoing public health crisis. Although lead has been banned from paint for over forty years, lead remains among the most common environmental toxins for young children. Lead poisoning in Syracuse is highest among children of color and children living in low-income neighborhoods; and

WHEREAS, the Complaint alleged that since 2014, the Hobbs Defendants have owned or managed at least 62 rental properties with at least 91 individual rental units in Onondaga County; 58 of these properties are in Syracuse (the "Hobbs Properties"); and

WHEREAS, the Complaint alleged that defendant Todd L. Hobbs is the sole member and operator of defendants TLH Properties, LLC and TLH Holdings, LLC and has been at all relevant times; and

WHEREAS, the Complaint alleged that since September 2016, at least 19 of the Hobbs Properties were cited by inspectors from the Onondaga County Health

Department or the City of Syracuse Division of Code Enforcement for chipping, peeling, or deteriorating paint and other conditions conducive to lead poisoning. In total, 162 interior and 231 exterior lead paint violations were cited at the 19 properties; and

WHEREAS, the Complaint alleged that between September 2016 through July 2023, at least 19 of the Hobbs Properties were cited by inspectors from the Onondaga County Health Department or the City of Syracuse Division of Code Enforcement for chipping, peeling, or deteriorating paint and other conditions conducive to lead poisoning; and

WHEREAS, the Complaint alleged that between September 2016 through July 2023 at least 11 children occupying a rental unit in one of the Hobbs Properties cited for lead paint violations have been poisoned by lead.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

I. SETTLEMENT PAYMENTS

1. The Effective Date means the date on which this Consent Judgment is entered by the Court.

A. Establishment of a Tenant Relief Fund

2. The Hobbs Defendants shall pay to the State the total amount of fifty-five thousand dollars and no cents (\$55,000.00) (the “Penalty”) to be used to establish and fund the Hobbs Tenant Relief Fund. The Hobbs Defendants shall remit to the Office of Attorney General of the State of New York (“OAG”) a certified check in the

amount of \$55,000.00 payable to the “The State of New York” and shall deliver it to Patrick B. Omilian, Assistant Attorney General, Environmental Protection Bureau, 350 Main Street, Suite 300A, Buffalo, New York 14202. This certified check shall be remitted by the Hobbs Defendants to the Attorney General such that it is received within thirty (30) days of the Effective Date.

3. At the time payment is remitted, the Hobbs Defendants shall provide notice to the State, County, and City that payment has been made. The Hobbs Defendants shall include each of their taxpayer identification numbers when they make that payment to enable compliance with federal Internal Revenue Service reporting requirements.

B. Risk Assessment and Remediation Fund

4. The Hobbs Defendants shall be jointly and severally liable for establishing and funding a Risk Assessment and Remediation Fund with a payment of one hundred twenty thousand dollars and no cents (\$120,000.00). The Hobbs Defendants shall fully fund the Risk Assessment and Remediation Fund by depositing the one hundred twenty thousand dollar payment into the escrow account described below, within ten (10) days of the Effective Date.

5. Failure by the Hobbs Defendants to make payment of either the \$55,000 or \$120,000 payment required by this Consent Judgment by the above dates shall be considered a material breach by the Hobbs Defendants of this Consent Judgment and trigger an acceleration clause whereby all outstanding payments shall immediately become due and payable to the OAG. In such event, all obligations under **Section**

II.B. through **Section II.F.** of this Consent Judgment shall be extinguished and the OAG shall retain the Hobbs Defendants' \$120,000 payment as a penalty to be used at the OAG's discretion to prevent, abate, mitigate, and/or control the exposure of children to lead hazards in Onondaga County.

C. Establishing Escrow Account as Security for Performance

6. In consideration for the State agreeing to the Consent Judgment and as security for the Hobbs Defendants' full compliance with the provisions of this Consent Judgment, the Hobbs Defendants shall, within five (5) days of the Effective Date, establish an escrow account at a financial institution or other escrow agent, acceptable to the OAG, where the Risk Assessment and Remediation Fund required by this Consent Judgment shall be deposited and maintained. No funds deposited into such escrow account shall be withdrawn by the Hobbs Defendants or released by the escrow agent without express, prior written authorization by the OAG, and only in accordance with this Consent Judgment.

7. The payments provided under this Consent Judgment, and any interest, nonpayment penalties, and charges described in this Consent Judgment, are not tax deductible for the purposes of federal, state, or local law. Accordingly, the Hobbs Defendants agree to treat all payments made pursuant to this Consent Judgment as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agree not to use those payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

II. INJUNCTIVE RELIEF

A. Compliance with Lead Hazard Control Laws

8. The Hobbs Defendants shall comply in all respects with all applicable laws, including but not limited to the Onondaga County Sanitary Code, Chapters 27 and 54 of the Revised General Ordinances of the City of Syracuse, known as the Property Conservation Code of the City of Syracuse and the Lead Abatement and Control Ordinance of the City of Syracuse, respectively, the New York State Public Health Law, the New York State Fire Prevention and Building Code, the Toxic Substances Control Act, 15 U.S.C. § 2601, *et seq.*, and regulations promulgated thereunder, in their residential rental business in Syracuse, New York.

B. Lead Risk Assessment and Control Items

1. Risk Assessments

9. Within thirty (30) days of the Effective Date, the Hobbs Defendants shall engage an individual or company (the “Risk Assessor”) who will conduct the lead hazard risk assessments at the Hobbs Properties identified in Appendix A, as described in paragraphs 31-36 below.

10. The Hobbs Defendants shall submit to the OAG, the County, and the City the name(s) of any individual(s) or companies they propose to serve as the Risk Assessor. At a minimum, the Risk Assessor must be trained by an accredited training program, as defined by 40 C.F.R. § 745.223, and certified by the EPA pursuant to 40 C.F.R. § 745.226, whose approval to conduct risk assessments is not subject to

suspension or revocation and be affiliated with a firm that has at least five years of experience as performing lead hazard risk assessments.

11. Prior to engaging the Risk Assessor, the Hobbs Defendants shall provide a copy of this Consent Judgment to the potential Risk Assessor and assure that the Risk Assessor understands and is willing and able to perform the Risk Assessor's responsibilities as set forth in this Consent Judgment.

12. The Risk Assessor must be reviewed and approved by the OAG prior to their engagement. The engagement of the Risk Assessor will begin on the date the Hobbs Defendants execute a signed agreement with the Risk Assessor.

13. Neither the Hobbs Defendants, nor any of their principals, shall employ any current or former employees of the Risk Assessor during the tenure of this Consent Judgment.

14. The OAG, the County, and the City, at their sole discretion, shall have a right to independently confer with the Risk Assessor and require that the Hobbs Defendants replace the Risk Assessor, or any one of their designees or agents, upon the OAG's reasonable determination that the Risk Assessor has not effectively performed its responsibilities as described in paragraphs 29-34 below. If, after discussion with the Risk Assessor, the OAG finds that there is a violation of the Consent Judgment, the OAG will provide notice to the Hobbs Defendants identifying its grounds and findings.

15. Should the OAG make a reasonable determination that the Risk Assessor be removed, the Hobbs Defendants shall have thirty (30) days to propose the name of a new Risk Assessor for approval by the OAG.

16. The Risk Assessor may be replaced at the reasonable request of the Hobbs Defendants subject to the OAG's approval of the need for and appointment of a new Risk Assessor.

17. The Risk Assessor shall have access to all information within the Hobbs Defendants' possession, custody, or control that the Risk Assessor finds necessary to fulfill their responsibilities as set forth in this Consent Judgment.

2. Third Party Monitor

18. The Hobbs Defendants shall engage an individual or company ("Monitor") to perform all tasks of the Monitor as specified and described in this Consent Judgment. Such tasks of the Monitor include, without limitation and by way of example, preliminary review of Risk Assessment Reports (as defined herein) before work at properties begin, ongoing consultation with the Hobbs Defendants on lead remediation and control work as required in Subsections D and E that will ensure efficient and full compliance with this Consent Judgment and preparing Quarterly Lead Control Project Reports as required by Subsection F below.

19. The Risk Assessor and the Monitor contemplated by this Consent Judgment may, but need not, be the same person or firm.

20. Within seven (7) days of the Effective Date, the OAG shall provide the Hobbs Defendants a list of at least three (3) firms who the OAG has determined are appropriate to serve as a Monitor in this matter.

21. Prior to engaging the Monitor, the Hobbs Defendants shall provide a copy of this Consent Judgment to the potential Monitor and assure that the Monitor understands and is willing and able to perform the Monitor's responsibilities as set forth in this Consent Judgment.

22. The engagement of the Monitor will begin on the date the Hobbs Defendants execute a signed agreement with the Monitor ("Monitor Engagement Date").

23. The Monitor shall not enter into other contracts or agreements with the Hobbs Defendants or any of their principals or affiliates during the tenure of this Consent Judgment, except as authorized by this Consent Judgment or the OAG.

24. Neither the Hobbs Defendants, nor any of their principals, shall employ any current or former employees of the Monitor during the tenure of this Consent Judgment and for two (2) years after the termination of this Consent Judgment.

25. The OAG, the County, and the City, at their sole discretion, shall have a right to independently confer with the Monitor and require that the Hobbs Defendants replace the Monitor, or any one of their designees or agents, upon the OAG's reasonable determination that the Monitor has not effectively performed its responsibilities. If, after discussion with the Monitor, the OAG finds that there is a

violation of the Consent Judgment, the OAG will provide notice to the Hobbs Defendants identifying its grounds and findings.

26. Should the OAG make a reasonable determination that the Monitor be removed, the Hobbs Defendants shall have thirty (30) days to propose the name of a new Monitor for approval by the OAG.

27. The Monitor may be replaced at the reasonable request of the Hobbs Defendants subject to the OAG's approval of the need for an appointment of a new Monitor.

28. The Monitor shall have access to all information within the Hobbs Defendants' and the Risk Assessor's possession, custody, or control that the Monitor finds necessary to fulfill their responsibilities as set forth in this Consent Judgment.

D. Lead Hazard Risk Assessments

29. Within thirty (30) days or as soon as practicable after the Hobbs Defendants have retained the Risk Assessor, the Risk Assessor shall (a) conduct a lead hazard risk assessment for lead-based paint hazards at the Hobbs Properties identified in Appendix A ("Priority Properties") and (b) generate a risk assessment report in accordance with the requirements set forth in paragraph 33 (the "Risk Assessment Report"). A copy of the Risk Assessment Report shall be provided to the Hobbs Defendants, the State, the County, and the City.

30. A lead-based paint hazard is "any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint

that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects.” 24 C.F.R. § 35.86.

31. The Hobbs Defendants shall cooperate with the Risk Assessor in scheduling the risk assessment at each property.

32. The Lead Hazard Risk Assessment shall be performed in accordance with the requirements set forth below as codified in 40 C.F.R. § 745.227(d)(1)-(10):

(1) A risk assessment shall be conducted only by a person certified by EPA as a risk assessor and, if conducted, must be conducted according to the procedures in this paragraph.

(2) A visual inspection for risk assessment of the residential dwelling or child-occupied facility shall be undertaken to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and other potential lead-based paint hazards.

(3) Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to one or more children age 6 years and under shall be collected.

(4) The following surfaces which are determined, using documented methodologies, to have a distinct painting history, shall be tested for the presence of lead:

(i) Each friction surface or impact surface with visibly deteriorated paint; and

(ii) All other surfaces with visibly deteriorated paint.

(5) In residential dwellings, dust samples (either composite or single-surface samples) from the interior window sill(s) and floor shall be collected and analyzed for lead concentration in all living areas where one or more children, age 6 and under, are most likely to come into contact with dust.

...

(7) For child-occupied facilities, interior window sill and floor dust samples (either composite or single-surface samples) shall be collected and analyzed for lead concentration in each room, hallway or stairwell utilized by one or more children, age 6 and under, and in other common areas in the child-occupied facility where one or more children, age 6 and under, are likely to come into contact with dust.

(8) Soil samples shall be collected and analyzed for lead concentrations in the following locations:

(i) Exterior play areas where bare soil is present; and

(ii) The rest of the yard (i.e., non-play areas) where bare soil is present.

(iii) Dripline/foundation areas where bare soil is present.

(9) Any paint, dust, or soil sampling or testing shall be conducted using documented methodologies that incorporate adequate quality control procedures.

(10) Any collected paint chip, dust, or soil samples shall be analyzed according to paragraph (f) of [40 C.F.R. § 745.227] to determine if they contain detectable levels of lead that can be quantified numerically.

33. The Risk Assessor shall prepare a Risk Assessment Report that contains the information set forth in 40 C.F.R. § 745.227(d)(11):

(i) Date of assessment.

(ii) Address of each building.

(iii) Date of construction of buildings.

(iv) Apartment number (if applicable).

- (v) Name, address, and telephone number of each owner of each building.
- (vi) Name, signature, and certification of the certified risk assessor conducting the assessment.
- (vii) Name, address, and telephone number of the certified firm employing each certified risk assessor if applicable.
- (viii) Name, address, and telephone number of each recognized laboratory conducting analysis of collected samples.
- (ix) Results of the visual inspection.
- (x) Testing method and sampling procedure for paint analysis employed.
- (xi) Specific locations of each painted component tested for the presence of lead.
- (xii) All data collected from on-site testing, including quality control data and, if used, the serial number of any XRF device.
- (xiii) All results of laboratory analysis on collected paint, soil, and dust samples.
- (xiv) Any other sampling results.
- (xv) Any background information collected pursuant to paragraph (d)(3) of [40 C.F.R. § 745.227].
- (xvi) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint-related hazards.
- (xvii) A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.
- (xviii) A description of interim controls and/or abatement options for each identified lead-based paint hazard and a suggested

prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

34. Within seven (7) days of their receipt by the Hobbs Defendants, the Hobbs Defendants shall provide copies of the Risk Assessment Reports to the Monitor, the OAG, the County, the City, and every tenant of every occupied unit.

E. Lead Control Plan and Lead Control Projects

1. Lead Control Plans

35. Within thirty (30) days after the Risk Assessment Reports are provided to the Hobbs Defendants, for each property where conditions conducive to lead poisoning or potential lead hazards are identified by the Risk Assessor, the Hobbs Defendants shall, in consultation with the Monitor, prepare a lead control plan to correct all conditions conducive to lead poisoning and correct other potential lead hazards identified by the Risk Assessor (the “Lead Control Plan”). Each Lead Control Plan must be reviewed by the Monitor and approved by the OAG prior to any lead-related work at the properties commences.

36. Unless otherwise agreed to in writing by all parties, the Lead Control Plans shall be implemented in accordance with the following schedule:

- i. Within forty-five (45) days of having received approval from the OAG, the Hobbs Defendants shall address and remedy all conditions conducive to lead poisoning on the interior of each residence where a child or children six years of age or under resides;
- ii. Within ninety (90) days of having received approval from the OAG, the Hobbs Defendants shall address and remedy all conditions conducive to lead poisoning on the interior of all residences;

- iii. Within one hundred and twenty (120) days of having received approval from the OAG, the Hobbs Defendants shall address and remedy all conditions conducive to lead poisoning on the exterior of each residence where a child or children six years of age or under resides;
- iv. Within one hundred and eighty days (180) days of having received approval from the OAG, the Hobbs Defendants shall address and remedy all conditions conducive to lead poisoning on the exterior of all residences.

2. Lead Control Projects

37. The work done to satisfactorily complete a Lead Control Plan at a Hobbs property shall be referred to as a “Lead Control Project”.

38. For each property where conditions conducive to lead poisoning and/or potential lead hazards are identified by the Risk Assessor, all work required to complete a Lead Control Plan shall be performed by an EPA certified firm, EPA certified renovators, EPA certified lead contractor if needed, properly trained and licensed workers, and in full compliance with all applicable local, state, and federal laws.

39. The EPA certified firm must be reviewed and approved by the Monitor prior to their engagement. The engagement of the EPA certified firm will begin on the date the Hobbs Defendants execute a signed agreement with the EPA certified firm.

40. For each property where work will be undertaken to correct conditions conducive to lead poisoning and/or control potential lead hazards, the Hobbs Defendants shall provide, at their full expense, tenants from each occupied unit with safe and conveniently located accommodations while remediation work is being

performed and/or appropriate compensation to terminate their tenancy and leave the premises.

41. Notwithstanding the foregoing provisions, all Lead Control Projects must be completed within eighteen (18) months from the Effective Date.

42. Notwithstanding the foregoing provisions, all City and County violations identified in Appendix B must be corrected within sixty (60) days of the Effective Date if the premises related to the violation(s) is occupied by a tenant at the time of the Effective Date. If the premises is not tenant occupied, all City and County violations identified in Appendix B must be corrected before the Hobbs Defendants can either rent the premises to any tenant or sell the property.

43. The Hobbs Defendants may request an extension of time for any deadline contained in this Consent Judgment and the OAG agrees not to unreasonably withhold any such extension request provided the Hobbs Defendants have been acting diligently and in good faith toward the timely completion of their obligations described herein.

44. The Hobbs Defendants shall incur a minimum of \$120,000 in Qualified Expenses to complete the Lead Control Projects unless otherwise relieved of this obligation by the OAG upon satisfactory proof of full compliance with the terms of this Consent Judgment after less expenditures.

- a. If the Hobbs Defendants incur \$120,000 in Qualified Expenses but the Lead Control Plan is not completed, the Hobbs Defendants will have satisfied their obligation under this Consent Judgment regarding the

expenditure of \$120,000 in Qualified Expenses. The Hobbs Defendants may, but are not required as a condition of this Consent Judgment, to complete the work detailed in the Lead Control Plan.

- b. If the Hobbs Defendants spend less than \$120,000 in Qualified Expenses but otherwise satisfactorily complete the Lead Control Project, the Hobbs Defendants shall have the option of spending the remaining Risk Assessment and Remediation funds on other properties with the OAG's consent and provided that the Risk Assessment and Remediation Fund follows the same criteria and process described in **Section II.B.** through **Section II.F.** herein, or assigns the remaining balance of the escrow account to the OAG as part of the settlement payment associated with this matter.
- c. For the purposes of calculating spending under this provision, grant funds spent on Qualified Expenses will be credited toward the \$120,000 as described herein.

45. "Satisfactory completion" of the Lead Control Projects shall mean: (a) within thirty (30) days of the Effective Date, establishing an escrow account at an authorized bank or other authorized escrow agent and depositing into such account \$120,000 for use in implementing the Lead Control Projects in accordance with this Consent Judgment; and (b) spending a minimum of \$120,000 in Qualified Expenses (as defined herein) towards completing Lead Control Projects unless otherwise

relieved of this obligation by the OAG upon satisfactory proof of full compliance with the terms of this Consent Judgment after less expenditures.

3. Qualified Expenses

46. “Qualified Expenses” shall mean expenses incurred conducting control activities on or involving “Target Components” as part of the Lead Control Project at the Lead Control Project properties in accordance with this Consent Judgment, and:

a. Costs that are eligible for credit as Qualified Expenses include costs incurred at the Priority Properties for the Risk Assessor, Monitor, and the cost of materials and labor actually incurred to address lead hazards on Target Components as identified in a Risk Assessment Report prepared by the Risk Assessor under this Consent Judgment.

“**Target Components**” shall mean building components that have Friction Surfaces, Impact Surfaces or chewable surfaces – such as windows, window sills, thresholds, floors, doors, stairs, porches, and railings – and were either installed and painted as part of the original construction or proven through testing or otherwise to have lead-based paint on them.

b. Qualified Expenses do not include the Hobbs Defendants’ overhead, cost mark-ups on materials or labor, administrative expenses, legal fees and/or any time and salary spent by the Hobbs Defendants’ own personnel supervising, administering, managing, or overseeing Lead Control Project contractors. Also, any costs incurred by the Hobbs

Defendants and/or its employees to obtain training or certifications required for conducting lead control work or for meeting any New York laws and regulations to perform Lead Control Project-related work are not eligible for credit as a Qualified Expense. In addition, the costs for repairs or improvements that do not involve lead-based paint hazard control or the mitigation of lead-based paint hazards are not eligible for a Lead Control Project expense credit. Further, any costs of post-work inspections by an independent licensed lead inspector not included in the Lead Control Plan are not eligible for Lead Control Project credit.

c. Lead Control Projects, as a priority, shall favor the use of permanent lead mitigation measures, where feasible and recommended by the Monitor, in order to best obtain permanent reduction of lead hazards. To this end, the costs associated with the use of any Interim Controls at any of the Properties are not Qualified Expenses unless approved in advance by the Monitor and the OAG. “**Interim Controls**” shall mean a set of measures designed to temporarily reduce 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 and operation of management and resident education programs.

d. The costs of materials and labor for painting any surfaces shall not be considered “Qualified Expenses” unless included in the Lead Control Plan.

e. The Hobbs Defendants shall have the burden of establishing that any incurred expense constitutes a “Qualified Expense”.

4. Lead Grant Funding

47. The parties recognize that the Hobbs Defendants may qualify for lead hazard-related grant funding from outside sources to perform certain lead hazard reduction activities in the Hobbs Properties, some of which may be within the scope of lead hazard reduction contemplated by this Consent Judgment. While the Hobbs Defendants are encouraged to apply for available outside grant funding, they may not use outside grant funding to pay the entire \$120,000 required to be spent on Lead Control Projects.

48. In the event the Hobbs Defendants apply for and receive lead-related grant funding for use at the Properties, the following terms govern the use of such grant funds and reduction of the Hobbs Defendants’ \$120,000 Risk Assessment and Remediation Fund:

a. The Hobbs Defendants may apply lead-related grant funds to reduce the \$120,000 liability by no more than one-third (i.e., \$40,000).

b. For every one dollar in lead-related grant funding the Hobbs Defendants receive and spend as a Qualified Expense at the Properties, they may reduce their out-of-pocket liability for the \$120,000 Risk

Assessment and Remediation Fund by one-third, up to a maximum reduction of \$40,000. By way of examples only,

Example 1: If the Hobbs Defendants obtain \$100,000 in lead grant money, the Hobbs Defendants would receive a credit for one-third of that (\$33,000) towards the Hobbs Defendants' Risk Assessment and Remediation Fund liability. $\$120,000 - \$33,000 = \$87,000$. The Hobbs Defendants would still have to spend \$87,000 of their own funds, so total investment on Qualified Expenses (\$100,000 grant plus the Hobbs Defendants' \$87,000) would be \$187,000 instead of \$120,000.

Example 2: If the Hobbs Defendants obtain \$24,000 in lead grant funds, the Hobbs Defendants would receive a one-third credit (\$8,000) towards the Hobbs Defendants' Risk Assessment and Remediation Fund liability. The Hobbs Defendants would still have to spend $\$120,000 - 8,000 = \$112,000$ of their own funds. The total lead control project investment would be \$24,000 grant funds, plus \$112,000 of the Hobbs Defendants' own funds, = \$136,000 total investment in Qualified Expenses.

c. In the event the Hobbs Defendants apply for lead-related grant funding, they shall provide copies of any such application to OAG at the time of submission.

d. In the event the Hobbs Defendants receive any lead-related grant funding, they shall inform the Monitor of the same and shall provide the Monitor with an accounting of all such grant funding received, and identify where such grant funding has been spent at a Hobbs Property. The Monitor shall include the credit or any grant funding in its quarterly lead control project to the OAG, the County, and the City.

F. Reporting

49. The Monitor shall prepare and submit a quarterly lead control project report (“Quarterly Report”) to the Hobbs Defendants, the OAG, the County, and the City no later than the 21st day of every month following each 3-month period after the Effective Date. The Monitor shall continue to submit such written Quarterly Reports for at least four full 3-month reporting periods after the Effective Date, unless the Lead Control Project has been previously completed and a written Lead Control Project Clearance Report has been submitted to the Monitor.

50. Each Quarterly Report shall outline the work completed as well as any funds spent on Qualified Expenses during the applicable reporting period. For each reporting period, as applicable, each Quarterly Report shall include: 1) copies of all invoices documenting any funds (including grant funds) spent towards completion of the Lead Control Project; 2) photographs taken both before control work begins and after work is completed; and 3) clearance reports for any properties cleared during such quarter.

51. For four (4) years following the Effective Date, beginning on the first anniversary of the Consent Judgment, the Hobbs Defendants shall retain a third party, EPA-certified inspector to perform a visual and dust clearance inspection of every residential rental property contained in Appendix A that the Hobbs Defendants own and manage in New York State. On all Appendix A properties where a Risk Assessment was performed in accordance with this Consent judgment, such inspector shall perform an inspection in accordance with the Risk Assessor’s recommendations

at such property for ongoing inspection and evaluation. At all other Hobbs' properties where no Risk Assessment was required to be performed, such inspection shall perform a visual and dust clearance inspection in accordance with federal HUD HQS guidelines and Lead Abatement and Control Ordinance, Chapter 54 of the Revised General Ordinances of the City of Syracuse, §§54-6 and 54-8. Such inspector shall generate an inspection report for each inspection and the Hobbs Defendants shall provide a copy of each inspection report to the OAG, the City, the County, and each tenant of an inspected unit within seven (7) days of receipt of such report.

G. Maintenance and Sale of Rental Properties

52. For as long as the Hobbs Defendants own and/or manage residential rental property in New York State, the Hobbs Defendants are required to maintain their residential rental properties in accordance with all applicable local, state, and federal laws.

53. In the event that any inspection performed at a Hobbs property in accordance with paragraph 51 above reveals a condition conducive to lead poisoning, the Hobbs Defendants shall correct such condition conducive to lead poisoning, using an EPA certified firm to do so, within thirty (30) days of the Hobbs Defendants' receipt of such inspection report. All such conditions conducive to lead poisoning shall be corrected and cleared in accordance with Lead Abatement and Control Ordinance, Chapter 54 of the Revised General Ordinances of the City of Syracuse, §§ 54-6 and 54-8.

54. The OAG agrees to the cancelation of any Notice of Pendency filed against any Hobbs Defendants' property not listed in Appendix A. The OAG agrees to file said Stipulations of Cancelation with the appropriate Court within ten (10) days of the Effective Date.

55. The Hobbs Defendants will not sell the residential properties identified in Appendix A until these have been satisfactorily lead-controlled in accordance with paragraphs 37–46 above or without the OAG's approval of a proposed sale. After a residential property identified in Appendix A has been satisfactorily lead-controlled as required by this Consent Judgment, the OAG and the Hobbs Defendants shall file an appropriate stipulation cancelling the notice of pendency with respect to such property. The Hobbs Defendants will be able to sell or transfer a satisfactorily abated residential property identified in Appendix A provided that the Hobbs Defendants comply with all applicable laws, which includes providing a full and accurate lead disclosure statement, lead information pamphlet, and a copy of the Risk Assessment Report for that property to the prospective buyer(s).

56. The Hobbs Defendants will not sell the commercial property identified in Appendix A until the open City violations identified in Appendix B have been corrected and closed. After the City violations have been corrected and closed, the OAG and Hobbs shall file an appropriate stipulation cancelling the notice of pendency for that property. The Hobbs Defendants will then be able to sell or transfer this property provided that the Hobbs Defendants comply with all applicable laws, which

includes providing a full and accurate lead disclosure statement, lead information pamphlet, and a copy of the risk assessment report for the property.

57. For five (5) years following entry of this Consent Judgment, in the event that the Hobbs Defendants acquire any rental property that is not in Appendix C, Hobbs shall notify the OAG, the County, and the City in writing within 30 days of acquisition.

58. In the event that the Onondaga County Health Department and/or any municipal housing code enforcement agency, including the City of Syracuse Division of Code Enforcement, issues any citations to any rental property owned by the Hobbs Defendants for chipping, peeling, or deteriorating paint or other conditions conducive to lead poisoning after the Effective Date, the Hobbs Defendants will be required to correct those violations in a timely manner and will be subject to any fines, penalties, or fees assessed thereon in accordance with all applicable laws.

59. Nothing in this Consent Judgment relieves the Hobbs Defendants from complying with, or from liability for any future violations of the Onondaga County Sanitary Code, Chapters 27 and 54 of the Revised General Ordinances of the City of Syracuse, known as the Property Conservation Code of the City of Syracuse, and the Lead Abatement and Control Ordinance of the City of Syracuse, respectively, the New York Public Health Law, or any other law that has not been cited or noticed as of the Effective Date of this Consent Judgment.

60. For five (5) years following the Entry of this Consent Judgment, in the event that the Hobbs Defendants choose to sell any property that has been cited after

the Effective Date by either the County Health Department and/or the City of Syracuse Division of Code Enforcement for lead-based paint violations, the Hobbs Defendants are required to retain a Lead Hazard Risk Assessor to perform a risk assessment at such cited properties in accordance with the requirements of Part C of this Consent Judgment. The Lead Hazard Risk Assessor shall generate a report in accordance with the requirements of Part D of this Consent Judgment. The Hobbs Defendants shall provide a copy of the risk assessment report to OAG, the City, the County, and all prospective buyers of such property.

61. The Hobbs Defendants are required to comply with all applicable laws, including the federal disclosure laws, prior to selling any property.

H. Lead Disclosures to Tenants

62. Within fourteen (14) days of the Effective Date, the Hobbs Defendants shall provide the OAG with the following information for each residential rental property owned and/or managed by the Hobbs Defendants in New York State:

- a. The address and designation (e.g. upper, lower, front, rear) of each rental unit; and
- b. The names and phone numbers of any tenant(s) at each rental unit.

63. Within thirty (30) days of the Effective Date, the Hobbs Defendants shall provide every tenant of every residential rental unit owned and/or managed by the Hobbs Defendants with a full and accurate lead disclosure statement based upon the EPA form located at https://www.epa.gov/sites/default/files/documents/lesr_eng.pdf

(attached as Appendix D), lead information pamphlet located at <https://www.epa.gov/sites/default/files/2020-04/documents/lead-in-your-home-portrait-color-2020-508.pdf> (attached as Appendix E), and any other reports of lead paint or lead hazards relating to such address.

64. For every future tenant in each and every residential rental unit owned and/or managed by the Hobbs Defendants, the Hobbs Defendants shall provide every tenant of every residential rental unit owned and/or managed by the Hobbs Defendants with a full and accurate lead disclosure statement based upon the EPA form located at https://www.epa.gov/sites/default/files/documents/lesr_eng.pdf (attached as Appendix D), lead information pamphlet located at <https://www.epa.gov/sites/default/files/2020-04/documents/lead-in-your-home-portrait-color-2020-508.pdf> (attached as Appendix E), and any other reports of lead paint or lead hazards relating to such address.

III. ADDITIONAL STIPULATIONS

65. In the event that the Hobbs Defendants fail to comply with any of the terms or provisions of this Consent Judgment relating to performance of any Lead Control Project, the Hobbs Defendants shall be jointly and severally liable for stipulated penalties according to the provisions set forth below (individually and collectively, “Stipulated Penalties”):

- a. For a Lead Control Project that has not been completed satisfactorily pursuant to this Consent Judgment, the Hobbs Defendants shall pay a penalty to the State of \$120,000 less any approved Qualified Expenses.

The definition of “satisfactory completion” is set forth above in paragraph 45.

66. Any determinations of whether the Lead Control Projects have been satisfactorily completed and whether Hobbs has made a good faith, timely effort to implement the Lead Control Projects shall be at the sole discretion of the OAG, which shall not be unreasonably withheld.

67. Stipulated Penalties shall begin to accrue on the day after performance is due and shall continue to accrue through the final day of the completion of that activity.

68. The Hobbs Defendants shall pay Stipulated Penalties not more than fifteen (15) days after receipt of written demand by the OAG for such penalties. The method of payment shall be in accordance with the provisions of paragraph 2. Interest and late charges shall be paid as stated in paragraph 7.

69. Payment of Stipulated Penalties shall be in addition to any other relief available under New York law.

70. The OAG, the County, and the City may, at their sole discretion, decide not to seek Stipulated Penalties or to waive any portion of the Stipulated Penalties that accrue pursuant to this Consent Judgment.

IV. COMMUNICATIONS BETWEEN THE PARTIES

71. All notices, reports, requests, and other communications pursuant to this Consent Judgment shall be in writing and shall, unless expressly provided

otherwise herein, be sent via overnight mail or electronic mail at an address designated in writing by the recipient, and shall be addressed as follows:

If to the State:

Office of the Attorney General
Environmental Protection Bureau
Attention: Abigail Katowitz, Assistant Attorney General
Patrick Omilian, Assistant Attorney General
28 Liberty Street, 19th Floor
New York, NY 10005
Abigail.Katowitz@ag.ny.gov
Patrick.Omilian@ag.ny.gov

If to the County:

Onondaga County Department of Law
Attention: Paula Engel, Chief Welfare Attorney, of Counsel
Chief Welfare Attorney, Acting Director of Community Services
421 Montgomery Street, 12th Floor
Syracuse, NY 13202
Paula.Engel@dfa.state.ny.us

If to the City:

City of Syracuse | Department of Law
Attention: Meghan E. Ryan, Sr. Corporation Counsel
City of Syracuse
300 City Hall
233 East Washington Street
Syracuse, NY 13202
Mryan@syr.gov

If to the Hobbs Defendants:

Scott Iseman
Iseman PLLC
125 High Rock Ave., Suite 215-H
Saratoga Springs, NY 12866
Scott@Scottisemanlaw.com

V. RELEASE

72. The State, County, and City agree that this Consent Judgment is fully satisfied upon the complete payment of the Tenant Relief Fund, the satisfactory completion of Lead Control Plan, and the assignment of any remaining balance in the Risk Assessment and Remediation Fund to the OAG. Upon full satisfaction of this Consent Judgment, the State, County, and City release and covenant not to sue, execute judgment, or take any civil, judicial, or administrative action against the Hobbs Defendants regarding the claims asserted in the Complaint.

VI. MISCELLANEOUS

73. The Hobbs Defendants are entering into this Consent Judgment solely for the purpose of settlement, and nothing contained herein may be taken as or construed to be an admission or concession of any violation of law, rule, or regulation, or of any other matter of fact or law, or of any liability or wrongdoing. No part of this Consent Judgment, including its statements and commitments, shall constitute evidence of any liability, fault, or wrongdoing by the Hobbs Defendants. This document and its contents are not intended for use by any third party for any purpose, including submission to any court for any purpose.

74. The Hobbs Defendants have consented to the jurisdiction of this Court for the purposes of entering and enforcing this Consent Judgment, and consent to venue in this judicial district.

75. This Consent Judgment shall not be construed or used as a waiver or limitation of any defense otherwise available to the Hobbs Defendants in any other

action, or of the Hobbs Defendants' right to defend from, or make any arguments in, any private individual action, class claims or suits, or any other governmental or regulatory action relating to the subject matter or terms of this Consent Judgment.

76. This Consent Judgment is made without trial or adjudication of any issue of fact or law or finding of liability of any kind. Notwithstanding the foregoing, the OAG, County and/or City may seek to enforce the terms of this Consent Judgment.

77. No part of this Consent Judgment shall create a private cause of action or confer any right to any third party for violation of any federal, state, or local law.

78. Nothing in this Consent Judgment shall relieve the Hobbs Defendants of other obligations imposed by any applicable local, state, or federal law or regulation or other applicable law.

79. Nothing contained herein shall be construed to limit the remedies available to the OAG, County, and/or City in the event that the Hobbs Defendants violate the Consent Judgment or are found to have committed violations of any law after the Effective Date of the Consent Judgment.

80. This Consent Judgment shall be governed by the laws of the State of New York without regard to any conflict of laws principles.

81. This Consent Judgment may be executed in multiple counterparts by the parties hereto. All counterparts so executed shall constitute one agreement binding upon all parties, notwithstanding that all parties are not signatories to the original or the same counterpart. Each counterpart shall be deemed an original to

this Consent Judgment, all of which shall constitute one agreement to be valid as of the effective date of this Consent Judgment. For purposes of this Consent Judgment, copies of signatures shall be treated the same as originals. Documents executed, scanned and transmitted electronically and electronic signatures shall be deemed original signatures for purposes of this Consent Judgment and all matters related thereto, with such scanned and electronic signatures having the same legal effect as original signatures.

SO AGREED:

For Plaintiff People of the State of New York,
by Letitia James, Attorney General of New York:

Abigail Katowitz

Abigail Katowitz, Assistant Attorney General
New York State Office of the Attorney General
28 Liberty Street – 19th Floor
New York, New York 10005

For Plaintiff Onondaga County, New York



Robert A. Durr, Onondaga County Attorney

For Plaintiff City of Syracuse, New York


Susan R. Katzoff, Corporation Counsel

For Todd L. Hobbs, TLH Holdings, LLC, and TLH Properties, LLC

[Handwritten Signature]

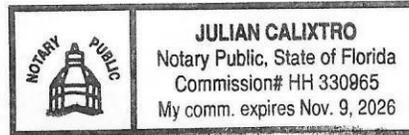
Todd L. Hobbs

Florida
State of ~~New York~~)
Pinellas) ss.
County of ~~Onondaga~~)

On the 26th day of February, 2024, before me, the undersigned, a Notary Public in and for said state, personally appeared Todd L. Hobbs, personally know to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and who acknowledged that he was authorized to sign this Consent Judgment for each listed entity.

[Handwritten Signature]

NOTARY PUBLIC *Julian Calixtro*



Commission Expires: 11/09/2026

Counsel for Todd L. Hobbs, TLH Holdings, LLC, and TLH Properties, LLC

[Handwritten Signature]

Scott Iseman
Iseman PLLC
125 High Rock Ave., Suite 215-H
Saratoga Springs, NY 12866

APPROVAL BY COURT

APPROVED FOR FILING and SO ORDERED this _____ day of _____, 2024.

Hon.

APPENDIX A

232 Seneca Street
147 Coolidge Avenue
166 Hope Avenue
201 Fillmore Avenue
258-260 W Brighton Avenue
56 Salina Street
133 Hobart Avenue
214 Fitch Street
334-336 Fitch Street
328-30 Baker Avenue

APPENDIX B

1835-37 South Avenue
201 Fillmore Avenue
328-30 Baker Avenue

APPENDIX C

108 Schneider Street
115 DeLong Avenue
115 White Street
1204 N State Street
128 Wiman Avenue
133 Hobart Avenue
147 Coolidge Avenue
166 Hope Avenue
184 W Matson Avenue
201 Fillmore Avenue
214 Fitch Street
219 Grand Avenue
232 Seneca Street
236-238 Webster Avenue
258-260 W Brighton Avenue
319 Bellevue Avenue
328-330 Baker Avenue
334-336 Fitch Street
345-347 W Kennedy Street
3514 S Salina Street
411 Carbon Street
416 Shonnard Street
460 Shonnard Street
503 W Lafayette Avenue
56 Salina Street
614 Hawley Avenue
613 Montrose Avenue

APPENDIX D

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (initial (i) or (ii) below):

(i) _____ Known lead-based paint and/or lead-based paint hazards are present in the housing. Describe what is known:

(ii) _____ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (initial (i) or (ii) below):

(i) _____ Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing. List documents below:

(ii) _____ Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment

(c) Lessee has (initial (i) or (ii) below):

(i) _____ received copies of all records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing listed above.

(ii) _____ not received any records and reports regarding lead-based paint and/or lead-based paint hazards in the housing.

(d) _____ Lessee has received the pamphlet Protect Your Family from Lead in Your Home (initial).

Agent's Acknowledgment (initial or enter N/A if not applicable)

(e) _____ Lessor's Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

(f) _____ Lessee's Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.¹

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Lessor	Date	Lessee	Date
Lessor	Date	Lessee	Date
Lessor's Agent	Date	Lessee's Agent ¹	Date

Paperwork Reduction Act

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2070-0151). Responses to this collection of information are mandatory (40 CFR 745). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 0.12 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address."

¹ Only required if the lessee's agent receives compensation from the lessor.

APPENDIX E



Protect Your Family From Lead in Your Home



United States
Environmental
Protection Agency



United States
Consumer Product
Safety Commission



United States
Department of Housing
and Urban Development

Are You Planning to Buy or Rent a Home Built Before 1978?

Did you know that many homes built before 1978 have **lead-based paint**? Lead from paint, chips, and dust can pose serious health hazards.

Read this entire brochure to learn:

- How lead gets into the body
- How lead affects health
- What you can do to protect your family
- Where to go for more information

Before renting or buying a pre-1978 home or apartment, federal law requires:

- Sellers must disclose known information on lead-based paint or lead-based paint hazards before selling a house.
- Real estate sales contracts must include a specific warning statement about lead-based paint. Buyers have up to 10 days to check for lead.
- Landlords must disclose known information on lead-based paint or lead-based paint hazards before leases take effect. Leases must include a specific warning statement about lead-based paint.

If undertaking renovations, repairs, or painting (RRP) projects in your pre-1978 home or apartment:

- Read EPA's pamphlet, *The Lead-Safe Certified Guide to Renovate Right*, to learn about the lead-safe work practices that contractors are required to follow when working in your home (see page 12).



Simple Steps to Protect Your Family from Lead Hazards

If you think your home has lead-based paint:

- Don't try to remove lead-based paint yourself.
- Always keep painted surfaces in good condition to minimize deterioration.
- Get your home checked for lead hazards. Find a certified inspector or risk assessor at [epa.gov/lead](https://www.epa.gov/lead).
- Talk to your landlord about fixing surfaces with peeling or chipping paint.
- Regularly clean floors, window sills, and other surfaces.
- Take precautions to avoid exposure to lead dust when remodeling.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe certified renovation firms.
- Before buying, renting, or renovating your home, have it checked for lead-based paint.
- Consult your health care provider about testing your children for lead. Your pediatrician can check for lead with a simple blood test.
- Wash children's hands, bottles, pacifiers, and toys often.
- Make sure children eat healthy, low-fat foods high in iron, calcium, and vitamin C.
- Remove shoes or wipe soil off shoes before entering your house.

Lead Gets into the Body in Many Ways

Adults and children can get lead into their bodies if they:

- Breathe in lead dust (especially during activities such as renovations, repairs, or painting that disturb painted surfaces).
- Swallow lead dust that has settled on food, food preparation surfaces, and other places.
- Eat paint chips or soil that contains lead.

Lead is especially dangerous to children under the age of 6.

- At this age, children's brains and nervous systems are more sensitive to the damaging effects of lead.
- Children's growing bodies absorb more lead.
- Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.



Women of childbearing age should know that lead is dangerous to a developing fetus.

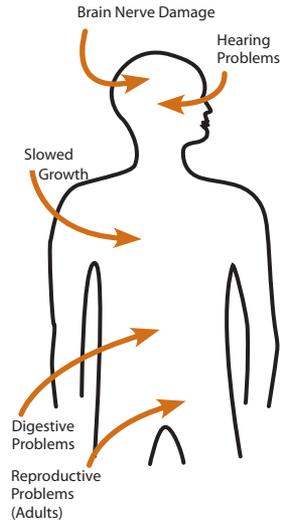
- Women with a high lead level in their system before or during pregnancy risk exposing the fetus to lead through the placenta during fetal development.

Health Effects of Lead

Lead affects the body in many ways. It is important to know that even exposure to low levels of lead can severely harm children.

In children, exposure to lead can cause:

- Nervous system and kidney damage
- Learning disabilities, attention-deficit disorder, and decreased intelligence
- Speech, language, and behavior problems
- Poor muscle coordination
- Decreased muscle and bone growth
- Hearing damage



While low-lead exposure is most common, exposure to high amounts of lead can have devastating effects on children, including seizures, unconsciousness, and in some cases, death.

Although children are especially susceptible to lead exposure, lead can be dangerous for adults, too.

In adults, exposure to lead can cause:

- Harm to a developing fetus
- Increased chance of high blood pressure during pregnancy
- Fertility problems (in men and women)
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain

Check Your Family for Lead

Get your children and home tested if you think your home has lead.

Children's blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect lead. Blood lead tests are usually recommended for:

- Children at ages 1 and 2
- Children or other family members who have been exposed to high levels of lead
- Children who should be tested under your state or local health screening plan

Your doctor can explain what the test results mean and if more testing will be needed.

Where Lead-Based Paint Is Found

In general, the older your home or childcare facility, the more likely it has lead-based paint.¹

Many homes, including private, federally-assisted, federally-owned housing, and childcare facilities built before 1978 have lead-based paint. In 1978, the federal government banned consumer uses of lead-containing paint.²

Learn how to determine if paint is lead-based paint on page 7.

Lead can be found:

- In homes and childcare facilities in the city, country, or suburbs,
- In private and public single-family homes and apartments,
- On surfaces inside and outside of the house, and
- In soil around a home. (Soil can pick up lead from exterior paint or other sources, such as past use of leaded gas in cars.)

Learn more about where lead is found at [epa.gov/lead](https://www.epa.gov/lead).

¹ “Lead-based paint” is currently defined by the federal government as paint with lead levels greater than or equal to 1.0 milligram per square centimeter (mg/cm²), or more than 0.5% by weight.

² “Lead-containing paint” is currently defined by the federal government as lead in new dried paint in excess of 90 parts per million (ppm) by weight.

Identifying Lead-Based Paint and Lead-Based Paint Hazards

Deteriorated lead-based paint (peeling, chipping, chalking, cracking, or damaged paint) is a hazard and needs immediate attention. **Lead-based paint** may also be a hazard when found on surfaces that children can chew or that get a lot of wear and tear, such as:

- On windows and window sills
- Doors and door frames
- Stairs, railings, banisters, and porches

Lead-based paint is usually not a hazard if it is in good condition and if it is not on an impact or friction surface like a window.

Lead dust can form when lead-based paint is scraped, sanded, or heated. Lead dust also forms when painted surfaces containing lead bump or rub together. Lead paint chips and dust can get on surfaces and objects that people touch. Settled lead dust can reenter the air when the home is vacuumed or swept, or when people walk through it. EPA currently defines the following levels of lead in dust as hazardous:

- 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) and higher for floors, including carpeted floors
- 100 $\mu\text{g}/\text{ft}^2$ and higher for interior window sills

Lead in soil can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. EPA currently defines the following levels of lead in soil as hazardous:

- 400 parts per million (ppm) and higher in play areas of bare soil
- 1,200 ppm (average) and higher in bare soil in the remainder of the yard

Remember, lead from paint chips—which you can see—and lead dust—which you may not be able to see—both can be hazards.

The only way to find out if paint, dust, or soil lead hazards exist is to test for them. The next page describes how to do this.

Checking Your Home for Lead

You can get your home tested for lead in several different ways:

- A lead-based paint **inspection** tells you if your home has lead-based paint and where it is located. It won't tell you whether your home currently has lead hazards. A trained and certified testing professional, called a lead-based paint inspector, will conduct a paint inspection using methods, such as:
 - Portable x-ray fluorescence (XRF) machine
 - Lab tests of paint samples
- A **risk assessment** tells you if your home currently has any lead hazards from lead in paint, dust, or soil. It also tells you what actions to take to address any hazards. A trained and certified testing professional, called a risk assessor, will:
 - Sample paint that is deteriorated on doors, windows, floors, stairs, and walls
 - Sample dust near painted surfaces and sample bare soil in the yard
 - Get lab tests of paint, dust, and soil samples
- A combination inspection and risk assessment tells you if your home has any lead-based paint and if your home has any lead hazards, and where both are located.



Be sure to read the report provided to you after your inspection or risk assessment is completed, and ask questions about anything you do not understand.

Checking Your Home for Lead, continued

In preparing for renovation, repair, or painting work in a pre-1978 home, Lead-Safe Certified renovators (see page 12) may:

- Take paint chip samples to determine if lead-based paint is present in the area planned for renovation and send them to an EPA-recognized lead lab for analysis. In housing receiving federal assistance, the person collecting these samples must be a certified lead-based paint inspector or risk assessor
- Use EPA-recognized tests kits to determine if lead-based paint is absent (but not in housing receiving federal assistance)
- Presume that lead-based paint is present and use lead-safe work practices

There are state and federal programs in place to ensure that testing is done safely, reliably, and effectively. Contact your state or local agency for more information, visit [epa.gov/lead](https://www.epa.gov/lead), or call **1-800-424-LEAD (5323)** for a list of contacts in your area.³

³ Hearing- or speech-challenged individuals may access this number through TTY by calling the Federal Relay Service at 1-800-877-8339.

What You Can Do Now to Protect Your Family

If you suspect that your house has lead-based paint hazards, you can take some immediate steps to reduce your family's risk:

- If you rent, notify your landlord of peeling or chipping paint.
- Keep painted surfaces clean and free of dust. Clean floors, window frames, window sills, and other surfaces weekly. Use a mop or sponge with warm water and a general all-purpose cleaner. (Remember: never mix ammonia and bleach products together because they can form a dangerous gas.)
- Carefully clean up paint chips immediately without creating dust.
- Thoroughly rinse sponges and mop heads often during cleaning of dirty or dusty areas, and again afterward.
- Wash your hands and your children's hands often, especially before they eat and before nap time and bed time.
- Keep play areas clean. Wash bottles, pacifiers, toys, and stuffed animals regularly.
- Keep children from chewing window sills or other painted surfaces, or eating soil.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe Certified renovation firms (see page 12).
- Clean or remove shoes before entering your home to avoid tracking in lead from soil.
- Make sure children eat nutritious, low-fat meals high in iron, and calcium, such as spinach and dairy products. Children with good diets absorb less lead.

Reducing Lead Hazards

Disturbing lead-based paint or removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.

- In addition to day-to-day cleaning and good nutrition, you can **temporarily** reduce lead-based paint hazards by taking actions, such as repairing damaged painted surfaces and planting grass to cover lead-contaminated soil. These actions are not permanent solutions and will need ongoing attention.
- You can minimize exposure to lead when renovating, repairing, or painting by hiring an EPA- or state-certified renovator who is trained in the use of lead-safe work practices. If you are a do-it-yourselfer, learn how to use lead-safe work practices in your home.
- To remove lead hazards permanently, you should hire a certified lead abatement contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not permanent control.



Always use a certified contractor who is trained to address lead hazards safely.

- Hire a Lead-Safe Certified firm (see page 12) to perform renovation, repair, or painting (RRP) projects that disturb painted surfaces.
- To correct lead hazards permanently, hire a certified lead abatement contractor. This will ensure your contractor knows how to work safely and has the proper equipment to clean up thoroughly.

Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.

Reducing Lead Hazards, continued

If your home has had lead abatement work done or if the housing is receiving federal assistance, once the work is completed, dust cleanup activities must be conducted until clearance testing indicates that lead dust levels are below the following levels:

- 10 micrograms per square foot ($\mu\text{g}/\text{ft}^2$) for floors, including carpeted floors
- 100 $\mu\text{g}/\text{ft}^2$ for interior windows sills
- 400 $\mu\text{g}/\text{ft}^2$ for window troughs

Abatements are designed to permanently eliminate lead-based paint hazards. However, lead dust can be reintroduced into an abated area.

- Use a HEPA vacuum on all furniture and other items returned to the area, to reduce the potential for reintroducing lead dust.
- Regularly clean floors, window sills, troughs, and other hard surfaces with a damp cloth or sponge and a general all-purpose cleaner.

Please see page 9 for more information on steps you can take to protect your home after the abatement. For help in locating certified lead abatement professionals in your area, call your state or local agency (see pages 15 and 16), [epa.gov/lead](https://www.epa.gov/lead), or call 1-800-424-LEAD.

Renovating, Repairing or Painting a Home with Lead-Based Paint

If you hire a contractor to conduct renovation, repair, or painting (RRP) projects in your pre-1978 home or childcare facility (such as pre-school and kindergarten), your contractor must:

- Be a Lead-Safe Certified firm approved by EPA or an EPA-authorized state program
- Use qualified trained individuals (Lead-Safe Certified renovators) who follow specific lead-safe work practices to prevent lead contamination
- Provide a copy of EPA's lead hazard information document, *The Lead-Safe Certified Guide to Renovate Right*



RRP contractors working in pre-1978 homes and childcare facilities must follow lead-safe work practices that:

- **Contain the work area.** The area must be contained so that dust and debris do not escape from the work area. Warning signs must be put up, and plastic or other impermeable material and tape must be used.
- **Avoid renovation methods that generate large amounts of lead-contaminated dust.** Some methods generate so much lead-contaminated dust that their use is prohibited. They are:
 - Open-flame burning or torching
 - Sanding, grinding, planing, needle gunning, or blasting with power tools and equipment not equipped with a shroud and HEPA vacuum attachment
 - Using a heat gun at temperatures greater than 1100°F
- **Clean up thoroughly.** The work area should be cleaned up daily. When all the work is done, the area must be cleaned up using special cleaning methods.
- **Dispose of waste properly.** Collect and seal waste in a heavy duty bag or sheeting. When transported, ensure that waste is contained to prevent release of dust and debris.

To learn more about EPA's requirements for RRP projects, visit epa.gov/getleadsafe, or read *The Lead-Safe Certified Guide to Renovate Right*.

Other Sources of Lead

Lead in Drinking Water

The most common sources of lead in drinking water are lead pipes, faucets, and fixtures.

Lead pipes are more likely to be found in older cities and homes built before 1986.

You can't smell or taste lead in drinking water.

To find out for certain if you have lead in drinking water, have your water tested.

Remember older homes with a private well can also have plumbing materials that contain lead.

Important Steps You Can Take to Reduce Lead in Drinking Water

- Use only cold water for drinking, cooking and making baby formula. Remember, boiling water does not remove lead from water.
- Before drinking, flush your home's pipes by running the tap, taking a shower, doing laundry, or doing a load of dishes.
- Regularly clean your faucet's screen (also known as an aerator).
- If you use a filter certified to remove lead, don't forget to read the directions to learn when to change the cartridge. Using a filter after it has expired can make it less effective at removing lead.

Contact your water company to determine if the pipe that connects your home to the water main (called a service line) is made from lead. Your area's water company can also provide information about the lead levels in your system's drinking water.

For more information about lead in drinking water, please contact EPA's Safe Drinking Water Hotline at 1-800-426-4791. If you have other questions about lead poisoning prevention, call 1-800 424-LEAD.*

Call your local health department or water company to find out about testing your water, or visit [epa.gov/safewater](https://www.epa.gov/safewater) for EPA's lead in drinking water information. Some states or utilities offer programs to pay for water testing for residents. Contact your state or local water company to learn more.

* Hearing- or speech-challenged individuals may access this number through TTY by calling the Federal Relay Service at 1-800-877-8339.

Other Sources of Lead, continued

- **Lead smelters** or other industries that release lead into the air.
- **Your job.** If you work with lead, you could bring it home on your body or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family's clothes.
- **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture. Call your local health department for information about hobbies that may use lead.
- Old **toys** and **furniture** may have been painted with lead-containing paint. Older toys and other children's products may have parts that contain lead.⁴
- Food and liquids cooked or stored in **lead crystal** or **lead-glazed pottery or porcelain** may contain lead.
- Folk remedies, such as "**greta**" and "**azarcon,**" used to treat an upset stomach.

⁴ In 1978, the federal government banned toys, other children's products, and furniture with lead-containing paint. In 2008, the federal government banned lead in most children's products. The federal government currently bans lead in excess of 100 ppm by weight in most children's products.

For More Information

The National Lead Information Center

Learn how to protect children from lead poisoning and get other information about lead hazards on the Web at epa.gov/lead and hud.gov/lead, or call **1-800-424-LEAD (5323)**.

EPA's Safe Drinking Water Hotline

For information about lead in drinking water, call **1-800-426-4791**, or visit epa.gov/safewater for information about lead in drinking water.

Consumer Product Safety Commission (CPSC) Hotline

For information on lead in toys and other consumer products, or to report an unsafe consumer product or a product-related injury, call **1-800-638-2772**, or visit CPSC's website at cpsc.gov or saferproducts.gov.

State and Local Health and Environmental Agencies

Some states, tribes, and cities have their own rules related to lead-based paint. Check with your local agency to see which laws apply to you. Most agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards. Receive up-to-date address and phone information for your state or local contacts on the Web at epa.gov/lead, or contact the National Lead Information Center at **1-800-424-LEAD**.

Hearing- or speech-challenged individuals may access any of the phone numbers in this brochure through TTY by calling the toll-free Federal Relay Service at **1-800-877-8339**.

U. S. Environmental Protection Agency (EPA)

Regional Offices

The mission of EPA is to protect human health and the environment. Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

Region 1 (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)

Regional Lead Contact
U.S. EPA Region 1
5 Post Office Square, Suite 100, OES 05-4
Boston, MA 02109-3912
(888) 372-7341

Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands)

Regional Lead Contact
U.S. EPA Region 2
2890 Woodbridge Avenue
Building 205, Mail Stop 225
Edison, NJ 08837-3679
(732) 906-6809

Region 3 (Delaware, Maryland, Pennsylvania, Virginia, DC, West Virginia)

Regional Lead Contact
U.S. EPA Region 3
1650 Arch Street
Philadelphia, PA 19103
(215) 814-2088

Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)

Regional Lead Contact
U.S. EPA Region 4
AFC Tower, 12th Floor, Air, Pesticides & Toxics
61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8998

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)

Regional Lead Contact
U.S. EPA Region 5 (LL-17J)
77 West Jackson Boulevard
Chicago, IL 60604-3666
(312) 353-3808

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribes)

Regional Lead Contact
U.S. EPA Region 6
1445 Ross Avenue, 12th Floor
Dallas, TX 75202-2733
(214) 665-2704

Region 7 (Iowa, Kansas, Missouri, Nebraska)

Regional Lead Contact
U.S. EPA Region 7
11201 Renner Blvd.
Lenexa, KS 66219
(800) 223-0425

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)

Regional Lead Contact
U.S. EPA Region 8
1595 Wynkoop St.
Denver, CO 80202
(303) 312-6966

Region 9 (Arizona, California, Hawaii, Nevada)

Regional Lead Contact
U.S. EPA Region 9 (CMD-4-2)
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-4280

Region 10 (Alaska, Idaho, Oregon, Washington)

Regional Lead Contact
U.S. EPA Region 10 (20-C04)
Air and Toxics Enforcement Section
1200 Sixth Avenue, Suite 155
Seattle, WA 98101
(206) 553-1200

Consumer Product Safety Commission (CPSC)

The CPSC protects the public against unreasonable risk of injury from consumer products through education, safety standards activities, and enforcement. Contact CPSC for further information regarding consumer product safety and regulations.

CPSC

4330 East West Highway
Bethesda, MD 20814-4421
1-800-638-2772
cpsc.gov or saferproducts.gov

U. S. Department of Housing and Urban Development (HUD)

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Contact to Office of Lead Hazard Control and Healthy Homes for further information regarding the Lead Safe Housing Rule, which protects families in pre-1978 assisted housing, and for the lead hazard control and research grant programs.

HUD

451 Seventh Street, SW, Room 8236
Washington, DC 20410-3000
(202) 402-7698
hud.gov/lead

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IMPORTANT!

Lead From Paint, Dust, and Soil in and Around Your Home Can Be Dangerous if Not Managed Properly

- Children under 6 years old are most at risk for lead poisoning in your home.
- Lead exposure can harm young children and babies even before they are born.
- Homes, schools, and child care facilities built before 1978 are likely to contain lead-based paint.
- Even children who seem healthy may have dangerous levels of lead in their bodies.
- Disturbing surfaces with lead-based paint or removing lead-based paint improperly can increase the danger to your family.
- People can get lead into their bodies by breathing or swallowing lead dust, or by eating soil or paint chips containing lead.
- People have many options for reducing lead hazards. Generally, lead-based paint that is in good condition is not a hazard (see page 10).