



CITY OF NEW HAVEN
DEPARTMENT OF HEALTH
BUREAU OF ENVIRONMENTAL HEALTH
 54 Meadow Street - 9TH Floor • New Haven • Connecticut 06519
 Phone 203-946-8174 • Fax 203-946-6509



TONI N. HARP
 MAYOR

ROSLYN HAMILTON, RS, MPH
 ACTING DIRECTOR OF HEALTH

COPY

July 2, 2019

Earlene F. Kelson
 Leslie Kelson
 103 Lombard Street, 1F
 New Haven, CT 06513

CERTIFIED MAIL
 7017 3380 0000 3653 7542
 7017 3380 0000 3653 7559

RE: 105 Lombard St., 2F, New Haven, CT

Dear Earlene F. & Leslie Kelson:

On June 26, 2019, an inspection of the above referenced premises was made by Ms. Jomika Bogan of this department.

Said inspection revealed the presence of toxic levels of lead in paint (intact and defective), i.e., paint containing more than 0.50 percent lead by dry weight as measured by atomic absorption spectrophotometer or lead at or above 1.0 milligrams per square centimeter of surface, including the dried paint film, as measured on site by x-ray fluorescence spectrum analyzer according to performance characteristic sheets, in the following locations:

| | <u>Lead (mg/cm²)</u> |
|------------------------------------|--|
| <u>Kitchen B</u> | |
| 1. Wall, Side A, Cream | 11.1 |
| 2. Wall, Side B, Cream | 12.3 |
| 3. Wall, Side C, Cream | 11.2 |
| 4. Wall, Side D, Cream | 12.3 |
| 5. Cabinet Wall, Side D, Cream | 5.8 |
| <u>Bathroom B</u> | |
| 6. Chair Rail, Tan | 1.6 |
| <u>Bathroom Hall</u> | |
| 7. Ceiling | AREA NOT ACCESSIBLE; ASSUME LEAD AND ABATE ACCORDINGLY |
| 8. Wall, Side A, Cream | 1.5 |
| 9. Wall, Side B, Cream | 2.3 |
| 10. Wall, Side C, Cream | 1.6 |
| 11. Wall, Side D, Cream | 1.3 |
| 12. Wall, Side D, Cream (Cement) | 1.3 |
| 13. Threshold, Side C | 2.4 |
| <u>Rear Common Hall</u> | |
| 14. 2F-1F Stairwell Ceiling, White | AREA NOT ACCESSIBLE; ASSUME LEAD AND ABATE ACCORDINGLY |

| | |
|---|-----|
| 15. 2F-1F Stairwell Wall, Side C, Cream | 1.0 |
| 16. 1F Ceiling, Cream | 6.1 |
| 17. 1F Wall, Side B, Cream | 1.2 |
| 18. 1F Wall, Side D, Cream | 1.0 |
| 19. Wall Cap, Cream | 1.9 |

Exterior, Side A

| | |
|---|-------|
| 20. 2F Column, White | 9.3 |
| 21. 2F Railing, White | 7.1 |
| 22. 2F Door Casing, White | 10.2 |
| 23. 2F Door Stop, Grey | 15.0 |
| 24. 2F Threshold, Grey | 11.2 |
| 25. 2F Kick Plate, Red | 6.8 |
| 26. 2F Door, Grey | 5.8 |
| 27. 1F Column, White | 13.6 |
| 28. 1F Railing, Grey/White | 9.6 |
| 29. 1F Door Casing, White | 14.4 |
| 30. 1F Door Stop, Blue | 13.01 |
| 31. 1F Door, Blue | 6.7 |
| 32. 1F Threshold, Grey | 12.04 |
| 33. 1F Window Panel (fascia), Blue | 7.8 |
| 34. 1F Window Panel (fascia) Stop, Blue | 13.3 |
| 35. 1F Kick Plate, Grey | 7.1 |

Exterior, Side C

| | |
|-------------------------------------|------|
| 36. 2F Porch Overhang Ceiling, Grey | 10.7 |
| 37. 2F Porch Door Stop, Grey | 7.2 |
| 38. 2F Porch Threshold, Grey | 3.9 |
| 39. 2F Porch Door, Grey | 6.9 |
| 40. 1F Porch Overhang Ceiling, Grey | 8.1 |

Garage/Shed

| | |
|---------------------------|-----|
| 41. Door (6 Panes), White | 3.4 |
|---------------------------|-----|

Said inspection also revealed the presence of cracked, chipped, blistered, flaking, loose or peeling paint in the following locations:

Room AB

| | |
|------------------------|-----|
| 1. Wall, Side D, Cream | 0.3 |
|------------------------|-----|

Bedroom/Closet Hall

| | |
|--------------|-----|
| 2. Door Stop | 0.2 |
|--------------|-----|

Rear Common Hall

| | |
|--|-----|
| 3. 2F-1F Stairwell Wall, Side B, Cream | 0.8 |
| 4. 2F-1F Stairwell Wall, Side D, Cream | 0.6 |

Garage/Shed

| | |
|---------------------------|-----|
| 5. Window Stop, White | 0.4 |
| 6. Window Sash, White | 0.2 |
| 7. Bay Door Casing, White | 0.0 |

- | | |
|-------------------------|-----|
| 8. Bay Door Stop, White | 0.1 |
| 9. Bay Door, White | 0.0 |

The Director of Health has determined that the presence of such lead-based paint and chipped and flaking paint constitutes health hazards. Since there are one or more children with an elevated blood lead level residing on the premises, the aforementioned conditions constitute grounds for issuance of this Order pursuant to General Statutes §§ 19a-111 and 19a-111c, § 19a-111-2 of the Public Health Code and are a violation of Chapter 55, Article III of the New Haven Code of Ordinances, Section 55-63, Maintenance; Section 55-64, Hazardous conditions, Subsections a, b, and c.

As owner/agent-manager of the above referenced premises you are hereby **ordered** to remedy these conditions. A re-inspection will be made upon completion of the work.

You are additionally required to submit to Ms. Jomika Bogan a written lead abatement plan **within five (5) days** from receipt of this letter. The abatement work is not to begin until an abatement plan written by you has been reviewed and approved by this department. This plan shall describe repair work necessary prior to abatement, the methods to be utilized to abate all areas requiring abatement, occupant protection, work-site containment, clean up procedures, and a waste disposal plan. An abbreviated version of an abatement plan has been provided as a guide.

Notices of toxic levels of lead must be posted by you at each entrance to the dwelling unit or common area if affected **within two (2) working days** from receipt of this letter. The notice entitled "Warning Notice Toxic Lead Levels" included with this letter is a State Department of Public Health form that may be used for this purpose. The notices are not to be removed until the dwelling unit reaches compliance with this letter.

The above stated violations must be corrected as follows:

- Properly abate all interior and exterior lead paint.
- All holes and cracks in walls and/or ceiling must be repaired in such a manner as to create a smooth, durable, non-broken surface.
- All chipped and flaking paint, wherever it exists, must be thoroughly scraped and removed.
- All lead paint ordered to be removed shall be completely removed to the base surface.
- All doors, door jambs (to include entire door system), windows (to include sills, sashes, casings, and other parts of system), baseboards, walls, etc. which contain a lead hazard must be stripped to the base surface, and all chipped and flaking paint removed to the base surface.
- In lieu of removal of paint, all violations may be covered with an approved, durable, non-lead material so as to make the area inaccessible to children.

The sample locations reported beginning from the first page of this letter are indicative of the lead content of similar painted surfaces found within each room or site, i.e., they are representative samples.

All such surfaces painted with a lead-based paint, whether intact or defective, are to be properly abated or encapsulated. Repainting a surface with a non-lead paint without the complete removal of existing lead-based paint shall not be considered satisfactory compliance with the law.

The methods used in eliminating the cited health hazards must be approved by this office prior to commencement of work. Upon removal of this hazardous paint and prior to repainting, this office must be notified and shall then verify complete removal. As of 6 January 1996, any abatement work contracted by you must be done by a licensed lead abatement contractor.

This order is made pursuant to the authority vested in the Director of Health by Section 19a-200 of the Connecticut General Statutes and Section 55-64 of the New Haven Code of Ordinances. Compliance with these orders is the ultimate responsibility of the owner/agent -manager and must not be delegated to the occupant-tenant.

Any children who occupy the apartment in question are to be excluded from the worksite/apartment while the lead paint abatement efforts are being performed and are not to re-enter the site until all paint chips, dust, and debris have been completely and safely cleaned from the area. In addition, all surfaces (ceilings, walls, floors, moldings, etc.) are to be thoroughly and completely washed with a high-phosphate solution. This is also the responsibility of the owner-agent. **It is imperative that the health of the child not be further jeopardized by allowing access to lead paint chips, lead containing dust, and/or lead paint fumes.**

Failure to comply with the above stated orders will subject you to prosecution as provided in the Connecticut General Statutes and/or City of New Haven Code of Ordinances.

No dwelling unit which is in violation of Article III, entitled "Lead Paint", shall be re-rented to a new tenant until repairs acceptable to the Director of Health have been made in compliance with the provisions of said article.

When a child resides in dwelling requiring lead abatement, interior dust, drinking water and exterior soil shall be assessed. When soil or sand areas are not covered with grass, sod, other live ground covers, wood chips, gravel, artificial turf, or similar covering are found to contain lead concentrations in excess of 400 parts per million, such bare soil or sand areas shall be abated. When lead dust hazards are found to be a source or a potential source of elevated blood lead in a child, lead dust shall be reduced to a safe level using appropriate cleaning methods.

When lead in drinking water is determined to be a source or a potential source of elevated blood lead in a child, appropriate remedial action approved by the local health director of health shall be implemented. Separate letters regarding possible lead in dust, soil and water may be issued to you, if necessary, once testing results are received.

The Federal Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4852d, requires sellers and landlords of most residential housing units built before 1978 to disclose all available records and reports concerning lead-based paint and/or lead-based paint hazards, **including the test results contained in this notice**, to purchasers and tenants at the time of sale or lease or upon lease renewal.

This disclosure must occur even if hazard reduction or abatement has been completed. Failure to disclose these test results is a violation of the U.S. Department of Housing and Urban Development and the U.S. Environmental Protection Agency regulations at 24 CFR part 35 and 40 CFR Part 745 and can result in a fine of up to \$11,000 per violation. To find out more information about our obligations under federal lead-based paint requirements call 1-800-424-LEAD (5323).

RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm such order."

There are two ways to appeal this order, both methods require action not later than three business days after you receive the order.

- (1) You may appeal the order by delivering your written appeal to the Department not later than three business days after you receive the order. You may deliver it to the Department either in person or by facsimile. The Department's address and facsimile number are:

Department of Public Health
Public Health Hearing Office
410 Capitol Avenue MS 13 PHO
P.O. Box 340308
Hartford, CT 06134-0308
Facsimile: (860) 509-7553

If you chose this method of appeal, you need do nothing more to perfect your appeal, unless instructed otherwise by the Department.

(2) You may also appeal the order by *calling the Department not later than three business days after receipt of the order* at one of the following numbers: (860) 509-7648 or (888) 891-9177. It is sufficient to leave a message with your name, number and a description of the order you are appealing.

If you appeal the order by calling one of the telephone numbers listed above, *the telephone call must be followed up with a written notice of appeal that must be received by the Department within ten days of the telephonic notice.*

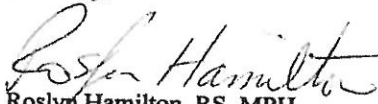
PLEASE NOTE: It is *not* sufficient that the written notification be postmarked within ten days. It must be *received by the department within ten days*. Delays caused by the Post Office will not excuse failure to comply with this requirement.

The written notice of appeal following the telephonic notice may be delivered to the Department in person, by facsimile, or by first class or certified mail. The Department's address and facsimile number are provided above. If you chose to send the written notice of appeal by first class mail or certified mail, please use the address provided below.

Department of Public Health
Public Health Hearing Office
410 Capitol Avenue MS 13 PHO
P.O. Box 340308
Hartford, CT 06134-0308

Please direct any inquiries to Ms. Jomika Bogan at (203) 946-8176.

Sincerely,


Roslyn Hamilton, RS, MPH
Acting Director of Health

RH: jhb

cc: City Town Clerk
Tenant