

No. _____

AN ORDINANCE

An Ordinance of the Council of the County of Allegheny ratifying the revisions of Article VI of the Allegheny County Health Department Rules and Regulation concerning Houses and Community Environment.

Whereas, Allegheny County, pursuant to the Pennsylvania Local Health Administration Law, 16 P.S. §§ 12001 – 12028, created the Allegheny County Health Department, and the Allegheny County Board of Health; and

Whereas, Section 12011 of the Local Health Administration Law provides for the Board of Health to adopt regulations and submit such regulations to Allegheny County for approval or rejection; and

Whereas, on July 16, 2025, during its regularly scheduled public meeting, the Allegheny County Board of Health adopted by affirmative vote the attached revisions to Article VI and

Whereas, it is the desire of Council to ratify the revised Allegheny County Health Department regulations as approved by the Board of Health.

The Council of the County of Allegheny hereby resolves as follows:

SECTION 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference in their entirety herein.

SECTION 2. Ratification of Regulations.

Acting pursuant to the Pennsylvania Local Health Administration Law and the Allegheny County Home Rule Charter, County Council hereby ratifies the revisions of Article VI of the Allegheny County Health Department Rules and Regulations, “Houses and Community Environment”, attached hereto as Exhibit “A.”

SECTION 3. Severability.

If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.

SECTION 4. Repealer.

Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

Enacted in Council, this _____ day of _____, 2025.

Council Agenda No. _____.

Patrick Catena
President of Council

Attest: _____

Jared Barker
Chief Clerk of Council

Chief Executive Office _____, 2025

Approved: _____

Sara Innamorato
Chief Executive

Attest: _____

Grant Gittlen
Chief of Staff

EXHIBIT "A"

PROPOSED REVISION

Allegheny County Health Department Rules and Regulations

Article VI, Houses and Community Environment

§667 ABATEMENT

ALLEGHENY COUNTY HEALTH DEPARTMENT

RULES AND REGULATIONS

ARTICLE VI – HOUSES AND COMMUNITY ENVIRONMENT

Deletions are shown with ~~strikethroughs~~.

Additions are shown in **larger font, bolded, and underlined**.

Table of Contents should also be modified and changed accordingly and represented in larger, bold and underlined text.

Table of Contents

667. ABATEMENT

SECTION 604. DEFINITIONS

~~ABATEMENT—Any measure or set of measures designed to permanently and safely eliminate lead based paint hazards.~~

ABATEMENT- The removal, stoppage, treatment, or destruction by any reasonable and legal means of the cause or constitution of a nuisance detrimental to public health.

LEAD ABATEMENT- Any measure or set of measures designed to permanently and safely eliminate lead-based paint hazards.

SECTION 610. EMERGENCY ORDERS

When the Department determines that an emergency exists which necessitates immediate action to protect the public health, safety, or welfare, the Department may, without prior notice, issue an order identifying the existence of the emergency and requiring whatever action the Department deems advisable to meet the emergency, **including direct abatement as defined in Section 667.**

SECTION 651. LEAD HAZARDS

C. The owner shall ensure that any **lead** abatement, treatment, modifications, or interim control methods comply with all applicable federal, state, and local regulations including, but not limited to, the standards set forth by the Pennsylvania Department of Labor and Industry as authorized by 1995 Act 44.

E. No part of this section shall preclude an owner from further abating a **lead** hazard if such lead abatement complies with applicable federal, state, and local regulations as well as the standards set forth by the Pennsylvania Department of Labor and Industry as authorized by 1995 Act 44.

SECTION 667. ABATEMENT

A. When the Department determines that a nuisance detrimental to the public health exists, the Department shall cause, at its discretion, such nuisance to be abated.

1. Assistance with Abatement: The Department may utilize any Allegheny County Departments or Divisions for abating nuisances; or the Department may bid to a third-party contractor.

B. Unless the Department determines that an emergency necessitating immediate action exists, as referenced in Section 610, the Department shall identify the owner of the property by reference to the county assessment records, and shall serve a written notice on the owner by any of the following methods before proceeding with abatement pursuant to this section:

1.1 Personal Service by handing a copy:

(i). at the residence of the defendant to an adult member of the family with whom they reside; but if no adult member of the family is found, then to an adult person in charge of such residence; or

(ii). At the residence of the defendant to the clerk or manager of the hotel, inn, apartment house, boarding house or other place of lodging at which they reside; or

(iii). At any office or usual place of business of the defendant to their agent or to the person for the time being in charge thereof.

1.2 Leaving a copy of the notice at the place of residence or usual place of business of the owner or the address of the owner shown in the records in the Allegheny County Office of Property Assessments.

1.3. Mailing a copy by the United States Certified Mail, return receipt requested, to the owner at the owner's current address shown in the Allegheny County Office of Property Assessments.

2. If service of the written notice is unable to be perfected by any of the methods under Subsections B.1.1 – 1.3 the Department shall public a copy of the notice in a newspaper of general circulation once a week for two (2) consecutive weeks and shall provide a copy of the notice to the individual in possession of the property on which the Department has determined that the nuisance detrimental to public health exists, or, if there is no individual in possession of the property, the Department shall

post a copy of notice at the structure, location, or premises.

3. The Department shall determine from the records in the Allegheny County Office of Property Assessments the owners of the property and serve a written notice on all owners by United States Certified Mail.

4. The Department shall forward a copy of the notice to the municipality where the subject property exists.

C. Contents of the notice. The notice to the owner shall state clearly and concisely:

1. The findings and determinations of the Department with respect to the existence of a nuisance detrimental to public health. This should include advising the property owner of the reasons for the determination, including any violation(s) that are alleged to have occurred on the property and the date of violation(s), and an order to abate the nuisance within such time as deemed necessary by the Department.

2. Appeal language advising the owner that they may appeal any final agency action whereby the Department has made a determination of nuisance detrimental to public health as referenced to in Section 609 and in accordance with Article XI.

3. The notice shall further state that the nuisance detrimental to public health shall be abated by the Department at the expense of the owner unless it is otherwise abated within a time frame deemed

necessary by the Department or within any extension of that period granted by the Department.

4. Whenever a public nuisance is abated by the Department, the statement of the costs of the public nuisance shall include the Department's potential cost of abatement at the time of assessment plus an administrative fee, not to exceed 10%.

D. Salvage of Material

1. If deemed practicable by the Department, the Department, the Department may salvage and sell at private or public sale any material derived from an abatement of a nuisance detrimental to public health. The proceeds of such a sale shall be placed in the Allegheny County Environmental Health Fund. The proceeds may be applied against the amount of the Department's costs, fees and penalties relating to the abatement. If the amount of the proceeds exceeds the amount of costs, fees and penalties, any excess shall be paid to the owner.

**Proposed Revisions of the Allegheny County Health Department Rules and Regulations,
Article VI, Houses and Community Environment**

LEGISLATIVE SUMMARY

Pursuant to the authority granted to it under the Pennsylvania Local Health Administration Law, Sections 12010(f) and 12011(c), on July 16, 2025, the Allegheny County Board of Health approved revisions to the Allegheny County Health Department (“ACHD”) Rule and Regulation Article VI, “Houses and Community Environment.” The motion to approve passed without opposing vote. The approval was preceded by a 30-day public comment period, including a public hearing scheduled for June 11, 2025.

Through the comment period, ACHD and the Housing and Community Environment Program presented the proposal to the Housing Advisory Committee and was positively recommended to proceed to the Board of Health. No comments or public testimony was received for the proposed changes.

The proposed revisions to Article VI would:

- Address abatement of public health nuisances that have the potential to impact multiple residents.
- Allow ACHD to hire a contractor to abate the public health nuisance and bill the owner for the costs.
- Include detail on the notice to be provided to the owner. This notice would identify a party’s ability to appeal, and would include the costs of abatement.

MEMORANDUM

OFFICE OF THE ALLEGHENY COUNTY EXECUTIVE

TO: Jared Barker
Chief Clerk and Director of Legislative Services
Allegheny County Council

FROM: James Reid
Deputy Chief of Staff, Policy
Office of Allegheny County Chief Executive Sara Innamorato

CC: John Fournier
County Manager

DATE: August 14, 2025

RE: **Proposed Revisions of the Allegheny County Health Department
Rules and Regulations, Article VI, Houses and Community
Environment**

An Ordinance of the Council of the County of Allegheny ratifying the revisions of Article VI of the Allegheny County Health Department Rules and Regulations concerning Houses and Community Environment.

The Allegheny County Law Department has reviewed the revised Ordinance prior to submission to the Council.

On behalf of Allegheny County Chief Executive Sara Innamorato, I am requesting this revised Ordinance be included on the agenda for introduction at the Regular Meeting of County Council on August 19, 2025.

MEMORANDUM

OFFICE OF THE COUNTY SOLICITOR

TO: John Fournier
County Manager

FROM: Rosalyn Guy-McCorkle
County Solicitor

DATE: July 24, 2025

RE: Ordinance Submission

Attached is the following Ordinance

1. Proposed Revisions of the Allegheny County Health Department Rules and Regulations, Article VI, Houses and Community Environment

The Allegheny County Law Department reviewed the Resolution prior to submitting to the Council.

I am requesting that the item be placed on the agenda at the next Regular Council Meeting.