

City of Groton Office of the Mayor Mayor Keith Hedrick



Town of Groton
Office of the Town Manager
Town Manager John Burt

November 7, 2022

Branford Manor Preservation, L.P. c/o Matthew Finkle The Related Companies 66 Columbus Circle New York, NY 10023

Dear Mr. Finkle:

via FedEx Overnight Delivery and email

As you know, the Town of Groton ("Town"), City of Groton ("City") and Branford Manor Preservation, Limited Partnership ("BMPLP") entered into a "Real Property Tax Incentive Agreement for the Improvement and Operation of a Low-Income Subsidized Rental Housing Complex" ("Agreement") in spring 2017. On October 11, 2022, the Town of Groton Town Council ("Town Council") adopted a Resolution ("Town Resolution") to find Branford Manor in Default of the Agreement; the details supporting that finding are included in the Town Resolution. The City of Groton City Council ("City Council") likewise passed a Resolution ("City Resolution") on October 17, 2022, to find Branford Manor in Default of the Agreement; the details supporting that finding are included in the City Resolution. Copies of the Agreement, Town Resolution and City Resolution are attached as Exhibits 1, 2 and 3. The Resolutions further reference sixteen (16) Public Health Orders issued by Ledge Light Health District to Branford Manor ("LLHD Health Orders - September 8-September 22, 2022"), which are attached as Exhibit 4, and numerous Rental Housing Code violations issued by the City, which are attached as Exhibit 5. We are jointly writing at this time as a follow up to the actions of the Town and City Councils, to provide notice of the Town and City Resolutions and findings of Default, and to outline the expectations of the Town and City going forward under the Agreement. All referenced Exhibits throughout this notice are incorporated as part of this notice.

By finding BMPLP in Default pursuant to paragraphs B2 (g), B7 (a) (ii), and any other relevant paragraphs of the Agreement, the Town and City have triggered paragraph B7 (c), which provides:

(c) Upon the occurrence of a Default under subsection 7(a)(ii) above, the Town and/or the City shall give the Developer written notice including a reasonable period of not less than thirty (30) days to cure such Default. Upon the occurrence of a Default that is not cured after the passage of the applicable cure period, unless the Developer has commenced a cure and is diligently pursuing such cure and such Default is not capable of being cured in such time period, the Town and/or the City shall have the right to terminate this Agreement effective at the end of the cure period specified in such written notice to the Developer of its/their intention to do so (also a "Termination Date").

As set forth in the respective Town and City Resolutions, each Council has adopted the same cure period for BMPLP, namely:

... a thirty (30) day cure period, beginning from the compliance dates set forth by the City and/or Ledge Light Health District (as those compliance dates may be amended from time to time). In the event of further notices of violation from the Rental Housing Code and/or Public Health Code, the Town Manager [City Mayor] may amend, if necessary, the Default reasons, support for and cure periods consistent with the Agreement.

As of the dates that the Town and City each voted to find BMPLP in Default, BMPLP had not yet complied with the requirements set forth in the sixteen (16) LLHD Public Health Orders, but it had requested, and been granted by LLHD, extensions of time to comply. LLHD notices granting those extensions are attached as Exhibit 6. Absent additional extensions of time to comply by LLHD, BMPLP must comply by the dates listed in those extensions. Failure to comply by the dates listed in those extensions will initiate the thirty (30) day cure period described in the Resolutions, and the Councils retain their respective rights to Terminate the Agreement at the end of such any such cure period in accordance with the terms of the Agreement.

In placing BMPLP in Default, the Town and City recognize that the health and safety of the residents of Branford Manor are of utmost importance. We will closely monitor compliance with the LLHD orders and City violations outlined above and attached. As set forth in the Resolutions, in the event of further notices of violation of the Rental Housing Code and/or Public Health Code, the Town and City, (through the Town Manager and Mayor, respectively), may amend the Default reasons, support for and cure periods consistent with the Agreement. Please be advised that we are adding to the support for the Default reasons, citing seven (7) LLHD orders issued since the dates of the Town and/or City Resolutions. LLHD issued the seven (7) orders on October 19, 2022, with compliance dates of November 19, 2022 ("LLHD Health Orders – October 19, 2022"), which are attached as Exhibit 7. As with the prior LLHD orders, failure to comply by the dates listed in these orders (or dates as amended by LLHD) will initiate the thirty (30) day cure period described in the Resolutions, and the Councils retain their respective rights to Terminate the Agreement at the end of such any such cure period in accordance with the terms of the Agreement.

We have been encouraged in recent meetings that BMPLP will take the swift and necessary steps to ensure safe, healthy living environments for all residents of Branford Manor, and trust that our encouragement is not misplaced. In the interests of the Town, City and residents of Branford Manor, we will nonetheless remain prepared to take the steps available to us under the Agreement to Terminate the Agreement in the event that BMPLP fails to cure any Default.

Town of Groton

www Manager John Burt

Should you have any questions regarding the above or enclosed, please contact us.

City of Groton

City Mayor Keith Hedrick

Enclosures: Exhibits 1-7 cc (per Tax Incentive Agreement):

Robinson & Cole, LLP 1055 Weishington Boulevard Stamford, Connecticut 06907 Attn: Steve L. Elbaum, Esq.

Levitt & Boccio, LLP 423 West 55th Street, 8th Floor New York, New York 10119 Attention: David S. Boccio, Esq. Wells Fargo Affordable Housing Community Development Corporation MACD1053-170 301 South College Street, 17th Floor Charlotte, NC 28288 Attention: Director of Tax Credit Asset Management

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Philip Spahn Sidiey Austin LLP One South Dearborn Chicago, IL 60603

<sup>&</sup>lt;sup>1</sup> The City's Building Inspector has indicated that to date, he has not issued extensions, as BMPLP has complied with the required written timetable within 10 days of the date of the notice of violation and/or has completed the repairs.

### EXHIBIT 1

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**EXECUTION VERSION** 

### REAL PROPERTY TAX INCENTIVE AGREEMENT FOR THE IMPROVEMENT AND OPERATION OF A LOW-INCOME SUBSIDIZED RENTAL HOUSING COMPLEX

By and Between
THE TOWN OF GROTON,
THE CITY OF GROTON and

### BRANFORD MANOR PRESERVATION, LIMITED PARTNERSHIP

RE: BRANFORD MANOR RENOVATION

400 Shennecossett Road, Groton, Connecticut

### A. RECITALS

WHEREAS, the parties to this Real Property Tax Incentive Agreement for the Improvement and Operation of a Low-Income Subsidized Rental Housing Complex ("Agreement") are Branford Manor Preservation, Limited Partnership, a New York limited partnership with a business address of 60 Columbus Circle, New York, New York (the "Developer"), the general partner of which is Branford Manor Preservation GP, LLC, with a business address of 60 Columbus Circle, New York, New York; the Town of Groton, Connecticut, a municipal corporation organized and operating under the laws of the State of Connecticut, with a principal place of business at Town Hall, 45 Fort Hill Road, Groton, Connecticut ("Town"); and the City of Groton, a municipal corporation organized and operating under the laws of the State of Connecticut, with a principal place of business at City Hall, 295 Meridian Street, Groton, Connecticut ("City"), the geographical limits of which are entirely within the municipal boundaries of the Town (each a "Party" and collectively the "Parties," and the Town and City may be referred to each as a "Municipality and collectively the "Municipalities" where the context allows);

WHEREAS, the Developer is the contract purchaser of the buildings and grounds, currently consisting of a 441-unit income-limited subsidized rental housing development (one hundred (100%) percent project-based under section 8 of The Housing Act of 1937, as amended), one management unit and related appurtenances, currently owned by Branford Manor Associates, a New York limited partnership, and located at 400 Shennecossett Road, with a management office at 37 Mather Avenue, Town of Groton, Connecticut, PIN 168816825733 (the "Development Property"), the boundaries of which are more particularly described on Schedule A, attached hereto and made a part hereof;

WHEREAS, the Developer has agreed and committed to invest in the Development Property the sum of Eighteen Million Five Hundred Thousand (\$18,500,000) Dollars ("Developer's Investment") to construct a new resident services building of approximately 3,000 square feet, including a management office, and to make and maintain exterior and interior repairs, upgrades, renovations and replacements to the Development Property and to the buildings and personal property located thereon (collectively, the "Improvements"), as is more particularly described in Exhibit 1, attached hereto and made a part hereof;

WHEREAS, the Developer has agreed that throughout the Term (defined in section 2(a), infra), it will operate the Development Property as one hundred (100%) percent project-based under section 8 of The Housing Act of 1937, as amended, and/or one hundred (100%) percent income-limited rental housing to individuals and families who, at the time each such individual or family first occupies a unit in the Development Property, are of low income, having annual income not exceeding sixty (60%) percent of area median gross income, adjusted for family size, within the meaning of the Internal Revenue Code and the Treasury Regulations promulgated thereunder ("Rent Subsidized Housing") and provide free services to the residents of the Development Property, some or all of which are not currently being provided to

residents of the Development Property, including but not limited to the services and the types of services identified on Exhibit 2 ("Social Services") (the Developer's purchase of the Development Property, completion and maintenance of the Improvements and the Ancillary Improvements (as defined on Exhibit 4), provision of the Social Services, and operation and management of a Rent Subsidized Housing development consisting of at least 441 rental units and related appurtenances shall constitute the "Project");

WHEREAS, the Developer has agreed that it shall manage and operate the Project itself and/or through its property management company, Related Management Company, L.P., or any subsequent professional management company as required by its lender or limited partner investor (each a "Management Company");

WHEREAS, the Developer's completion and maintenance of the Improvements, operation and management of the Project, including the provision of the Social Services, will be beneficial to the Town and City by making substantial exterior and interior aesthetic, functional and capital improvements to an outdated residential site, benefitting overall neighborhood design standards and helping to meet public demand for high-quality, low-income limited housing;

WHEREAS, the Development Property is located within both the Town and the City, but is subject to the City's Zoning regulations and enforcement of the State Building Code;

WHEREAS, the City is a taxing authority under the Connecticut General Statutes and Article VI, Section 4 of the City Charter, and the City may levy taxes on real and personal property located within the boundaries of the City, and provides public services to the Development Property, including police protection and sewage disposal;

WHEREAS, the Town is a taxing authority under the Connecticut General Statutes and Articles 2 and 9 of the Town Charter, and the Town may levy taxes on real and personal property located within the boundaries of the Town, including real and personal property located within the boundaries of the City, and provides public services to the Development Property;

WHEREAS, the Developer has asked the Town and the City to make a tax incentive agreement with it pursuant to Connecticut General Statutes § 7-498, a part of General Statutes Chapter 114, the Connecticut City and Town Development Act ("Act");

WHEREAS, the Developer has demonstrated to the Municipalities its capacity to fulfill the obligations that this Agreement will place upon it, particularly because of the skills and capacities of Related Management Company, L.P., but has also demonstrated to the Municipalities that fulfilling those obligations will not be economically feasible without the certainty as to the amounts of real property taxes to be paid during the Term that the Agreement will provide;

WHEREAS, each Party has provided each of the other Parties written evidence demonstrating to their satisfaction that each Party is duly authorized to enter into this Agreement;

WHEREAS, contemporaneously with the closing of its acquisition of the Development Property, Developer will provide evidence to the Municipalities of its compliance with the filings required by 7-482(n) of the Act;

WHEREAS, on April 4, 2017, after determining that the land, buildings and appurtenances at 400 Shennecossett Road, Groton, Connecticut and the Project qualify for an agreement as to taxes under § 7-498 of the Act, the Groton Town Council adopted Resolutions (Council Agenda Items Nos. 2017-0065,

2017-0066, 2017-0067) to adopt the Act for the purposes of this Agreement; to declare the land, buildings and appurtenances located at 400 Shennecossett Road, Groton, Connecticut to be a Development Property and the Developer to be a Sponsor, as those terms are defined by the Act; and to authorize its Town Manager to negotiate and execute this Agreement for a period of no more than twenty (20) years from the date of the first tax payment to be made hereunder; and

WHEREAS, on March 27, 2017, after determining that the land, buildings and appurtenances at 400 Shennecossett Road, Groton, Connecticut, the Improvements and the Project qualify for an agreement as to taxes under § 7-498 of the Act, the Council of the City of Groton adopted Resolutions (Nos. R-17-3-58, R-17-3-59, R-17-3-60) to adopt the Act for the purposes of this Agreement; to declare the land, buildings and appurtenances located at 400 Shennecossett Road, Groton, Connecticut to be a Development Property and the Developer to be a Sponsor, as those terms are defined by the Act; and to authorize its Mayor to negotiate and execute this Agreement for a period of no more than twenty (20) years from the date of the first tax payment to be made hereunder.

NOW, THEREFORE, the Town, the City and the Developer agree:

### B. TERMS

1. Recitals. The Recitals stated in Part A of this Agreement are incorporated into and made binding terms hereof.

### 2. Tax Payments; Term.

- (a) The term of this Agreement will commence on its execution by the Parties ("Commencement Date"), and shall end on the date on which the last Payment (as defined in section 2(i), infra) due hereunder for the fiscal year ending on June 30, 2037, shall be due (January 1, 2037), unless sooner terminated as provided herein ("Term").
- (b) The Developer, at its sole expense, immediately upon its receipt of a deed conveying title to the Development Property to it, will record an executed copy of this Agreement on the Town of Groton Land Records along with the documents from the closing at which it obtains title to said property, and shall promptly provide the Town and the City copies of all of the recorded documents.
- (c) This Agreement shall be void ab initio and shall be of no force and effect if, on or before July 1, 2017:
  - (i) the Developer does not obtain fee title to the Development Property and make the recordings required by subsection 2(b);
  - (ii) all regularly-assessed personal and real property taxes that became due on the Development Property have not been paid, including accrued interest and penalties; and/or
    - (iii) the Developer has not made the filings required by 7-482(n) of the Act.
- (d) This Agreement shall apply to the buildings, structures, and appurtenances on the Development Property on the Commencement Date, to so much of the Improvements as are completed within the time provided by subsection 6(a) of this Agreement and to any other new construction, capital repairs, replacements, upgrades or additions made at or to the

Development Property during the Term that are not income-producing (e.g., additional rental units built during the Term will be considered income-producing). However, any other new construction, capital repairs, replacements, upgrades or additions built on or added to the Development Property during the Term that are income-producing shall be subject to the assessment, levying and collection of all real and personal property taxes due the Municipalities under law at the time, and the taxes due the Municipalities for income-producing construction, capital repairs, replacements, upgrades or additions shall be over and above and not part of the Payments (as hereinafter defined) set out on Exhibit 3.

- (e) During the Term, the Developer shall not challenge the assessed value assigned to the Development Property, the Improvements and/or the Project by the Town of Groton Assessor, including assessments made during the Term, and shall not challenge the Payments or assessment(s) after the expiration or termination of this Agreement, to the extent that such assessments apply or applied to the Payments paid or to be paid during the Term. At no time during or after the Term shall the Developer challenge the amounts of the Payments set out on Exhibit 3.
- (f) The Development Property is within an Enterprise Zone of the Town, as provided for in Connecticut General Statutes §32-70 et seq., and Town Ordinance No. 229 (§14.5-3(a)-(e) in the current Code of Town Ordinances) ("Ordinance"). The Developer hereby waives and foregoes and shall not seek any deferral, abatement or other tax relief under General Statutes §32-70 et seq. and the Ordinance that would modify the Payments. The foregoing waiver shall not apply to any new construction, capital repairs, replacements, upgrades or additions other than the Improvements built on or added to the Development Property during the Term that are income-producing, nor shall it apply to any exemption from State conveyance taxes.
- (g) The Developer, by itself and/or through the Management Company, will at all times maintain the Project in good order and repair and manage and operate the Project in accordance with the provisions of all applicable federal, state and local law, and this Agreement.
- Utility/Sewer Use Fees. Except as otherwise set forth in this subsection 2(h), (h) the Taxes (as hereinafter defined) to be paid to the City under this Agreement include a sewer use fee for the Development Property. However, the Parties acknowledge that during the Term the City may elect to revise the methodology and/or basis by which it determines the annual sewer use fees the Developer and all others similarly situated in the City's sanitary sewer district are obligated to pay pursuant to Connecticut General Statutes §7-255 and that nothing in this Agreement shall (i) preclude, or in any way limit, the City's ability to make one or more such revisions and (ii) relieve the Developer of its obligation to pay such annual sewer use fees directly to the City in full and on time. In the event the City does revise the methodology and/or basis by which it determines the annual fee for connection with and use of the sanitary sewage system, then: (i) the sewer use fee shall thereafter be separate and distinct from Taxes due the City hereunder, and (ii) the next Payment of Taxes due to the City as set forth on Exhibit 3 (and each Payment due thereafter during the Term) shall be reduced by an amount determined by the City, in its reasonable, but sole discretion, as that portion of the Tax attributable to the use and support of sanitary sewer services immediately prior to the implementation of a separate sewer use fee. In making such determination, the City agrees to consult with the Developer.
  - (i) The Parties shall modify <u>Exhibit 3</u> (without the need to amend this Agreement under section 14 hereof) to reflect any changes made under subsection 2(h). The

City, at its sole expense, shall promptly record a notice of any such modification on the Town of Groton Land Records.

- (ii) The City shall provide the Town Tax Collector with reasonable advance notice of any changes made under subsection 2(h). The City agrees that the Town Tax Collector may rely on the accuracy of Exhibit 3 and/or of any amendments to it in collecting and disbursing to the City the Payments due to the City.
- (i) After the Commencement Date, the real property taxes to be paid to the Town and to the City for the Development Property ("Taxes") shall be in the amounts stated on Exhibit 3 and shall be made in the manner and at the times provided in this Agreement ("Payment" and where the context requires, "Payments"). The Payments shall constitute the payment of the real property taxes due and owing to the Municipalities on the Project and the Development Property in any year of the Term, for the purposes of the Connecticut General Statutes and the Charters and Ordinances of the Town and the City.

### Priority of Tax Payment Obligations.

- (a) The Payments owed to the Town for each year of the Term shall be paid in two equal installments, due on July 1 and January 1, and shall be received by the Town Tax Collector no later than August 1 (for the July Payment) and February 1 (for the January Payment) of each year. The Payments owed to the City shall be paid in one installment, which shall be due on July 1 and received by the Town Tax Collector no later than August 1 of each year. The July 1 Payments to the City and the Town shall be paid in the total amount of the two Payments combined. The failure of either Municipality to send the Developer a rate/tax bill or any other notice that a Payment is due shall not alter the Developer's obligation to make each Payment timely and in full. The foregoing Payment schedule is based on current state and local laws with regard to the payment of taxes. If there is any change in state and/or local law that modifies the dates on which municipal real property taxes are to be paid, the Parties will modify the payment schedule (and Exhibit 3) to conform to the changes in law, without the need to amend this Agreement under section 14, and the Town and/or the City shall promptly record a notice of the modified payment schedule (and Exhibit 3) on the Town Land Records.
- (b) The Town and City shall have and may exercise all of the rights and privileges, including without limitation lien priority, relating to each Payment and the Payments (including without limitation the Payments due on July 1, 2017), as are set forth in the Connecticut General Statutes pertaining to the payment and collection of municipal real property taxes, including without limitation the provisions of §§12-171 et seq., and all provisions regarding the accrual and collection of interest, fees, charges and penalties on delinquent payments. In addition and in furtherance of the foregoing, pursuant to Connecticut General Statutes §12-171(1) and/or (2), the Developer, as of the date on which this Agreement is recorded on the Town of Groton Land Records, with no need for further action, hereby grants to the Municipalities the statutory liens and rights of priority and all other rights associated therewith provided for by Chapter 205 of the Connecticut General Statutes and acknowledges that the Development Property, the Project and this Agreement are and shall be subject to the Municipalities' powers under Connecticut and local law to assess, levy and collect municipal real property taxes.
- (c) The provisions of section 7 of this Agreement are and shall be in addition to and not in derogation of the rights and remedies available to the Town and to the City under

federal, Connecticut and local law for the levying and collection of municipal real property taxes.

- 4. <u>Late Payments: Interest.</u> If any Payment is not paid in full by August 1or February 1, as the case may be, during any year of the Term (a "Delinquency"), said Payment shall bear interest at the statutory rate, currently eighteen (18%) percent per annum, until paid, without any notice or demand being required, and will also be subject to the provisions of section 7 of this Agreement, and the Municipalities retain, will have and may at their discretion exercise all statutory remedies for the levying and collection of real property taxes.
  - (a) The Developer shall make all Payments (including those for the City) payable to the Tax Division, Town of Groton, Town of Groton Town Hall, 45 Fort Hill Road, Groton, Connecticut 06340, or at such other address as may be provided by the Tax Collector, and, shall submit each Payment together with a notation to the Tax Collector that said Payment is being made in accordance with this Agreement.
- 5. <u>Social Services; Compliance with Residential Rental Income Restrictions</u>. At all times during the Term the Developer will:
  - (a) manage the Project through its Management Company and shall provide the Social Services to its residents.
    - (b) operate the Project as Rent Subsidized Housing.
- 6. <u>Completion of the Project.</u> <u>Commencement and Completion of Construction; Developer Investment; Reporting Requirements.</u>
  - (a) The Developer will commence the physical construction and installation of the Improvements and all of the work set forth on Exhibits 1 and 4 (and not merely obtain permits or approvals for doing so) no later than one (1) year from the Commencement Date (the "Construction Date"), shall pursue the same diligently and shall substantially complete all of the Improvements and all of the work set forth on Exhibits 1 and 4 no later than three (3) years from the Commencement Date (the term, "substantially complete" will mean the issuance of a certificate of occupancy or certificate of completion from the City's Building and or Zoning Departments and the inspection and certification by the City's Building Official that the Improvements/Project and all the work set forth on Exhibits 1 and 4 are in compliance with this Agreement) ("Completion Date"). Time shall be of the essence with respect to the Construction Date and the Completion Date.
    - (i) Notwithstanding anything to the contrary in this Agreement, the Developer's rights and obligations under this Agreement are subject to the timely issuance of all federal, state and local approvals and permits, including but not limited to building permits and zoning approvals required for the Improvements. The Construction Date and the Completion Date will be extended on a day for day basis for any delay in obtaining the foregoing permits and approvals not caused by the Developer. Subject to the limitations in the preceding sentence, the Developer's failure to apply for and/or receive any governmental permit and/or approval necessary to make the Improvements and/or perform the Project shall be a Default (as defined in section 7).
  - (b) The Developer will expend all of the Developer's Investment in development and construction hard and soft costs to construct the Improvements. Promptly after the

Completion Date, the Developer will submit to the Municipalities a written certification of costs, in form and content reasonably satisfactory to each of the Municipalities, documenting the actual amounts expended for the work, including work that did not require municipal permitting, such as the replacement of appliances.

(c) In addition to any other filings, including without limitation reports and/or the submission of income and expense statements required by law, beginning on January 1 of the first year of the Term and on January 1 of each succeeding year of the Term, the Developer will provide the Municipalities with a written report demonstrating its compliance with this Agreement, and will provide the Municipalities, or either of them, with such additional written reports as either of them may deem reasonably necessary to confirm compliance with this Agreement throughout the Term, and shall allow Town and/or City officials, at their reasonable prior request, which need not be written, to enter and inspect any part of the Project to confirm compliance with this Agreement. During the construction of the Improvements, the Developer will provide the Municipalities with quarterly written construction reports.

### Defaults; Remedies; Termination.

- (a) Except as otherwise specifically provided by this Agreement, a default ("Default") shall exist under the Agreement if:
  - (i) there is a Delinquency; and/or
  - (ii) the Developer violates any material provision of this Agreement other than the obligation to make the Payments, regardless of whether such violation is specifically identified as a Default elsewhere in this Agreement, and including without limitation violations of sections 3, 5 and/or 6 hereof, and such Default continues beyond the cure period provided by the Town and/or the City in any notice required by this Agreement:
- (b) Upon the occurrence of a Default under subsection 7(a)(i) above, the Town and/or the City may immediately declare the Agreement terminated ("Termination Date") without any further cure period.
- (c) Upon the occurrence of a Default under subsection 7(a)(ii) above, the Town and/or the City shall give the Developer written notice including a reasonable period of not less than thirty (30) days to cure such Default. Upon the occurrence of a Default that is not cured after the passage of the applicable cure period, unless the Developer has commenced a cure and is diligently pursuing such cure and such Default is not capable of being cured in such time period, the Town and/or the City shall have the right to terminate this Agreement effective at the end of the cure period specified in such written notice to the Developer of its/their intention to do so (also a "Termination Date").
- (d) In the event of any termination under this section 7, the Town and/or the City shall have the right to:
  - (i) record a notice in the Town of Groton Land Records terminating this Agreement as of the Termination Date,
  - (ii) collect any Delinquency due as of the Termination Date, including costs and expenses of collection and reasonable attorneys' fees related to such Delinquency as they may accrue thereafter, whether or not litigation is commenced, and

- (iii) immediately impose the Taxes that would otherwise be due on the Development Property and the Improvements immediately following the Termination Date in the absence of this Agreement. Termination of this Agreement shall not invalidate, increase, decrease or otherwise impact previous Payments timely made or unpaid on the Termination Date.
- (e) Termination of this Agreement by either the Town or the City shall not terminate this Agreement as to the non-terminating Municipality, but only as between the Developer and the terminating Municipality.

### 8. <u>Binding Effect; Assignment, Delegation and Agreement Being Personal to The Developer.</u>

- (a) This Agreement will be binding upon the Parties and their respective successors and permitted assigns. However, because, as the Developer acknowledges, both the Town and the City are relying upon the financial viability and management expertise of the Developer and Related Management Company, L.P. in implementing this Agreement, the obligations of the Developer and Related Management Company, L.P. as set forth in this Agreement are and will at all times be personal in nature.
- (b) Provided that there is no uncured Default, upon reasonably prior written notice the Developer or the Management Company may assign its rights hereunder to any entity controlled by, controlling or under common control with the Related Companies, L.P. (collectively, "Related Entity").
- (c) Provided that there is no uncured Default, any assignment by the Developer or the Management Company to a party other than a Related Entity shall require the prior written consent of the Municipalities' legislative bodies, which shall not be unreasonably withheld or conditioned, but which shall not be given until the Developer submits to the Town and the City all written information that either may reasonably request to establish, to the satisfaction of each that the assignee is at least as capable as the Developer or the Management Company, as the case may be, to fully perform the obligations of either or both under this Agreement and the successor or assignee agrees in writing (to be recorded on the Town of Groton Land Records) to be bound by and to assume the obligations and duties of the Developer and/or the Management Company under this Agreement. Notwithstanding the foregoing, any requested assignment of the Management Company by the Developer's lender or limited partner investor to a management company capable of performing the obligations of the Management Company hereunder shall require reasonable notice to, but not further consent from the Municipalities.

### Security Interests.

- (a) The Developer may grant a security interest in its rights under this Agreement to an institutional lender without the City and Town's prior written consent, provided that the Developer shall give written notice of the same to the Town and the City within thirty (30) days after the granting of said security interest.
- (b) If a lender having a security interest in the Development Property or a tax credit investor should acquire title to the Development Property, such party shall have the right to substitute a successor owner and/or developer (including the lender/tax credit investor) provided that:

- (i) If the Developer's Investment is not fully expended and/or the Improvements and/or the Ancillary Improvements are not complete, the successor owner and/or developer demonstrates to the reasonable satisfaction of the Town and the City in writing that it is willing and capable of expending the full amount of the Developer's Investment, completing the Improvements and the Project and to assume the Developer's obligations under and to operate the Development Property and the Project as set forth in this Agreement, including but not limited to the continuation of Social Services to the residents of the Development Property. No such substitution shall occur unless authorized in writing by the legislative bodies of the Town and the City and the successor or assignee agrees in writing to be bound by and to assume the obligations and duties of the Developer under this Agreement including without limitation, a prompt cure of any curable Default of the Developer; or
- (ii) If the Developer's Investment has been fully expended and the Improvements and the Ancillary Improvements are complete, the successor owner or developer demonstrates to the reasonable satisfaction of the Town and the City in writing that it is willing and capable of continuing to fulfill the Developer's obligations under this Agreement and to operate the Project in the manner contemplated herein, including but not limited to the continuation of Social Services to the residents of the Project. No such substitution shall occur unless authorized in writing by the legislative bodies of the Town and the City and the successor or assignee agrees in writing to be bound by and to assume the obligations and duties of the Developer under this Agreement.
- No Discrimination. Neither the Developer nor the Management Company nor the Developer's and/or the Management Company's successors and permitted assigns, shall discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religion, creed, age, marital status, national origin, sex, sexual orientation, gender identity or expression, veteran's status, or mental or physical disability, in the sale, lease, rental, use or occupancy of the Project or any improvements to be erected thereon, in the provision of the Social Services, or in its employment or contracting practices, or in any other aspect of the performance of its obligations under this Agreement. Further, neither the Developer, the Management Company, nor their successors and permitted assigns, shall effect or execute any agreement, lease, conveyance, or other instrument having a discriminatory intention or effect, and at all times the Developer and its successors and permitted assigns, shall comply with all federal, state and local rules, laws, regulations and statutes prohibiting discrimination.
- Abandonment of Project: Cessation of Business during the Term. Notwithstanding section 7, if the Developer ceases commercial operation as an entity, ceases work on the Improvements and/or the Project for a period in excess of six (6) months, and/or if other evidence demonstrates that the Developer has abandoned the Project for at least such six (6) month time period, the Town and/or the City may give a written demand to the Developer that it resume work. The Developer must reply to such demand within thirty (30) calendar days of receipt of the demand and, notwithstanding section 7 hereof to the contrary, if the Developer does not respond in writing within thirty (30) calendar days of its receipt of such demand from either the Town and/or the City, whichever it receives first, and/or the Developer does not (i) promptly resume work on the Project and continue same without interruption, or (ii) sufficiently explain and verify with written information reasonably requested by and acceptable to the Town and/or the City that it is still doing business and has not ceased operation or abandoned the Project, then the Town and/or the City, in the exercise of their reasonable judgment, shall each have the right at that time with no need to provide for an additional cure period, to terminate this Agreement and exercise their rights in the event of a termination under subsection 7(d).

- 12. <u>Condemnation: Casualty</u>. Notwithstanding section 7, upon the occurrence of any of the following, this Agreement may be terminated by the Town and/or the City in the manner and under the conditions provided herein:
  - Damage or Destruction to Property by Fire or Other Casualty. If during the (a) Term the Project, or any part thereof, shall be damaged or destroyed by fire or other casualty of any kind or nature, ordinary or extraordinary, foreseen or unforeseen, the Developer shall promptly give the Town and the City written notice of the same and the Developer, at its sole cost and expense, shall promptly commence (subject to a reasonable time allowance for unavoidable delays and the time required to adjust insurance claims with the insurance companies) to repair, restore, replace or rebuild the same as nearly as possible to its value, condition and character immediately prior to such damage or destruction (the "Repair"). However, in the event that the Developer reasonably determines, in good faith, that the Repair of the Project cannot be completed within three (3) years from the date of the casualty, this Agreement may be terminated by either the Town, the City or the Developer by written notice to the others. At no time during the period in which the Developer is engaged in the Repair shall the Developer's obligation hereunder to make all Payments be excused and it shall fulfill its other obligations hereunder to the extent such compliance can be had but for the damage or destruction to the Development Property.
  - (b) Condemnation: Total Taking. If during the Term there shall be a Taking (as hereinafter defined) of the whole, or such a substantial part, of the Project, such that the portion of the Project remaining after such Taking shall, after Restoration (as hereinafter defined), be uneconomical for use by the Developer in the operation of its business (as reasonably determined by the Developer), this Agreement shall terminate on the date of such Taking, and any Party may file a notice thereof on the Town of Groton Land Records. At no time during the period in which the Developer is engaged in Restoration shall the Developer's obligation hereunder to make all Payments be excused, and it shall fulfill its other obligations hereunder to the extent such compliance can be had but for the damage or destruction to the Development Property.
  - (c) Condemnation: Partial Taking. In the event of a Taking during the Term which does not result in a termination of this Agreement pursuant to subsection (b) above, the obligations of the Developer hereunder shall not be reduced or affected in any way and the Developer shall promptly upon receipt of any award, proceed to repair, alter (including any necessary demolition and reconstruction) and restore the remaining part of the Project to substantially its former condition, so as to constitute a complete structure suitable for the purposes to which the Project is being used under this Agreement. At no time during the period in which the Developer is engaged in Restoration shall the Developer's obligation hereunder to make all Payments be excused, and it shall fulfill its other obligations hereunder to the extent such compliance can be had but for the damage or destruction to the Development Property.
  - (d) For purposes of subsections (a), (b) and (c) above, all repairs, alterations, restorations or demolition conducted by the Developer as a result of a Taking or a casualty, including temporary repairs for the protection of the Project or other property pending the completion thereof, are referred to in this Agreement as the "Restoration" or as a "Repair", as applicable.
  - (e) For purposes of subsections (b) and (c) above, "Taking," (with the exception of a temporary taking) is defined as the event of vesting of title in a competent authority that has the powers of eminent domain or condemnation pursuant to any action or proceeding brought

by such authority in exercise of such power, including a voluntary sale to such authority, either under threat of, or *in lieu of*, condemnation or while a condemnation action or proceeding is pending.

### Indemnification; Hold-Harmless.

- (a) The Developer will defend, indemnify and save harmless the Town and the City, and each of their respective governing and legislative bodies, councils, boards, commissions, agencies, employees, officials and volunteers ("Indemnitees") against and from all liabilities, obligations, damages, penalties, claims, costs, charges and expenses, including, without limitation, reasonable attorneys' fees, court costs and fees of experts, which may be imposed upon or incurred by or asserted against the Indemnitees or any of them by reason of this Agreement, including without limitation claims that the Agreement is invalid for any reason, e.g., that it was beyond the legal authority of the Town and/or the City to make, and/or claims arising from the construction and installation of the Improvements and the operation and management of the Project.
- (b) If a court or other action is filed (including any administrative proceeding) against any Party, to contest and/or to determine the validity of this Agreement and/or to contest the issuance of a permit(s) required for the construction of the Improvements and/or the Project, and/or for any other purpose, the Developer shall defend, at no cost and/or expense to the Town and/or the City, any such action with counsel of its choice and reasonably approved by the Town and the City, and may consent to any settlement or other resolution of any such claims or appeals, subject to the approval of the legislative body of each Municipality. The Town and/or City may join in the defense of any such appeal, but are not required to, unless the Developer determines that their participation is reasonably necessary for the purpose of any litigation or settlement. If the Developer requests the Town and/or the City to join in such defense, the Developer will pay their costs of counsel, selected by the Developer with the reasonable consent of the Town and/or the City. If the Town and/or the City voluntarily join such litigation each Party will pay its own legal counsel.
- (c) Neither the Town nor the City shall have any obligation to participate in any way, including by expending monies, in the construction and installation of the Improvements and/or the Project, and/or in the operation and maintenance of the Project, and shall have no liability for the acts and/or omissions of the Developer and its Management Company, and their employees, officials, agents, partners, contractors, any of their permitted assigns, and/or anyone acting on their behalf, including without limitation any liability associated with defaults and/or recapture that might occur with regard to the federal and/or state tax credits and other state and federal benefits being acquired by the Developer in connection with the Project.
- (d) If this Agreement terminates for any reason, and/or if entering into this Agreement is declared by a court of competent jurisdiction to have been beyond the authority of any Party, the Developer shall not have a right to nor shall it seek reimbursement of any Payment previously made or due at the time of termination and/or of the judicial determination.
- 14. Amendments. This Agreement may not be modified or amended except by a written agreement, approved by the legislative bodies of the Municipalities, witnessed, acknowledged and recorded on the Town of Groton Land Records and duly executed by the Parties.

### 15. Notices.

(a) All notices required or desired hereunder shall be in writing and shall be delivered by a recognized overnight courier service addressed to the receiving party at its address specified below:

Town:

**Town of Groton** 

45 Fort Hill Road

Groton, Connecticut 06340 Attention: Town Manager

With a copy to:

Suisman Shapiro Wool Brennan Gray & Greenberg, P.C.

2 Union Plaza - Suite 200

New London, Connecticut 06320 Attention: Eileen C. Duggan., Esq.

City:

City of Groton

295 Meridian Street

Groton, Connecticut 06340

Attention: Mayor

With a copy to:

Berchem Moses & Devlin, P.C.

75 Broad Street

Milford, Connecticut 06460 Attention: Robert Berchem, Esq.

Developer:

Branford Manor Preservation, L.P.

c/o Matthew Finkle
The Related Companies
66 Columbus Circle
New York, NY 10023

With a copy to:

Robinson & Cole, LLP 1055 Washington Boulevard Stamford, Connecticut 06907 Attn: Steve L. Elbaum, Esq.

And;

Levitt & Boccio, LLP

423 West 55th Street, 8th Floor New York, New York 10119 Attention: David S. Boccio, Esq.

And;

Wells Fargo Affordable Housing
Community Development Corporation

MAC D1053-170

301 South College Street, 17th Floor

Charlotte, NC 28288

Attention: Director of Tax Credit Asset Management

And;

Philip Spahn Sidley Austin LLP One South Dearborn Chicago, IL 60603

(b) A certificate of delivery provided by the courier to the sender shall constitute conclusive evidence of delivery.

### 16. Miscellaneous.

- (a) Captions. The titles and headings of the various parts, paragraphs and sections hereof are intended solely for means of reference and are not intended for any purpose whatsoever to modify, explain or place any construction on any of the provisions of this Agreement.
- (b) Severability. Except in the case of a judicial determination that the making of this Agreement was beyond the legal authority of any or all of the Parties, which shall be a termination of this Agreement, if any of the provisions of this Agreement or the application thereof to any persons or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement by the application of such provision or provisions to persons or circumstances other than those as to whom or which it is held invalid or unenforceable shall not be affected thereby, and every provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- (c) Waiver. The failure of a Party to insist upon strict performance of any of the terms or provisions of this Agreement or to exercise any option, right or remedy herein contained or available pursuant to applicable law, shall not be construed as a waiver or relinquishment of such term, provision, option, right or remedy, but the same shall continue and remain in full force and effect. No waiver by a Party of any term or provision hereof shall be deemed to have been made unless expressed in writing signed by such Party.
- (d) Exhibits. All exhibits and schedules to this Agreement are hereby fully incorporated by this reference for all purposes as though fully set forth herein.
- (e) Applicable Law; Venue. The interpretation, validity and performance of this Agreement will be governed by the laws of the State of Connecticut, without reference to its conflicts of laws principles. The parties mutually consent to the exclusive jurisdiction of the Connecticut Superior Court for the Judicial District of New London over any dispute that arises between or among them under this Agreement, and each waives any objection it might have pertaining to improper venue or forum non conveniens to the conduct of any proceeding in any such court, and no Party shall seek to remove any litigation therefrom to a Federal District Court or any other court.
- (f) Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the subject matter hereof.
- (g) Counterparts. This Agreement may be executed in multiple counterparts, each of which shall serve as an original for all purposes, but all copies shall constitute but one and

the same agreement, binding on all Parties, whether or not each counterpart is executed by all Parties, so long as each Party has executed one or more counterparts hereof.

- (h) Mutual Drafting; Construction. This Agreement was drafted cooperatively by the Parties. No Party shall be entitled to claim the benefit of any ambiguity resulting from its drafting.
- (i) Force Majeure. The performance of any Party's obligations hereunder shall be subject to events beyond the reasonable control of such Parties, such as labor disputes, strikes, acts of God, war, contamination or acts or threats of terrorism.
- (j) Cure. The Developer's investor limited partner shall have the right, but not the obligation, to cure any Default on behalf of the Developer.
- (k) Survival. The provisions of sections 3, 4, 13 and subsection 2(e) shall survive the expiration or earlier termination of the Term.

NEXT PAGE IS THE SIGNATURE PAGE

### [SIGNATURE PAGE]

IN WITNESS THEREOF, the parties have executed this agreement this 24 day of April, 2017.

In the presence of:	TOWN OF GROTON
will all	Title: Town MANAGER
STATE OF CONNECTICUT ) ss.	Groton of April 24, 2017
COUNTY OF NEW LONDON )	
Personally appeared Wak & Octuber the foregoing instrument, and acknowledged the same the free act and deed of the Town of Groton before me.	of Groton, signer and sealer of to be his/her free act and deed in such capacity and
	will Re
	Commissioner of the Superior Court Notary Public
ë	My Commission Expires:

// // //	
In the presence of:	CITY OF GROTON
- Carl & My L	By: Marian K. Galbraith
( DEMSE J. SHUTH	Title: Mayor
STATE OF CONNECTICUT )	•
) ss.	Groton April 32: 2017

Personally appeared Marian K. Galbraith, Mayor, of the City of Groton, signer and sealer of the foregoing instrument, and acknowledged the same to be his/her free act and deed in such capacity and the free act and deed of the City of Groton before me.

Commissioner of the Superior Court
Notary Public
My Commission Expires:

	DEVELOPER		
<u> </u>	BRANFORD MANOR PRESERVATION, LIMITED PARTNERSHIP, a New York limited partnership		
	By: Branford Manor Preservation GP, LLC, a New limited liability company, its sole general partner  By:  Name: Matthew Finkle  Title: Vice President	Yor	
}	ss. April <u>21</u> , 2017		
		BRANFORD MANOR PRESERVATION, LIMIT PARTNERSHIP, a New York limited partnership  By: Branford Manor Preservation GP, LLC, a New limited liability company, its sole general partner  By:  Name: Matthew Finkle  Title: Vice President	

Personally appeared Matthew Finkle, Vice President of Branford Manor Preservation GP, LLC, general partner of BRANFORD MANOR PRESERVATION, LIMITED PARTNERSHIP, signer and sealer of the foregoing instrument, and acknowledged the same to be his/her free act and deed in such capacity and the free act and deed of the Branford Manor Preservation GP, LLC, general partner of BRANFORD MANOR PRESERVATION, LIMITED PARTNERSHIP, and of the limited partnership, before me.

KELLY PRECZEWSKI
Notary Public - State of New York
NO. 01PR6181398
Qualified in New York County
My Commission Expires 5 3 1 20

Commissioner of the Superior Court
Notary Public
My Commission Expires:

### Schedule A

### LEGAL DESCRIPTION OF PROPERTY

ALL THAT CERTAIN piece or parcel of land, together with all buildings and improvements thereon standing, situated in the Town of Groton, County of New London and State of Connecticut, and described as follows:

BEGINNING at the northwesterly corner of the herein described tract, said point of beginning being in the easterly street line of Shennecossett Road, so-called, and also being the southwesterly corner of land now or formerly of Kacey's Inc.; thence running easterly, bounded northerly by said Kacey's Inc. land, a distance of 172.26 feet to the southeasterly corner of said Kacey's Inc. land; thence turning an interior angle of 269° 50' 44" and running northerly, bounded westerly by said Kacey's Inc. land, a distance of 144.79 feet to a corner; thence turning an interior angle of 89° 26' 00" and running easterly, bounded northerly by said Kacey's Inc. land, a distance of 149.95 feet to a corner; thence turning an interior angle of 270° 13' 00" and running northerly, bounded westerly by said Kacey's Inc. land, a distance of 71.52 feet to the northeasterly corner of said Kacey's Inc. land; thence turning an interior angle of 81° 09' 00" and running easterly by and along a stone wall, bounded northerly by land now or formerly of Colonial Manor Inc., a distance of 352.74 feet to a drill hole; thence turning an interior angle of 162° 38' 00" and continuing easterly by and along said wall, bounded northerly by said Colonial Manor Inc. land, a distance of 49.40 feet to a drill hole; thence turning an interior angle of 206° 51' 00" and continuing easterly by and along said wall, bounded northerly by said Colonial Manor Inc. land, a distance of 195.65 feet to a drill hole, thence turning an interior angle of 175° 56' 00" and continuing easterly by and along said wall, bounded northerly by said Colonial Manor Inc. land, a distance of 245.35 feet to a drill hole; thence turning an interior angle of 179° 05' 00" and continuing easterly, bounded northerly by said Colonial Manor Inc. land, a distance of 522.83 feet to an iron pipe set at the northeasterly corner of the herein described tract at the westerly shoreline of Birch Plain Creek; thence turning and running southerly by and along the westerly shoreline of said Birch Plain Creek a distance of 635 feet more or less to a drill hole set in the northerly line of land now or formerly of the City of Groton; thence turning and running westerly, bounded southerly by land now or formerly of the City of Groton, a distance of 309.77 feet to an iron pipe; then turning an interior angle of 253° 39' 50" and running southerly by land now or formerly of the City of Groton, a distance of 600.00 feet to an iron pipe; thence turning an interior angle of 84° 20' 49° and running westerly, bounded southerly by other land now or formerly of Edmund O'Brien, Trustee, a distance of 256.51 feet to an iron pipe; thence turning an interior angle of 270° 00' 00" and running southerly, bonded easterly by said O'Brien land, a distance of 331.41 feet to a drill hole set at the southeasterly corner of the herein described tract at the northeasterly corner of the herein described tract at the northeasterly line of Shennecossett Road; thence turning an interior angle of 90° 07' 21" and running northwesterly by and with said northeasterly line of Shennecossett Road a distance of 213.22 feet to a cross in a rock; thence turning an interior angle of 181° 51' 05" and continuing northwesterly by and with said northeasterly street line a distance of 598.70 feet to a drill hole at an angle point in said street line: thence turning an interior angle of 122° 27' 25" and running northerly by and with the easterly street line of said Shennecossett Road a distance of 364.35 feet to a mere stone; thence turning an interior angle of 194° 37' 30" and continuing northerly by and with said easterly street line a distance of 95.95 feet to a street pin; thence turning an interior angle of 169° 37' 00" and continuing northerly by and with said easterly street line a distance of 58.84 feet to a cross in a rock; thence turning an interior angle of 170° 06' 37" and continuing northerly by and with said easterly street line a distance of 302.31 feet to the point and place of beginning, said last course forming an interior angle of 90° 05' 03" with said first course.

### Exhibit 1

### Description of Improvements

If the quantities of the items listed below is reduced by more than ten (10%) percent, the Developer will request the consent of the City and the Town to such changes, which consent shall not be unreasonably withheld, delayed or conditioned. As part of the Improvements, the Developer is obligated to undertake the Improvements listed as "Lump Sum" below, will add Ground Fault Interrupter ("GFI") outlets to all kitchens and bathrooms and make additional electrical repairs as deemed required by the project engineer, and replace all existing air conditioning sleeves.

ltem	Quantity
Bathro	
New Vanities, Slnks and Faucets	442
New Medicine Cabinets	442
	442
New Tub, Valve and Surround	442
Tollet replacement	442
Exhaust Fans	442
GFI & Switch	442
Flooring	442
New Lighting	1
Painting	442
Kitch	Filtrate distributes the second statement of the secon
Cabinet Replacements	392
Counters	392
Refrigerators	392
Dishwasher	392
Sloves	392
Range hood	442
Lighting Replacement - 2 lights	884
Sinks	392
Replace All switches and outlets w/ GFI	442
Flooring	442
Faucets	392
Painting	442
General Interior (BR/LR	/DR)
Replace Unit Lighting - Hallway - ALL	Lump Sum
Outlets	442
Radiator Baseboard Covers	250
ADA unils	22
Common A	reas
DVR Security Camera Monitoring System	Lump Sum
Common Hallways - Stair treads, Carpet, Paint – Bullding 25	Lump Sum
Mechanical: Boiler replacement & new controls	11
New management office/resident service building	Lump Sum
Site Improvem	
Landscaping	Lump Sum
Asphalt repairs	Lump Sum
Walks & Curbs	Lump Sum
Dumpster Pads/corrals	8
Playground	Lump Sum
Site Accessibility	Lump Sum
Fencing	Lump Sum
Replace All Site & Building signs - New Entry Sign	Lump Sum
DWISHER	THE RESIDENCE OF THE PROPERTY
New Hardi Siding on ALL 47 buildings	Lump Sum
New Vinyl Windows	4310
	Lump Sum
Insulation – Crawls & Basements in ALL 47 buildings	400
Unit Entry Doors	Lump Sum
A/C Sleeves – REPLACE ALL EXISTING	Lump Sum
Chill Stopper – PROVIDE AT EVERY A/C SLEEVE	Lump Sum
Shed Roofs	Lump Sum
Building Mounted Lighting	Lump Sum

### Exhibit 2

### Social Services

- 1. Food Pantry existing space is provided for a weekly/monthly food pantry and will continue to be provided free of charge
- 2. Health, Education and Safety Satellite Program
- 3. United Way provide for space for administrative staff
- 4. Home ownership counseling
- 5. Money Management Education
- 6. Career Counseling
- 7. Youth Programs
- 8. Recreational Activities
- 9. Advocacy Services, including United Way and Thames Valley Council for Community Action
- 10. Groton Human Services provide free space for administration staff
- 11. City of Groton Police Department provide free space upon request

Developer agrees to spend not less than \$15,000 annually to provide Social Services to residents at the resident services building.

Exhibit 3

<u>Taxes to Town and City</u>

### Payment Schedule

Date	Town	City	Total
7/1/2017	148,694	74,347	223,041
1/1/2018	148,694		148,694
7/1/2018	153,155	76,577	229,732
1/1/2019	153,155		153,155
7/1/2019	157,749	78,875	236,624
1/1/2020	157,749		157,749
7/1/2020	162,482	81,241	243,723
1/1/2021	162,482		162,482
7/1/2021	167,356	83,678	251,035
1/1/2022	167,356		167,356
7/1/2022	172,377	86,189	258,566
	OLD BUSINESS NORTH	00,107	100 Miles
1/1/2023	172,377	00 774	172,377
7/1/2023	177,548	88,774	266,323
1/1/2024	177,548	1 Min (2)	177,548
7/1/2024	182,875	91,437	274,312
1/1/2025	182,875		182,875
7/1/2025	188,361	94,181	282,542
1/1/2026	188,361		188,361
7/1/2026	194,012	97,006	291,018
1/1/2027	194,012		194,012
7/1/2027	199,832	99,916	299,748
1/1/2028	199,832		199,832
7/1/2028	205,827	102,914	308,741
1/1/2029	205,827		205,827
7/1/2029	212,002	106,001	318,003
1/1/2030	212,002	. 500 404	212,002
7/1/2030	218,362	109,181	327,543
1/1/2031	218,362	110.457	218,362
7/1/2031	224,913 224,913	112,457	337,370 224,913
1/1/2032 7/1/2032	231,660	115,830	347,491
1/1/2033	231,660	1,50° 5.6° 10.65°	231,660
7/1/2033	238,610	119,305	357,915
1/1/2034	238,610		238,610
7/1/2034	245,769	122,884	368,653
1/1/2035	245,769		245,769
7/1/2035	253,142	126,571	379,712
1/1/2036	253,142		253,142
7/1/2036	260,736	130,368	391,104
1/1/2037	260,736		260,736

Exhibit 3

### Exhibit 4

### **Ancillary Improvements**

The following are "Ancillary Improvements", all of which shall be made in consultation with the City:

- 1. Improve and relocate the bus shelter currently at the northwest intersection of Shennecossett Road and Branford Avenue to a nearby area on the Development Property outside the public sidewalk easement to be granted to the City. The Developer agrees to thereafter maintain the bus shelter in good condition and repair without cost or expense to the City.
- 2. Add at least six bike racks throughout the Development Property.
- 3. Construct trails on the Development Property connecting to and extending the existing trail on the Birch Plain Creek Open Space from its terminus at the southerly property line of the Development Property along the creek to the northerly property line of the Development Property. The design and specifications for the connecting trails shall be the same or similar to the existing trails in the open space. The number, location of, design and specifications for the connecting trails on the Development Property shall be subject to the review and approval of the City for compliance with this paragraph and with applicable City and state land use requirements and standards.
- 4. Provide access easement on the Development Property to the City of Groton for the benefit of the public to use the connecting trails pursuant to paragraph 3 above. The City of Groton will not have any obligation to maintain or construct connecting trails.
- 5. Provide a ten foot wide easement to the City of Groton along the entire frontage of the Development Property on Shennecossett Road for possible construction of a future public sidewalk (multi-use pathway link) by the City, including, without limitation, the right to relocate any existing stone walls.
- 6. The form and substance of any easement to the City of Groton pursuant to items 4 or 5, above, shall be acceptable to the City and subject to the approval of the City attorney, which approval shall not be unreasonably withheld or conditioned.
- 7. If for any reason outside its control the Developer is unable to undertake any of the site improvements set forth in paragraphs 1 through 3, inclusive, the Developer and the City shall agree to one or more alternative site improvements of comparable value.

Received for Record at Groton, CT
On 05/31/2017 At 1:38:09 pm
\_Attest: Betsy Moukawsher, Town Clerk\_

### **EXHIBIT 2**

### **Resolution:**

Whereas, in April and May 2017, the Town of Groton, City of Groton and Branford Manor Preservation, Limited Partnership executed a "Real Property Tax Incentive Agreement for the Improvement and Operation of a Low-Income Subsidized Rental Housing Complex", namely Branford Manor.

Whereas, Paragraph B2 (g) of the Agreement requires that the Developer (i.e., Branford Manor Preservation, Limited Partnership) by itself and/or through the Management Company at all times maintain the Project (i.e., Branford Manor) in good order and repair and manage and operate the Project in accordance with provisions of all applicable federal state and local law, and this Agreement;

Whereas, since on or about, September 8, 2022, Ledge Light Health District has issued at least 16 Public Health Orders (attached) identifying violations of the State Public Health Code at Branford Manor, which to date have not all been cured, and Ledge Light is continuing to address complaints and inspect the premises for potential additional violation of the State Public Health Code; and

Whereas, since on or about September 26, 2022, the City of Groton has issued numerous violations of its Rental Housing Code at Branford Manor, which to date have not all been cured, and the City continues to address complaints and inspect the premises for potential additional violations of the Rental Housing Code.

Whereas, Default under Paragraph B7 (a) (ii) is subject to a cure period of not less than thirty (30) days, as set forth in Paragraph B7 (c); and

Whereas, the Town Council, in consideration of the available information, resolves:

To find Branford Manor Preservation, Limited Partnership in Default of the Agreement pursuant to paragraphs B2 (g), B7 (a) (ii), and any other relevant paragraphs of the Agreement. This action is taken without prejudice to the Town's ability in the future to modify the reasons and/or support for, or lack of reasons and/or support for, any ongoing Default (through addition, modification or withdrawal of reasons and/or support for);

To provide Branford Manor Preservation, Limited Partnership with a thirty (30) day cure period, beginning from the compliance dates set forth by the City and/or Ledge Light Health District (as those compliance dates may be amended from time to time). In the event of further notices of violation from the Rental Housing Code and/or Public Health Code, the Town Manager may amend, if necessary, the Default reasons, support for and cure periods consistent with the Agreement.

To authorize the Town Manager to execute any documents to notify Branford Manor Preservation, Limited Partnership of the Council's decisions to find it in Default; to set the cure periods outlined above; and to state that the Council retains its right, upon review of the status of the Default at the end of the cure periods (as those periods may be amended from time to time), to terminate the Agreement effective at the end of that cure period in accordance with the terms of the Agreement.

# **EXHIBIT 3**

R-22-10-117 RESOLUTION TO FIND BRANFORD MANOR PRESERVATION, LIMITED PARTNERSHIP IN DEFAULT OF THE AGREEMENT PURSUANT TO PARAGRAPHS B2(g), B7(a)(ii), AND ANY OTHER RELEVENT PARAGRAPHS OF THE AGREEMENT. THIS ACTION IS TAKEN WITHOUT PREJUDICE TO THE CITY'S ABILITY IN THE FUTURE TO MODIFY THE REASONS AND/OR SUPPORT FOR, OR LACK OF REASONS AND/OR SUPPORT FOR, ANY ONGOING DEFAULT (THROUGH ADDITION, MODIFICATION OR WITHDRAWAL OF REASONS AND/OR SUPPORT FOR);

TO PROVIDE BRANFORD MANOR PRESERVATION, LIMITED PARTNERSHIP WITH A THIRTY (30) DAY CURE PERIOD, BEGINNING FROM THE COMPLIANCE DATES SET FORTH BY THE CITY AND OR LEDGE LIGHT HEALTH DISTRICT (AS THOSE COMPLIANCE DATES MAY BE AMENDED FROM TIME TO TIME). IN THE EVENT OF FURTHER NOTICES OF VIOLATION FROM THE RENTAL HOUSING CODE AND OR PUBLIC HEALTH CODE, THE CITY MAYOR MAY AMEND, IF NECESSARY, THE DEFAULT REASONS, SUPPORT FOR AND CURE PERIODS CONSISTENT WITH THE AGREEMENT.

TO AUTHORIZE THE CITY MAYOR TO EXECUTE ANY DOCUMENTS TO NOTIFY BRANFORD MANOR PRESERVATION, LIMITED PARTNERSHIP OF THE COUNCIL'S DECISIONS TO FIND IT IN DEFAULT; TO SET THE CURE PERIODS OUTLINED ABOVE; AND TO STATE THAT THE COUNCIL RETAINS ITS RIGHT, UPON REVIEW OF THE STATUS OF THE DEFAULT AT THE END OF THE CURE PERIODS (AS THOSE PERIODS MAY BE AMENDED FROM TIME TO TIME), TO TERMINATE THE AGREEMENT EFFECTIVE AT THE END OF THAT CURE PERIOD IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT.

Whereas, in April and May 2017, the Town of Groton, City of Groton and Branford Manor Preservation, Limited Partnership executed a "Real Property Tax Incentive Agreement for the Improvement and Operation of a Low-Income Subsidized Rental Housing Complex", namely Branford Manor.

Whereas, Paragraph B2 (g) of the Agreement requires that the Developer (i.e., Branford Manor Preservation, Limited Partnership) by itself and/or through the Management Company at all times maintain the Project (i.e., Branford Manor) in good order and repair and manage and operate the Project in accordance with provisions of all applicable federal state and local law, and this Agreement;

Whereas, since on or about, September 8, 2022, Ledge Light Health District has issued at least 16 Public Health Orders identifying violations of the State Public Health Code at Branford Manor, which to date have not all been cured, and Ledge Light is continuing to address complaints and inspect the premises for potential additional violation of the State Public Health Code; and

Whereas, since on or about September 26, 2022, the City of Groton has 37 open violations of its Rental Housing Code at Branford Manor, which to date have not all been cured, and the City continues to address complaints and inspect the premises for potential additional violations of the Rental Housing Code.

Whereas, Default under Paragraph B7 (a) (ii) is subject to a cure period of not less than thirty (30) days, as set forth in Paragraph B7 (c); and

THEREFORE, BE IT RESOLVED: The Mayor and Council finds Branford Manor Preservation, Limited Partnership in Default of the Agreement pursuant to paragraphs B2 (g), B7 (a) (ii), and any other relevant paragraphs of the Agreement. This action is taken without prejudice to the City's ability in the future to modify the reasons and/or support for, or lack of reasons and/or support for, any ongoing Default (through addition, modification or withdrawal of reasons and/or support for);

To provide Branford Manor Preservation, Limited Partnership with a thirty (30) day cure period, beginning from the compliance dates set forth by the City and/or Ledge Light Health District (as those compliance dates may be amended from time to time). In the event of further notices of violation from the Rental Housing Code and/or Public Health Code, the City Mayor may amend, if necessary, the Default reasons, support for and cure periods consistent with the Agreement. To authorize the City Mayor to execute any documents to notify Branford Manor Preservation, Limited Partnership of the Council's decisions to find it in Default; to set the cure periods outlined above; and to state that the Council retains its right, upon review of the status of the Default at the end of the cure periods (as those periods may be amended from time to time), to terminate the Agreement effective at the end of that cure period in accordance with the terms of the Agreement.

# EXHIBIT 4



### PUBLIC HEALTH ORDER

Certified Mailing Number: +021 0950 0000 9815 3389

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72nd Floor New York, NY 10001

September 8, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 102 Branford Ave, Building 35, located in the City of Groton, CT and described as follows:

On August 30, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed a significant amount of visible mold on the walls and ceiling of the bathroom. The bathroom ventilation fan appeared to be inoperable. Relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough: Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

(c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.

### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.



AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected sheetrock in the bathroom, to make all ventilation fans operable by October 8, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of **two hundred fifty dollars per day** for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, REHS, MPH Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.

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



The Regulations of Connecticut State Agencies provide:

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 Agency.



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7016 0910 0000 1748 3955

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 15, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 38 Branford Ave, Building 32, located in the City of Groton, CT and described as follows:

On August 31, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed a significant amount of visible mold on the walls of the basement, in the cabinet under the kitchen sink and within the kitchen light fixture. Also, in the basement, there were signs of a past water leak. Relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. Finally, in the bathroom and bedrooms, there were various moths and flies. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

# Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

(c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.

# Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.



AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace or effectively clean the mold affected surfaces in the basement and kitchen, to hire a professional pest control operator, to address the humidity levels with the installation of one or more dehumidifiers and to identify and remediate the source of the past water leak by October 15, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

# Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Jennifer Muggeo, MPH Acting Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



# PUBLIC HEALTH ORDER

Certified Mailing Number: 7016 0910 0000 1748 3955

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 15, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 144 Branford Ave, Building 37, located in the City of Groton, CT and described as follows:

On August 31, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed visible mold on the walls of the basement and there was a small hole in the sheetrock to an adjoining unit that also contained mold in the basement. Additionally, Ms. Baldwin observed a significant amount of peeling paint on multiple surfaces throughout the dwelling unit. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a

Connecticut Public Health Code.



19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206: 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected surfaces in the basement, including the sheetrock with the hole, and to stabilize all defective paint by October 15, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Jennifer Muggeo, MPH Acting Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7016 0910 0000 1748 3955

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 15, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 147 Branford Ave, Building 10, located in the City of Groton, CT and described as follows:

On August 31, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed visible mold on the walls, floor and ceiling of the basement. Relative humidity levels observed in the basement were above 60% which may be conducive to the growth of mold. Mold was also observed around the light switch of the bedroom at the top of the stairs. Additionally, Ms. Baldwin observed a significant amount of peeling paint on multiple surfaces throughout the dwelling. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

# Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.



## Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected surfaces in the basement, to investigate and remediate the mold around the bedroom light switch, to address the humidity levels by the installation of one or more dehumidifiers, and to stabilize all defective paint by October 15, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

# Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough: and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Jehnifer Muggeo, MPH Acting Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



# PUBLIC HEALTH ORDER

Certified Mailing Number: 7014 9910 0000 1748 3924

Branford Manor Preservation, L.P., ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 22, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 154 Mather Ave, Building 38, located in the City of Groton, CT and described as follows:

On August 31, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed mold build up on the wooden windowsills in the back bedroom on the second floor. Additionally, relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

## Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

(c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.

# Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.



AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected windowsills in the back bedroom, and to address the humidity levels with the installation of one or more dehumidifiers by October 22, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

## Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough: and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, REHS, MPH
Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019





<u>RIGHT OF APPEAL</u>: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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 (888) 891-9177. 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 <u>received</u> 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: TOTA CATO COO 1748 3924

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 22, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 175 Branford Ave, Building 14, located in the City of Groton, CT and described as follows:

On August 31, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed a small amount of visible mold and rust build up on the kitchen ceiling access panel to the bathroom plumbing. Additionally, Ms. Baldwin observed a significant amount of peeling paint on multiple surfaces throughout the dwelling. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

## Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

# Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or pecling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a



## Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220. 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to effectively clean or remove and replace the mold and rusted affected surfaces in the kitchen, and to stabilize all defective paint by October 22, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

# Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of **two hundred fifty dollars per day** for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, REHS, MPH Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



**RIGHT OF APPEAL:** Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7016 0910 0000 1748 3909

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 22, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 181 Branford Ave, Building 14, located in the City of Groton, CT and described as follows:

On August 31, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed mold build up on the ceiling and wall in the bathroom closet. Additionally, relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (e) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

# Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of fifth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

(c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.

# Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.



AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected surfaces in the bathroom, and to address the humidity levels with the installation of one or more dehumidifiers by October 22, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

## Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of **two hundred fifty dollars per day** for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, REHS, MPH Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan. 423 W. 55th St., 9th Floor, New York, NY 10019





**RIGHT OF APPEAL:** Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



# PUBLIC HEALTH ORDER

Certified Mailing Number: 7016 0910 0000 1748 3924

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 22, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 204 Branford Ave, Building 41, located in the City of Groton, CT and described as follows:

On August 30, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed a significant amount of peeling paint on the bathroom ceiling, basement cement walls and various door frames. Relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. Additionally, Ms. Baldwin observed visible mold build up in the bathroom ventilation fan. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

# Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.



# Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to make all ventilation fans clean and operable, to address the humidity levels with the installation of one or more dehumidifiers, and to stabilize all defective paint by October 22, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, REHS, RS
Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019





RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7016 0910 CORO 1748 3924

Branford Manor Preservation, L.P., ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001 September 22, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 222 Branford Ave, Building 42, located in the City of Groton, CT and described as follows:

On August 31, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. At the time of the visit, the basement was locked and inaccessible. On September 16, 2022, LLHD Environmental Technician, Kara Allen, conducted an additional site visit to observe the basement. Ms. Allen observed mold on one of the newer installed sheetrock covered walls in the basement. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

# Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

(c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.

## Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.



AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected surfaces in the basement, and to address the humidity levels with the installation of one or more dehumidifiers, by October 22, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of **two hundred fifty dollars per day** for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough: and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, REHS, MPH
Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019





RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7016 0910 0000 1748 3955

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 15, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 224 Branford Ave, Building 42, located in the City of Groton, CT and described as follows:

On August 31, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed a significant amount of visible mold on the walls of the basement. The bathroom ventilation fan had dust buildup and there was a small amount of mold on the windowsill. Relative humidity levels observed in the dwelling were at or above 60% which may be conducive to the growth of mold. Additionally, Ms. Baldwin observed peeling paint on multiple surfaces throughout the dwelling. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

# **Connecticut General Statutes.**

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c

Connecticut Public Health Code.



19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220. 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected sheetrock in the basement, to effectively clean the windowsill in the bathroom, to address the humidity levels with the installation of one or more dehumidifiers, to stabilize all defective paint, and to make all ventilation fans clean and operable by October 15, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Jennifer Muggeo, MPH Acting Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W, 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



## **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7016 0110 0000 1748 3924

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 22, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 254 Branford Ave, Building 43, located in the City of Groton, CT and described as follows:

On August 31, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Relative humidity levels observed throughout the dwelling were above 60% which may be conducive to the growth of mold. Additionally, Ms. Baldwin observed a dead mouse, rat droppings and signs of vermin nesting in the basement. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

(c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.

#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.



AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY:

Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL:

Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to address the humidity levels with the installation of one or more dehumidifiers, and to hire a professional pest control operator to assess the vermin infestation by October 22, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. Please contact Supervisor of Regulated Facilities and Housing, Katic Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

> Stephen Mansfield, REHS, MPH Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019





RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 address provided below.

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



The Regulations of Connecticut State Agencies provide:

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 aggricved 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 Agency.



## PUBLIC HEALTH ORDER

Certified Mailing Number: 7016 0910 0000 1748 3955

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 15, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 268 Branford Ave, Building 44, located in the City of Groton, CT and described as follows:

On August 30, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed a significant amount of visible mold on the walls and ceiling of the basement as well as standing water in one corner. Relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. Additionally, Ms. Baldwin observed a significant amount of peeling paint on multiple surfaces throughout the dwelling. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a



#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY:

Connecticut General Statutes sections 19a-36; 19a-206: 19a-220, 19a-230

APPEAL:

Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected surfaces in the basement, to rectify the basement water intrusion, to address the humidity levels with the installation of one or more dehumidifiers, and to stabilize all defective paint by October 15, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Jennifer Muggeo, MPH Acting Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.

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



The Regulations of Connecticut State Agencies provide:

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 Agency.



## **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7016 0910 0000 1748 3955

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 15, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 270 Branford Ave, Building 44, located in the City of Groton, CT and described as follows:

On August 30, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed signs of water intrusion in the basement and a small amount of mold buildup on the ceiling rafters. Relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. The caulking on the tub faucet was in disrepair and there was mold buildup on the tub caulking. Additionally, Ms. Baldwin observed a significant amount of peeling paint on multiple surfaces throughout the dwelling. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.



#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to effectively clean or remove and replace the mold affected surfaces in the basement and the bathroom tub caulking, to rectify the basement water intrusion, to address the humidity levels with the installation of one or more dehumidifiers, and to stabilize all defective paint by October 15, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

#### Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough: and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Jennife Muggeo, MPH Acting Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

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Department's address and facsimile number are:

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



The Regulations of Connecticut State Agencies provide:

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:
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  - (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 Agency.



## **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7016 0910 0000 1748 3955

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 15, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 278 Branford Ave, Building 45, located in the City of Groton, CT and described as follows:

On August 30, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed a significant amount of visible mold on the walls and ceiling of the basement as well as the bathroom tub caulking which was also in disrepair. Relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. Additionally, Ms. Baldwin observed the bathroom ventilation fan to have a significant amount of dust buildup and peeling paint on multiple surfaces throughout the dwelling. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.



#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected surfaces in the basement, to make all ventilation fans clean and operable, remove and repair the shower tub caulking, to address the humidity levels by the installation of one or more dehumidifiers, and to stabilize all peeling paint by October 15, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

#### Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

ennifer Muggeo, MPH eting Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



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Promoting healthy communities

RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm such order."

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



The Regulations of Connecticut State Agencies provide:

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 Agency.



## **PUBLIC HEALTH ORDER**

Certified Mailing Number: TOIL COIL GOOG THIS 3904

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 22, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 132 Mather Ave, Building 15, located in the City of Groton, CT and described as follows:

On August 30, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katic Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed a small area of visible mold on the bathroom tub caulking which was also in disrepair. Relative humidity levels observed in the dwelling were above 60% which may be conducive to the growth of mold. Additionally, Ms. Baldwin observed the bathroom ventilation fan to have a small amount of dust buildup and peeling paint on the ceiling above the shower/tub. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.



#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206: 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to make all ventilation fans clean and operable, remove and repair the shower tub caulking, to address the humidity levels by the installation of one or more dehumidifiers, and to stabilize all peeling paint by October 22, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of **two hundred fifty dollars per day** for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, REHS, MPH
Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



**RIGHT OF APPEAL:** Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 address provided below.

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



The Regulations of Connecticut State Agencies provide:

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.
- (c) 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 Agency.



## PUBLIC HEALTH ORDER

Certified Mailing Number: 7016 0910 0000 1748 3955

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

September 15, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 139 Mather Ave, Building 19, located in the City of Groton, CT and described as follows:

On August 30, 2022, Ledge Light Health District (LLHD) Supervisor of Regulated Facilities and Housing, Katie Baldwin, conducted a site visit at the above-mentioned property. Ms. Baldwin observed a significant amount of visible mold on the walls and ceiling of the bathroom as well as significant dust buildup in the bathroom ventilation fan. Relative humidity levels observed in the bathrooms and bedrooms were above 60% which may be conducive to the growth of mold. Additionally, Ms. Baldwin observed mouse droppings in the kitchen cabinets and metal bristles plugged into a hole in the wall in the living room. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

(c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.

#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.



**AUTHORITY:** 

Connecticut General Statutes sections 19a-206: 19a-207

PENALTY:

Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL:

Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and replace the mold affected sheetrock in the bathroom, to make all ventilation fans clean and operable, to address the humidity levels with the installation of one or more dehumidifiers, to adequately repair the holes in the walls, and to hire a professional pest control operator to assess the possible mice infestation by October 15, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Jennifer Muggeo, MPH Acting Director of Health



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm such order."

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Department of Public Health, Public Health Hearing Office 410 Capitol Avenue MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 Facsimile: (860) 509-7553

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



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- (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 Agency.

# EXHIBIT 5

### Eileen Duggan

Subject:

FW: Rental housing inspection results for September 15-16, 2022

**Attachments:** 

258 Branford Avenue, Bldg. 44 (9-26-22) Rental Housing Violation Letter.pdf; 107 Mather Avenue Bldg 22 (9-26-22) Rental Housing Violation Letter.pdf; 161 Mather Avenue Bldg 18 (9-26-22) Rental Housing Violation Letter.pdf; 137 Branford Avenue, B 10 (9-26-22).pdf; 133 Branford Avenue, Bldg 10 (9-26-22) Rental Housing Violation Letter.pdf; 174 Branford Avenue, Bldg. 39 (9-26-22) Rental Housing Violation Letter.pdf; 32 Branford Avenue, Bldg. 31 (9-26-22) Rental Housing Violation Letter.pdf; 274 Branford Avenue, Bldg. 44 (9-26-22) Rental Housing Violation Letter.pdf; 274 Branford Avenue, Bldg. 44 (9-26-22) Rental Housing Violation Letter.pdf; 274 Branford Avenue, Bldg. 44 (9-26-22) Rental Housing

Violation Letter.pdf; 194 Branford Avenue, Bldg. 44 (9-26-22) Rental Housing Violation Letter.pdf

From: Summers, Joseph < <a href="mailto:summersj@cityofgroton-ct.gov">summersj@cityofgroton-ct.gov</a>>

**Sent:** Monday, September 26, 2022 9:43 AM **To:** 'Phillips, Heather' <a href="mailto:hephillips@related.com">hephillips@related.com</a>

Cc: Mayor < mayor@cityofgroton-ct.gov >; Burt, John < JBurt@groton-ct.gov >; Stephen Mansfield < smansfield@llhd.org >; Katie Baldwin (Kbaldwin@llhd.org)

<Kbaldwin@llhd.org>; Amity L. Arscott <alarscott@embryneusner.com>; Simmons, Zack <Zack.Simmons@Related.com>

Subject: Rental housing inspection results for September 15-16, 2022

Heather,

......

Attached are the results of inspections performed by this office on Sept. 15-16, 2022 that outline the City of Groton rental housing code deficiencies.

### Joseph J Summers CBO, MCP

Building / Zoning Official | Building / Zoning Department

# **CITY OF GROTON**

CONNECTICUT

860.446.4134 | <u>summersj@cityofgroton-ct.gov</u> cityofgroton.com

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# Stay Informed!

Subscribe to our bi-weekly newsletter to stay up-to-date on the latest City of Groton news and services.



CONFIDENTIALITY NOTICE: As a public entity, the City of Groton is subject to the provisions of the Freedom of Information Act. Under this legislation the City may be required to disclose the content of an e-mail (or a response to it) unless the information it contains is protected from disclosure under an exemption in the Act. Please consider this when sending or receiving e-mails that could contain information that is confidential in nature. If you have received this communication in error, please promptly notify the sender by reply e-mail and destroy the original message.

#### **Disclaimer**

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



### THE CITY OF GROTON

## **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 133 Branford Avenue, Bldg. 10, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 15, 2022, where the following violations were discovered:

- Second (2<sup>nd</sup>) floor tub leaking into dining room. Rental Housing Code, Section: PM 504.3; Supply Water System, 503.1; General Plumbing Fixtures, 505.2 Maintenance Sanitary Drainage System
- Bath tub drain runs slow. Rental Housing Code, Section: PM 504.3, Supply Water System, 503.1;
   General Plumbing Fixtures
- Kitchen ceiling paint is peeling. Rental Housing Code, Section: PM 303.9; Painting, PM 303.10;
   Interior surfaces
- Living room paint is peeling. Rental Housing Code, Section: PM 303.9; Painting, PM 303.10;
   Interior Surfaces
- AC unit is leaking. Rental Housing Code, Section: PM 601.3; Mechanical Equipment
- Nails popping in ceiling. Rental Housing Code, Section: PM 303.10; Interior Walls and Ceiling

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a <u>written timetable</u>, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you.

Sincerely,

Joseph J Summers

**City of Groton Building Official** 

oseph J Summers

JJS/djf

Cc: Keith Hedrick, Mayor, City of Groton

John Burt, Town Manager, Town of Groton

Stephen Mansfield, Director, Ledge Light Heath District

Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner

Zack Simmons, Senior Vice President, Related Affordable



## THE CITY OF GROTON

# **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 161 Mather Avenue, Bldg. 18, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 15, 2022, where the following violations were discovered:

- AC unit appears to be leaking onto living room floor. Rental Housing Code, Section: PM 601.3;
   Mechanical Equipment
- Electrical receptacle in child's bedroom will not hold plugs in place. Rental Housing Code,
   Section: PM 602.3; Electrical Hazards, PM 401.3; Light Other Spaces, PM 602.2; Installation
- Entrance door not sealed. Rental Housing code, Section: PM302.13; Doors, PM 302.11; Window
   Door Frames

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a <u>written timetable</u>, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you,

Sincerely,

Joseph J Summers

City of Groton Building Official

JJS/djf

Cc: Keith Hedrick, Mayor, City of Groton

John Burt, Town Manager, Town of Groton

Stephen Mansfield, Director, Ledge Light Heath District

Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner Zack Simmons, Senior Vice President, Related Affordable



## THE CITY OF GROTON

# **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 107 Mather Avenue, Bldg. 22, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 15, 2022, where the following violations were discovered:

- Electrical panel cover is broken. Rental Housing Code, Section: Electrical Facilities PM 602.2;
   Installation, PM 602.3; Electrical System Hazards
- Baseboard cover is missing. Rental Housing Code, Section: PM 601.3; Mechanical Equipment
- Second (2<sup>nd</sup>) Floor stair baluster is missing. Rental Housing Code, Section: PM 303.6; Stairs and Railings, PM 303.7; Handrails & Guardrails, PM 303.6; Stairs & Railings
- Screw in floor, next to stair rail, sticking up from floor. Rental Housing Code, Section: PM 303.1;
   General Interior Structure, 303.3; Interior Surfaces, PM 30.6; Stairs & Railings
- Thermostat not working. Rental Housing Code, Section: PM601.1; Heating Facilities, PM 601.3;
   Mechanical Equipment
- Paint peeling in second (2<sup>nd</sup>) floor child's bedroom. Rental Housing Code, Sections: PM 303.9;
   Painting, PM 303.10; Interior Walls and Ceiling
- Kitchen ceiling has a hole in it. Rental Housing code, Section: PM 30.10; Interior Walls and Ceiling

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a written timetable, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you.

Sincerely,

Joseph J Summers

**City of Groton Building Official** 

JJS/djf

Keith Hedrick, Mayor, City of Groton Cc:

John Burt, Town Manager, Town of Groton

Stephen Mansfield, Director, Ledge Light Heath District

Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner

Zack Simmons, Senior Vice President, Related Affordable



### THE CITY OF GROTON

# **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 76 Branford Avenue, Bldg. 33, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 16, 2022, where the following violations were discovered:

- Bathtub base filled with water. Rental Housing Code, Section: PM 503.1; General Plumbing Fixtures
- No heat on second (2<sup>nd</sup>) floor. Rental Housing Code, Section: PM601.3; Mechanical Equipment, PM 601.1; Heating Facilities
- Second (2<sup>nd</sup>) floor top of stairs is separated. Rental Housing Code, Section: PM 303.2;
   Structural Member, PM 303.3; Interior Surfaces

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a <u>written timetable</u>, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you.

Sincerely,

Joseph J Summers

**City of Groton Building Official** 

Ioseph J Summers

JJS/djf

Cc: Keith Hedrick, Mayor, City of Groton

John Burt, Town Manager, Town of Groton

Stephen Mansfield, Director, Ledge Light Heath District

Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner Zack Simmons, Senior Vice President, Related Affordable



## THE CITY OF GROTON

# **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 274 Branford Avenue, Bldg. 44, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 15, 2022, where the following violations were discovered:

- Kitchen ceiling paint peeling. Rental Housing Code, Section: 303.3; Interior Surfaces, PM 303.9; Painting
- Counter top needs caulking. Rental Housing Code, Section: 303.3; Interior Surfaces
- Wiring in basement is unsafe. Rental Housing Code, Section PM 602.3; Electrical System Hazards
- Water leaking from wall into basement. Rental Housing Code, Section PM302.4;
   Exterior Structure Foundation Walls, PM 302.5 Exterior Walls
- Basement window is not secure. Rental Housing code, Section: PM 302.11.2; Openable Windows Exterior Structure, PM302.11.1; Windows
- AC in living room not installed correctly. Rental Housing Code, Section 602.3; Electrical System Hazard
- Bath Tub has water between the floor and tub base. Rental Housing Code, Section:
   PM303.3; Interior Surfaces, PM 303.10; Interior Walls and Ceiling, PM 503.1 Plumbing
   Fixtures General, PM 503.3; Bathroom floors
- Bedroom ceiling paint is peeling and the wall is cracked. Rental Housing Code, Section:
   PM 303.3; Interior Structure, PM 303.9; Painting

- Bathroom door needs repair. Rental Housing Code, Section: PM 303.3; Interior surfaces
- Handrail at the top of the stairs needs to be repaired. Rental Housing Code, Section:
   PM303.6; Stairs and Railings, PM 303.7; Handrails and Guardrails

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a <u>written timetable</u>, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you.

Sincerely,

Joseph J Summers

**City of Groton Building Official** 

JJS/djf

Cc: Keith Hedrick, Mayor, City of Groton

John Burt, Town Manager, Town of Groton

Stephen Mansfield, Director, Ledge Light Heath District

Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner

Zack Simmons, Senior Vice President, Related Affordable



# THE CITY OF GROTON

# **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 137 Branford Avenue, Bldg. 10, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 15, 2022, where the following violations were discovered:

- Water leaking and kitchen ceiling paint peeling. Rental Housing Code, Section: PM 303.10;
   Interior Walls and Ceiling, PM 303.9: Painting
- Bathroom closet has a hole in the wall. Rental Housing Code, Section: PM303.10; Interior walls and Ceiling
- Bathroom and bedroom doors are broken. Rental Housing Code, Section: PM303.3; Interior Surfaces
- Kitchen stove elements shorting out and sparking. Rental Housing Code, Section: Mechanical and Electrical, PM 601.2; Cooking and Heating Equipment, PM 601.3; Mechanical Equipment
- Bathroom ceiling paint peeling. Rental Housing code, Section PM303.9; Painting, PM 303.3;
   Interior Surfaces
- Water leaking in basement. Rental Housing Code, Section; Exterior Structure; PM 302.5;
   Exterior Walls, PM 302.1; General

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a <u>written timetable</u>, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you.

Sincerely,

Joseph J Summers

City of Groton Building Official

JJS/djf

Cc:

Keith Hedrick, Mayor, City of Groton John Burt, Town Manager, Town of Groton

Stephen Mansfield, Director, Ledge Light Heath District

Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner Zack Simmons, Senior Vice President, Related Affordable



# THE CITY OF GROTON

# **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 174 Branford Avenue, Bldg. 39, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 16, 2022, where the following violations were discovered:

- No Code compliant receptacle for sump pump. Rental Housing Code Section: PM 602.3;
   Electrical System Hazard, PM 602.2; Installation
- Kitchen sink has rust. Rental Housing Code Section: PM 503.1; General Plumbing Fixtures
- Zone valve motor in basement not working. Rental Housing Code Section: PM 601.3;
   Heating Facilities, Mechanical Equipment, PM 602.3; Electrical System Hazards

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a <u>written timetable</u>, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you.

Sincerely,

Joseph J Summers

**City of Groton Building Official** 

JJS/djf

Cc: Keith Hedrick, Mayor, City of Groton

John Burt, Town Manager, Town of Groton

Stephen Mansfield, Director, Ledge Light Heath District

Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner

Zack Simmons, Senior Vice President, Related Affordable



# THE CITY OF GROTON

# **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 32 Branford Avenue, Bldg. 31, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 16, 2022, where the following violations were discovered:

- Refrigerator not working. Rental Housing Code, Section: PM601.2; Cooking and Heating Equipment
- Over door is cracked. Rental Housing Code, Section: PM303.10; Interior Walls & Ceiling, PM 303.3; Interior Surfaces
- Peeling paint. Rental Housing Code, Section: 303.9; Painting
- Fan not working. Rental Housing Code, Section PM602.3; Electrical System Hazards
- Baseboard heater not secure. Rental Housing Code, PM 601.3, Heating Facilities
   Mechanical Equipment, PM 601.2; Cooking & Heating Equipment
- Kitchen floor separates at the door. Rental Housing code, Section PM303.3; Interior Surfaces, PM 303.1; General, PM 303.2 Structural Members
- Bathtub water between the tub liner. Rental Housing Code, Section PM 503.1; Plumbing fixtures General

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a <u>written timetable</u>, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you.

Sincerely,

Joseph J Summers

City of Groton Building Official

)oseph J Summers

JJS/djf

Cc: Keith Hedrick, Mayor, City of Groton

John Burt, Town Manager, Town of Groton

Stephen Mansfield, Director, Ledge Light Heath District

Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner Zack Simmons, Senior Vice President, Related Affordable



# THE CITY OF GROTON

# **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 258 Branford Avenue, Bldg. 44, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 16, 2022, where the following violations were discovered:

- Dining room ceiling paint is peeling. Rental Housing Code, Section: PM 303.3 Interior Surfaces, PM 303.9; Painting
- Kitchen sink drain is leaking. Rental Housing Code, Section: PM 504.3, Water System
   Supply
- Dining room window blind not secure. Rental Housing Code, Section PM 303.3; Interior Surfaces
- Baseboard cover is missing. Rental Housing Code, Section: PM 601.3; Mechanical Equipment, Heating Facilities
- Bathroom ceiling paint is peeling. Rental Housing Code, Section: PM 303.3; Interior surfaces, 303.9; Painting
- Bedroom ceiling and wall paint is peeling. Rental Housing Code, Section PM 303.3; Interior Surfaces, 303.9; Painting
- Basement window is leaking water on the floor. Rental Housing Code, Section PM 302.5; Exterior Walls, Exterior Structure, PM 302.11; Window and Door Frames, PM 302.11.1; Windows

 Overhead ceiling light in basement is not secured. Rental Housing Code, Section: PM 602.3; Electrical Facilities, Electrical System Hazards

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a <u>written timetable</u>, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you

Sincerely,

Joseph J Summers

City of Groton Building Official

JJS/djf

Cc: Keith Hedrick, Mayor, City of Groton

John Burt, Town Manager, Town of Groton

Stephen Mansfield, Director, Ledge Light Heath District

Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner

Zack Simmons, Senior Vice President, Related Affordable



### THE CITY OF GROTON

# **Building and Zoning Department**

295 Meridian Street Groton, CT 06340-4012 Telephone (860) 446-4104 zb@cityofgroton-ct.gov

September 26, 2022

Via Electronic Mail

Heather Phillips, CPM
Regional Vice President CT & MA
Related Companies
hephillips@related.com

RE: 194 Branford Avenue, Bldg. 40, Groton, CT

Dear Ms. Phillips,

Please be advised a complaint was received in this office on August 18, 2022, via email from Amity L. Arscott, Esq., with regard to the above-referenced address. Environmental issues, if applicable, will be addressed under separate correspondence from Ledge Light Health District. An inspection was performed on September 15, 2022, where the following violations were discovered:

- Electrical outlets in bedroom and living room spark and trip breaker in panel box. Rental Housing Code, Section: PM 602.2 Installation, PM 602.3; Electrical System Hazards
- Living room paint is peeling. Rental Housing Code, Section 303.9; Painting, PM 303.3; Interior Surfaces
- Bathroom fan is plugged. Rental Housing Code, Section: PM 402.1; Ventilation, PM 602.2; Installation, PM 602.3; Electrical System Hazards
- Kitchen ceiling has peeling paint. Rental Housing Code, Section PM303.3; Interior Surfaces, 303.9; Painting
- Dining room ceiling light is not secured. Rental Housing Code, Section: PM602.3 Electrical Hazards, PM 602.2; Installation
- Bathroom cabinet chipped. Rental Housing code, Section: PM303.1; General, PM 303.3; Interior
   Surfaces
- Water in bathtub in between fiberglass. Rental Housing Code, Section: Plumbing Fixtures, PM 503.1; General
- Baseboard heater cover is cut open. Rental Housing Code, Section: Heating Facilities, PM601.2;
   Cooking and Heating Equipment, PM 601.3; Mechanical Equipment

- 4 x 4 wiring box in basement ceiling is unsafe. Rental Housing Code, Section; Electrical Facilities, PM 602.2 Installation, PM 601.1: Heating facilities, PM 602.3 electrical System Hazards
- Water leaking into basement through foundation wall. Rental Housing Code, Exterior Structure, PM 302.5: Exterior Walls

All violations found in this inspection must be addressed, and repaired, with the proper permits applied for. Please supply me with a written timetable, within ten (10) days from the date of this letter, as to when these repairs will be done.

Should you have any questions, please contact my office. Thank you.

Sincerely,

Joseph J Summers

City of Groton Building Official

JJS/djf

Keith Hedrick, Mayor, City of Groton Cc:

> John Burt, Town Manager, Town of Groton Stephen Mansfield, Director, Ledge Light Heath District Katie Baldwin, Supervisor of Regulated Facilities and Housing, LLHD

Amity L. Arscott, Esq., Embry, Neusner, Arscott & Shafner

Zack Simmons, Senior Vice President, Related Affordable

# **EXHIBIT 6**

# **Eileen Duggan**

**Subject:** FW: 102 Branford, Bldg 35

From: Stephen Mansfield <smansfield@llhd.org>
Sent: Tuesday, October 11, 2022 12:10 PM
To: Phillips, Heather <hephillips@related.com>

Cc: Finkle, Matt < MFinkle@Related.com>; Simmons, Zack < Zack.Simmons@Related.com>; WPurdue@morrisonmahoney.com; Callahan, Jonathan

<<u>JCallahan@Related.com</u>>; Katie Baldwin <<u>kbaldwin@llhd.org</u>>; Jennifer Muggeo <<u>jmuggeo@llhd.org</u>>; Burt, John <<u>JBurt@groton-ct.gov</u>>; Hedrick, Keith

<<u>HedrickK@cityofgroton-ct.gov</u>>; Harrison, Shonda <<u>sharrison@related.com</u>>; Asare, Gloria <<u>gasare@related.com</u>>

Subject: RE: 102 Branford, Bldg 35

Good afternoon,

Based on the fact that this unit is currently unoccupied, and that scheduling conflicts between tenant and management have occurred, LLHD is granting your request for an extension to October 31st.

Please do not hesitate to contact me with any questions.

Steve

Stephen Mansfield REHS, MPH

Director of Health

Main phone: 860-448-4882 ext. 1307

Direct dial: 860-326-0026

Fax: 860-448-4885 smansfield@llhd.org

https://link.edgepilot.com/s/367ac548/lw5 Vg3QB0GAndqOqKZk5A?u=http://www.llhd.org/

Promoting healthy communities



From: Phillips, Heather < hephillips@related.com > Sent: Wednesday, October 5, 2022 11:53 AM

To: Stephen Mansfield < smansfield@llhd.org>

Cc: Finkle, Matt < MFinkle@Related.com >; Simmons, Zack < Zack.Simmons@Related.com >; WPurdue@morrisonmahoney.com; Callahan, Jonathan < JCallahan@Related.com >; Katie Baldwin < kbaldwin@llhd.org >; Jennifer Muggeo < jmuggeo@llhd.org >; John Burt < jburt@groton-ct.gov >; Hedrick, Keith < HedrickK@cityofgroton-ct.gov >; Harrison, Shonda < sharrison@related.com >; Asare, Gloria < gasare@related.com >

Subject: RE: 102 Branford, Bldg 35

Mr. Mansfield, As a follow-up to our discussion on Monday, 10/3, please accept this as a formal request for an extension to repair apartment 35-102 required due to contractor schedules and conflicts. We request an extension up to October 31. We expect to complete the repairs and rebuild by that time. We will coordinate with the residents' counsel to gain the necessary access for the contractors involved.

Thank you

#### Heather Phillips, CPM® (she/her/hers)

Regional Vice President New England Affordable East

203-240-9847 - Phone HEphillips@Related.com

RELATED MANAGEMENT COMPANY

CT Real Estate License # 0790336 | IREM CT Chapter 51 President <a href="https://link.edgepilot.com/s/bb0214ff/s">https://link.edgepilot.com/s/bb0214ff/s</a> boucVumU681b8oQoz0Vg?u=http://www.irem-ct.org/COS, MORS, TCS, C10P, ARM



Please consider the environment before printing this email.

From: Phillips, Heather

**Sent:** Friday, September 30, 2022 5:59 PM **To:** Stephen Mansfield <smansfield@llhd.org>

Cc: Finkle, Matt < MFinkle@Related.com >; Simmons, Zack < Zack.Simmons@Related.com >; WPurdue@morrisonmahoney.com; Callahan, Jonathan < JCallahan@Related.com >; Katie Baldwin < kbaldwin@llhd.org >; Jennifer Muggeo < jmuggeo@llhd.org >; John Burt < jburt@groton-ct.gov >; Hedrick, Keith < HedrickK@cityofgroton-ct.gov >; Harrison, Shonda < Sharrison@related.com >; Asare, Gloria < gasare@related.com >

Subject: 102 Branford, Bldg 35

Hello Mr. Mansfield.

Please find response to the Public Health Order issued by LLHD for conditions noted at 102 Branford Ave, Building 35.

Thank you.

Heather Phillips, CPM® (she/her/hers)
Regional Vice President New England

Affordable East

203-240-9847 - Phone

HEphillips@Related.com

RELATED
MANAGEMENT
COMPANY

CT Real Estate License # 0790336 | IREM CT Chapter 51 President https://link.edgepilot.com/s/bb0214ff/S boucVumU681b8oQoz0Vg?u=http://www.irem-ct.org/ COS, MORS. TCS, C10P, ARM



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# Eileen Duggan

From: Sent: Burt, John <JBurt@groton-ct.gov> Friday, October 28, 2022 3:55 PM

To:

Eileen Duggan

Subject:

Fwd: Branford Manor

#### Begin forwarded message:

From: Stephen Mansfield <smansfield@llhd.org>
Date: October 18, 2022 at 2:20:11 PM EDT

To: "Simmons, Zack" <Zack.Simmons@related.com>, Katie Baldwin <kbaldwin@llhd.org>, "Finkle, Matt" <MFinkle@related.com> Cc: WPurdue@morrisonmahoney.com, "Callahan, Jonathan" <JCallahan@related.com>, gpv@synodividell.com, Jennifer Muggeo <jmuggeo@llhd.org>, "Burt, John" <JBurt@groton-ct.gov>, "Keith Hedrick (mayor@cityofgroton-ct.gov)" <mayor@cityofgroton-ct.gov>, "Para dalar Laffer University of the dalar Callabate Laffer University of the dal

"Brodsky, Jeffrey" < jbrodsky@related.com>

**Subject: RE: Branford Manor** 

#### Good afternoon,

Thank you for meeting with us last week, and for your assertion that your company will expedite remediation activities as quickly as possible. We appreciate your October 18th correspondence regarding your plan for remediation activities throughout the Brantford Manor residential complex. LLHD hereby grants an extension to the Public Health Orders referenced in your e-mail below, until November 15th, 2022, with the following conditions:

- 1. A LLHD representative shall be notified whenever sheetrock or other material is removed from said dwelling units in order to facilitate an inspection of the substrate material.
- 2. Tenants shall be notified of the availability of temporary housing, either on or off site, for the duration of remediation activities that may produce dust, debris or other conditions that may be detrimental to the tenants.

Please feel free to reach out with any questions.

Steve

Stephen Mansfield REHS, MPH

Director of Health

Main phone: 860-448-4882 ext. 1307

Direct dial: 860-326-0026

Fax: 860-448-4885 smansfield@llhd.org

https://link.edgepilot.com/s/5588bfd5/YVIu6qc5zkiPvmC0XxQJJQ?u=http://www.llhd.org/

Promoting healthy communities



From: Simmons, Zack <Zack.Simmons@Related.com>

Sent: Friday, October 14, 2022 5:00 PM

Subject: RE: Branford Manor

Ms. Baldwin – We request an extension of the deadline of October 15, 2022 referenced in the attached orders through November 15, 2022. This request applies to the following units:

278 Building 45

268 Building 44

147 Building 10

144 Building 37

139 Building 19

38 Building 32

270 Building 44

224 Building 42

A request for access to the above units has been sent to the attorney representing the residents to (a) complete the work required by the Orders and/or (b) install dehumidifiers in the units indicated by the Orders. Contractors are available and ready to begin work and dehumidifiers are on site and ready to be installed. Work is scheduled to begin early next week (provided access is granted) and will take approximately 7-10 calendar days.

Thank you,

### Zack Simmons

Senior Vice President Related Affordable

212.401.7658 Office 646.901.4755 Mobile zack.simmons@related.com



30 Hudson Yards New York, NY 10001

From: Katie Baldwin < <a href="mailto:kbaldwin@llhd.org">kbaldwin@llhd.org</a> Sent: Monday, September 19, 2022 7:02 AM

To: Stephen Mansfield < smansfield@Ilhd.org >; Finkle, Matt < MFinkle@Related.com >

**Cc:** Simmons, Zack < <u>Zack.Simmons@Related.com</u>>; <u>WPurdue@morrisonmahoney.com</u>; <u>Callahan, Jonathan < jcallahan@related.com</u>>; gpv@synodividell.com; <u>Jennifer Muggeo < jmuggeo@llhd.org</u>>; <u>John Burt < jburt@groton-ct.gov</u>>; <u>Keith Hedrick (mayor@cityofgroton-ct.gov</u>)

<mayor@cityofgroton-ct.gov>
Subject: RE: Branford Manor

Good morning,

Attached are eight more Public Health Orders from the visits on August 30 and 31st. These were mailed Certified on Friday 9/16/22.

#### Units

278 Building 45

268 Building 44

147 Building 10

144 Building 37

139 Building 19

38 Building 32

270 Building 44

224 Building 42

Kara Allen is in the process of finalizing the notes from the visits this past week. When those are ready and if Orders are warranted, we will forward those as well.

### Thank you,

#### Katie Baldwin, RS/REHS

Supervisor of Regulated Facilities & Housing main phone. 860.448.4882 ext. 1319

direct dial. 860.910.0388

fax. 860.448.4885 Kbaldwin@llhd.org

https://link.edgepilot.com/s/5588bfd5/YVIu6qc5zkiPvmC0XxQJJQ?u=http://www.llhd.org/[llhd.org]

Promoting healthy communities



From: Stephen Mansfield <smansfield@llhd.org> Sent: Thursday, September 8, 2022 11:36 AM

To: MFinkle@Related.com

Cc: Zack.Simmons@Related.com; WPurdue@morrisonmahoney.com; jcallahan@related.com; gpv@synodividell.com; Katie Baldwin

<a href="mailto:kbaldwin@llhd.org">kbaldwin@llhd.org</a>; Jennifer Muggeo <a href="mailto:kbaldwin@llhd.org">jmuggeo@llhd.org</a>; John Burt <a href="mailto:kbaldwin@llhd.org">iburt@groton-ct.gov</a>); Keith Hedrick (<a href="mailto:mayor@cityofgroton-ct.gov">mayor@cityofgroton-ct.gov</a>)

<mayor@cityofgroton-ct.gov>

**Subject:** Branford Manor

# Good morning,

Please find attached a Public Health Order issued by LLHD for conditions noted at 102 Branford Ave, Building 35. To date, we have conducted 19 separate dwelling unit inspections, with additional inspections scheduled for next week. LLHD will utilize this email group to share any additional Public Health Orders that may be necessary.

Best,

Steve

Stephen Mansfield REHS, MPH Director of Health

Main phone: <u>860-448-4882 ext. 1307</u>

Direct dial: 860-326-0026

Fax: 860-448-4885 smansfield@llhd.org https://link.edgepilot.com/s/5588bfd5/YVIu6qc5zkiPvmC0XxQJJQ?u=http://www.llhd.org/ [llhd.org]

Promoting healthy communities



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Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

From: Stepnen Mansfield <smansfield@llhd.org>
Sent: Monday, October 24, 2022 9:21 AM

To: Pearson, David < David.Pearson@Related.com >; Katie Baldwin < kbaldwin@llhd.org >; Burt, John < JBurt@groton-

ct.gov>

Cc: Brodsky, Jeffrey < JBrodsky@Related.com >; Kaminsky, Andrew < Andrew.Kaminsky@related.com >; Simmons, Zack

< Zack. Simmons@Related.com >; 'Purdue, William' < WPurdue@morrisonmahoney.com >; Hedrick, Keith

< HedrickK@cityofgroton-ct.gov >; Jennifer Muggeo < imuggeo@llhd.org >; gpv@synodividell.com

**Subject: RE: LLHD Violations** 

Good morning,,

Based on the information provided in your communication below, LLHD hereby grants an extension to the Public Health Orders referenced in your e-mail below, until November 22<sup>nd</sup>, 2022, with the following conditions:

- 1. A LLHD representative shall be notified whenever sheetrock or other material is removed from said dwelling units in order to facilitate an inspection of the substrate material.
- 2. Tenants shall be notified of the availability of temporary housing, either on or off site, for the duration of remediation activities that may produce dust, debris or other conditions that may be detrimental to the tenants.

Please feel free to reach out with any questions.

Steve

Stephen Mansfield REHS, MPH

Director of Health

Main phone: 860-448-4882 ext. 1307

Direct dial: <u>860-326-0026</u> Fax: <u>860-448-4885</u> smansfield@llhd.org

https://link.edgepilot.com/s/cd3624be/SpR9O RRJk6tjPH0UQxpvw?u=http://www.llhd.org/

Promoting healthy communities



From: Pearson, David < David.Pearson@Related.com >

Sent: Friday, October 21, 2022 6:54 PM

To: Katie Baldwin <a href="mailto:kbaldwin@llhd.org">kbaldwin@llhd.org</a>; John Burt <a href="mailto:jburt@groton-ct.gov">jburt@groton-ct.gov</a>; Stephen Mansfield <a href="mailto:smansfield@llhd.org">smansfield@llhd.org</a>; Cc: Brodsky, Jeffrey <a href="mailto:JBrodsky@Related.com">JBrodsky@Related.com</a>; Kaminsky, Andrew <a href="mailto:Andrew.Kaminsky@related.com">Andrew.Kaminsky@related.com</a>; Simmons, Zack

<<u>Zack.Simmons@Related.com</u>>; 'Purdue, William' <<u>WPurdue@morrisonmahoney.com</u>>

Subject: RE: LLHD Violations

Ms. Baldwin,

We request an extension of the deadline of October 22, 2022 referenced in the attached orders through November 22, 2022. This request applies to the following units:

175 Building 14

181 Building 14

132 Building 15

154 Building 38

204 Building 41

222 Building 42

254 Building 43

Work is currently underway in Unit 204 Building 41 (which is vacant) and is expected to be completed by the end of next week at which time LLHD will be contacted for inspection. Note that this corrective work did not require removal of sheetrock.

Regarding the remaining units listed above, a request for access has been sent to the attorney representing the residents to (a) complete the work required by the Orders and/or (b) install dehumidifiers in the units indicated by the Orders. Contractors are available and ready to begin work and dehumidifiers are on-site and ready to be installed. Work is ready to begin once access is granted and will take approximately 7-10 calendar days.

Apologies for the late in the day email.

Regards,

DAVID PEARSON Related Affordable

212.801.3738 Office dpearson@related.com



30 Hudson Yards, 72<sup>nd</sup> FL New York, NY 10001

# **EXHIBIT 7**



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7020 1810 0000 2121 5079

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

October 19, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 258 Branford Ave, Building 44, located in the City of Groton, CT and described as follows:

On September 16, 2022, Ledge Light Health District (LLHD) Environmental Technicians Kara Allen and Lupita Santos, conducted a site visit at the above-mentioned property. Ms. Allen and Ms. Santos observed what appeared to be water damage in the dining room ceiling and peeling paint throughout the unit, specifically in the bathroom, second bedroom and the basement. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### **Connecticut General Statutes.**

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.

Connecticut Public Health Code.



19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to stabilize or remove and replace all peeling and defective paint and sheetrock by November 19, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

#### Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of **two hundred lifty dollars per day** for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, MPH Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.

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



The Regulations of Connecticut State Agencies provide:

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 Agency.



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7020 1810 0000 2121 5062

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

October 19, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 274 Branford Ave, Building 44, located in the City of Groton, CT and described as follows:

On September 15, 2022, Ledge Light Health District (LLHD) Environmental Technicians Kara Allen and Lupita Santos, conducted a site visit at the above-mentioned property. Ms. Allen and Ms. Santos observed a dark spot on the ceiling above the sink which appeared to be mold, as well as chipping paint on the ceiling, and damaged walls leading down to the basement. A musty odor and discoloration of the floors and walls were observed in the basement. In the bathroom, water was observed to be trapped between the shower/tub fitting and the base, creating a waterbed effect. In addition, there was mold on the caulking of the shower and the bathroom fan was unclean. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### **Connecticut General Statutes.**

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented





dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.

#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206: 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to stabilize all peeling and defective paint, make all ventilation fans clean and operable, remediate and repair the shower/tub base, fitting and caulking, thoroughly clean the floors and walls in the basement and install a dehumidifier in the basement by November 19, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

#### Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, MPH Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.

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



The Regulations of Connecticut State Agencies provide:

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 Agency.



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7020 1810 0000 2121 5055

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

October 19, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 107 Mather Ave, Building 22, located in the City of Groton, CT and described as follows:

On September 15, 2022, Ledge Light Health District (LLHD) Environmental Technicians Kara Allen and Lupita Santos, conducted a site visit at the above-mentioned property. Ms. Allen and Ms. Santos observed spots of mold on the dining room windowsill and mold on the shower caulking, which was also cracked and defective. Additionally, the bathroom ventilation fan was unclean and some peeling paint was observed throughout the unit. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.





#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to adequately clean or remove and replace any damaged mold surfaces, stabilize all defective paint and clean all ventilation fans by November 19, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

#### Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, MPH Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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 order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.

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



The Regulations of Connecticut State Agencies provide:

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 Agency.



# **PUBLIC HEALTH ORDER**

Certified Mailing Number: 7020 1810 0000 2121 5048

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

October 19, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 76 Branford Ave, Building 33, located in the City of Groton, CT and described as follows:

On September 16, 2022, Ledge Light Health District (LLHD) Environmental Technicians Kara Allen and Lupita Santos, conducted a site visit at the above-mentioned property. Ms. Allen and Ms. Santos observed a gap between the shower/tub fitting and base which may trap water and create a waterbed effect and/or mold. Additionally, peeling paint was observed on the basement walls. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a l 11c.



#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36: 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remediate and repair the shower/tub fitting and base, and stabilize and repair defective and peeling paint by November 19, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

### Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



### PUBLIC HEALTH ORDER

Certified Mailing Number: 3020 1810 0000 2121 5051

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

October 19, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 137 Branford Ave, Building 10, located in the City of Groton, CT and described as follows:

On September 15, 2022, Ledge Light Health District (LLHD) Environmental Technicians Kara Allen and Lupita Santos, conducted a site visit at the above-mentioned property. Ms. Allen and Ms. Santos observed the kitchen and bathroom ceilings to be damaged, peeling, and stained. The ventilation fan in the bathroom was unclean and the caulking around the shower was defective and contained some mold. Additionally, there was slight mold buildup in the door frame to the second bedroom. Finally, a musty odor and standing water were observed in the basement. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.



#### Connecticut Public Health Code.

19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206: 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to stabilize all peeling and defective paint, make all ventilation fans clean and operable, adequately clean the mold on the door frame, remediate the standing water and its source from the basement, to install a dehumidifier in the basement and remove and repair the shower tub caulking by November 19, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

### Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Director of Health





RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



## PUBLIC HEALTH ORDER

Certified Mailing Number: 7020 1810 0000 2121 5017

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

October 19, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 133 Branford Ave, Building 10, located in the City of Groton, CT and described as follows:

On September 15, 2022, Ledge Light Health District (LLHD) Environmental Technicians Kara Allen and Lupita Santos, conducted a site visit at the above-mentioned property. Ms. Allen and Ms. Santos observed a musty odor and standing water in the basement and the caulking in the bathroom shower/tub was defective. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.

Connecticut Public Health Code.





19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and repair the shower tub caulking and remediate the standing water in the basement, and to install a dehumidifier in the basement by November 19, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

### Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, MPH Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.



## PUBLIC HEALTH ORDER

Certified Mailing Number: 3020 1810 0000 2121 5024

Branford Manor Preservation, L.P. ATTN: Matthew Finkle 30 Hudson Yards, 72<sup>nd</sup> Floor New York, NY 10001

October 19, 2022

You are hereby notified of the existence of Connecticut General Statute and Public Health Code violations upon the premises owned by you, or under your charge at 32 Branford Ave, Building 31, located in the City of Groton, CT and described as follows:

On September 16, 2022, Ledge Light Health District (LLHD) Environmental Technicians Kara Allen and Lupita Santos, conducted a site visit at the above-mentioned property. Ms. Allen and Ms. Santos observed the caulking in the bathroom shower/tub to be defective and peeling and defective paint throughout the unit. The above conditions constitute violations of Sections 19a-206 (a) and 47a-52 (c)(d) of the Connecticut General Statutes and Section 19-13-B1 (i) of the Connecticut Public Health Code.

#### Connecticut General Statutes.

Sec. 19a-206. (Formerly Sec. 19-79). Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties, Authority of town director within city or borough. Availability of relocation assistance.

(a) Town, city and borough directors of health or their authorized agents shall, within their respective jurisdictions, examine all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated or remediated and cause to be removed all filth which in their judgment may endanger the health of the inhabitants. Any owner or occupant of any property who maintains such property, whether real or personal, or any part thereof, in a manner which violates the provisions of the Public Health Code enacted pursuant to the authority of sections 19a-36 and 19a-37 shall be deemed to be maintaining a nuisance or source of filth injurious to the public health. Any local director of health or his authorized agent or a sanitarian authorized by such director may enter all places within his jurisdiction where there is just cause to suspect any nuisance or source of filth exists, and abate or remediate or cause to be abated or remediated such nuisance and remove or cause to be removed such filth.

Sec. 47a-52. (Formerly Sec. 19-88). Abatement of conditions in rented dwelling other than tenement house constituting danger to life or health.

- (c) When any defect in the plumbing, sewerage, water supply, drainage, lighting, ventilation, or sanitary condition of a rented dwelling, or of the premises on which it is situated, in the opinion of the department of health of the municipality where such dwelling is located, constitutes a danger to life or health, the department may order the responsible party to correct the same in such manner as it specifies. If the responsible party is a registrant, the department may deliver the order in accordance with section 7-148ii, provided nothing in this section shall preclude a director from providing notice in another manner permitted by applicable law. If the order is not complied with within the time limit set by the department, the person in charge of the department may institute a civil action for injunctive relief, in accordance with chapter 916, to require the abatement of such danger.
- (d) Paint on the exposed surfaces of the interior of a rented dwelling shall not be cracked, chipped, blistered, flaking, loose or peeling so as to constitute a health hazard. Testing, remediation, abatement and management of lead-based paint at a rented dwelling or its premises shall be as defined in, and in accordance with, the regulations, if any, adopted pursuant to section 19a 111c.

Connecticut Public Health Code.



19-13-B1. Conditions specifically declared to constitute public nuisances.

(i) Buildings or any part thereof which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

AUTHORITY: Connecticut General Statutes sections 19a-206; 19a-207

PENALTY: Connecticut General Statutes sections 19a-36; 19a-206; 19a-220, 19a-230

APPEAL: Connecticut General Statutes sections 19a-229 (copy attached)

You are hereby ordered to remove and repair the shower tub caulking and to stabilize all peeling and defective paint by November 19, 2022, and to contact LLHD for a compliance inspection when the work is completed. Any work to address the previously mentioned shall be in accordance with all municipal and State of Connecticut Building requirements. All defective painted surfaces shall be made intact by an EPA RRP Certified Firm. Please contact Supervisor of Regulated Facilities and Housing, Katie Baldwin with any questions at 860-448-4882 ext. 1319.

Connecticut General Statute 19a 206 (b) (2-3):

(2) (A) the owner or occupant of such property, or both, shall be subject to a civil penalty of two hundred fifty dollars per day for each day such nuisance is maintained or such filth is allowed to remain after the time fixed by the director in his order has expired...(3) of this subsection, and (B) such civil penalty may be collected in a civil proceeding by the director of health or any official of such town, city or borough authorized to institute civil actions and shall be payable to the treasurer of such city, town or borough; and (3) the owner or occupant of such property, or both, shall be subject to the provisions of sections 19a-36, 19a-220 and 19a-230.

Stephen Mansfield, MPH Director of Health

Cc: Related Management Company, L.P., ATTN: Jonathan Callahan, 423 W. 55th St., 9th Floor, New York, NY 10019



RIGHT OF APPEAL: Connecticut General Statutes Sec. 19a-229 states "Any person aggrieved by an order issued by a town, city or borough director of health may appeal to the Commissioner of Public Health not later than three business days after the date of such person's receipt of such order, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate modify, or affirm 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.

You may appeal the order 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 MS 13 PHO P.O. Box 340308 Hartford, CT 06134-0308 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.

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 (888) 891-9177. 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 <u>received</u> 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 address provided below.



The Regulations of Connecticut State Agencies provide:

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.

- (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 Agency.