

ORDER

ISSUED TO: _____

Following an inspection conducted on _____ of a dwelling and the adjoining premises owned by you, or under your charge and located at _____, it has been determined that there exist toxic levels of lead in or on the dwelling and/or on the premises surrounding said dwelling. It has also been determined that at least one child less than six (6) years of age resides in the dwelling. Moreover, there has been reported an elevated blood lead level in at least one child residing in the dwelling located at _____.

Pursuant to Connecticut General Statutes Section 19a-111 et seq. and its accompanying regulations, the owner of any dwelling in which the paint, plaster or other materials contain toxic levels of lead and in which children under the age of six reside, shall abate or manage the dangerous materials in a manner consistent with the regulations. Sections 19a-111-2(a), (b), (c) and (d) of the Connecticut regulations governing lead poisoning prevention and control provide that:

When a child resides in a dwelling unit all defective lead-based surfaces shall be abated.

When a child resides in a dwelling all defective exterior surfaces and all defective surfaces in common areas containing toxic levels of lead shall be abated.

When a child has an elevated blood lead level then abatement shall include all lead-based chewable surfaces whether or not that surface is defective and all lead-based movable parts of windows and surfaces that rub against movable parts of windows.

When a child resides in a dwelling requiring lead abatement and exterior soil is found to be a source or a potential source of elevated blood lead, the soil shall be abated.

Pursuant to Section 19a-111-3(f) of the regulations, authority is vested in the local code enforcement agency to issue an order to correct all defective lead-based surfaces requiring abatement and soil areas identified as a source, or potential source for elevated blood lead.

YOU ARE THEREFORE, HEREBY ORDERED PURSUANT TO SECTION 19a-111 OF THE CONNECTICUT GENERAL STATUTES AND SECTIONS 19a-111-2(e), 19a-111-3(f), AND 19a-111-4(c) OF THE REGULATIONS TO:

Adequately abate by proper preparation, containment, abatement, clean-up, and waste disposal ALL DEFECTIVE PAINT, PLASTER OR OTHER MATERIAL CONTAINING TOXIC LEVELS OF LEAD on both the interior and exterior surfaces and soil of said property as more specifically described in the attached document.

Adequately abate by proper preparation, containment, abatement, clean-up, and waste disposal ALL INTACT LEAD-BASED CHEWABLE SURFACES AND ALL LEAD-BASED MOVABLE PARTS OF WINDOWS AND SURFACES THAT RUB AGAINST MOVABLE PARTS OF WINDOWS as more specifically described in the attached document.

Adequately manage ALL INTACT SURFACES CONTAINING TOXIC LEVELS OF LEAD THAT WILL REMAIN AND NOT BE ABATED AT THIS TIME as more specifically described in the attached document. (These surfaces may be abated as opposed to managed in place at your discretion, but must then be addressed within the lead abatement plan - see below).

FURTHER, IT IS HEREBY ORDERED, that:

You are to submit a written lead abatement plan to me within _____ days of this order pursuant to Sections 19a-111-4 and 19a-111-5 of the regulations.

You are to prepare a written lead management plan addressing intact lead-based surfaces that will remain and not be abated at this time. This management plan will be prepared within 60 days of the date that inspection results were received pursuant to Section 19a-111-2(e) of the regulations. This plan shall be transferred with ownership upon transfer of title.

Dated at _____, Connecticut this _____ day of _____, 199_____.

Director of Health

For (town, city, borough or health district)

AUTHORITY: Connecticut General Statutes Sections 19a-111 et seq. and 19a-206 et seq.; Regulations of Connecticut State Agencies Section 19a-111-1 et seq.

PENALTY: Connecticut General Statutes Sections 19a-206(b)(2) and (e) and 19a-230.

RIGHT OF APPEAL: Subsection (b) of Connecticut General Statutes Section 19a-229 states "... any person aggrieved by an order regarding lead paint under section 19a-111c may appeal to the commissioner not later than three business days after the receipt of 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 decision 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
Hartford, CT
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 (860) 891-9177. If you call on a weekend or after business hours, 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 addresses provided below.

First Class Mail: Send written appeals by first class mail to the following address:

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

Certified Mail: Send written appeals by certified mail to the following address:

Department of Public Health
Public Health Hearing Office
410 Capitol Avenue MS 13 PHO
Hartford, CT 06106

Regulations of Connecticut State Agencies
Rules of Practice

Sec. 19a-9-8. Date due when due date falls on a date the department is closed. If the last day of any statutory or regulatory time frame falls on a day on which the department is closed, any paper may be filed or any required action may be taken on the next business day the department is open. Such filing or action shall be deemed to have the same legal effect as if done prior to the expiration of the time frame.

Sec. 19a-9-14. Appeals of orders issued by a town, city, borough, or district director of health.
[Subsections (a), (c), (d), (e) and (f)]

(a) Any person aggrieved by an order issued by a local director of health may appeal said order to the commissioner.

(c) The notice of appeal shall state:

- (1) the name, address, and telephone number of the person claiming to be aggrieved;
- (2) the name of the issuing authority;
- (3) the way in which the order adversely affects the person claiming to be aggrieved;
- (4) the order being appealed; and
- (5) the grounds for appeal.

(d) *Telephonic notice of appeal to the office of the commissioner shall be satisfactory as the initial notice of appeal, provided written notice of appeal from the person claiming to be aggrieved is received by the department within ten (10) days of the telephonic notice.*

(e) An appeal from an order issued by a town, city, borough, or district director of health shall be a *de novo* proceeding in accordance with the regulations governing contested cases as set forth in sections 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

- (f) Any order issued by a town, city, borough, or district director of health shall include a notice of the right to appeal which shall indicate the name and telephone number of the commissioner or the commissioner's designee, and shall be accompanied by copies of sections 19a-9-8 and 19a-9-14 of the Regulations of Connecticut State Agencies.

The federal Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4852d, requires sellers and landlords of most residential housing 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 or referenced 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 your obligations under federal lead-based paint requirements, call 1-800-424-LEAD.