

**CLPPPP Enforcement Inventory  
2018 - 2019**

	Albany	Broome	Chautauqua	Dutchess	Erie	Monroe	New York City	Niagara	Oneida	Onondaga	Orange	Rensselaer	Schenectady	Ulster	Westchester
<b>Notice Type</b>	N&D	N&D	N&D	N&D	Notice of Violation or Warning Notice	N&D	Comissioner's Order	N&I & N&D	N&I	N&D	N&D	N&D	N&D	N&D or N&I if visual only inspection of exterior	N&D
<b>NYSPL/ Local Law/ Ordinance</b>	NYSPL	NYSPL and Broome County Code and Charter	NYSPL	NYSPL/ Dutchess County Sanitary Code	Erie County Sanitary Code	Rochester Local Lead Ordinance, NYS Sanitary Code, Monroe County Sanitary Code, Public Health Law	NYC Local Law 1 - NYC Health Code and NYC Administrative Code	NYSPL	None in place	NYSPL	NYSPL	NYSPL	NYSPL	NYSPL	NYSPL
<b>Timeframe for Completion</b>	6 wks	12 wks	45 days	30 days	30 days interior, 60 days exterior	30 days	5 days for LOWACT and 21 days for PP	N&I 30 days; N&D 60 days	30 days int; 60 days for ext.	45 days	21 days	Not specified	30 days	60 days	Not specified
<b>Work Plan</b>	2 wks	14 days	N/A	14 days	2 wks	N/A	Notice of Commencement of work is required 24-96 hours prior to beginning repairs; NOC requires detailed information equivalent to a work plan	Yes	Yes	No	Not specified-depends on scope of work required	Not specified however owner must contact RCDOH in two weeks or hearing notice sent	Yes, required within 14 days of the N&D receipt.	Workplan visit scheduled within 2 weeks of the N&D	2 wks
<b>RRP/ LSWP</b>	RRP training schedule is provided, classes free of charge. LSWP window replacement classes also offered.	RRP training is required, classes free of charge	RRP training is required, classes free of charge	RRP training is required. Low cost in-county training is offered; neighboring county RRP classes are free and also available to property owners/contractors	RRP training is required for all rental property, cost \$110 (renewals free); LSWP class for homeowners is free Classes taught in-house every month	RRP training is required, free of charge	EPA- certified abatement firm is required.	Work in progress to verify RRP	RRP training is required, free of charge (CLPPPP provides tuition vouchers)	RRP training is required, free of charge	RRP training is required, tri-county RRP classes free	RRP training is required, free of charge	RRP training required, free of charge	RRP training is required, tri-county RRP classes free (\$20 in Dutchess when referred by Ulster or Orange)	RRP training is verified, no classes offered
<b>Monitoring Visits</b>	Yes, at least once during remediation process	Monitor each case closely (at minimum every four weeks) for forward progress	Not specified	For friction and impact surfaces, when replacement or enclosure is not used, Risk Assessor must verify components are scraped to bare wood prior to priming/painting.	Investigators are available for "field conferences" to discuss work progress, and / or monitor work for appropriate lead safe work practices	No specified	Not specified	Done on all properties to see if work has started and whenever possible during work.	Property visitation for exterior updates	Not specified	Not specified	Attempt to do progress checks every 6 weeks	When time warrants, the inspector will attempt to visit the home during the work phase to verify work is being completed in accordance with EPA guidelines.	CLPPPP staff may visit site to confirm that lead safe work practices are being followed	Not specified
<b>Compliance Requirements</b>	Visual and Dust	Visual strip inspections are required for all components that need to be stripped to bare wood (friction, impact, mouth-able) prior to repainting. Visual and Dust required for clearance.	Visual and Dust	Positive friction and impact surfaces, regardless of condition, must be remediated. Visual and dust	Visual and Dust	Visual and Dust	Visual and Dust	Visual and dust	Visual and Dust	Visual and Dust	Visual and Dust	Visual and Dust	Visual and Dust	Visual and Dust	Visual and Dust
<b>Orders following Noncompliance</b>	Commissioner's order, 1 week to submit work plan, one month to complete work or both.	Finding of Violation =Administrative hearing, Spiegel Act is used at the same time the Finding of Violation is sent	Notice of Hearing to attend Admin hearing	N/A	Pre- Court letter, Housing Court	If vacant, issue letter mandating unit to remain vacant until lead hazard control work is completed. If unsafe work practices or non-certified contractor, issue warning letter to cease all unsafe work practices.	If failure to comply, the order is sent to the Office of Administrative Tribunal for the Health department (OATH), and the order is referred to the Emergency Repair Program (ERP) of the NYC Department of Housing Preservation and Development (HPD) for compliance. OATH holds hearings for non-compliant orders and assesses fines.	Pre-fine letter is sent	Office conferences may be held	Post/mail Hearing notice at both inspected property address and local owner address	Failure to Acknowledge N&D, an action letter sent allowing an additional 21 days. If no response, offending address is referred to local code enforcement in the Cities of Middletown and Newburgh for action. (In other municipalities- failure to reply to the action letter results in a pre-hearing conference being scheduled). If no response 21 days after referral to code a Pre-hearing conference is scheduled. A prehearing notice is sent that states that a formal hearing is being scheduled but the landlord has an opportunity to attend the pre-hearing to reach an agreement on compliance.	If no response if received, an Informal Hearing is scheduled to take place within approximately 3 weeks.	If the inspector fails to make contact via telephone, a follow-up action letter is sent out to the owner indicating the need to respond to the previously received Notice and Demand.	If an owner does not meet the remediation schedule, they receive an Informal Hearing Notice, The notice states that compliance is required or an informal hearing, with \$100 administrative fee attached, will be held. Copies will be sent to Building and Safety Division and the County Attorney's office.	If the owner/ manager does not respond to the N&D or does not attend the office conference, the N&D is re-issued, via certified mail. The re-issuance is the same, except that the date for the office conference is updated to two weeks from the second mailing.

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<b>Admin Hearings</b>	No	Admin hearing scheduled in approx. 8 weeks, Settlement Agreement offer (with or without fine), If the Settlement agreement is not accepted, an Administrative Hearing is held with the property owner, his legal counsel, the County's legal counsel, a Hearing Officer and witnesses, which include the inspector assigned to the case. The case is heard and the Hearing Officer makes his or her Recommendations. The Recommendations will determine the next actions on the case and may include orders to complete work and pay a fine.	Administrative hearing held by this Department with our hearing officer presiding	Administrative hearing, DSS referral for rent withholding, Formal administrative fees/stipulated agreement	N/A	Hold office conference resulting in compliance schedule, non-compliance with schedule results in administrative pre-hearing with stipulation/fines. Can be followed by administrative hearing or Directors meeting resulting in fines and order to vacate	OATH hearings, see orders following noncompliance.	Administrative hearing occurs after stipulation is not agreed. Determination and Orders are issued regardless of owner representation at hearings. The hearing officer sets the time frame for completion.	Administrative hearings and consideration of fines for non-compliance under certain circumstances	Immediately after N&D compliance date, if not risk reduced Hearing Order	No response or no show at the scheduled pre-hearing results in formal administrative hearing. Formal administrative hearings are conducted by an independent hearing officer, with a county attorney representing the Department of Health. Failure to appear for the formal hearing results in the case being read into the record. A recommendation from the hearing officer is made based on the results of the hearing.	If no response to Informal Hearing, or not attended, a Formal Hearing (includes the County Attorney and the Hearing Officer) is scheduled to take place within a month.	Not specified	Formal Hearing process: A statement of Charges and Specifications is completed by Ulster County DOH. The Charges and Specifications are sent to an attorney that has been retained by the County to administer the Formal Hearings. The attorney prepares a Notice of Hearing and Notice of Charges which is sent to the respondent. The Formal Hearing, which has an independent hearing officer and stenographer, is convened. All parties give testimony. The hearing officer renders a decision at the hearing. A transcript is completed and provided to the health commissioner for review. The health commissioner sends out a notice of fines.	Administrative Hearing – Judge fines up to \$2,500 (Board of Health determination), Health Dept Bureau of Public Health Protection to collect fines
<b>Other Enforcement Actions</b>	Failure to comply with Commissioner's notice, will be taken to DA's office County Attorney's office.	The Recommendations are used to create and send an Administrative Order from the Director of the Health Department which directs the property owner to his next steps. If Administrative Orders are not followed, then the case is brought to either small claims or supreme court at BC Law department's direction.	Sheriff serve the Board of Health Orders has been very effective at getting the work completed.	Admin meetings, formal enforcement actions, possible rent withholding through DSS. Fines are given based on the amount of work left	Warrants can be issued for failure to appear in court. Defendants can be fined and / or imprisoned for failure to make corrections.	See previous admin hearing desc.	Complaints of unsafe work practices: enforcement actions specified in workplan. Stop work orders, and referrals to EPA.	If no compliance, a stipulation agreement is offered - fine of \$500 and the work must be completed within 30 days or a departmental admin hearing is scheduled.	N/A	Immediately after hearing compliance date, initiate fines collection process. If no compliance with hearing order, update city's database, refer to Codes Enforcement, initiate rent withholding with DSS-ES	The hearing officer's recommendation is reviewed by the Commissioner of Health who creates a "Commissioner's Order" demanding fine and remediation of the LBP hazards. Often our law department will have to pursue the property owner through the court system to ensure compliance with the Commissioners Order. If we are aware that the dwelling unit has become vacant at any point while the case is still open we use placarding of the unit to prevent new tenants from moving into a unit with lead hazards present. Placards indicate that the dwelling unit is unfit for habitation due to the identified LBP hazards.	If a property is under enforcement actions, a partnership with Troy Code Enforcement and City of Rensselaer exists and the building is condemned and placarded. Most placards take place on vacant housing.	If unable to engage property owner, a potential fine of \$2,500 is threatened. Letter states "failure to comply will result in.... Forwarding of this matter to the Schenectady County Attorney's office for further action."	An Informal Hearing (Preliminary Conference) is the first step in the enforcement procedure. Correspondence is sent scheduling the time, date and location of the hearing and a statement of Charges and Specifications. After the hearing an Agreement & Stipulation (A&S) is signed by the respondent and a representative of Ulster County DOH which sets forth a compliance schedule to complete all necessary clearance work. The Informal Hearing is followed by a re-inspection. If the work outlined in the A&S is not complete, the Formal hearing process is initiated, with associated fines, as outlined in Ulster County Sanitary Code Sections 1.17 and 1.18.	When the series of hearings is complete, the Judge will then make a decision as to whether a fine is appropriate and then make a recommendation to the Board of Health for a monetary fine amount against the landlord or homeowner. The CLPPPP also works with the appropriate Section 8 office if we have an apartment in common.
<b>City/ County/ Housing Court/ BOH Hearings</b>	County Attorney's office will take cases to the local Police Courts	N/A	The hearing officer makes a recommendation to the Board of Health and the Board of Health makes a ruling on the case at their next quarterly meeting; all hearings held in the previous 3 months are issued Board of Health Orders during this one quarterly meeting. The result of the hearing is typically a compliance timeline and associated fines. The longer it takes to complete the work the higher the fine will be	No.	Buffalo Municipal Housing Court - a) Failure to comply with hazard notification will result in referral to the Buffalo Municipal Housing Court (2 weeks – 3 months*). If non-compliance, judge may issue fine / lien	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	The Board of Health makes a final determination as to the fine to be assessed against the landlord. The Health Department's Bureau of Public Health Protection attempts to collect the fine. Should the BPHP not be successful in this effort, the case is then turned over to the County Attorney for pursuit of collection of the assessed fine.

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<b>Property lien or Property deed kink to open N&amp;D</b>	No	If at any time, we have information that leads us to believe that the property may be up for sale (i.e., auction notice, tenant information, for sale sign) a Notice of Violation is sent to the County Clerk so that when any search is performed of the Deed associated with that property, it can be noted that lead hazards exist and must be addressed prior to re-occupancy.	N/A	Yes	N/A	N/A	N/A	N/A	N/A	Upon receipt of Order, file Hearing Order with County Clerk	N/A	N/A	N/A	N/A	N/A
<b>Placard</b>	N/A	Vacancy, or when someone moves out. Monitored every three months	Yes	Yes, Commissioner's Order issued designating vacated dwelling "Unfit for Human Habitation"	If a unit with hazards becomes vacant, ECDOH issues a "Do Not Rent" notice and placard. Noncompliance can be taken to Housing Court, the Judge will issue an order to vacate enforced by City Of Buffalo Police	Order to vacate, Order to remain vacated	Yes	N/A	Used as appropriate; Being reconsidered in 2018 to accelerate cases of non-compliance where there are EBLLs or documented illegal re-occupation	Yes	N/A	Yes, Troy Code enforcement	N/A	N/A	If the CLPPPP has cited lead paint violations and the apartment is subsequently VACATED, the Program will place a placard on the front door of the unit in question, stating that the unit is "Unfit for Habitation.". A "Posting" letter is then sent to the owner, explaining that the apartment is not to be re-occupied until the cited lead paint violations have been corrected. The CLPPPP staff routinely conduct "30-day checks" around the 25th of each month to verify that the apartment has remained VACANT.
<b>Spiegel Act</b>	Currently in the process of working with DSS to utilize the Spiegel Act.	Yes	Yes	Yes	N/A	Yes	N/A	N/A	N/A	Yes	N/A	N/A	N/A	N/A	N/A
<b>Additional Information</b>				Share Housing spreadsheet with PathStone (Section 8) to assure compliance	EC Sanitary Code is currently being revised to include a "Stop Work Order" provision for failure to use LSWP/creation of lead hazards while working on pre-1978 housing.							Currently working with County Attorney to develop more effective enforcement action.	The Informal Hearing notice allows property owners to contact CLPPPP before the scheduled Informal Hearing date to meet, set up a compliance schedule, and sign an Agreement and Stipulation. By doing this, they avoid the \$100 fine associated with the Informal Hearing.	Over the last 2 years, the CLPPPP has, every 6 months, cross-checked the housing rosters of the Village of Ossining and the Village of Mamaroneck's Section 8 offices. The purpose of this is to see if those Section 8 offices are sponsoring any housing units with active lead paint violations.	