NEW YORK STATE | Department of Labor

WORKING FOR YOU

ASBESTOS ABATEMENT

Homeowner Exemption



WHAT ARE THE ASBESTOS ABATEMENT REQUIREMENTS FOR A HOMEOWNER?

New York State Industrial Code Rule 56, Section 1.3 (a) states that asbestos abatement requirements do not apply to "owner-occupied single-family dwellings, where the owner performs the work."

WHEN MAY A HOMEOWNER PERFORM ASBESTOS ABATEMENT?

A homeowner may perform asbestos abatement when the following three conditions are met:

1. The structure is a single-family dwelling, and
2. The dwelling is occupied or going to be occupied by the homeowner, and
3. The work is performed solely by the homeowner.

WHAT IS MEANT BY "OCCUPIED"?

"Occupied" means that the single-family dwelling is currently being "lived in" or is intended to be "lived in" by the homeowner. A structure slated for demolition is not "occupied" and is not eligible for the homeowner exemption.

WHAT IS MEANT BY "OWNER"?

"Owner" is the person living in or intending to live in the dwelling. Corporations, contractors, or "flippers" who are going to sell or rent the dwelling are not considered owners and are not eligible for the homeowner exemption.

WHAT IS MEANT BY "DWELLING"?

"Dwelling" is the structure being lived in, plus any commonly owned outbuildings on the property. Owners can have other dwellings, such as vacation homes or second homes, that are occupied solely by the owner. These other dwellings would be eligible for the homeowner exemption only if they are not used as full-time or part-time rental properties.

WHAT TYPE OF ABATEMENT CAN A HOMEOWNER PERFORM?

There is no restriction on the type or amount of asbestos-containing material that can be removed by a homeowner. However, homeowners should be aware of the different types of asbestos-containing materials that can be in a home. They should also be aware of the likelihood of asbestos fiber dispersal during removal and be willing to assume the responsibility and risks of removing asbestos-containing materials.

HOW CAN A HOMEOWNER KNOW IF MATERIAL CONTAINS ASBESTOS?

Some materials are assumed to contain asbestos based upon their manufacturing history and sampling results history, such as:

- White heating system pipe wrap insulation
- 9-inch x 9-inch floor tiles
- Transite (cement) siding
- Vermiculite attic insulation

However, the only certain way to determine the asbestos content of materials is by sampling and analysis. NYSDOL recommends contacting a licensed "Asbestos Inspector" to perform sampling of suspect materials and to provide guidance. NYSDOL has an online licensed contractor search tool to help find a contractor near you. It is available at: **on.ny.gov/asbestos-contractors**

HOW IS ASBESTOS-CONTAINING MATERIAL DISPOSED OF?

The NYSDOL has no jurisdiction over asbestos-containing material once it enters the waste stream. Transportation and disposal of asbestos-containing waste is under the jurisdiction of the NYS Department of Environmental Conservation (DEC) and the landfill being used. Contact the NYDEC or your local landfill for further guidance and to protect your carriers and landfill operators. Visit: **dec.ny.gov/chemical/8791.html**

WHAT IF I DECIDE TO HIRE A LICENSED CONTRACTOR?

In the interest of minimizing risks of exposure or contamination of a home, the NYSDOL Asbestos Control Bureau recommends that asbestos-containing materials be removed by licensed asbestos contractors that employ certified workers. The online NYSDOL contractor search tool can be used to find licensed "Abatement" contractors in your area. It is available at: **on.ny.gov/asbestos-contractors**

WHERE CAN I FIND MORE INFORMATION ABOUT ASBESTOS?

More information about asbestos facts, and responsibilities in New York State, is available on Publication P224. This publication is available on the NYSDOL website at: **dol.ny.gov/asbestos-new-york-state-facts-and-responsibilities-p224**

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