

**New Jersey Department of Health  
Child and Adolescent Health Program  
PO Box 364  
Trenton, NJ 08625-0364**

**NOTICE OF VIOLATION  
INSTRUCTIONS FOR THE  
LOCAL BOARDS OF HEALTH**

1. At a minimum, the notice of violation given to the property owner or the family of the lead burdened child/ren shall contain all the information provided in the Template for Notice of Violation.
2. No child specific information shall be mentioned on the notice of violation or on any other correspondence with the property owner.

## TEMPLATE FOR NOTICE OF VIOLATION

Date

Name of Owner of Record  
Address of Owner of Record

Subject: *(Fill in full address of subject property including apartment number if any.)*

Dear Owner:

In accordance with N.J.A.C. 8:51, an environmental intervention was conducted on \_\_\_\_\_ *(date of onsite testing)* at the above referenced property by \_\_\_\_\_ *(name of inspector)*. Testing of building components, household dust and/or bare soil was performed to determine if lead-based paint, lead dust or lead soil hazards exist.

We have found hazardous levels of lead at the location(s) identified in the attached report.

You are hereby required to remediate all lead hazards identified in the attached report within \_\_\_\_\_ days of the date of this notice. Failure to remediate all lead hazards within that timeframe will result in the initiation of legal proceedings against you and the levying of fines as set forth at N.J.A.C. 8:51-9.1.

N.J.A.C. 8:51-6.2 does allow interim control measures to be used to remediate exterior lead hazards; however, all interior lead hazards shall be treated using abatement methods. Please review the attached report to determine if you can use interim controls on the exterior hazards found at your property. If interim controls on exterior hazards are permitted, you must use qualified contractors trained in lead-safe work practices to perform the work. The contractors must comply with the provisions of N.J.A.C. 8:51-6.2, a copy of which is attached.

All lead abatement work undertaken in response to this Notice of Violation shall be performed in accordance with N.J.A.C. 5:17 Lead Hazard Evaluation and Abatement Code including, but not limited to:

- hiring a properly certified lead abatement firm to perform the abatement work;
- filing a permit prior to commencement of lead abatement work with the Local Construction Official;
- filing a 10-day notice with the Department of Community Affairs (DCA) prior to commencement of work;
- relocation of occupants and their belongings during performance of abatement work;
- hiring of an independent lead evaluation firm to conduct final clearance testing at the completion of lead abatement work; and
- filing for a Certificate of Clearance with the Local Construction Official to close out the permit.

**\*All remediation work undertaken in response to this Notice of Violation shall comply with the owner's responsibilities and compliance criteria in accordance with N.J.A.C. 8:51-7.1(a)3:**

- **Within 30 days from the date of Notice of Violation identifying the lead hazards a scope of work shall be submitted to the local board of health.**
- **Within 45 days from the date of Notice of Violation identifying the lead hazards the property owner shall secure financial resources.**
- **Clearance testing shall be performed by an independent certified risk assessor no sooner than one hour after the final cleaning is completed pursuant to N.J.A.C. 5:17 and within 30 calendar days from the final cleaning pursuant to N.J.A.C. 8:51-8.2(a).\***

To locate a certified lead abatement firm or lead evaluation firm visit the DCA website at: [http://www.state.nj.us/dca/codes/code\\_services/xls/clc.shtml](http://www.state.nj.us/dca/codes/code_services/xls/clc.shtml).

If you cannot afford to perform the lead remediation, financial assistance may be available from the Lead Hazard Control Assistance (LHCA) Program. Contact the LHCA Program at: [www.leadsafenj.org](http://www.leadsafenj.org) or by calling toll free 877-DCA-LEAD.

Upon completion of work, the lead evaluation firm you selected to perform Clearance must provide you with a maintenance plan which provides for routine inspection of leaded surfaces which were not treated under this Notice of Violation to insure the paint remains intact as well as leaded surfaces which were treated using limited paint removal, enclosure or encapsulation methods to insure those treatments have not failed. All housing conditions which could contribute to the deterioration of lead-based paint such as leaking roofs or plumbing must also be routinely evaluated and deficiencies must be corrected.

The Federal Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4852d, requires sellers and landlords of 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. Specific exceptions to this disclosure requirement are listed at 24 CFR Part 35.82. 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.

If you have any questions, please contact \_\_\_\_\_ (*contact name*)  
at \_\_\_\_\_ (*phone number*).