

§ 173.14. Safety standards for lead based paint abatement.

(a) Purpose, scope and applicability.

- (1) This section shall apply to the wet scraping and repainting, removal, encapsulation, enclosure, replacement, as such terms are defined herein, or other approved method of abatement, of paint, plaster, or other similar surface coating materials containing lead based paint as defined in subdivision (16) of subsection (b) of this section, whenever such wet scraping and repainting, removal, encapsulation, enclosure, replacement, or other approved method of abatement, is directed by order of the Commissioner pursuant to § 173.13 of this Code. The provisions of this section shall not be construed to authorize any method of abatement which is otherwise prohibited by law. Whenever lead based paint abatement is undertaken pursuant to an order of the Commissioner, only the method of abatement specified in the Order shall be utilized. This section shall apply to all conditions and surfaces directed or ordered to be abated by the Department, including but not limited to common areas, public hallways, and exterior surfaces as directed or ordered.
- (2) This section shall apply to correction of lead based paint hazards pursuant to § 27-2056.2(b) or § 27-2056.5(c) or (d) of the Administrative Code of the City of New York, regulations of the Department of Housing Preservation and Development, or successor laws or regulations.
- (3) The provisions of this section shall apply whenever the Department requests the Department of Housing Preservation and Development to execute a Commissioner's order to abate a lead based paint nuisance pursuant to § 173.13 of this Code.

(b) Definitions.

- (1) "Abatement" or "lead based paint abatement" shall mean the reduction of a lead based paint condition or hazard through the wet scraping and repainting, removal, encapsulation, enclosure, or replacement of lead based paint, or other method approved by the Commissioner, as directed by order of the Commissioner pursuant to § 173.13 of this Code or when performed pursuant to § 27-2056.2(b) or § 27-2056.5(c) or (d) of the Administrative Code and whenever the Department requests the Commissioner of Housing Preservation and Development to execute an order issued pursuant to § 173.13 of this Code.

- (2) "Abatement area" shall mean that part of a building where lead based paint abatement is being performed.
- (3) "Chewable surfaces" shall mean any surface that because of its height or location, is readily accessible to children under six years of age and forms an edge or protrudes from any flat surface, including but not limited to, doors, door frames, window sills, moldings, railings, stairs, window frames, trim, baseboards and cabinets.
- (4) "Commissioner" shall mean the Commissioner of Health of the City of New York.
- (5) "Deleader" or "deleader-contractor" shall mean any person engaged to perform a lead based paint abatement pursuant to this section.
- (6) "Deleader-supervisor" shall mean any person in charge of or in control of lead based paint abatement work or the work in an abatement area as regulated herein.
- (7) "Deleader-worker" shall mean any person engaged in abatement other than a deleader-contractor or a deleader-supervisor.
- (8) "Department" shall mean the Department of Health of the City of New York.
- (9) "Dwelling" shall mean any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place of one or more human beings.
- (10) "Dwelling unit" shall mean any residential accommodation in a residence or home of a single family living independently from other families in other dwellings or dwelling units.
- (11) "Encapsulation" shall mean a process of lead based paint abatement which makes lead based paint inaccessible by covering or sealing painted surfaces with liquid or elastic coatings, which solidify to become permanent and resistant to impact, cracking, peeling and growth of algae, fungi, or other microbes.
- (12) "Enclosure" shall mean the construction of a rigid, durable barrier that is physically affixed to building components, with all edges and seams permanently sealed so that surfaces are encased and inaccessible.
- (13) "Friction surface" shall mean any surface that touches or is in contact with another surface, such that the two surfaces are capable of relative motion, thereby encountering resistance. Friction surfaces shall

include but not be limited to window frames and jams, doors, and hinges.

- (14) "HEPA vacuum" shall mean a vacuum equipped with a high efficiency particulate air filter capable of filtering out monodispersive particles of 0.3 microns or greater in diameter from a body of air at 99.97 percent efficiency or greater.
- (15) "Intact surface" or "intact paint" shall mean paint or other similar surface coating material that is not peeling.
- (16) (aa) "Lead based paint", for the purposes of this Code, shall mean paint or other similar surface coating material containing 1.0 milligram of lead per square centimeter (mg/cm²) or greater as determined by laboratory analysis, or by an x-ray fluorescence (XRF) analyzer. If an XRF analyzer is used, readings shall be corrected for substrate bias when necessary as specified by the Performance Characteristic Sheets (PCS) published by the United States Environmental Protection Agency (EPA) for the specific XRF instrument used. XRF readings shall be classified as positive, negative or inconclusive in accordance with the United States Department of Housing and Urban Development (HUD) "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing", June 1995 and the PCS published by the EPA and HUD for the specific XRF instrument used. XRF results which fall within the inconclusive zone, as determined by the PCS shall be confirmed by laboratory analysis of paint chips, results shall be reported in mg/cm² and the measure of such laboratory analysis shall be definitive. If laboratory analysis is used to determine lead content, results shall be reported in mg/cm². Where the surface area of a paint chip sample cannot be accurately measured or if an accurately measured paint chip sample cannot be removed, laboratory analysis may be reported in percent by weight. In such case, lead-based paint shall mean any paint or other similar surface coating material containing more than 0.5% of metallic lead, based on the non-volatile content of the paint or other similar surface coating material. In the absence of a PCS for a specific XRF instrument or a particular function of such instrument, substrate correction, classification of XRF readings, and determinations of

inconclusive readings shall be performed in accordance with the manufacturer's instructions for the specific XRF instrument used.

(bb) For the purposes of violations of the Housing Maintenance Code, "lead based paint" shall mean paint or other similar surface coating material as specified in § 27-2056.1 of the New York City Administrative Code or any amendments or successor thereto.

(17) "Lead dust test" shall mean a test for the lead content of dust on floors, window wells, and window sills in an apartment.

(18) "Owner" shall mean the owner, operator, managing agent or other person in control of the premises, dwelling, or dwelling unit subject to this section.

(19) "Peeling" when used to describe a condition of paint or other similar surface coating material shall mean paint or other similar surface coating material that is peeling, cracking, scaling, flaking, blistering, chipping, chalking, or loose in any manner, such that there exists any space or pocket of air behind any portion thereof or such that the paint is not completely adhered to the underlying surface.

(20) "Removal" means removal of lead based paint from a building component, including but not limited to a wall, ceiling, floor, door, window frame, or molding, without removing such component from the building.

(21) "Replacement" shall mean removing components (such as windows, doors, and trim) that have lead based paint and installing components free of lead based paint.

(c) Administrative requirements.

(1) Filing procedures.

(aa) No less than twenty-four and not more than ninety-six hours prior to the commencement of a lead based paint abatement, the owner of the premises subject to the abatement, or the deleader-contractor retained by the Department of Housing Preservation and Development, shall file with the Department a notice of the commencement of the abatement. Such notice shall be signed by the owner or, when applicable, by the deleader-contractor retained by the Department of Housing Preservation and Development. Where abatement is required to be completed in a lesser period of time than that specified herein for the

filing of a notice of commencement of abatement, then such filing shall be made as soon as practicable but prior to the commencement of abatement.

- (bb) Such notice shall be in a form satisfactory to or prescribed by the Department and shall set forth at a minimum the following information:
 - (i) the address of the building and the specific location of the lead based paint abatement within the building.
 - (ii) The name, address and telephone number of the owner of the premises in which the lead based paint abatement is to be performed.
 - (iii) The name, address and telephone number of the deleader-contractor who will be responsible for performing the abatement.
 - (iv) The date and time of commencement of the work, working or shift hours, and the expected date of completion.
 - (v) A complete description and identification of the surfaces and structures to be abated and the method(s) of abatement for each surface or structure.
- (cc) Investigation by the Department of unsafe lead based paint abatement.
 - (i) The Department may inspect any premises where a lead based paint abatement which is subject to this section is being conducted.
 - (ii) Such inspection shall include but not be limited to the premises where abatement is being conducted and any other areas affected by the emission or release of lead dust or the disturbance of lead based paint caused by the abatement.
 - (iii) If the Department determines that such work is not being conducted in accordance with the provisions of this section, the Department may order that such work be stopped immediately; that the premises be cleared of uncontained leaded dust and debris; that the conditions or work practices constituting a departure from the provisions of this section be

corrected; and that the owner and any persons performing such work submit a work plan prior to resuming work, to demonstrate their ability and willingness to comply with the provisions of this Code.

- (dd) Any changes in the information contained in the notice required by paragraph (bb) above, shall be filed with the Department prior to commencement of work, or if work has already commenced, within twenty-four hours of any change.
- (ee) The filing of a notice pursuant to this section shall be accompanied by the payment of a fee which shall be established by the Commissioner in accordance with Chapter 45 of the New York City Charter. Such fee shall not be refundable.

(2) Licensing and training.

- (aa) No person shall perform an abatement who has not complied with all federal, state and other applicable law requiring training, licensing, certification, or other authorization to carry on the activities specified in this section.
- (bb) No person shall perform the surface dust tests required by this Code or by § 27-2056(b)(12) of the Administrative Code unless such person has successfully completed a course approved or administered by the Department or by the United States Department of Housing and Urban Development or the United States Environmental Protection Agency and obtained a certificate issued by or acceptable to the Department.
- (cc) The Department may conduct such courses or approve courses conducted by others. Persons electing to enroll in such courses conducted by the Department may be charged a fee of fifty-two dollars (\$52.00) to defray all or part of the costs incurred by the Department for course registration, materials, training, and certification.
- (dd) When the Department finds surface dust testing in violation of this section, or certification or testing that is not conducted pursuant to Article 14 of subchapter 2 of chapter 2 of Title 27 of the Administrative Code, or the rules of the Department of Housing Preservation and Development, the Department may rescind approval or certification, or require the holder to retake

the course. The Department may also require holders of such certificates to complete a refresher course when the Department determines that such a course is necessary to acquaint holders with current technological developments.

(3) Recordkeeping.

- (aa) The owner and deleader-contractor shall make and keep a record of the following information for every lead based paint abatement performed: name and address of deleader-contractor responsible for the abatement; the location and description of the project, and location of lead based paint which was abated; starting and completion dates of the abatement; and summary of the abatement methods employed.
- (bb) The owner and deleader-contractor shall maintain all records and environmental test results, including dust testing results used for the purpose of determining whether the abatement area is cleared for reoccupancy, and the results of any dust testing conducted after re-occupancy.
- (cc) The owner and deleader-contractor shall retain such required records for seven years after the date of completion of the abatement, or for such other time period as may be required by law or regulation. Such records shall be available for inspection by employees of the Department and the Department of Housing Preservation and Development upon demand.

(d) Methods of lead based paint abatement. Whenever a lead based paint abatement is ordered to be conducted in accordance with this section or is performed pursuant to § 27-2056.2(b) or § 27-2056.5(c) or (d), the method of abatement shall be limited to the following:

(1) Wet Scraping and Repainting.

- (aa) Peeling paint shall be removed, using a scraper and water misting to reduce lead dust levels.
- (bb) Scraped surfaces shall be re-sealed with a primer, where appropriate, and (two) 2 coats of non-lead based paint.

(2) Removal.

- (aa) Paint shall be removed by planing or by chemical stripping not otherwise prohibited by this Code, or other applicable laws, rules and regulations.

- (bb) The following methods of paint removal shall be prohibited:
- (3) Enclosure.
- (aa) All loose and hanging lead based paint shall be removed while damp, using a scraper and water misting to reduce dust levels. Enclosure of walls shall be accomplished with sheet rock, panelling or other materials deemed acceptable to the Department.
 - (bb) Window sills and other protruding chewable surfaces shall be enclosed using wood, metal, rigid vinyl or other material approved by the Department.
 - (cc) All seams shall be tightly sealed following enclosure.
 - (dd) Abated surfaces shall be sealed, where appropriate, with a primer and two coats of non-lead based paint, or other non-lead based surface-coating material.
 - (ee) Enclosure shall not be performed where lead painted structures cannot support the weight of the enclosure or are not structurally sound. Defective structures shall be repaired prior to enclosure.
- (4) Encapsulation.
- (aa) Surfaces shall be prepared in accordance with manufacturers' instructions.
 - (bb) Encapsulation shall be performed with an encapsulant approved by the manufacturer for the intended use.
 - (cc) The following materials may not be used as encapsulants: wallpaper, contact paper, or a new coat of paint.
 - (dd) Encapsulation shall not be performed where lead based painted structures cannot support the weight of the encapsulant or are not structurally sound.
 - (ee) Encapsulation shall not be used unless ordered or authorized by the Department or by the Department of Housing Preservation and Development.
- (5) Replacement. When, components or surfaces such as doors, trim, window sills and other surfaces are replaced or friction surfaces are removed or replaced, such replacement shall be performed in accordance with

the provisions of subsection (e)(2)(bb) of this section.

- (6) Any other method approved, directed or ordered by the Commissioner.
- (e) Safety standards.
- (1) Compliance, persons liable.
 - (aa) All persons specified in § 17-144 of the New York City Administrative Code, including the deleader-contractor and the deleader-supervisor, shall ensure that all abatement is in compliance with this section, and shall be jointly and severally liable for violations of this section.
 - (bb) The owner, the deleader-contractor and the deleader-supervisor shall ensure that all areas where deleader-workers are to perform lead based paint abatement work of any kind shall be arranged, equipped, and supervised in a manner which will minimize the possibility of lead contaminants or lead- contaminated materials escaping from the abatement area. The deleader-supervisor shall inspect the abatement area each day, during the preparation of the abatement area, during the performance of the abatement, and during clean- up and final inspection.
 - (cc) The owner, the deleader-contractor and the deleader-supervisor shall comply with all applicable federal, state and local law, rules and regulations regarding disposal of waste paint and other waste containing lead.
 - (2) Abatement area preparation.
 - (aa) Wet scraping and repainting, encapsulation, or enclosure of surfaces not exceeding six (6) square feet per room.
 - (i) No later than twenty-four hours prior to beginning abatement area preparation a warning sign of at least 8-1/2in. by 11in. shall be conspicuously posted adjacent to the abatement, area and shall read in letters at least one inch high, as follows: WARNING: LEAD PAINT REMOVAL HAZARD--DO NOT ENTER UNLESS AUTHORIZED. The sign shall remain in place until abatement areas have been cleared for re-occupancy. No later than twenty-four hours prior to beginning abatement area

preparation, the notice required by subsection (c)(1)(aa) of this section, printed in English and Spanish, and other languages as may be required by the Department, shall be posted at the entrance to the dwelling and the entrance to the dwelling unit, if applicable, and shall include, in addition to the information required by subsection (c)(1)(bb) of this section, the telephone numbers and addresses of the agencies to which complaints relating to the abatement may be directed, and such other information as the department may require. Where abatement is required to be completed in a lesser period of time than that specified herein for the posting of a warning sign or the posting of the notice of commencement of abatement, than such posting shall be made as soon as practicable but prior to the commencement of abatement.

- (ii) All movable furniture, draperies, carpets, or other objects shall be HEPA-vacuumed or washed, then moved out of the abatement area or otherwise covered with two layers of six-mil disposable polyethylene sheeting before abatement begins. Such sheeting shall be taped together with waterproof tape, and taped to the floors or bottom of the walls or baseboards, so as to form a continuous barrier to the penetration of dust.
- (iii) Before abatement begins and continuously during abatement the floor immediately under the surface to be abated and extending six feet outward in all directions, shall be covered with two layers of disposable polyethylene sheeting of at least six-mil thickness. Such sheeting shall be taped together with waterproof tape, and taped to the floors and, on walls and baseboards that are not being abated, shall extend six (6) inches up the walls or baseboards from the floor, so as to form a continuous barrier to the penetration of dust.
- (iv) Forced-air systems within the room where

abatement is occurring shall be turned off and covered with two layers of six-mil polyethylene sheeting and waterproof tape to prevent lead contamination and lead dispersal to other areas.

- (v) Violations or conditions that cause or may cause paint to peel and which are readily observable and identifiable as to source, including but not limited to water leaks, shall be corrected as part of the abatement.
 - (vi) All painted windows and all painted doors, including cabinet doors, shall be adjusted to ensure that they are properly hung, so that no painted surfaces bind. For the purposes of this Code, "bind" with reference to painted surfaces of windows and doors shall mean to stick in such manner that movement causes abrasion or friction of the surfaces.
 - (vii) Abatement shall not commence until the abatement area preparation has been completed.
 - (viii) Occupants shall be instructed by the owner and deleader-contractor to avoid entering the abatement area until final clearance levels have been achieved.
- (bb) Wet Scraping and Repainting, Encapsulation, or Enclosure of Surfaces Greater Than Six (6) Square Feet Per Room, Removal, or Replacement.
- (i) The procedures described under subsection (e)(2)(aa)(i), (ii), (iv), (v), (vi) and (vii) of this section shall be followed.
 - (ii) The contractor shall seal off the abatement area to restrict access or entry to the abatement area by occupants until all abatement work, clean-up, and final inspections (including collection and analysis of dust wipe samples) and final clearance for re-occupancy is achieved.
 - (iii) After all movable objects have been removed, the abatement area shall be sealed off from non-abatement areas by taping with a waterproof tape, two layers of disposable six-mil polyethylene sheeting over every entrance or doorway to

the abatement area, as follows: One sheet shall be taped to the top and one side of each entrance or doorway. A second shall be attached at the top and the opposite side creating an S-shaped entry-way to deter dispersal of lead dust.

- (iv) The floor of the abatement area shall be covered with at least two sheets of disposable six-mil polyethylene sheeting. Such sheeting shall be taped together with waterproof tape, and taped to the bottom of the walls or baseboard, so as to form a continuous barrier to the penetration of dust to the floor. The furniture and non-movable furnishings such as counters, cabinets, and radiators in the abatement area shall be removed or covered with such taped sheeting.
- (v) All openings, including windows, except those required to be open for ventilation, not sealed off or covered in accordance with subsection (e)(2)(bb)(iii) of this section, shall be sealed with two layers of six-mil polyethylene sheeting and waterproof tape to prevent the penetration or dispersal of lead contaminants or lead-contaminated material.

(3) Health and Safety Protection.

- (aa) Abatement work shall be carried out in such a manner as to minimize the penetration or dispersal of lead contaminants or lead-contaminated materials from the abatement area to other areas of the dwelling unit and building or adjacent outdoor areas.
- (bb) All paints, thinners, solvents, chemical strippers, or other flammable materials shall be delivered to the building and maintained during the course of the work in their original containers bearing the manufacturer's labels, and all safety data sheets, as may be required by law, shall be on-site and shall be made available upon request to the occupants of the dwelling unit.
- (cc) Upon finishing work for the day, all rags, cloths and other supplies used in conjunction with chemical strippers or other flammable materials, or materials contaminated with lead dust or paint shall be stored at the end of each work day in

sealed containers or removed from the premises, in a lawful manner.

(dd) In addition to the precautions specified in this subsection, any area designated as a clean changing area shall be segregated from the abatement area by a physical barrier to prevent the penetration or dispersal of lead contaminants or lead contaminated materials from the abatement area to other areas of the dwelling unit and building and to prevent occupant exposure to materials containing lead.

(4) Clean-up procedures for all abatements of surfaces exceeding two (2) square feet per room, all abatements of radiators, door frames, window frames and sills, and all abatements ordered by the Department in relation to a child under 18 years of age with a blood-lead level of 20 micrograms per deciliter or higher shall be as follows:

(aa) Daily clean-up. At the completion of work each day, the abatement area shall be thoroughly wet-mopped or HEPA vacuumed. No polyethylene sheeting, drop cloths, or other materials that are potentially hazardous to young children or infants shall be accessible outside the abatement area. In addition, any abatement area and other adjoining area exposed to lead or lead contaminated materials shall be cleaned as follows:

(i) Large Debris. Large demolition-type debris (e.g., door, windows, trim) shall be wrapped in six-mil polyethylene, sealed with waterproof tape, and moved to the area designated for trash storage on the property to be properly disposed of in a lawful manner.

(ii) Small Debris. Small debris shall be HEPA-vacuumed or wet swept and collected. Before wet sweeping occurs, the affected surfaces shall be sprayed with a fine mist of water to keep surface dust from becoming airborne. Dry sweeping is prohibited. The swept debris and all disposable clothing and equipment shall be placed in double four-mil or single six-mil plastic bags which shall be sealed and stored along with other contaminated debris in the work area and shall be properly disposed of in a lawful manner.

- (iii) Clean-up adjacent to the abatement area. On a daily basis, as well as during final cleanup, the area adjacent and exterior to the abatement area shall be examined visually to ensure that no lead debris has escaped containment. Any such debris shall be wet swept and HEPA vacuumed, collected and disposed of as described above.
- (bb) Final Clean-up. The final cleaning process shall start no sooner than one (1) hour after abatement activities have been completed, but before repainting, if necessary. Final clean-up shall be performed in the following sequence:
 - (i) First, all polyethylene sheeting shall be sprayed with water mist and swept prior to removal. Polyethylene sheeting shall be removed by starting with upper-level polyethylene, such as that on windows, cabinets and counters, folding the corners, ends to the middle, and placing in double four-mil or single six-mil plastic bags. Plastic bags shall be sealed and properly disposed of in a lawful manner.
 - (ii) Second, all surfaces in the abatement area shall be HEPA vacuumed. Vacuuming shall begin with ceilings and proceed down the walls to the floors and include furniture and carpets.
 - (iii) Third, all surfaces in the abatement area shall be washed with a detergent solution. Washing shall begin with the ceiling and proceed down the walls to the floor. Wash water shall be properly disposed of in a lawful manner.
 - (iv) Fourth, all surfaces exposed to lead dust generated by the abatement process shall be HEPA vacuumed again. Vacuuming shall begin with the ceilings and proceed down the walls to the floors and include furniture and carpets.
 - (v) Fifth, all surfaces shall be inspected to ensure that all surfaces have been abated and all visible dust and debris have been removed. If all the dust and debris have not been removed, affected surfaces shall be recleaned.

(cc) Final Inspection. After final clean-up, and re-painting if necessary, has been completed, a final inspection shall be made by a third party retained by the owner who is familiar with and experienced in lead based paint abatement and the procedures required by this Code, and who is independent of the owner and the deleader-contractor. The final clearance evaluation shall take place at least one (1) hour after the final cleaning. Such inspection shall include:

(i) a visual inspection

(ii) surface dust testing using a protocol approved by the Department. Samples shall be tested for lead by an environmental laboratory approved by the New York State Department of Health. Three wipe samples shall be collected and tested from each room or area where an abatement has been conducted; one wipe sample each shall be taken from a window well, a window sill and the floor. In addition, wipe samples shall be collected and tested from the floor in rooms or areas immediately adjacent to the abatement area.

(dd) Clearance for re-occupancy. Dust levels in excess of the following constitute contamination and require repetition of the clean-up and testing process in all areas where such levels are found. Areas where every sample result is at or below the following may be cleared for re-occupancy.

Floors: 100 micrograms of lead per square foot.

Window Sills: 500 micrograms of lead per square foot.

Window Wells: 800 micrograms of lead per square foot.

Only upon receipt of laboratory test results showing that the above levels are not exceeded in the dwelling may the abatement area be cleared for re-occupancy. However, rooms or areas may be re-occupied pending dust test results, where occupancy is deemed to be necessary, provided that the clean-up procedures, specified in subsection (e)(4)(bb) of this section have been followed, the visual inspection and collection of dust wipe

samples required by subsection (e)(4)(cc) have been completed, and provided further, that such rooms are identified in the notice required by subsection (c)(1)(aa) of this section, and are approved for re-occupancy in accordance with subsection (g) of this section. Upon request, clearance test results shall be provided to the occupant(s) of the dwelling.

- (5) Except with regard to radiators, door frames, window frames and sills, and except for abatements ordered by the Department in relation to a child under 18 years of age with a blood-lead level of 20 micrograms per deciliter or higher, clean up procedures for all abatements of surfaces not exceeding two (2) square feet per room shall consist of the procedures specified in paragraphs (aa); (bb)(i), (ii), (iii) and (v); and (cc)(i) of subdivision (4) hereof.
 - (6) Safety standards for other abatement methods approved by the Commissioner pursuant to subsection (d)(6) of this section shall be as directed by the Commissioner.
 - (7) With respect to abatements ordered by the Commissioner, the owner shall provide clearance test results to the Department upon request. Such clearance test results shall be provided in a manner and form specified by the Department.
- (f) Declaration pursuant to Administrative Code § 17-145. The existence of a lead based paint condition or lead based paint hazard pursuant to § 173.13 of this Code, or a failure to comply with this section is hereby declared to constitute a public nuisance and a condition dangerous to life and health, pursuant to § 17-145 of the New York City Administrative Code. Every person obligated to comply with the provisions of this section or § 173.13 of this Code, is hereby ordered to abate such nuisance by complying with any order or direction issued by the Department. For the purpose of service, pursuant to § 17-148(c), it is further declared that such public nuisance and conditions are widespread throughout the city and further that personal service or service pursuant to subdivisions (a) or (b) of § 17-148 of the Administrative Code of orders requiring the abatement of such nuisance and conditions upon each of the persons who has a duty to abate such nuisance or condition, would result in imminent peril and delay prejudicial to the public health, welfare and safety.
- (g) Modification by Commissioner. When the strict application of any provision of this section presents practical difficulties or unusual hardships, the Commissioner pursuant

to subsection (c)(1)(aa), on a case by case basis, may modify the application of such provision consistent with the general purposes of this section provided that clean-up requirements are met. When granting a modification the Commissioner may impose such conditions as are necessary in the opinion of the Commissioner to prevent lead contamination and to protect the health and safety of any persons likely to be exposed to lead as a consequence of the statement.