

ATTORNEY GENERAL OF THE STATE OF NEW YORK
ENVIRONMENTAL PROTECTION BUREAU

In the Matter of

Assurance No. 26-012

Investigation by LETITIA JAMES,
Attorney General of the State of New York, of

BRIAN A. MURPHY AND HARRY MURPHY,

Respondents.

ASSURANCE OF DISCONTINUANCE

The Office of the Attorney General of the State of New York (“OAG”) commenced an investigation pursuant to Executive Law § 63(12) into Respondents Brian A. Murphy’s and Harry Murphy’s (collectively “Murphys”) practices concerning lead hazards in their fleet of rental properties in Syracuse, New York, and their compliance with the provisions 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 Property Maintenance Code of New York State, 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 (EPA) implementing lead disclosure regulations, 40 C.F.R. Part 745, Subpart F; the U.S. Department of Housing and Urban Development’s (HUD) implementing lead disclosure regulations, 24 C.F.R. Part 35, Subpart A; and the EPA’s implementing

regulations governing residential property renovation, 40 C.F.R. Part 745, Subpart E. This Assurance of Discontinuance (“Assurance”) contains the findings of the OAG’s investigation, and the relief agreed to by the OAG and the Murphys (collectively, the “Parties”).

I. STATUTORY BACKGROUND

LEAD PAINT HAZARD CONTROL LAWS AND REGULATIONS

A. Onondaga County Laws

1. The Onondaga County Sanitary Code (“County Code”) seeks “to protect, preserve, and promote the physical and mental health and social well-being of the people” by ensuring that “the quality of housing is adequate for protection of public health, safety, and general welfare.” County Code, Article X § 21.2.

2. The County Code establishes minimum housing standards to prevent conditions “likely to affect adversely the public health,” and to “achieve and maintain such levels of residential environmental quality.” *Id.* art. X § 21.1.

3. Among these standards, the County Code mandates that “[n]o owner or other person shall occupy or let to another person any vacant dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with the requirements of ... all applicable laws.” *Id.* art. X § 21.8.

4. Article VII of the County Code generally prohibits a property owner to allow a condition to persist on any premises that creates a nuisance or a condition which may be dangerous to life or health. *Id.* art. VII.

5. Under the County Code, for all dwellings constructed prior to 1978, it is presumed that the paint thereon is lead-based paint. *Id.* art. X § 21.20(k)(1).

6. The County Code declares the existence of conditions conducive to lead poisoning in any dwelling or part thereof to be a nuisance. *Id.* art. X, § 21.20(k)(3)a. The County Code also requires the use of Lead Safe Work Practices and prohibits certain unsafe practices, when addressing lead hazards in dwellings. *Id.* art. X, § 21.20(k)(3)b. and c.

B. City of Syracuse Laws

7. The Property Conservation Code of the City of Syracuse, Chapter 27 of the Revised General Ordinances of the City of Syracuse (“City Code”), establishes uniform standards governing the “condition, occupancy and maintenance of all premises” to “enhance the residential neighborhoods and to protect the safety, health and welfare of the persons who live, work and recreate in the city[.]” City Code § 27-2.

8. City Code § 27-11, Owner Responsibilities, provides:

(a) The owner shall at all times:

(1) Comply with all applicable provisions of any state or local statute, code, regulation or ordinance governing the maintenance, construction, use or appearance of the building, structure or part thereof and the property of which it is a part;

(2) Keep all public areas of the building, grounds, facilities and appurtenances in a clean, safe and sanitary condition. In one-family and two-family homes this responsibility can be delegated to the tenants if so indicated in a signed contract or lease.

(3) Make all repairs and arrangements necessary to put and keep the building, structure or part thereof and the appurtenances thereto in as good condition as they were or as required by agreement to have been, at the commencement of tenancy; in all cases, standards established by law must be met.

(4) Maintain all electrical, plumbing and other facilities supplied by the owner in good working order.

(5) In multiple dwellings provide facilities for sanitary disposal of all rubbish and other garbage set out shall be in accordance with the solid waste ordinance.

(6) Be responsible for furnishing adequate heat and hot water supply, except in units with individual heating systems or domestic hot water supply. (In this situation, such systems shall be capable of providing adequate heat and hot water as defined herein.)

9. The City Code has explicit requirements for the maintenance of paint and the control of lead-based paint hazards, and provides, in relation to “[p]rotective coating for wood surface” that

All exterior wood surfaces of a structure or building that are not of a species inherently resistant to decay shall be treated when necessary with a protective coating or other preservative to prevent deterioration. However, any exterior surface which has had a protective coating or preservative applied to it, must be maintained to prevent deterioration.

City Code § 27-32(d)(1).

10. Interior surfaces of floors, walls and ceilings must also be maintained “free of deterioration in a clean and sanitary condition.” *Id.* § 27-33(e)(1).

11. The City Code mandates that “[n]o person shall use a paint containing more than six one-hundredths of one percent (.06%) of metallic lead, based on the total nonvolatile content of the paint, on the interior of any apartment or room in

any dwelling . . . or in any location accessible to children on the interior or exterior of any said dwelling.” *Id.* at art. VII § 27-77.

12. Owners must remove any paint revealed by inspection containing more than one percent of lead from its surface and cover the surface with paint containing less than .06% of lead, or may cover the lead-based paint without first removing it “if the material and the method used to cover the surface are approved” by the Division of Code Enforcement of the City of Syracuse. *Id.*

13. In 2020, the City of Syracuse’s Common Council enacted the Lead Abatement and Control Ordinance, Chapter 54 of the Revised General Ordinances of the City of Syracuse (the “Lead Ordinance”), which authorizes City inspectors to inspect homes for lead and cite appropriate violations of the presence of lead in homes. The stated intent of the Lead Ordinance is to help prevent the poisoning of its residents by requiring that the presence of deteriorated lead-based paint on the interior and exterior of pre-1978 residential structures and on the exterior of pre-1978 nonresidential structures be identified and be correctly addressed by reducing and controlling lead-based paint hazards which may be present, in order to prevent human exposure to such hazards. City Code § 54-1. The Lead Ordinance took effect on October 1, 2020.

14. Under the Lead Ordinance, all paint on residential buildings constructed prior to 1978, is presumed to be lead-based paint. *Id.* § 54-4(a).

15. Among other things, the Lead Ordinance requires residential buildings to “be maintained free of lead-based paint hazards.” *Id.* § 54-4(d).

16. The Lead Ordinance also mandates the use of lead safe work practices for correcting lead hazards in buildings as well as EPA certified personnel and firms. *Id.* § 54-9 through § 54-11.

17. The existence of conditions conducive to lead poisoning in a residential rental property is a nuisance, a condition which may be dangerous to life or health and violates the City Code.

C. New York State Laws and Regulations

i. New York State Public Health Law

18. In 1970, finding that childhood lead poisoning was a “major public health concern”, the New York State Legislature enacted Title X of Article 13 of the Public Health Law. N.Y. Public Health Law §§ 1370 – 1376-a (the “Public Health Law”). The Public Health Law banned the use and sale of lead-based paint in New York State. *Id.* §§ 1371 – 1372. The Law authorized the State Commissioner of Health, local county health departments, and local housing code agencies to designate areas of residential dwellings with paint “condition[s] conducive to lead poisoning” and order the removal of these conditions. *Id.* §§ 1370(2), 1373(1). Conditions conducive to lead poisoning include lead-based paint that is chipping, peeling, or otherwise accessible for ingestion or inhalation by children. *Id.* § 1370(3).

19. In 1992, the Public Health Law was amended to authorize, *inter alia*, mandatory blood lead level screenings for children and the creation of a Lead Poisoning Prevention Program within the State Department of Health. *Id.* §§ 1370-(a)(2); 1370-a. Physicians and other medical providers who provide care to children

must screen children at 12 and 24 months of age, and at each well-child visit or annually up to age six (6). 10 NYCRR § 67-1.2. The results of all blood lead tests must be reported to the state and local health departments. *Id.* § 67-3.1(b).

20. When a blood lead level test is administered pursuant to state public health law, the testing site must report all blood lead level test results to the state and local health departments. Public Health Law § 1370-(e)(1). In 2019, the Public Health Law § 1370 and its implementing regulations were amended to lower the definition of an elevated blood lead level in a child from 10 µg/dL to 5 µg/dL. *See* 10 NYCRR § 67-1.1(e) (last updated Oct. 1, 2019). In practice, the results are registered with the state health department, which then enters the elevated blood lead level test results into the state’s Lead Tracking and Environmental Reduction (“Leadweb”) Registry. The local health department is responsible for proactively checking the Leadweb Registry for county cases involving categorical elevated blood lead level results, and bears responsibility for follow up on those cases.

21. Once a child with elevated blood lead levels has been identified to the local health department, the department shall perform a lead exposure assessment evaluating conditions “conducive to lead poisoning” for any dwelling, child facility, or other area in which the child spends a significant period of time. *Id.* § 67-2.3. Such investigation may involve the sampling and testing of peeling or chipping paint in an approved laboratory or the use of X-ray fluorescence testing. *Id.* § 67-2.4.

22. If the lead exposure assessment identifies a condition conducive to lead poisoning, the local health department shall provide the property owner a written

notice and demand for discontinuance. *Id.* § 67-2.7. Actions required to abate a lead-based paint hazard condition may include “encapsulation, replacement, enclosure, or removal” and may involve the removal of chipping paint, the replacement of building components with lead-free materials, and the scraping and/or sanding of surfaces to remove paint *Id.* §§ 67-2.2(a) and 67-2.7.

23. If the owner of a dwelling fails to comply with the notice and demand, the county health department may conduct a formal hearing and, on proof of violation, may order the abatement of the paint condition and assess a penalty of up to \$2,500. Public Health Law § 1373(3).

ii. Property Maintenance Code

24. The Property Maintenance Code of New York State (“State Code”) is part of the New York State Fire Prevention and Building Code. *See* State Code § 101.1. The State Code applies to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance. *Id.*, § 101.2. The State Code includes specific provisions requiring owners to maintain premises in a safe, sanitary condition including, for example: maintaining the interior and exterior of a structure in structurally sound and safe condition (§ 305.1); with functioning heating equipment (§ 602.3); and water heating equipment (§ 505.4); and functioning plumbing and sewage disposal facilities (§ 506.1).

25. In addition, in relation to painted surfaces, the State Code requires that all exterior building surfaces, including but not limited to doors, door frames, window frames, and porches, be maintained in “good condition.” *Id.* § 304.2. It further provides that “[p]eeling, flaking, and chipped paint shall be eliminated and surfaces repainted.” *Id.*

26. The State Code also requires that all interior building surfaces, including doors and windows, be maintained in “good, clean and sanitary condition” and provides that “[p]eeling, chipping, flaking or abraded paint shall be repaired, removed or covered.” *Id.* § 305.3.

27. Appendix J of the State Code sets forth provisions that apply to the repair, alteration, change of occupancy, addition, and relocation of existing buildings. *Id.* § AJ101.2.

28. Specific to lead-based paint, the State Code provides:

In addition to requirements of this code, 40 CFR 745 (titled “Lead-based Paint Poisoning Prevention in Certain Residential Structures”), a regulation issued and enforced by the Federal Environmental Protection Agency, applies to certain activities in buildings that may contain lead-based paint, including renovations performed for compensation in “target housing” and “child-occupied facilities,” “abatement” of lead-based paint hazards and other “lead-based paint activities” (as those terms are defined in 40 CFR Part 745).

Id. § AJ102.6.

29. Any person who violates an order to remedy a condition pursuant to the State Code or who knowingly violates the State Code is subject to a fine of up to \$1,000 per day. *See* Executive Law § 382.

30. In 1975, the New York State Legislature codified the common law warranty of habitability by enacting Real Property Law § 235-b. The statute requires that all leased residential premises be “fit for human habitation and for the uses reasonably intended by the parties and that the occupants of such premises shall not be subjected to any conditions which would be dangerous, hazardous or detrimental to their life, health or safety.” *Id.*

31. A rental property that has conditions conducive to lead poisoning is unfit for human habitation and violates the warranty of habitability owed by the landlord to all tenants of such property.¹

D. Federal Laws and Regulations

32. In 1976, Congress enacted the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601, *et seq.* In 1992, Congress enacted the Residential Lead-Based Paint Hazard Reduction Act, Pub. L. 102-550 (October 28, 1992; 106 Stat. 3910), also referred to as Title X of the Housing and Community Development Act of 1992. This law amended TSCA by adding a new Subchapter IV, entitled “Lead Exposure Reduction” and was intended, among other things, to eliminate lead-based paint hazards in housing and to prevent childhood lead poisoning.

i. Renovation, Repair and Painting Rule

¹ See, e.g., *Chase v. Pistolese*, 190 Misc.2d 477 (City Court of NY, Watertown 2002).

33. In 2008, the EPA promulgated regulations thereunder, codified at 40 C.F.R. part 745, Subpart E, the Residential Property Renovation Rule, also known as the Renovation, Repair and Painting Rule (the “Renovation Rule” or “Rule”).

34. The Renovation Rule addresses the risk of lead exposure that can occur during property renovations by ensuring that occupants of target housing (i.e., housing built prior to 1978) and child-occupied facilities are informed of lead-based paint hazards before renovations begin. The Rule also establishes, among other things, training and certification requirements for renovators and mandates that specified work practices are followed during the renovations to eliminate the potential for lead-based paint exposure to occupants.

35. In general, the Rule applies to renovations conducted in exchange for compensation of most residential buildings constructed before 1978, the year the federal government first banned consumer use of lead-based paint in residential housing. Residential buildings constructed before that year are presumed to contain lead-based paint. *See* 15 U.S.C. § 2681(17). However, the Rule does not apply to renovations of residential buildings that have been tested and found to be free of lead, as defined in 40 C.F.R. § 745.82.

36. The Rule contains certification requirements designed to ensure that individuals performing renovations have been trained to minimize lead exposure. Under the Rule, all covered renovations must be performed or directed by at least one “Certified Renovator” who has successfully completed training in lead-safe

renovation work practices from an accredited training provider. 40 C.F.R.

§§ 745.81(a)(3), 745.89(d)(2), and 745.90(a).

37. The Rule requires that all renovations for compensation of target (i.e., pre-1978) housing and child-occupied facilities be performed by certified firms. *Id.* § 745.89(a)(2)(i).

38. The Rule requires that any individual working on a renovation who is not a Certified Renovator be trained by a Certified Renovator on safe work practices required by the Rule. *Id.* §§ 745.81(a)(3) and 745.89(d)(1).

39. The Certified Renovator must be physically present at the work site at various times during a renovation and is responsible for, among other things, training workers performing the renovation and ensuring compliance with required work practices and record preparation requirements. *Id.* § 745.90(b).

40. The Rule sets forth safe work-practice requirements designed to contain any lead in dust and debris in the renovation work area and eliminate exposure of occupants to lead dust and debris.

41. Under the Rule, renovators are required to close off the entire work area by sealing doors, closing windows, and covering air ducts, among other things. *Id.* §§ 745.85(a)(2) and 745.86(b)(6)(v).

42. The Rule requires renovators to “clean the work area until no dust, debris or residue remains” after the renovation has been completed. *Id.* § 745.85(a)(5).

43. The Rule requires the provision of safety information designed to alert individuals in the vicinity of the renovation work area, particularly occupants, of the risks of lead exposure.

44. Under the Rule, renovators that perform renovations of pre-1978 housing for compensation must provide a lead-hazard information pamphlet entitled “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools” (the “Lead Hazard Information Pamphlet” or “pamphlet”) to the occupants of applicable housing before renovations begin, and to obtain either a written acknowledgment of receipt of the pamphlet from the occupants, or a certificate of mailing of the pamphlet. *Id.* §§ 745.81(b) and 745.84(a). Among other things, the pamphlet describes the risks of lead exposure for children under six years of age, pregnant women, women of childbearing age, persons involved in home renovation, and others residing in a dwelling with lead-based paint hazards; and describes the risks of renovation in a dwelling with lead-based paint hazards.

45. In rental houses that are not owner-occupied, renovators must provide prior notice to occupants of paint renovation work that will be done in the building. *Id.* § 745.84.

46. Renovators must also post signs “clearly defining the work area and warning occupants and other persons not involved in renovation activities to remain outside of the work area.” *Id.* § 745.85(a)(1).

47. Finally, the Rule sets forth recordkeeping requirements to permit EPA to ensure that the public health is being protected. The Rule requires firms performing renovation to “retain and, if requested, make available to EPA all records necessary to demonstrate compliance” with the Rule requirements described above. *Id.* § 745.86(a) and (b). Such records must be retained for three years after completion of a renovation. *Id.*

48. Compliance with the federal Rule is mandated by the City Ordinances, County Code, and State Code. See City Ordinances, §§ 54-9 through 54-11; County Code, § art. X, Part 21; State Code, § AJ102.6.

ii. Lead Disclosure Rule

49. The EPA and HUD have promulgated regulations requiring the disclosure of lead-based paint hazards before the lease or sale of residential housing built before 1978 (“target housing”). The EPA’s implementing regulations, 40 C.F.R. Part 745, Subpart F, and HUD’s implementing regulations, 24 C.F.R. Part 35, Subpart A, are collectively known as the “Lead Disclosure Rule.”

50. The Lead Disclosure Rule requires owners, agents, brokers, and property managers, as lessors or sellers of target housing, to include a disclosure form signed and dated by both parties, either in a lease or contract or as an attachment, which includes: (1) a statement warning of the risks associated with lead paint; (2) a statement disclosing knowledge or no knowledge of lead-based paint or lead-based paint hazards; (3) a list of any records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing being leased; and

(4) a statement by the lessee or purchaser affirming receipt of the disclosures and the EPA-approved pamphlet. *See* 24 C.F.R. § 35.92(a)-(b); 40 C.F.R. § 745.113(a)-(b).

51. Violation of a rule issued under Subchapter IV of TSCA, including the Renovation Rule, is a prohibited act under Section 409 of TSCA, 15 U.S.C. § 2689.

52. Violations of the Rule are subject to civil penalties of up to \$37,500 for each violation and criminal penalties for a willful violation of up to \$50,000 per day for each violation. 15 U.S.C. § 2615.

NEW YORK STATE GENERAL BUSINESS LAW § 349

53. Deceptive acts or practices in the conduct of any business or in the furnishing of any service in the state are unlawful. *See* New York General Business Law § 349(a).

54. The Attorney General is authorized pursuant to General Business Law § 349(b) to bring an action to enjoin a person or entity from engaging in deceptive acts or practices in the conduct of business and to seek restitution of any moneys or property obtained directly or indirectly by any such unlawful acts or practices. *See* New York General Business Law § 350-d.

55. Violations of General Business Law § 349(b) may also be penalized by a civil penalty of up to \$5,000 per violation. *Id.*

NEW YORK STATE EXECUTIVE LAW § 63(12)

56. The Attorney General is authorized pursuant to Executive Law § 63(12) to bring an action to enjoin “repeated fraudulent or illegal acts” and

“persistent fraud or illegality” in the “carrying on, conducting or transaction of business.”

57. “Illegal” conduct includes the violation of any state, federal, or local law or regulation. Executive Law § 63(12). “Repeated” fraud or illegality includes the “repetition of any separate and distinct fraudulent or illegal act, or conduct which affects more than one person,” and “persistent” fraud or illegality includes “continuance or carrying on of any fraudulent or illegal act or conduct.” *Id.*

58. In addition to an order enjoining such activity, the Attorney General may seek restitution, disgorgement of ill-gotten gains, damages, and other relief. *Id.*

II. OAG’S FINDINGS

EXPOSURE TO LEAD-BASED PAINT HARMS CHILDREN

59. Lead is highly toxic to humans and can cause serious and irreversible adverse health effects, especially in children.

60. Lead exposure is a serious public health concern and is toxic to every organ system in the body.²

61. Lead has no health benefit and no amount of lead in the human body has been identified as safe.³

62. For decades, doctors and scientists have recognized that lead-based paint in older homes is the leading source of lead exposure for children.⁴ The U.S.

² U.S. Department of Health and Human Services. (2020). *Toxicological Profile for Lead*, at 4. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

³ *Id.*

⁴ Lanphear, B. P., Matte, T. D., Rogers, J., Clickner, R. P., Dietz, B., Bornschein, R. L., Succop, P.,

Department of Health and Human Services (“HHS”) has well documented that most lead poisoning in children is the result of dust and chips from deteriorating lead-based paint on interior surfaces in older homes.⁵

63. In children, lead typically enters the body by being inhaled or ingested. The degree to which exposure to lead has resulted in entry to the body is measured by testing an individual’s blood lead level. Both HSS and the Centers for Disease Control and Prevention (the “CDC”) have stated that “no safe blood lead level in children has been identified.”⁶ In other words, any level greater than 0 micrograms per deciliter of whole blood ($\mu\text{g}/\text{dL}$) may be associated with a detrimental health effect.

64. The CDC uses a blood lead reference value of 3.5 $\mu\text{g}/\text{dL}$ to identify children with the top 2.5% blood lead levels nationally. For these children, the CDC recommends an environmental investigation to identify potential sources of lead, as

Mahaffey, K. R., Dixon, S., Galke, W., Rabinowitz, M., Farfel, M., Rohde, C., Schwartz, J., Ashley, P., & Jacobs, D. E. (1998). The contribution of lead-contaminated house dust and residential soil to children's blood lead levels. A pooled analysis of 12 epidemiologic studies. *Environmental research*, 79(1), 51–68. <https://doi.org/10.1006/enrs.1998.3859>; Lanphear, B. P., & Roghmann, K. J. (1997). Pathways of lead exposure in urban children. *Environmental research*, 74(1), 67–73. <https://doi.org/10.1006/enrs.1997.3726>; U.S. Department of Health and Human Services. (2020) *Toxicological Profile for Lead*, at 421. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

⁵ U.S. Department of Health and Human Services. (2020). Toxicological Profile for Lead, at 421. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

⁶ Centers for Disease Control and Prevention. (2024, June 12). *Preventing Childhood Lead Poisoning*. https://www.cdc.gov/lead-prevention/prevention/?CDC_AAref_Val=https://www.cdc.gov/nceh/lead/prevention/default.htm; U.S. Department of Health and Human Services. (2020). Toxicological Profile for Lead, at 4. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

well as medical case management. However, states independently decide which blood lead level measurements trigger action within their jurisdiction.⁷

65. Since October 2019, New York State has defined an “elevated blood lead level” as a blood lead concentration equal to or greater than 5 µg/dL.⁸

66. Lead poisoning results in an array of adverse neurological effects including decreased cognitive function as reflected in declines in intelligence quotient (IQ) scores, changes in hearing and speech processing, increased impulsivity and irritability, and altered motor skills.⁹

67. While lead can adversely affect all systems in the body, lead is particularly detrimental to the brain and central nervous system. Children’s brains and nervous systems are especially vulnerable to the adverse effects of lead because they are in a critical period of rapid growth and development.¹⁰

68. The negative neurological effects of lead exposure can have detrimental impacts on a child’s future. Increased blood lead levels are correlated with increased risks of neurobehavioral challenges, such as attention-deficit/hyperactivity disorder, anxiety, and depression.¹¹ In addition, it is widely

⁷ Centers for Disease Control and Prevention. (2025, March 7). *About the Data: Blood Lead Surveillance*. https://www.cdc.gov/lead-prevention/php/data/blood-lead-surveillance.html?CDC_AAref_Val=https://www.cdc.gov/nceh/lead/data/blood-lead-reference-value.htm; (2025, August 21). *Recommended Actions Based on Blood Lead Level*. <https://www.cdc.gov/lead-prevention/hcp/clinical-guidance/index.html>.

⁸ Unless otherwise noted, any mention of an EBLL in this complaint refers to a blood lead level at or above 5 µg/dL.

⁹ Department of Health and Human Services. (2020). Toxicological Profile for Lead, at 133-134. Available at: <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

¹⁰ *Id.*

¹¹ *Id.* at 171-173.

acknowledged that decreased academic achievement is associated with childhood exposure to lead.¹² Lead exposure has also been associated with negative outcomes in adulthood, such as lower IQ and socioeconomic status.¹³

69. Children are more susceptible than adults to negative effects of lead exposure for several reasons. First, children naturally engage in behavior that increases ingestion of lead-based paint, such as hand-to-mouth activity and consuming non-food items. Second, their bodies can absorb more lead than adults' bodies after ingestion. Additionally, because children are smaller, their breathing zone is in closer proximity to surfaces on which lead surface dust may rest.¹⁴

70. Lead poisoning is an environmental justice issue, burdening children from low-income families and children of color at disproportionately high rates.¹⁵ Low-income households are more likely to have lead-based paint hazards than high-income households; the same applies for households of people of color when compared to White households.¹⁶ Because many low-income individuals and

¹² *Id.* at 170-171.

¹³ Reuben, A., Caspi, A., Belsky, D. W., Broadbent, J., Harrington, H., Sugden, K., Houts, R. M., Ramrakha, S., Poulton, R., & Moffitt, T. E. (2017). Association of childhood blood lead levels with cognitive function and socioeconomic status at age 38 years and with IQ change and socioeconomic mobility between childhood and adulthood. *JAMA*, *317*(12), 1244-1251. <https://doi.org/10.1001/jama.2017.1712>.

¹⁴ Department of Health and Human Services. (2020). Toxicological Profile for Lead, at 281; 321-320.

¹⁵ Bullard, R. D. (1993). Race and environmental justice in the United States. *Yale Journal of International Law*, *18*(1), 319-336; Centers for Disease Control and Prevention. (2024, April 10). *People at Increased Risk for Childhood Lead Poisoning*. https://www.cdc.gov/lead-prevention/risk-factors/?CDC_AAref_Val=https://www.cdc.gov/nceh/lead/prevention/populations.htm; Kraft, M. E., Scheberle, D. (1995). Environmental justice and the allocation of risk: the case of lead and public health. *Policy Studies Journal*, *23*(1).

¹⁶ Cox, D. C., Dewalt, G., O'Haver, R., & Salatino, B. (2011, April). *American Healthy Homes Survey: Lead and Arsenic Findings*. U.S. Department of Housing and Urban Development. This report compared White, African-American and "Other" races including Asian, American Indian or Alaskan Native, Native Hawaiian or other Pacific Islander, and more than one race.

families live in rental housing, they are likely to be reliant on landlords to fix problems such as chipping lead-based paint and other home-based environmental hazards. Further, for low-income individuals and families, relocating from hazardous housing can be economically challenging.¹⁷

71. In addition, Black children have elevated blood lead levels at disproportionately high rates compared to children of other races in the United States. Black children of all income levels are three times more likely to present with an elevated blood lead level compared to both White and Hispanic children, and Black children living in poverty are four times more likely than their poor White and Hispanic counterparts. This disparity has been attributed to the fact that Black families live in substandard housing at high rates, and Black children are more likely to reside in homes with lead-based paint hazards than their non-Black peers.¹⁸

72. While the effects of childhood lead exposure are permanent, “childhood lead poisoning is preventable.”¹⁹ As the CDC stresses, the most important step “is to prevent lead exposure before it occurs” through “the removal of lead hazards from

¹⁷ Rauh, V. A., Landrigan, P. J., & Claudio, L. (2008). Housing and health: intersection of poverty and environmental exposures. *Annals of the New York Academy of Sciences*, 1136(1), 276-288. <https://doi.org/10.1196/annals.1425.032>.

¹⁸ Yeter, D., Banks, E. C., & Aschner, M. (2020). Disparity in risk factor severity for early childhood blood lead among predominantly African-American Black children: The 1999 to 2010 US NHANES. *International Journal of Environmental Research and Public Health*, 17(5), 1552. <https://doi.org/10.3390/ijerph17051552>

¹⁹ Centers for Disease Control and Prevention. (2024, February 8). *Childhood Lead Poisoning*. <https://www.cdc.gov/environmental-health-tracking/php/data-research/childhood-lead-poisoning.html>.

the environment.”²⁰ The solution to childhood lead poisoning is preventing children from being exposed to lead in the first place.²¹

LEAD-BASED PAINT IS PERVASIVE IN SYRACUSE

73. Lead-based paint in residential housing is a pervasive problem, and it is the most common source of childhood lead poisoning.²² For much of the 1900s, residential paint was marketed based on its lead content—the more lead, the purportedly higher quality the paint. Despite widespread knowledge of lead’s negative health impacts, leaded paint was advertised as more durable, easier to wash, and brighter than other paints.²³

74. Although New York banned the use of lead-based paint in 1970, with the federal government following suit in 1978, buildings constructed prior to 1978 often still have lead-based paint.²⁴

75. Most of Syracuse’s housing stock was built before the federal and state bans on lead-based paint. Eighty-nine percent of housing in Syracuse was built before 1980, and 81% was built before 1970. In fact, 44% was built before 1940,²⁵

²⁰ Centers for Disease Control and Prevention. (2024, June 12). *Preventing Childhood Lead Poisoning*. <https://www.cdc.gov/lead-prevention/prevention/index.html>.

²¹ *Id.*

²² 19 *Supra* n. 5 at 421.

²³ Markowitz, G., Rosner, D. (2000). “Cater to the children”: the role of the lead industry in a public health tragedy, 1900-1955. *American Journal of Public Health*, (90)1, 36-46. <https://doi.org/10.2105/ajph.90.1.36>.

²⁴ Protect Your Family from Exposures to Lead, EPA, <https://www.epa.gov/lead/protect-your-family-exposures-lead> (last visited August 20, 2025).

²⁵ U.S. Census Bureau. (2021). *Year Structure Built, 2017-2021 American Community Survey 5-Year Estimates* (Table B25034) [Data set]. <https://data.census.gov/table?q=b2503+syracuse&tid=ACSDT5Y2021.B25034>

when heavily leaded paint was widely used on the interior and exterior surfaces of homes.²⁶

THE VAST MAJORITY OF LEAD-POISONED CHILDREN IN ONONDAGA COUNTY RESIDE IN SYRACUSE

76. In 2024, 545 children in Onondaga County (“County”) were found to have elevated blood lead levels of at least 5 µg/dL, and 90% of these children were in Syracuse.²⁷ Eighty-nine percent of the children found to have elevated blood lead levels in Onondaga County from 2015 through 2024 were in Syracuse.²⁸ Lead poisoning in Onondaga County is highest among children of color.²⁹ Of the Black children tested in Onondaga County in 2024, 8.8% had elevated blood lead levels, while the same was true for only 1.6% of White children tested.³⁰ For decades, researchers have found that Black children have a significantly higher chance of registering elevated blood lead levels than White children in Syracuse.³¹

²⁶ Dignam, T., Kaufmann, R. B., LeSturgeon, L., & Brown, M. J. (2019). Control of lead sources in the United States, 1970-2017: public health progress and current challenges to eliminating lead exposure. *Journal of Public Health Management Practice*, 25(Suppl 1 LEAD POISONING PREVENTION): S13-S22. <https://doi.org/10.1097/phh.0000000000000889>

²⁷ Onondaga County. (2025, April 24). *Trends in Childhood Lead Testing results, Onondaga County (Excluding Syracuse), 2015-2024* [Dataset]. <https://onondaga.gov/health-lead/local-trends/>; Onondaga County. (2025, April 24). *Trends in Childhood Lead Testing Results, Syracuse, 2015-2024* [Dataset]. <https://onondaga.gov/health-lead/local-trends/>.

²⁸ *Id.*

²⁹ Sandra D. Lane, et al. (2007, October 4). Environmental Injustice: Childhood Lead Poisoning, Teen Pregnancy, and Tobacco. *Journal of Adolescent Health*, 42(1) 43-49. <https://doi.org/10.1016/j.jadohealth.2007.06.017>

³⁰ Onondaga County. (2025, April 23). *Childhood Lead Testing by Race and Geography, 2024* [Dataset]. <https://onondaga.gov/health-lead/place-and-race-data/>; Onondaga County. (2025, April 23). *Prevalence of Childhood Lead Poisoning by Race and Geography, 2024* [Dataset]. <https://onondaga.gov/health-lead/place-and-race-data/>.

³¹ Griffith, D. A., Doyl, P. G., Wheeler, D. C., Johnson, D. L. (1998). A tale of two swaths: urban childhood blood-lead levels across Syracuse, New York. *Annals of the Association of American Geographers*, 88(4), 640-665. <https://www.jstor.org/stable/2564096>; Lane, S. D., Webster, N. J., Levandowski, B. A., Rubinstein, R. A., Keefe, R. H., Wojtowycz, M. A., Cibula, D. A., Kingson, J. E.F.,

LEAD-BASED PAINT HAZARDS ARE PERVASIVE ACROSS THE MURPHY PROPERTIES AND AT LEAST SEVEN CHILDREN HAVE BEEN LEAD POISONED WHILE LIVING IN THEM

77. Brian A. Murphy and Harry Murphy operate a rental property business in Syracuse, New York. Over the years, the Murphys have owned and managed at least 78 rental properties with at least 153 individual rental units in the City of Syracuse (the “Murphy Properties”).

78. The Murphys have sold 55 of their properties. Harry Murphy owns 21 rental properties that cumulatively contain 41 individual rental units and manages two 2-unit rental properties. Appendix A includes a list of Properties owned and/or managed by Harry Murphy.

79. At all relevant times, the Murphys handled the day-to-day maintenance and management of lead-based paint hazards at the Murphy Properties.

80. According to City and County records, the Murphy Properties were built between 1830 and 1955. As such, each of the Murphy Properties is presumed to contain lead-based paint.

81. Between March 2017 and August 2025, 23 of the Murphy Properties have been cited for chipping, peeling, or deteriorating paint and other conditions conducive to lead poisoning by County Health and/or the City of Syracuse

Aubry, R. H. (2008). Environmental injustice: childhood lead poisoning, teen pregnancy, and tobacco. *Journal of Adolescent Health, 42*(2008), 43-49. <https://doi.org/10.1016/j.jadohealth.2007.06.017>

Department of Code Enforcement. In total, 117 interior and 213 exterior lead-based paint violations were cited at these 23 properties.

82. Between March 2017 and August 2025, at least seven children have been poisoned by lead while residing in a Murphy Property (these children recorded new or increased blood lead levels at or above 5 µg/dL). Two of the children resided in the same property. In total, there were six separate Murphy Properties where at least one of these lead-poisoned children lived at the time of their elevated blood lead levels. All these Murphy Properties were found to have lead-based paint hazards.

THE MURPHYS FAILED TO PROVIDE TENANTS WITH LEGALLY REQUIRED NOTICES AND ACCURATE INFORMATION ABOUT LEAD IN THEIR HOMES

83. Since 1996, the federal government has required lessors and sellers of housing constructed before 1978 to provide all lessees and purchasers with disclosures concerning the presence of any known lead-based paint and/or lead-based paint hazards, as well as EPA-approved lead hazard information pamphlets. 40 C.F.R. §§ 745.102 and 745.107.

84. The Murphys have failed to consistently provide their tenants with complete, accurate lead disclosures as required by the Lead Disclosure Rule.

HEALTH AND SAFETY HAZARDS ARE PERVASIVE ACROSS THE MURPHY PROPERTIES

85. Between March 2017 and August 2025, at least 54 of the Murphy Properties were cited for health and safety-related code violations, by the City of

Syracuse Department of Code Enforcement. Such violations include, for example, violations of State Code § 305.2 (structural members), § 305.4 (stairs and walking surfaces), § 505.4 (water heating facilities), and § 602.3 (heat supply). In total, at least 367 health and safety code violations were cited at the 54 properties between March 2017 and August 2025.

THE MURPHYS HAVE CREATED AND MAINTAINED A PUBLIC NUISANCE BY FAILING TO PREVENT AND EXACERBATING CONDITIONS CONDUCTIVE TO LEAD POISONING AND OTHER HEALTH AND SAFETY CONCERNS IN THEIR RENTAL PROPERTIES

86. In Syracuse, 60% of the occupied housing units are rental units.³² Rental housing is particularly important for low-income households and households of color. Ninety percent of households living below the poverty level in Syracuse rent their housing.³³ While people of color make up 51% of occupied housing in Syracuse, they make up 62% of renter-occupied housing in Syracuse, and only 34% of owner-occupied housing.³⁴ By depriving the Syracuse community of lead-safe rental housing, the Murphys are causing and contributing to a public nuisance.

87. As described *supra* ¶ 77, the Murphys have owned, controlled, or managed a total of at least 78 residential rental properties in Syracuse. The Murphys have allowed conditions conducive to lead poisoning to persist, and the

³² U.S. Census Bureau. (2021). *Selected Housing Characteristics, 2017-2021. American Community Survey 5-Year Estimates* (Table DP04) [Data set].

<https://data.census.gov/table?q=tenure+syracuse&tid=ACSDP5Y2021.DP04>

³³ U.S. Census Bureau. (2021). *Poverty Status in the Past 12 Months of Families by Household Type by Tenure, 2017-2021. American Community Survey 5-Year Estimates* (Table B17019) [Data set].

<https://data.census.gov/table?q=poverty+syracuse+tenure&tid=ACSDT5Y2021.B17019>

³⁴ U.S. Census Bureau. (2021). *Demographic Characteristics for Occupied Housing Units, 2017-2021 American Community Survey 5-Year Estimates* (Table S2502) [Data set].

<https://data.census.gov/table?q=syracuse+race+housing&tid=ACSST5Y2021.S2502>

repeated lead poisoning of children to occur, on a scale that constitutes a public nuisance. The Murphys have also allowed unsafe conditions such as unsafe stairs and structural members, lack of proper heating facilities, and lack of proper water heating facilities, to persist in numerous of their properties, in violation of City County, and State Codes.

88. Lead poisoning has a lifelong impact on children, as well as their families and the greater community. Lead poisoning causes a downward shift in the poisoned cohort's IQ and other cognitive indicators, which increases the number of students who require remedial assistance. A ten-fold increase in blood lead levels can cause a decrease in IQ of between one and six IQ points, with the largest decreases occurring at low-level increases in blood lead concentrations.³⁵ A downward shift of just five points in IQ at the population level would increase the number of children at the "very low" IQ level by 57%, requiring additional public spending on social services and special education of more than \$12,000 per year for each of these students.³⁶

89. Numerous studies have also associated higher childhood blood lead levels with attention issues, hyperactivity, impulsivity, delinquency, and conduct disorders, among other altered behaviors.

³⁵ U.S. Department of Health and Human Services. (2020). *Toxicological Profile for Lead*, at 140-167. <https://www.atsdr.cdc.gov/toxprofiles/tp13.pdf>.

³⁶ Issue Brief: Childhood Lead Exposure and Educational Outcomes, National Center for Healthy Housing, at 2, https://nchh.org/resource-library/Childhood_Lead_Exposure.pdf (last accessed May 8, 2023).

90. Nationwide, the annual cost of lead exposure is estimated at \$50 billion due to lost economic productivity because of decreased cognitive potential.³⁷ Lead poisoning also imposes great economic burdens on families, schools, communities, health care providers, and governments, including the increased costs to New York by, for example, increasing the annual Medicaid budget and the budgets for special education and other programs for children.³⁸

91. The County, City, and State are affected by the older housing stock, poverty, and high rates of lead poisoning in Syracuse, and are engaged in substantial efforts to address this pervasive health problem.

92. Between 2020 and 2024, the County spent more than \$14 million on its range of lead programs, including the Childhood Lead Primary Prevention Program, the Lead Poisoning Prevention Program, and repair programs to address lead in older housing stock. Funding for these County programs is provided, in part, by state and federal funds including HUD Lead Hazard Control grants, various New York State grants, and substantial investment of County funds. The County also incurs additional annual expenses addressing the broader impacts caused by lead poisoning in the form of law enforcement and social services.

93. The City of Syracuse (“City”) also provides numerous services addressing and/or directly related to the impacts of lead-based paint poisoning

³⁷ *Id.*

³⁸ Landrigan, P. J., Collins, G., Galvez, M., Sheffield, P., Forman, J. (2013). (rep.). New York State's Children and The Environment. New York, NY: Icahn School of Medicine at Mount Sinai. Retrieved from: https://nyscheck.org/wpcontent/uploads/2019/08/NYS-Children-Environment_2013.pdf.

described herein. Employees of the City's Division of Code Enforcement are tasked with performing property inspections, educating tenants and owners about the dangers of lead-based paint, and informing tenants and owners whom to contact properly.

94. The City spends in excess of \$700,000 per year on its lead poisoning prevention efforts. Funding for the City's lead-related programs is provided, in part, by HUD as well as State and City funds. The City also incurs additional annual expenses addressing the broader impacts caused by lead poisoning in the form of law enforcement and social services.

95. New York State also provides services and incurs expenses directly and indirectly related to lead-based paint poisoning. The State department of health partners with local health departments to provide education and testing for lead poisoning. The State's programs, including educational services and medical health services, are burdened by high rates of lead poisoning in the City.

96. The financial consequences of lead poisoning in New York State include millions of dollars in public spending on special education and other social services. In addition, New York State loses tens of millions in tax dollars each year because of lowered earnings from lead poisoning.

97. The Murphys neither admit nor deny the OAG's Findings, Paragraphs 59-96 above.

98. The OAG finds the relief and agreements contained in this Assurance appropriate and in the public interest.

THEREFORE, the OAG is willing to accept this Assurance pursuant to Executive Law § 63(15), in lieu of commencing a civil action or proceeding for violations of the City, County, and State housing codes with respect to maintenance of paint, including lead-containing paint, and City, County, and State Codes in relation to health and safety-related conditions; federal lead disclosure violations; a public nuisance claim under both the local housing codes and common law; and NY GBL § 349 deceptive business practices claim in relation to failure to inform tenants of known lead paint in houses based on the conduct described above from 2017 to present.

IT IS HEREBY UNDERSTOOD AND AGREED, by and between the Parties:

III. SETTLEMENT PAYMENTS

ESTABLISHMENT OF A TENANT RELIEF FUND

99. The Murphys shall pay to the State the total amount of thirty-five thousand dollars and no cents (\$35,000.00) (the “Penalty”) to be used to establish and fund the Murphy Tenant Relief Fund. The Murphys shall remit to the OAG a certified check in the amount of \$35,000.00 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 Murphys to the OAG such that it is received within thirty (30) days of the Effective Date.

100. At the time payment is remitted, the Murphys shall provide notice to the State, County, and City that payment has been made. The Murphys shall

include each of their taxpayer identification numbers when they make that payment to enable compliance with federal Internal Revenue Service reporting requirements.

SUSPENDED PENALTY

101. The Murphys shall be jointly and severally liable for an additional penalty of eighty thousand dollars and no cents (\$80,000.00) accruing interest at the rate of 9% from the Effective Date, all of which shall be stayed contingent on the Murphys' full compliance with the terms of this Consent Judgment (the "Suspended Penalty"). Upon the Murphys' timely remittance of the Penalty and upon satisfactory completion of every Risk Assessment Report and associated remediation through Lead Control Plan completion described in this Assurance, the obligation to pay the Suspended Penalty shall be removed. In the event the Suspended Penalty becomes due, the Murphys shall remit to the Office of Attorney General of the State of New York a certified check 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. Such certified check shall be remitted by the Murphys to the OAG within ten (10) days of written notice and demand from the State for such Suspended Penalty. Any imposed Suspended Penalty will be reduced by the total of Qualified Expenses expended as of the date of the written notice.

102. In lieu of paying the Suspended Penalty to the OAG, the Murphys shall be jointly and severally liable for establishing and funding a Risk Assessment

and Remediation Fund with a payment of eighty thousand dollars and no cents (\$80,000.00). The Murphys shall fully fund the Risk Assessment and Remediation Fund by depositing the eighty-thousand-dollar payment into the escrow account described below, within ten (10) days of the Effective Date.

C. Establishing Escrow Account as Security for Performance

103. In consideration for the State agreeing to the Assurance and as security for the Murphys' full compliance with the provisions of this Assurance, the Murphys 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 Assurance shall be deposited and maintained. No funds deposited into such escrow account shall be withdrawn by the Murphys or released by the escrow agent without express, prior written authorization by the OAG, and only in accordance with this Assurance.

104. The payments provided under this Assurance, and any interest, nonpayment penalties, and charges described in this Assurance, are not tax deductible for the purposes of federal, state, or local law. Accordingly, the Murphys agree to treat all payments made pursuant to this Assurance 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.

105. Brian Murphy has represented that as of the Effective Date, he does not own any residential rental properties subject to this Assurance and has further

represented that he has no present intention of owning or managing any residential rental property subject to this Assurance or other residential rental property in New York State. The parties have therefore agreed that Brian Murphy's obligations under this Assurance are satisfied once the Tenant Relief Fund and Risk Assessment and Remediation Fund are fully funded in accordance with Paragraphs 99 -103. In the event that within five (5) years of the Effective Date, Brian Murphy comes to own or manage any residential rental property in New York State, he shall notify the OAG within 30 days of taking title of the residential rental property or entering into an agreement to manage any residential rental property and such notice shall include the address of every residential rental property that Brian Murphy owns and/or manages.

IV. INJUNCTIVE RELIEF

COMPLIANCE WITH LEAD HAZARD CONTROL LAWS AND HEALTH AND SAFETY LAWS

106. The Murphys 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 Property Maintenance Code of New York State, 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, and

expressly agrees and acknowledges that any future violations of the Acts also violate this Assurance, and that the OAG thereafter may commence the civil action or proceeding contemplated in the THEREFORE Paragraph, *supra*, in addition to any other appropriate investigation, action, or proceeding.

A. Lead Risk Assessment and Control Items

i. Risk Assessments

107. Within thirty (30) days of the Effective Date, Harry Murphy shall engage an individual or company (the “Risk Assessor”) who will conduct the lead hazard risk assessments at the Murphy Properties identified in Appendix B (the “Priority Properties”), as described in paragraphs 127–131 below.

108. Harry Murphy shall submit to the OAG, the County, and the City the name(s) of any individual(s) or companies he proposes 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.

109. Prior to engaging the Risk Assessor, Harry Murphy shall provide a copy of this Assurance 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 Assurance.

110. 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 Harry Murphy executes a signed agreement with the Risk Assessor.

111. Neither Harry Murphy, nor any of his principals, shall employ any current or former employees of the Risk Assessor during the tenure of this Assurance.

112. 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 Harry Murphy 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 127–131 below. If, after discussion with the Risk Assessor, the OAG finds that there is a violation of the Assurance, the OAG will provide notice to Harry Murphy identifying its grounds and findings.

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

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

115. The Risk Assessor shall have access to all information within Harry Murphy's possession, custody, or control that the Risk Assessor finds necessary to fulfill their responsibilities as set forth in this Assurance.

ii. Third Party Monitor

116. Harry Murphy shall engage an individual or company ("Monitor") before work at properties begins, to perform all tasks of the Monitor as specified and described in this Assurance. 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 Harry Murphy on lead remediation and control work as required in Subsections C and D that will ensure efficient and full compliance with this Assurance and preparing Quarterly Lead Control Project Reports as required by Subsection E below.

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

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

119. Prior to engaging the Monitor, Harry Murphy shall provide a copy of this Assurance 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 Assurance.

120. The engagement of the Monitor will begin on the date Harry Murphy executes a signed agreement with the Monitor (“Monitor Engagement Date”).

121. The Monitor shall not enter into other contracts or agreements with Harry Murphy or any of his affiliates during the tenure of this Assurance, except as authorized by this Assurance or the OAG.

122. Neither the Murphys, nor any of their affiliates, shall employ any current or former employees of the Monitor during the tenure of this Assurance.

123. The OAG, the County, and the City, at their sole discretion, shall have a right to independently confer with the Monitor and require that Harry Murphy 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 Assurance, the OAG will provide notice to Harry Murphy identifying its grounds and findings.

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

125. The Monitor may be replaced at the reasonable request of Harry Murphy subject to the OAG’s approval of the need for an appointment of a new Monitor.

126. The Monitor shall have access to all information within Harry Murphy’s and the Risk Assessor’s possession, custody, or control that the Monitor finds necessary to fulfill their responsibilities as set forth in this Assurance.

iii. Lead Hazard Risk Assessments

127. Within thirty (30) days after Harry Murphy has retained the Risk Assessor, the Risk Assessor shall (a) conduct a lead hazard risk assessment for lead-based paint hazards at the Murphy Properties identified in Appendix B (“Priority Properties”) and (b) generate a risk assessment report in accordance with the requirements set forth in paragraph 131 (the “Risk Assessment Report”). A copy of the Risk Assessment Report shall be provided to Harry Murphy, the State, the County, and the City.

128. 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.

129. Harry Murphy shall cooperate with the Risk Assessor in scheduling the risk assessment at each property.

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

(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 painted surfaces, including but not limited to 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.

131. 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.

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

B. Lead Control Plan and Lead Control Projects

i. Lead Control Plans

133. Within thirty (30) days after the Risk Assessment Reports are provided to Harry Murphy, for each property where conditions conducive to lead poisoning or potential lead hazards are identified by the Risk Assessor, Harry Murphy 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.

134. 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, Harry Murphy 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, Harry Murphy 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, Harry Murphy 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; and
- iv. Within one hundred and eighty days (180) days of having received approval from the OAG, Harry Murphy shall address and remedy all conditions conducive to lead poisoning on the exterior of all residences.

ii. Lead Control Projects

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

136. 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.

137. 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 Harry Murphy executes a signed agreement with the EPA certified firm.

138. For each occupied property where work will be undertaken to correct conditions conducive to lead poisoning and/or control potential lead hazards, the certified firm shall prepare an occupant protection plan in conformance with 40 C.F.R 745.227(e)(5). Such occupant protection plan shall become part of the Lead Control Plan for each respective property. In the event an occupant protection plan requires that occupants be temporarily relocated during work, Harry Murphy shall provide, at his full expense, the impacted tenants with safe and conveniently located accommodations while remediation work is being performed and/or appropriate compensation to terminate their tenancy and leave the premises. Notwithstanding the foregoing provisions, all Lead Control Projects must be completed within eighteen (18) months from the Effective Date.

139. Harry Murphy may request an extension of time for any deadline contained in this Assurance and the OAG agrees not to unreasonably withhold any such extension request provided Harry Murphy has been acting diligently and in good faith toward the timely completion of his obligations described herein.

140. Harry Murphy shall incur a minimum of \$80,000 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 Assurance after less expenditures.

- a. If Harry Murphy incurs \$80,000 in Qualified Expenses but the Lead Control Plan is not completed, Harry Murphy will have satisfied his obligation under this Assurance regarding the expenditure of \$80,000 in Qualified Expenses. Harry Murphy may, but is not required as a condition of this Assurance, to complete the work detailed in the Lead Control Plan.
- b. If Harry Murphy spends less than \$80,000 in Qualified Expenses but otherwise satisfactorily complete the Lead Control Project, Harry Murphy 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 III.B.** through **Section III.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 \$80,000 as described herein.

141. "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 \$80,000 for use in implementing the Lead Control Projects in accordance with this Assurance; and (b) spending a minimum of \$80,000 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 Assurance after less expenditures; or paying the Suspended Penalty in full as described in paragraph 101.

iii. Qualified Expenses

142. “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 Assurance, 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 Assurance. “**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 Harry Murphy’s overhead, cost mark-ups on materials or labor, administrative expenses, legal fees and/or any time and salary spent by Harry Murphy’s own personnel supervising, administering, managing, or overseeing Lead Control Project contractors. Also, any costs incurred by Harry Murphy 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. Harry Murphy shall have the burden of establishing that any incurred expense constitutes a “Qualified Expense”.

iv. Lead Grant Funding

143. The Parties recognize that Harry Murphy may qualify for lead-hazard related grant funding from outside sources to perform certain lead hazard reduction activities in the Murphy Properties, some of which may be within the scope of lead hazard reduction contemplated by this Assurance. While Harry Murphy is encouraged to apply for available outside grant funding, they may not use outside grant funding to pay the entire \$80,000 required to be spent on Lead Control Projects.

144. In the event Harry Murphy applies for and receives lead-related grant funding for use at the Properties, the following terms govern the use of such grant funds and reduction of Harry Murphy’s \$80,000 Risk Assessment and Remediation Fund:

- a. Harry Murphy may apply lead-related grant funds to reduce the \$80,000 liability by no more than one third (i.e., \$26,666.66).

b. For every one dollar in lead-related grant funding Harry Murphy receives and spends as a Qualified Expense at the Properties, he may reduce his out-of-pocket liability for the \$80,000 Risk Assessment and Remediation Fund by one third, up to a maximum reduction of \$26,666.66. By way of examples only,

Example 1: If Harry Murphy obtains \$60,000 in lead grant money, Harry Murphy would receive a credit for one-third of that (\$20,000) towards Harry Murphy's Risk Assessment and Remediation Fund liability. Harry Murphy would still have to spend $\$80,000 - \$20,000 = \$60,000$ of their own funds, so total investment on Qualified Expenses (\$60,000 grant plus Harry Murphy's \$60,000) would be \$120,000 instead of \$80,000.

Example 2: If Harry Murphy obtains \$24,000 in lead grant funds, Harry Murphy would receive a one-third credit (\$8,000) towards Harry Murphy's Risk Assessment and Remediation Fund liability. Harry Murphy would still have to spend $\$80,000 - 8,000 = \$72,000$ of their own funds. The total lead control project investment would be \$24,000 grant funds, plus \$72,000 of Harry Murphy's own funds, = \$96,000 total investment in Qualified Expenses.

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

d. In the event Harry Murphy receives 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 Murphy 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.

v. Reporting

145. The Monitor shall prepare and submit a quarterly lead control project report ("Quarterly Report") to Harry Murphy, 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.

146. 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.

147. For four (4) consecutive years following the Effective Date, beginning on the first anniversary of the Assurance, Harry Murphy shall retain a third party, EPA certified inspector to perform a visual and dust clearance inspection of every residential rental property contained in Appendix B that Harry Murphy owns and manages in New York State. On all Appendix B properties where a Risk Assessment was performed in accordance with this Assurance, 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 Murphy properties where no Risk Assessment was required to be performed, such annual inspection shall perform a visual and dust clearance inspection in accordance with federal HUD HQS guidelines and the 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 Harry Murphy 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.

C. Maintenance and Sale of Rental Properties

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

149. In the event that any inspection performed at a Murphy Property in accordance with paragraph 147 above reveals a condition conducive to lead poisoning, the Murphys shall correct such condition conducive to lead poisoning, using an EPA certified firm to do so, within thirty (30) days of the Murphys' receipt of such inspection report. All such conditions conducive to lead poisoning shall be corrected and cleared in accordance with the Lead Abatement and Control Ordinance, Chapter 54 of the Revised General Ordinances of the City of Syracuse, §§ 54-6 and 54-8.

150. Harry Murphy agrees not to sell or transfer any property identified in Exhibit B until the properties have either been satisfactorily lead controlled or Harry Murphy has satisfactorily completed the obligations under the Assurance as described in paragraph 152. In the event of such a sale or transfer, Harry Murphy agrees to comply with all applicable laws, including payment of any outstanding City or County property taxes or assessments and providing a full and accurate lead

disclosure statement, a lead information pamphlet, and a copy of the risk assessment report for that property to the prospective buyer(s).

151. Prior to satisfactory completion as described in paragraph 141, Harry Murphy will not sell the residential properties identified in Appendix B until these have been satisfactorily lead-controlled in accordance with paragraphs 133–141 above or without the OAG’s approval of a proposed sale. For five (5) years following the Effective Date, if Harry Murphy acquires any residential rental property that is not in Appendix A in the State of New York that was constructed on or before 1978, Harry Murphy shall notify the OAG, the County, and the City in writing within thirty (30) days of acquisition.

152. 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 Harry Murphy for chipping, peeling, or deteriorating paint or other conditions conducive to lead poisoning after the Effective Date, Harry Murphy 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.

153. Nothing in this Assurance relieves the Murphys from their obligation to comply 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 Property Maintenance Code of New York State, the New York Public Health Law, or any other law that has not been cited or noticed as of the Effective Date of this Assurance.

154. For five (5) years following the Effective Date, in the event that Harry Murphy chooses 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, Harry Murphy is 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 Assurance. The Lead Hazard Risk Assessor shall generate a report in accordance with the requirements of Part C of this Assurance. Harry Murphy shall provide a copy of the risk assessment report to OAG, the City, the County, and all prospective buyers of such property.

155. Harry Murphy is required to comply with all applicable laws, including the federal disclosure laws, prior to selling any property.

D. Lead Disclosures to Tenants

156. Within fourteen (14) days of the Effective Date, Harry Murphy shall provide the OAG with the following information for each residential rental property owned and/or managed by Harry Murphy 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.

157. Within thirty (30) days of the Effective Date, Harry Murphy shall provide every tenant of every residential rental unit owned and/or managed by Harry Murphy 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 C), 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 D), and any other reports of lead paint or lead hazards relating to such address.

158. For every future tenant in each and every residential rental unit owned and/or managed by Harry Murphy, Harry Murphy shall provide every tenant of every residential rental unit owned and/or managed by Harry Murphy 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 C), 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 D), and any other reports of lead paint or lead hazards relating to such address.

V. ADDITIONAL STIPULATIONS

159. In the event that Harry Murphy fails to comply with any of the terms or provisions of this Assurance relating to performance of any Lead Control Project, Harry Murphy shall be liable for stipulated penalties according to the provisions set forth below:

- a. For a Lead Control Project that has not been completed satisfactorily pursuant to this Assurance, Harry Murphy shall pay a penalty to the State of \$80,000 less any approved Qualified Expenses for that Project actually incurred by Harry Murphy. The definition of “satisfactory completion” is set forth above in paragraph 141.

160. Any determinations of whether the Lead Control Projects have been satisfactorily completed and whether Harry Murphy 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.

VI. COMMUNICATIONS BETWEEN THE PARTIES

161. All notices, reports, requests, and other communications pursuant to this Assurance must reference Assurance No. 26-012 and 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-Liu, Assistant Attorney General
Patrick Omilian, Assistant Attorney General
28 Liberty Street, 19th Floor
New York, NY 10005
Abigail.Katowitz-Liu@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: Susan R. Katzoff, Corporation Counsel
233 E. Washington Street, Suite 300
Syracuse, NY 13202
skatzoff@syr.gov

If to the Murphys
Scott Iseman
Iseman PLLC
59 Franklin Street
Saratoga Springs, NY 12866
Scott@Scottisemanlaw.com

VII. MISCELLANEOUS

SUBSEQUENT PROCEEDINGS

162. If the Assurance is voided or breached, the Murphys agree that any statute of limitations or other time-related defenses applicable to the subject of the Assurance and any claims arising from or relating thereto are tolled from and after the date of this Assurance. In the event the Assurance is voided or breached, the Murphys expressly agree and acknowledge that this Assurance shall in no way bar or otherwise preclude OAG from commencing, conducting or prosecuting any investigation, action or proceeding, however denominated, related to the Assurance, against the Murphys, or from using in any way any statements, documents or other materials produced or provided by the Murphys prior to or after the date of this

Assurance. In the event that the OAG commences an action or proceeding related to this Assurance:

- a. any civil action or proceeding must be adjudicated by the courts of Onondaga County, State of New York, and the Murphys irrevocably and unconditionally waive any objection based upon personal jurisdiction, inconvenient forum, or venue;
- b. evidence of a violation of this Assurance shall constitute prima facie proof of a violation of the applicable law pursuant to Executive Law § 63(15).

EFFECTS OF ASSURANCE

163. This Assurance is not intended for use by any third party in any other proceeding.

164. This Assurance is not intended, and should not be construed, as an admission of liability by the Murphys. Nothing contained herein shall be construed as to deprive any person of any private right under the law.

165. Any failure by the OAG to insist upon the strict performance by the Murphys of any of the provisions of this Assurance shall not be deemed a waiver of any of the provisions hereof, and the OAG, notwithstanding that failure, shall have the right thereafter to insist upon the strict performance of any and all of the provisions of this Assurance to be performed by the Murphys.

REPRESENTATIONS AND WARRANTIES

166. The OAG has agreed to the terms of this Assurance based on, among other things, the representations made to the OAG by the Murphys and their counsel and the OAG's own factual investigation as set forth in Findings,

Paragraphs 59–96 above. The Murphys represent and warrant that neither they nor their counsel has made any material representations to the OAG that are inaccurate or misleading. If any material representations by the Murphys or their counsel are later found to be inaccurate or misleading, this Assurance is voidable by the OAG in its sole discretion.

167. No representation, inducement, promise, understanding, condition, or warranty not set forth in this Assurance has been made to or relied upon by the Respondent in agreeing to this Assurance.

GENERAL PRINCIPLES

168. The provisions of Section IV, Injunctive Relief shall terminate three years after the Effective Date of the Assurance. The termination of those provisions shall not affect the rights of the OAG to enforce any provision of Section IV that the OAG claim was violated between the Effective Date and termination date. The relief described in this Assurance resolves all of the OAG’s claims, or potential claims, against the Murphys related to 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 Property Maintenance Code of New York State, New York State Real Property Law § 235-b(1), the New York State Public Health Law and its attendant regulations, the EPA’s implementing lead disclosure regulations, 40 C.F.R. Part 745, Subpart F; HUD’s implementing lead disclosure regulations, 24 C.F.R. Part 35, Subpart A; and

the EPAs implementing regulations governing residential property renovation, 40 C.F.R. Part 745, Subpart E prior to the Effective Date. Nothing in this Agreement shall relieve the Murphys of other obligations imposed by any applicable state or federal law or regulation or other applicable law.

169. Nothing contained herein shall be construed to limit the remedies available to the parties in the event that either party violates the Assurance after its Effective Date.

170. This Assurance may not be amended except by an instrument in writing signed on behalf of the Parties to this Assurance.

171. In the event that any one or more of the provisions contained in this Assurance shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, in the sole discretion of the OAG, such invalidity, illegality, or unenforceability shall not affect any other provision of this Assurance.

172. The Murphys acknowledge that they have entered this Assurance freely and voluntarily and upon due deliberation with the advice of counsel.

173. This Assurance shall be governed by the laws of the State of New York without regard to any conflict of laws principles.

174. The Assurance and all its terms shall be construed as if mutually drafted with no presumption of any type against any party that may be found to have been the drafter.

175. This Assurance 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 Assurance, all of which shall constitute one agreement to be valid as of the Effective Date of this Assurance. For purposes of this Assurance, 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 Assurance and all matters related thereto, with such scanned and electronic signatures having the same legal effect as original signatures.

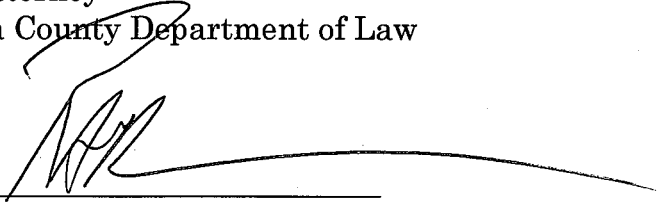
176. The Effective Date of this Assurance shall be April 20, 2026.

LETITIA JAMES
Attorney General of the State of New York
28 Liberty Street
New York, New York 10005

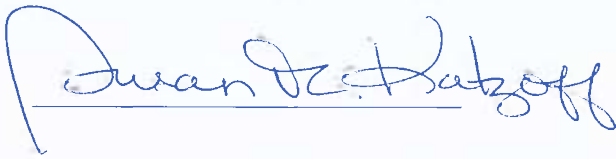
By: *Abigail Katowitz-Liu*
Abigail Katowitz-Liu
Patrick B. Omilian
Assistant Attorneys General
Environmental Protection Bureau

ROBERT DURR
County Attorney
Onondaga County Department of Law

By: _____

A handwritten signature in black ink, appearing to be 'RD', is written over a horizontal line. The signature is stylized and extends to the right of the line.

SUSAN R. KATZOFF
Corporation Counsel – City of Syracuse

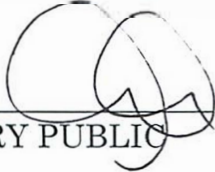
By: 

For Harry Murphy and Brian Murphy


Harry Murphy

State of New York)
) ss.
County of Onondaga)

On the 1st day of April, 2026, before me, the undersigned, a Notary Public in and for said state, personally appeared Harry Murphy, 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.



NOTARY PUBLIC

JAMES J. WALLACE
State of New York Notary Public
Onondaga County, Reg #02WA4892106
My commission expires April 13, 2027

Commission Expires: _____

Counsel for Harry Murphy and Brian Murphy



Scott Iseman
Iseman PLLC
59 Franklin Street
Saratoga Springs, NY 12866

APPENDIX A

List of rental properties in the City of Syracuse that Harry Murphy, or any of his companies have owned at any time. A Single Asterisk (*) indicates that the Murphys or their companies sold the property at some point before October 27, 2025. A double asterisk identifies properties that Harry Murphy manages but does not own.

134-36 Amherst Ave	136 Hall Ave*	3506-08 Salina St S
131 Bellevue Ave & Huron St*	105-07 Herriman St	3724-26 Salina St S
227 Bellevue Ave & Chester St*	184-86 Hope Ave*	2416-18 State St S*
231 Bellevue Ave*	140-42 Kenmore Ave*	210 Sabine St*
302 Cannon St & Fernwood Ave*	144-46 Kenmore Ave*	1413-15 South Ave
1123-25 Cannon St*	208-10 Kenmore Ave*	1801-03 South Ave & Marguerite Av*
210-12 Cannon St	212-14 Kenmore Ave*	605 Valley Dr
218-20 Cannon St	116 Kirk Ave	115 Bissell St W*
624-26 Cannon St*	210 Lincoln Ave*	152-54 Brighton Ave W*
630-32 Cannon St*	154 Mather St*	176-78 Calthrop Ave W
710 Catherine St To Lodi St	112-14 Mckinley Ave*	211-13 Colvin St W
415-17 Cortland Ave*	116-18 Mckinley Ave*	801-03 Colvin St W & Hatch St*
415 Craddock St	119-21 Mckinley Ave*	805-07 Colvin St W*
112 Eastman Ave*	123-25 Mckinley Ave*	144 Corning Ave W*
114-16 Eastman Ave & May Ave*	132-34 Mckinley Ave*	304 Kennedy St W*
119 Fernwood Ave*	207 McLennan Ave	282 Lafayette Ave W*
118-20 Fernwood Ave*	413 Merriman Ave*	117-19 Lynhurst Ave W*
122-24 Fernwood Ave*	2424-26 Midland Ave*	332 Newell St W*
151-53 Fernwood Ave*	369-71 Midland Ave	407 Ostrander Ave W
166-68 Fernwood Ave*	373-75 Midland Ave*	212 Warner Ave*
220-22 Fitch St	109 Onondaga Ave*	350 Webster Ave*
417-19 Fitch St & Herriman St	839-41 Onondaga Ave To Bissell S**	429-31 Westmoreland Ave*
261 Grand Ave	126 Palmer Ave	441-43 Westmoreland Ave*
735 Seneca Tpke W	100 Rowland St	717 Winton St*
	309 Rowland St*	117-19 Wood Ave*
	1066-70 Geddes St S*	
	1803 Salina St S*	
	2015-17 Salina St S*	
	2430-32 Salina St S**	

APPENDIX B

List of properties in the City of Syracuse that have been cited with deteriorating paint violations under the ownership of Brian Murphy, Harry Murphy, or any of their companies, and that are still owned by Brian Murphy, Harry Murphy, or any of their companies as of October 27, 2025.

134-136 Amherst Ave
210-212 Cannon St
2430-2432 S Salina St
3506-3508 S Salina St
417-419 Fitch St
839-841 Onondaga Ave

Appendix C

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 D



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.

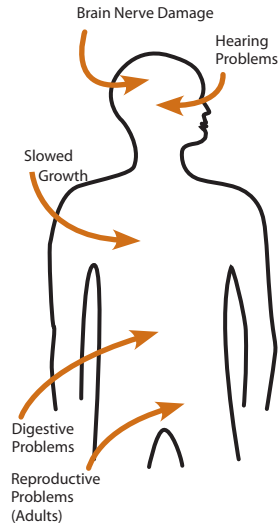
- Women with a high lead level in their system before or during pregnancy risk exposing the fetus to lead through the placenta during fetal development.

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).