



# ONEIDA COUNTY HEALTH DEPARTMENT

ANTHONY J. PICENTE, JR.  
ONEIDA COUNTY EXECUTIVE

DANIEL W. GILMORE, PH.D., MPH  
DIRECTOR OF HEALTH



"PROMOTING & PROTECTING THE HEALTH OF ONEIDA COUNTY"

OCGOV.NET/HEALTH

May 19, 2022

**CERTIFIED & REGULAR MAIL**

Husein Kajtezovic  
1024 Tilden Ave.  
Utica, NY 13501

RE: **NOTICE AND DEMAND – NEW OWNER**  
Case #221-2321 Pb  
**Lead Hazards**  
515 Nichols Street  
Utica, NY 13501

## To Whom It May Concern:

A lead poisoning investigation was performed by a representative of this department in response to a referral received from the Lead Poisoning Prevention Program regarding the report of a child with an elevated blood lead level (BLL) residing at or frequently visiting the above referenced dwelling. A lead hazard assessment of the dwelling was performed on **November 29, 2021**. On this date, the existence of "conditions conducive to lead poisoning" was verified.

**OWNERS: YOU MUST RESPOND TO THIS NOTICE BY (May 20, 2022).**

**CHILDREN OR RESIDENTS MAY BE AT RISK!**

**TAKE NO ACTIONS UNTIL YOU HAVE CALLED 315-798-5409 AND TALKED WITH EITHER FRANCIS ZIMMER OR ANOTHER OCHD LEAD INVESTIGATOR.**

It has been discovered that the above dwelling has changed ownership and the new owner is now the responsible party to remediate the lead hazards in this open case. By federal law (Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4852d), the previous owner was responsible to notify you regarding any lead hazards during the time of sale. Though the previous lead-poisoned child(ren) may no longer live or visit the case address, the removal of lead hazards were never verified by this department and clearance lead-in-dust wipes were not collected, analyzed or found to be below current EPA regulations. The transfer of ownership with an open case is allowed; **HOWEVER, the dwelling cannot be re-occupied once the original family has left and until the above closure conditions are met. This unlawful re-occupancy includes new**

ADMINISTRATION  
ADIRONDACK BANK BLDG., 5<sup>TH</sup> FL.,  
185 GENESEE ST. UTICA, NY 13501  
TEL: (315) 798-6400 • FAX: (315) 266-6138

SPECIAL CHILDREN SERVICES  
ADIRONDACK BANK BLDG., 5<sup>TH</sup> FL.,  
185 GENESEE ST. UTICA, NY 13501  
TEL: (315) 798-5249 • FAX: (315) 731-3491

ENVIRONMENTAL HEALTH  
ADIRONDACK BANK BLDG., 4<sup>TH</sup> FL.,  
185 GENESEE ST. UTICA, NY 13501  
TEL: (315) 798-5064 • FAX: (315) 798-6486

CLINICAL SERVICES  
406 ELIZABETH ST. UTICA, NY 13501  
TEL: (315) 798-5748 • FAX: (315) 798-1057

owners, tenants or individuals / families with or without children. The previous Notice & Demand has been enclosed as a reference.

Pursuant to Section 1373 of the New York State Public Health Law, this letter serves as the required Notice and Demand for the discontinuance of conditions conducive to lead poisoning. A condition conducive to lead poisoning is defined as a surface that contains more than 0.5% lead by weight or more than 1.0 mg/cm<sup>2</sup> of lead and is either in deteriorating condition, an accessible mouthable surface, or subject to friction or abrasion. Measurement of lead in surface coatings was determined by laboratory analysis of paint chips samples and/or with a special calibrated field instrument known as an x-ray fluorescence analyzer. Those surface locations or building components which are conditions conducive to lead poisoning are noted on the attached Investigation Report.

A representative of this department is willing to meet with you or your representative at the listed address by appointment, to walk you through the required steps, to show you what is needed to perform the work and to answer your questions. **We advise you to take this offer.** The department will conduct re-inspections to ensure compliance with applicable laws, rules and guidelines at or around the above listed due dates.

Initial steps should immediately be taken to minimize further exposure to lead and lead dust. These initial steps include 1) restricting children's access to any areas where leaded paint is in disrepair; 2) wet cleaning or wet mopping of all surfaces that may contain lead dust and 3) removing any large visible paint chips from areas accessible to children. It is important that the person performing these operations be aware of the significance of these measures in reducing the child's lead exposure.

There are a variety of methods to eliminate conditions conducive to lead poisoning, some of which require an EPA certified abatement firm (abatement) and some which do not (interim controls). Cleaning, paint stabilization and on-going maintenance are interim controls. Abatement is lead paint removal, replacement, enclosure or encapsulation of specific building components. Interim controls will eliminate the lead hazards and conditions conducive to lead poisoning. Abatement will also eliminate the lead hazards and conditions conducive to lead poisoning, but in addition eliminates any potential for future exposure to lead paint surfaces on the abated component.

Enclosed with this notice is the EPA's Renovate Right: The Lead-Safe Certified Guide to Renovate Right to assist you in understanding how to perform the required work in a lead safe manner. Further information regarding lead poisoning, lead safe work practices, EPA regulations and certifications can be found on the EPA's website, [www.epa.gov](http://www.epa.gov).

As of April 22, 2010, any work conducted for compensation, including rent, in pre-1978 housing or child-occupied facilities that involves renovation, repair, or painting activities that disrupts more than 6 square feet of painted surfaces per room on the interior, or more than 20 square feet of painted surfaces on the exterior, or that involves demolition or window replacement will need to be conducted by an EPA certified renovation firm.

During certain work activities, all or part of the dwelling unit may have to be vacated to prevent exposure to lead dust and/or lead paint particles. This could include only leaving the dwelling during those periods when work activities are in progress or, in some cases, temporarily relocating for an extended time period. You and the contractor will be responsible to advise the child's parents/guardians of this necessary action. In all cases, the work area must be properly cleaned at the end of each day. Children and pregnant women must never go near the work area.

### **LOCATIONS TO REPAIR, CORRECT OR WATCH**

The following samples contained equal to or greater than 1.0 mg/cm<sup>2</sup> metallic lead as determined by the Niton XLp 300A Lead-in-Paint Analyzer and are in some manner in a condition "*conducive to lead poisoning*" during the initial investigation. The lead present in these samples may be at the surface and/or in underlying painted layers that may now be exposed. Please be aware that although the paint samples were analyzed from the specific areas listed below, the required interim lead-based paint hazard remediation or abatement **includes all surfaces that are of similar construction and paint history in the room or area.**

### **IT IS THESE SURFACES THAT REQUIRE ATTENTION:**

#### **INTERIOR SURFACES**

43.	Rear Entry, wall (blue)	2.4 mg/cm <sup>2</sup>
44.	Rear Entry, door casing/jamb (white)	2.6 mg/cm <sup>2</sup>
68.	Room 6, door components (pink/purple)	1.4 mg/cm <sup>2</sup>
74.	Room 7, door components (pink/purple)	2.5 mg/cm <sup>2</sup>
106.	Upper Front Entry, baseboard (black)	1.1 mg/cm <sup>2</sup>
108.	Upper Front Entry, stair components (black)	1.2 mg/cm <sup>2</sup>
109.	Upper Rear Entry, wall (beige)	1.4 mg/cm <sup>2</sup>

#### **EXTERIOR SURFACES**

None

The following areas were also analyzed and found to contain equal to or greater than 1.0 mg/cm<sup>2</sup> metallic lead as determined by the Niton XLp 300A Lead-in-Paint Analyzer. However, the condition of the paint in the areas listed below was found to be intact at the time of investigation. As long as the paint on these surfaces remains intact, hazard remediation or abatement of the surfaces listed below will not be required. Lead-based paint hazard remediation or abatement will be required if these surfaces begin to crack, peel or chip.

**PERIODIC MONITORING IS NEEDED FOR THESE SURFACES TO ENSURE THAT THEY REMAIN INTACT. NO WORK IS CURRENTLY REQUIRED FOR THESE COMPONENTS:**

**INTERIOR SURFACES**

46. Rear Entry, windows (white) 1.7 mg/cm<sup>2</sup>

**EXTERIOR SURFACES**

None

Failure to complete and comply with the terms and provisions of this Notice and Demand may result in maximum penalties being assessed against you, including, but are not limited to, monetary penalties, revocation and/or suspension, denial of permits, placarding, closure or demolition of the premises and any such other action as permitted by law. **Payment or Non-Payment of fines does not relieve you from the required remediation of hazards listed in the Notice and Demand. When an owner of a dwelling fails to comply with notice and demand for discontinuance of a condition conducive to lead poisoning, the procedures for enforcement, including formal hearings, receivership and cooperation and assistance from those public officers, departments and agencies of the State and its political subdivisions, as provided in sections 1373, 1374 and 1375 of the Public Health Law, shall be followed.**

Any change in tenancy will not be considered a correction of these conditions. If the dwelling becomes vacant, the dwelling unit shall not be re-occupied until a representative of this office certifies that the required corrections in the notice have been satisfactorily completed.

Please also be aware that 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 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 respectively, and can result in a fine of up to \$11,000 per violation. If you wish to find out more about your obligations to comply with Federal regulations, call (1-800-424-LEAD).

Please contact this office regarding acceptable lead hazard reduction methods, as well as those requiring an EPA certified contractor or if you have any other questions.

Sincerely,



Francis Zimmer  
Senior Public Health Sanitarian

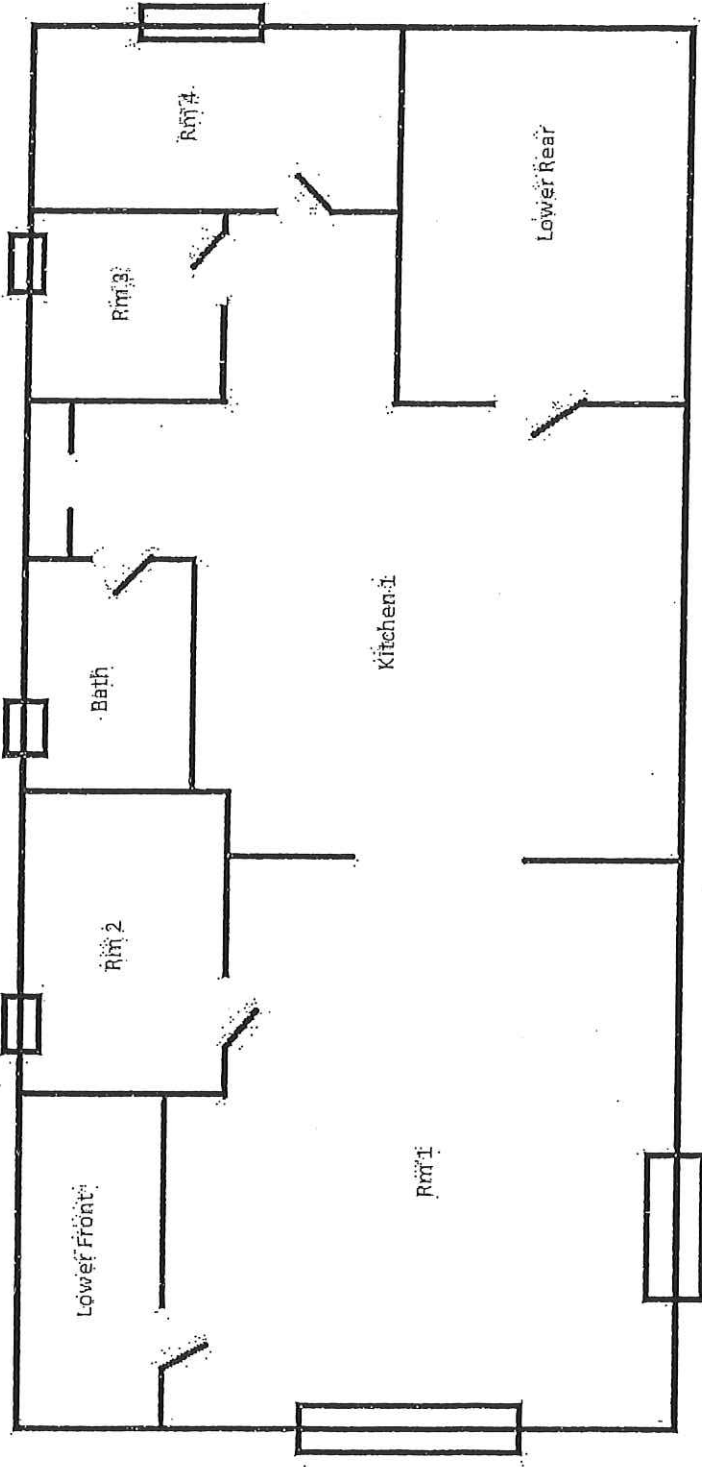


Jennifer Manion  
Environmental Health Director

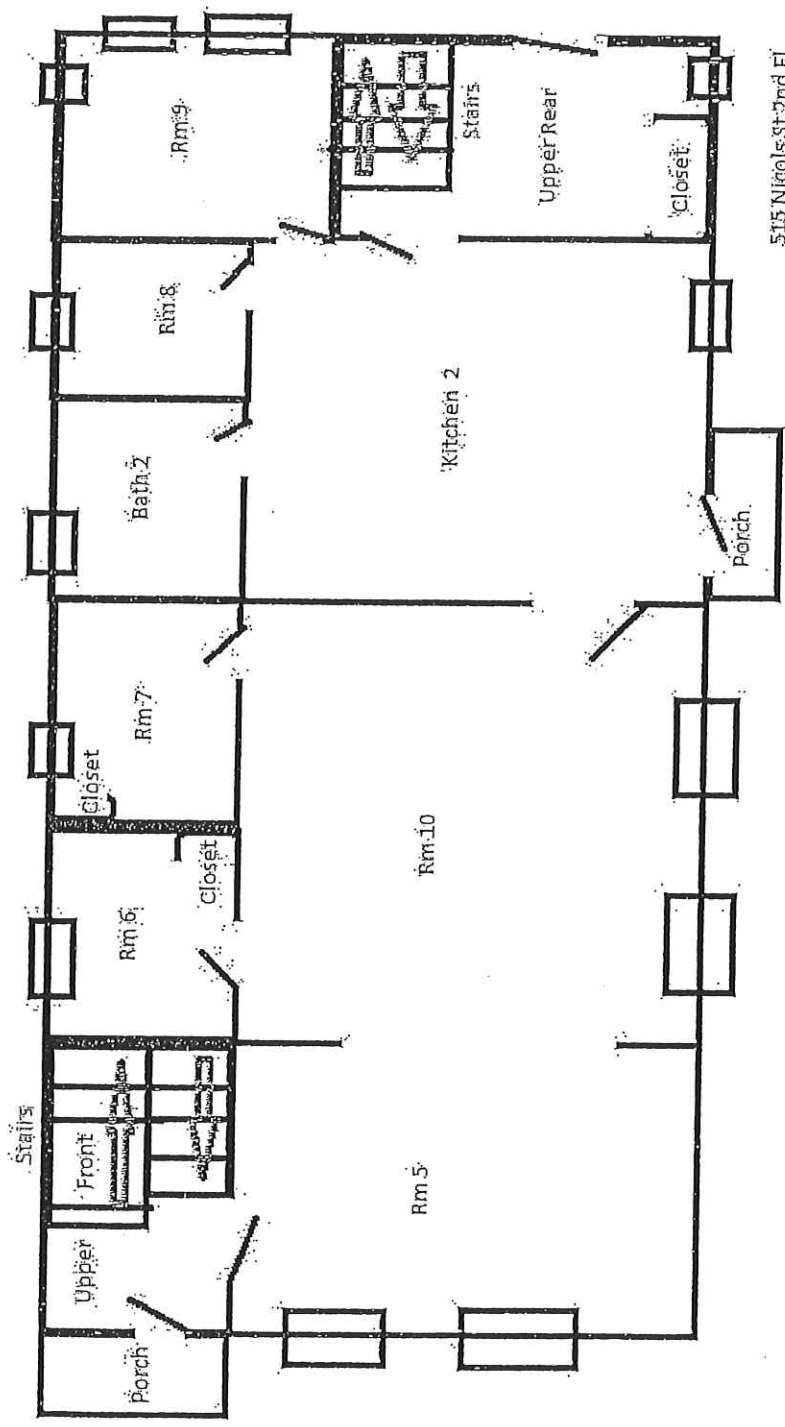
FSZ/brg

Enclosures

CC: LPPP Program Coordinator  
File



515 Nichols St 1st Fl Office NY 13501  
PB # 221-2321  
11/10/2021



515 N. Collins St 2nd Fl  
Utica NY 13501  
PB #221-232L  
11/29/2021