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1932 - 1978  
Of Counsel  
Aileen Schwartz\*  
Teri B. Himebaugh\*

October 28, 2010

James Heenehan, Sr., Esquire  
Assistant Regional Counsel  
Office of Regional Counsel  
1650 Arch Street  
Philadelphia, PA 19103-2029

**Re: In the Matter of: Regina Bennett**  
**Docket No. TSCA-03-2010-0407**

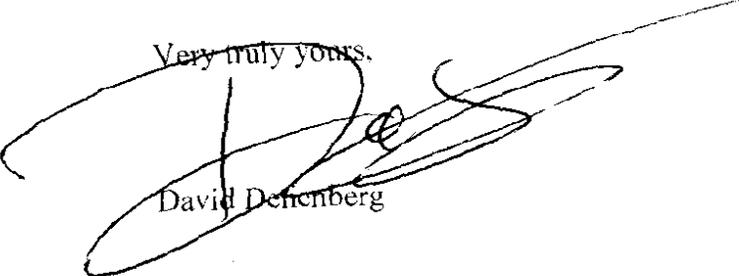
Dear Mr. Heenehan:

I represent Regina Bennett in the above captioned matter. Enclosed please find a copy of Respondent's Answer to the above referenced Complaint, which was also served via hand delivery.

On behalf of my client, I am formally requesting a hearing on this matter, and also a Settlement Conference.

I look forward to hearing from you regarding the scheduling of both the hearing and the Settlement Conference.

Very truly yours,

  
David Denenberg

DHD/sdv  
Encls.  
Cc: Regina Bennett

RECEIVED  
OCT 29 2010  
PHILADELPHIA, PA

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

**In the Matter of:**

**Regina Bennett  
1496 Coralberry Court  
Jamison, Pennsylvania**

**RESPONDENT**

**v.**

**6516 North 7th St.,  
Philadelphia, PA 19126**

**TARGET HOUSING**

**U.S. EPA Docket No.  
TSCA-03-2010-0407**

**RESPONDENT'S ANSWER  
TO ADMINISTRATIVE  
COMPLAINT AND REQUEST  
FOR A HEARING**

RECEIVED  
MAY 10 2010  
PHILADELPHIA, PA

Respondent, Regina Bennett, by and through her attorney, David Denenberg, Esquire, hereby Answers the Administrative Complaint regarding target housing located at 6516 North 7th Street and requests a hearing and in support thereof avers as follows:

1. Conclusion and/or Statement of Law to which no response is necessary.
2. Conclusion and/or Statement of Law to which no response is necessary.
3. Conclusion and/or Statement of Law to which no response is necessary.
4. Conclusion and/or Statement of Law to which no response is necessary.
5. Conclusion and/or Statement of Law to which no response is necessary.
6. Conclusion and/or Statement of Law to which no response is necessary.
7. Conclusion and/or Statement of Law to which no response is necessary.
8. Conclusion and/or Statement of Law to which no response is necessary.
9. Conclusion and/or Statement of Law to which no response is necessary.
10. Conclusion and/or Statement of Law to which no response is necessary.

11. Conclusion and/or Statement of Law to which no response is necessary.

12. Conclusion and/or Statement of Law to which no response is necessary.

13. Conclusion and/or Statement of Law to which no response is necessary.

14. Conclusion and/or Statement of Law to which no response is necessary.

15. Conclusion and/or Statement of Law to which no response is necessary.

16. Conclusion and/or Statement of Law to which no response is necessary.

17. Admitted.

18. Admitted.

19. Admitted.

20. No response necessary.

21. Admitted.

22. Admitted. By way of further response, at the time Respondent leased the North 7th Street Lease Target Housing Property on March 5, 2008, she was unaware that it contained lead paint and was unaware that it was a "target property" that was regulated pursuant to a Federal Statute. Accordingly, Respondent, a local property owner, was unaware of the requirements of the Federal Statute regarding disclosure. The Respondent has never been cited before for violating the Federal Law and did not consciously or flagrantly violate the Federal Law in this circumstance. Moreover, as soon as the Respondent became aware of the Federal requirements, she brought herself in compliance with them regarding any covered rental properties that she owns. Exhibit "E", Disclosure Forms.

23. Admitted.

24. Conclusion and/or Statement of Law to which no response is necessary.

By way of further response, the Respondent was unaware that it was "target housing."

25. Admitted. By way of further response, at the time the Respondent leased the house on March 5, 2008, she was unaware of any lead paint problems in the leasehold. When the Respondent was cited for lead paint violations by the City of Philadelphia on October 6, 2008, she took immediate action to remedy the problem. Exhibit "A", October 6, 2008 Letter from City. Specifically, the Respondent hired a contractor for \$3,329.25 to remedy the problem, and by October 28, 2008, the lead paint problem was remedied. Exhibit "B", Estimate from Contractor; Exhibit "C", October 28, 2008 Letter from City; Exhibit "D", October 31, 2008 Letter from City.

26. Conclusion and/or Statement of Law to which no response is necessary.

27. Conclusion and/or Statement of Law to which no response is necessary.

28. Conclusion and/or Statement of Law to which no response is necessary.

29. Conclusion and/or Statement of Law to which no response is necessary.

30. Paragraphs 1 through 29 are hereby incorporated by reference as if more fully set-forth herein.

31. Admitted. By way of further response, as soon as Respondent became aware of the Federal Requirement, she provided the required hazard information pamphlet and continues to comply with the requirement. Exhibit "E".

32. Conclusion and/or Statement of Law to which no response is necessary.

By way of further response, as alleged above, the Respondent has a number of mitigating facts or circumstances. She was unaware of the Federal Requirement, and did not consciously or flagrantly fail to provide the pamphlet, once she learned of the lead paint,

she immediately remedied the problem, and, further, once she learned of the pamphlet requirement she immediately complied with all notice requirements under the law.

33. Paragraphs 1 through 32 are hereby incorporated by reference as if more fully set-forth herein.

34. Admitted. By way of further response, as soon as Respondent became aware of the Federal Requirement, she provided the required information in all leases and continues to comply with the requirement.

35. Conclusion and/or Statement of Law to which no response is necessary.

36. Paragraphs 1 through 35 are hereby incorporated by reference as if more fully set-forth herein.

37. Admitted. By way of further response, as soon as Respondent became aware of the Federal Requirement, she provided the required information in all leases and continues to comply with the requirement.

38. Conclusion and/or Statement of Law to which no response is necessary.

#### **PROPOSED CIVIL LIABILITY**

Before the instant action, Respondent had never been cited for violating the Toxic Substances Control Act, nor did she flagrantly violate it in this circumstance. In addition, Respondent is now in compliance with the letter of Act, and has provided all of her lessees the required disclosures. Respondent has also taken proactive measures to eliminate any lead paint problems in her rental units.

#### **NOTICE OF REQUEST FOR A HEARING**

Respondent hereby requests a hearing on this matter.

**SETTLEMENT CONFERENCE**

Respondent hereby requests a Settlement Conference on this matter.

RESPECTFULLY SUBMITTED,

BY: 

DAVID DENENBERG, ESQUIRE  
ATTORNEY FOR RESPONDENT

1315 Walnut St., 12th Floor  
Philadelphia, Pa 19107

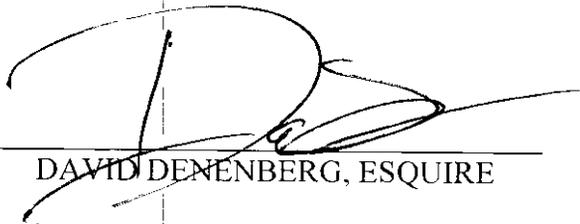
215-546-1345

**CERTIFICATE OF SERVICE**

I, David Denenberg, Esquire, hereby certify that on October 28, 2010, I served a true and correct copy of Respondents' Answer to the Administrative Complaint, Docket No. TSCA-03-2010-0407, via hand delivery and First Class Mail, postage prepaid, on the following:

James Heenehan, Sr., Esquire  
Assistant Regional Counsel  
Office of Regional Counsel  
1650 Arch Street  
Philadelphia, PA 19103-2029

Date: October 28, 2010



DAVID DENENBERG, ESQUIRE



# CITY OF PHILADELPHIA

PHILADELPHIA DEPARTMENT OF PUBLIC HEALTH  
Municipal Services Bldg.  
16<sup>th</sup> & JFK Blvd  
Phila. Pa.

Donald Swartz,  
Health Commissioner

October 6, 2008

Re: 6516 N. 7<sup>th</sup> St., Apt#2

Mr. Justin Bronzell/Ms. Lockett  
6516 N. 7<sup>th</sup> St  
Phila., Pa. 19120

The owner of this property contends that she has made attempts to reduce the lead-paint hazards in the above referenced property. He notes that he has contacted you advising you that you and your family can not be present while the work is being done. If you are found to be uncooperative by not allowing this work to get done, I will remove this property from the non-compliance list by indicating "uncooperative". That will allow the owner to take you to "Landlord-Tenant Court" for an eviction order. You will have ten days from the date of this letter to respond. You can reach me by telephone at 215-685-2364.

Respectfully,

Joseph B. Kauffman  
Program Manager of Inspections and Enforcement



6516 N. 7<sup>th</sup> Street

Philadelphia, Pa

After inspecting and measuring the work requested on the Lead Hazard Control Worksheet you provided, I used the Lead Hazard Control Component Price List provided to me by the Philadelphia Dept. of Public Health to provide this price proposal.

In addition to the work, a super cleaning is also required to ensure dust wipe clearance. This procedure consists of top down wash clean and heap-vacuuming of the entire premise. The cost of this is \$350.00 per unit floor.

This also includes a PA State Notification, with job I.D. number, and all licensed and registered employees documented. I also coordinate Quality Control and Final Inspections, and guarantee you will receive the compliance letter you require.

I understand that these cases are usually sudden and unexpected to the landlord, and offer a case by case discount bases on the condition of the property.

PROPOSAL 1: The worksheet recommends (P)-remove loose paint, stabilize with primer and approved paint coating. The total work sheet price would be \$6,293.00. I separated each work area as follows:

(a) EXTERIOR PAINT	\$1,183.30	less 40% discount (-\$709.95)
(b) INTERIOR PAINT	\$4,759.70	less 40% discount (-\$1,903.80)
(c) SUPER CLEAN	\$350.00	less 100% discount (-350.00)

<b>TOTAL</b>	<b>\$6,293.00</b>	<b>LESS</b>	<b>\$2,963.75=</b>	<b>\$3,329.25</b>
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\$

This is an agreement totaling **\$3,329.25** for all proposed work as indicated on the Lead Hazard Control Worksheet. We can start at your earliest convenience.

Thank you,

*Vincent J. Hogan* 10/18/08  
VINCENT J. HOGAN, PRESIDENT





**CITY OF PHILADELPHIA**

DEPARTMENT OF PUBLIC HEALTH  
CHILDHOOD LEAD POISONING PREVENTION PROGRAM  
PNH. BUILDING #3  
2100 West Girard Avenue  
Philadelphia, PA 19130-1400

Donald F. Schwarz, MD, MPH  
Deputy Mayor for Health & Opportunity

10/29/2008

Regina Bennett

P.O. Box 2341  
Warminster, PA. 18974

re: 6516 N 7th St 2

Dear Owner / Agent:

The Health Department issued an order for the removal of lead hazards at the above property on 10/06/2008. A re-inspection of the property on 10/28/2008 shows that the removal work has been completed, and the areas repainted.

At this inspection, dust wipes were taken for your clearance test. We are awaiting the laboratory results of these samples. You will be notified of the test results. If you do not pass the clearance test, you will be given further instructions.

If you have any questions, call #(215) 685-2328, 2329, or 2330 Monday through Friday, 8:30 a.m. to 4:00 p.m.

Sincerely,

Joseph B. Kauffman  
Inspection and Enforcement Program Manager





**CITY OF PHILADELPHIA**

DEPARTMENT OF PUBLIC HEALTH  
CHILDHOOD LEAD POISONING PREVENTION PROGRAM  
PNH BUILDING #3  
2100 West Girard Avenue  
Philadelphia, PA 19130-1400

Donald F. Schwarz, MD, MPH  
Deputy Mayor for Health & Opportunity

10/31/2008

Regina Bennett

P.O. Box 2341  
Warminster, PA 18974

re: 6516 N 7th St 2

Dear Owner / Agent:

The Health Department issued an order for the removal of lead hazards at the above property on 10/06/2008. A re-inspection of the property on 10/28/2008 shows that the removal work has been completed.

This property is in compliance with the Philadelphia Lead Based Paint Regulations.

If you have a scheduled court appearance date for Lead Court, and you have received this letter, you do not have to appear for that scheduled court date. You will receive, by mail, a copy of the court order confirming that this case has been discontinued and ended.

Because all of the lead paint has not been completely removed, you must continue to watch the property for lead hazards (deteriorated paint) and take corrective action as needed in the future.

If you have any questions, call #(215) 685-2788, Monday through Friday, 8:30 a.m. to 4:00 p.m.

Sincerely,

Joseph B. Kauffman  
Inspection and Enforcement Program Manager



(Disclosure Form for Rentals and Leases)

Property Address: 6516 N. 7th St  
(Include Unit # if multi-unit building)

### Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

#### Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

#### Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (Check (i) or (ii) below):

(i)  Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(ii)  Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (Check (i) or (ii) below):

(i) RB Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (List documents below).

Lead paint abatement completed October 2008.

(ii)  Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

#### Lessee's Acknowledgment (Initial)

(c) DSW Lessee has received copies of all information listed above.

(d) DSW Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*

#### Agent's Acknowledgment (Initial)

(e)  Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

#### Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Regina Bennett

Lessor	Date	Lessor	Date
<u>Dore Miller</u>	<u>4/20/10</u>	<u>[Signature]</u>	<u>4/20/10</u>
Lessee	Date	Lessee	Date

Agent	Date	Date
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**EXHIBIT**  
16 E x

(Disclosure Form for Rentals and Leases)

Property Address: 6512 N 7TH STREET  
(Include Unit # if multi-unit building)

**Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards**

**Lead Warning Statement**

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

**Lessor's Disclosure**

(a) Presence of lead-based paint and/or lead-based paint hazards (Check (i) or (ii) below):

(i)  Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(ii)  Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (Check (i) or (ii) below):

(i)  Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (List documents below)

(ii) RB Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Lessee's Acknowledgment (Initial)**

(c)  Lessee has received copies of all information listed above.

(d)  Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

**Agent's Acknowledgment (Initial)**

(e)  Agent has informed the lessor of the lessor's obligations under 42 U.S.C 4852d and is aware of his/her responsibility to ensure compliance.

**Certification of Accuracy**

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

<u>[Signature]</u>	<u>9-17-10</u>	<u>[Signature]</u>	
Lessor	Date	Lessor	Date
<u>[Signature]</u>			
Lessee	Date	Lessee	Date
<u>[Signature]</u>			
Agent	Date	Agent	Date