

EXHIBIT A

CHAPTER 1760

Registration of Rental Properties and Lead Safety

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1760.01 Definitions.

- (a) "Bare Soil Condition" means bare or exposed soil within the "Dripline."
- (b) "Commissioner" means the Commissioner of the Division of Rental Registry and Lead Safety.
- (c) "Deteriorated Paint Condition" means any interior or exterior paint or other coating that, through a visual assessment, is found to be peeling, chipping, crazing, flaking, abrading, chalking, or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate, or a chewable surface that contains visible signs of chewing.
- (d) "Dripline" means the area within 3 feet surrounding the perimeter of a building.
- (e) "Family Child Care Home", for purposes of this Chapter, means a type A Home or a type B Home as defined by Ohio Revised Code section 5104.01.
- (f) "Lead Dust Condition" means surface dust (visible or invisible) in a residential dwelling or child-occupied facility that contains a mass-per-area concentration of lead equal to or exceeding 40 $\mu\text{g}/\text{ft}^2$ on floors, 250 $\mu\text{g}/\text{ft}^2$ on interior window sills, or 400 $\mu\text{g}/\text{ft}^2$ in window troughs based on wipe samples.
- (g) "Lead-Safe Certificate" is a certificate issued by the City of Toledo's Division of Rental Registry and Lead Safety that indicates that a Residential Rental Property or a Family Child Care Home has been certified as lead-safe pursuant to this Chapter.
- (h) "Lead-Safe Report" means a written report from a "Local Lead Inspector" verifying that there are no Maintenance Conditions. The "Lead-Safe Report" must contain the following:
 - (1) The address of the Residential Rental Property or Family Child Care Home;
 - (2) Name, address, and telephone number of the owner and manager of the Residential Rental Property or Family Child Care Home;
 - (3) A statement verifying that the owner of the Residential Rental Property or Family Child Care Home has sufficiently controlled Maintenance Conditions;
 - (4) Name, address, license number, and signature of Local Lead Inspector, performing the Local Lead Inspection and the date that the inspection was performed; and

- (5) If the Lead-Safe Report has been created after a Local Lead Re-Inspection, it shall contain information on compliance with 1760.08 including:
- i. Start and completion dates that any work to address the Maintenance Condition was performed;
 - ii. Name, address, and telephone number of the individual(s) or company performing the work intended to address the Maintenance Condition; and
 - iii. A detailed written description of all the work intended to address the Maintenance Condition, the locations, and where each activity was performed, and the materials used.
- (i) "Local Lead Inspection" means an inspection that includes a visual assessment of a Residential Rental Property or Family Child Care Home, followed by the collection of environmental dust-wipe samples as described in 1760.07.
- (j) "Local Lead Inspector" means (1) an individual, licensed by the Ohio Department of Health as a lead risk assessor, lead inspector, or clearance technician; or (2) an individual who meets the licensing standards established by the Commissioner.
- (k) "Local Lead Re-Inspection" means a re-inspection of a Residential Rental Property or Family Child Care Home that was determined by a Local Lead Inspection to contain a Maintenance Condition.
- (l) "Maintenance Condition" means the existence of any of the following: (1) a Deteriorated Paint Condition, (2) a Lead Dust Condition, or (3) a Bare Soil Condition.
- (m) "Maintenance Conditions Report" means a written report from a Local Lead Inspector describing Maintenance Conditions identified by the Local Lead Inspector through a Local Lead Inspection. The Maintenance Conditions Report must contain the following:
- (1) The address of the Residential Rental Property or Family Child Care Home;
 - (2) Name, address, and telephone number of the Owner and the manager of the Residential Rental Property or Family Child Care Home;
 - (3) Specific description of the nature and the location of any Rental Property or Family Child Care Home Maintenance Conditions;
 - (4) Name, address, license number, and signature of Local Lead Inspector performing the Local Lead Inspection and the date that the inspection was performed; and
 - (5) A diagram of the floor plan of the Residential Rental Property or Family Child Care Home illustrating the location of each environmental sample collected;
 - (6) Sample location and result of each dust sample analysis in micrograms per square foot;
 - (7) Name, address, telephone number, and approval number of each lead analytical laboratory conducting the analysis of any environmental sample and a copy of the laboratory results.
- (n) "Owner" means anyone who holds legal title to a Residential Rental Property or a Family Child Care Home. The person or persons identified as the holder of legal title by the County Auditor is presumed to be the Owner for purposes of this Chapter.
- (o) "Rental Registry and Lead Safety Advisory Committee" is a community advisory committee intended to assist the Commissioner by providing feedback regarding implementation of this Chapter.
- (p) "Residential Rental Property" means real property on which is located one or more dwelling units leased or otherwise rented to tenants solely for residential purposes, or a mobile home park or other permanent or semi-permanent site at which lots are leased or otherwise rented to tenants for the parking of a manufactured home, mobile home, or recreational vehicle

that is used solely for residential purposes. "Residential Rental Property" does not include a hotel or a college or university dormitory.
(Ord. 381-19. Passed 11-12-19.)

1760.02 Registration of residential rental property.

(a) An Owner of Residential Rental Property shall comply with all requirements of the Lucas County Residential Rental Property Registration Program enabled by Ohio Revised Code Chapter 5323: Residential Rental Property and must file with the County Auditor the following information no later than June 30, 2020:

- (1) The name, address, and telephone number of the owner;
- (2) If the Residential Rental Property is owned by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of:
 - (a) A trustee, in the case of a trust or business trust;
 - (b) The executor or administrator, in the case of an estate;
 - (c) A general partner, in the case of a partnership or a limited partnership;
 - (d) A member, manager, or officer, in the case of a limited liability company;
 - (e) An associate, in the case of an association;
 - (f) An officer, in the case of a corporation;
 - (g) A member, manager, or officer, in the case of any other business entity.
- (3) The street address and permanent parcel number of the Residential Rental Property.
- (4) Any other information that the Commissioner may in their discretion request in order to ensure the registration of properties and prevent lead poisoning.

(b) An owner of Residential Rental Property must update the information required under division (a) of this Section within sixty days after any change in the information occurs.
(Ord. 381-19. Passed 11-12-19.)

1760.03 Presumption of lead-based paint.

(a) For purposes of this Chapter, all paint on the interior or exterior of any Residential Rental Property and Family Child Care Home on which the original construction was completed prior to January 1, 1978, shall be presumed to be lead-based.

(b) Any person seeking to rebut this presumption may do so by obtaining a certification from a lead-based paint inspector or risk assessor that the property has been determined through a lead-based paint inspection conducted in accordance with the federal regulations at 40 CFR 745.227(b) not to contain lead-based paint.
(Ord. 381-19. Passed 11-12-19.)

1760.04 Lead-safe certification required of pre-1978 residential rental property and family child care homes.

(a) Requirement to obtain Lead-Safe Certificate. The Owner of any Residential Rental Property or Family Child Care Home constructed before 1978 must obtain a Lead-Safe Certificate by submitting an application as described in 1760.04(b).

(b) Application for Lead-Safe Certificate. Every application for a Lead-Safe Certificate must include the following:

- (1) The name, address, and telephone number of the Owner or the Owner's property manager and the number of rental units at the address;

(2) A Lead-Safe Report issued in accordance with 1760.07(d) for the subject property no more than six months before the application; and

(3) A filing fee in an amount to be determined by the Commissioner through a schedule of filing fees published by the Commissioner.

(c) Issuance of the Lead-Safe Certificate.

(1) The Commissioner of the Division of Rental Registry and Lead Safety shall issue a Lead-Safe Certificate to the Owner applicant upon finding that the Owner has complied with this Chapter 1760. The Commissioner may in their discretion request additional information to ensure compliance with this Chapter before issuing the Lead-Safe Certificate.

(2) The Commissioner, in consultation with the Law Department and the Rental Registry and Lead Safety Advisory Committee, may develop and publish regulations to ensure the proper evaluation of applications for Lead-Safe Certificates.

(3) The Lead-Safe Certificate will contain the date that the certificate will expire, and the signature of the Commissioner of the Division of Rental Registry and Lead Safety or their designee.

(4) A copy of the Lead-Safe Certificate will be made available for public inspection in person and online.

(d) Expiration of the Lead-Safe Certificate. All Lead-Safe Certificates shall expire five (5) years after issuance, except as follows:

(1) Lead-Safe Certificates issued for properties that failed the initial visual inspection or dust wipe test, as described at 1760.07, expire three (3) years after issuance;

(2) Lead-Safe Certificates issued for properties that have undergone full lead abatement, designed for the purpose of permanently eliminating lead hazards consistent with the provisions of Ohio law expire after twenty (20) years. The Commissioner may in their discretion request information from the Owner to confirm the nature and extent of the lead abatement completed at the property before issuing the Certificate.

(e) Transfer of Ownership. Upon the transfer of ownership of a Residential Rental Property or Family Child Care Home constructed prior to 1978, any Lead-Safe Certificate issued pursuant to 1760.04(c) shall remain in effect for the property until its expiration under 1760.04(d) as long as the new Owner registers the rental unit under Section 1760.02.

(f) Requirement to renew certificate.

(1) The Owner of a property that has already been certified as lead-safe under this Chapter must apply for a new Lead-Safe Certificate no later than thirty (30) days prior to the expiration date of the current Lead-Safe Certificate.

(2) The Owner of a property that has been certified as lead- safe under this Chapter, may seek renewal no earlier than the one year before expiration of the Certificate.

(Ord. 381-19. Passed 11-12-19.)

1760.05 Certain exemptions from lead-safe certification requirements.

(a) Exemption from penalties and fees under this Chapter.

(1) Based on an analysis of public health data, including all the reported cases in which children have been lead poisoned over the past five years, Census as well as residential parcel information, each Census Tract in the City of Toledo has been analyzed, using these variables. The following phase-in of this Chapter is based on requiring those Residential Rental Properties and Family Child Care Homes where original construction was completed prior to January 1, 1978, that are located in Census Tracts that have been determined to pose the greatest danger of

lead exposure to children shall be required to register first, those Residential Rental Properties and Family Child Care Homes where original construction was completed prior to January 1, 1978, that pose the next greatest risk to register second and those Residential Rental Properties and Family Child Care Homes where original construction was completed prior to January 1, 1978, posing the least risk of lead exposure to children registering third:

1. Residential Rental Properties and Family Child Care Homes where original construction was completed prior to January 1, 1978, in the following Census Tracts shall comply by June 30, 2020:

Census Tract 48, Census Tract 54, Census Tract 51, Census Tract 16, Census Tract 18, Census Tract 21, Census Tract 42, Census Tract 103, Census Tract 39, Census Tract 30, Census Tract 44, Census Tract 20, Census Tract 6, Census Tract 33, Census Tract 29, Census Tract 9, Census Tract 49, Census Tract 40, Census Tract 25, Census Tract 7, Census Tract 36, Census Tract 17, Census Tract 22, Census Tract 35, Census Tract 47.01, Census Tract 8, Census Tract 32, Census Tract 10, Census Tract 14, Census Tract 4, Census Tract 2, Census Tract 47.02

2. Residential Rental Properties and Family Child Care Homes where original construction was completed prior to January 1, 1978, in the following Census Tracts shall comply by June 30, 2021:

Census Tract 46, Census Tract 15, Census Tract 19, Census Tract 3, Census Tract 24.01, Census Tract 27, Census Tract 52, Census Tract 12.02, Census Tract 26, Census Tract 13.03, Census Tract 24.02, Census Tract 28, Census Tract 11, Census Tract 45.01, Census Tract 53, Census Tract 31, Census Tract 63, Census Tract 74, Census Tract 23, Census Tract 50, Census Tract 68, Census Tract 37, Census Tract 102, Census Tract 65, Census Tract 86, Census Tract 73.03, Census Tract 57.02, Census Tract 76, Census Tract 55.02, Census Tract 66, Census Tract 57.03, Census Tract 62, Census Tract 55.01, Census Tract 64, Census Tract 13.02

3. Residential Rental Properties and Family Child Care Homes where original construction was completed prior to January 1, 1978, in the following Census Tracts shall comply by June 30, 2022:

Census Tract 83.01, Census Tract 34, Census Tract 79.02, Census Tract 59.02, Census Tract 58.02, Census Tract 13.01, Census Tract 72.05, Census Tract 61, Census Tract 67, Census Tract 45.04, Census Tract 104, Census Tract 75, Census Tract 85, Census Tract 78, Census Tract 58.01, Census Tract 57.01, Census Tract 72.04, Census Tract 84, Census Tract 56, Census Tract 77, Census Tract 69, Census Tract 45.03, Census Tract 79.01, Census Tract 72.02, Census Tract 72.03, Census Tract 12.01, Census Tract 80, Census Tract 73.01, Census Tract 60, Census Tract 55.03, Census Tract 73.02, Census Tract 59.01, Census Tract 83.02

After June 30, 2022, all Residential Rental Properties and Family Child Care Homes shall comply with this Chapter.

(b) Hardship Extension

(1) The Owner of a property who has received a Maintenance Conditions Report may apply to the Commissioner for a hardship extension to comply with this Chapter on a form created by the Commissioner.

- (2) A hardship extension may be granted after considering the following factors:
- i. the cost of addressing the Maintenance Conditions for the particular property;
 - ii. the financial status of the owner;
 - iii. the number of properties owned by the owner;
 - iv. if the property unit is located in a historic district;

- v. other issues that may delay compliance with this Chapter;
- vi. the risk of noncompliance to the health of the tenants.

(3) The Commissioner may issue a hardship extension for no more than eighteen (18) months.

(4) If more than forty-five (45) days remain in a hardship extension and a child is discovered to have been lead poisoned at the location of one of the Owner's Residential Rental Properties or Family Child Care Homes, at a level of 5 ug/dL or greater, the hardship extension will terminate forty-five (45) days after the date of the discovery.

(5) An Owner shall have the right to appeal the decision of the Commissioner regarding any denial of a Hardship Extension to the Board of Nuisance Abatement Housing Appeals by filing an application in writing to the Director of the Department of Neighborhoods with a fifty dollar (\$50.00) non-refundable filing fee no later than ten (10) calendar days from the date the decision was made.

(Ord. 381-19. Passed 11-12-19.)

1760.06 Requirements for local lead inspectors.

(a) All Local Lead Inspectors must register with the Commissioner or their designee before performing any Local Lead Inspections.

(b) The Commissioner must ensure that all registered Local Lead Inspectors are (1) an individual, licensed by the Ohio Department of Health as a lead risk assessor, lead inspector, clearance technician; (2) an EPA certified lead dust sampling technician; or (3) an individual who meets licensing standards established by the City of Toledo's Division of Rental Registry and Lead Safety.

(c) The Commissioner, in consultation with the Law Department and the Rental Registry and Lead Safety Advisory Committee, may develop regulations to determine the licensing standards necessary for Local Lead Inspectors and processes to ensure that Local Lead Inspectors are in compliance with this Chapter.

(d) The Commissioner, in consultation with the Law Department and the Rental Registry and Lead Safety Advisory Committee, may develop regulations to address collusion and conflicts of interest between Owners and Local Lead Inspectors. Noncompliance with such regulations will be subject to penalties as described in 1760.11.

(Ord. 381-19. Passed 11-12-19.)

1760.07 Standards for local lead inspections.

(a) Requirements for the inspection. The following requirements apply for the Local Lead Inspection.

(1) The Local Lead Inspection must be completed by a Local Lead Inspector and must include:

a. A full visual assessment for evidence of exterior or interior deteriorating paint and bare or exposed soil within the Dripline. The visual assessment must comply with the standards set forth at 1760.07(b)(1).

b. Dust-wipe testing with submission of samples to a licensed environmental lead analytical laboratory for analysis for lead, and interpretation of sampling results. Dust sampling must comply with the standards set forth at 1760.07(b)(2).

(2) The dust sampling shall occur only after the property passes the visual assessment.

(b) Requirements for the visual assessment and dust sampling.

(1) Visual assessments.

a. Visual assessments must confirm that the interior and exterior of any Residential Rental Property and Family Child Care Home constructed prior to January 1, 1978, and the exterior of any nonresidential structure on which the original construction was completed prior to January 1, 1978, is maintained in a condition such that the paint thereon is not deteriorated paint, unless the deteriorated paint surfaces total no more than:

- i. Twenty square feet on exterior surfaces;
- ii. Two square feet in any one interior room or space; or
- iii. Ten percent of the total surface area on an interior or exterior type of component with a small surface area. Examples include windowsills, baseboards, and trim.

b. For the purpose of determining whether or not deteriorated paint is interior or exterior as it relates to windows, in addition to that portion of the window component that faces the interior, all exterior-facing portions of the window component, with the exception of the exterior frame or trim, are considered to be interior.

c. A full visual assessment of every area of the subject dwelling unit shall be performed to determine if deteriorated paint and/or visible amounts of dust, debris, paint chips, or other residue are present. Interior painted surfaces shall be examined for the presence of deteriorated paint. If deteriorated paint and visible dust, debris, paint chips, or residue are present, they must be eliminated prior to the continuation of the Local Lead Inspection using methods specified under this Chapter and Ohio laws and regulations.

d. Bare soil must not be present within the dripline of any Residential Rental Property on which the original construction was completed prior to January 1, 1978.

(2) Dust wipe testing.

a. Dust samples must be wipe samples and must be taken on floors, excluding open porches, and interior windowsills and window troughs that have a paint history. Dust samples must be collected and analyzed in accordance with this section.

b. Dust samples must be collected in all living areas where young children are most likely to come into contact with dust. The Local Lead Inspector must select a minimum of four rooms for dust sampling. The selection of rooms to be tested, where applicable, shall include no less than one bedroom and the living room. At least one wipe sample must be taken from a windowsill with a paint history, a window trough if present, and one from a floor in each room. Where there are less than four rooms, then all rooms shall be sampled. A maximum of 12 samples shall be collected unless the Residential Rental Property or Family Child Care Home contains less than four rooms, in which case a dust sample shall be collected from a floor, and if present, windowsill and window trough, from each room.

c. Dust samples must be analyzed by a licensed environmental lead analytical laboratory.

(c) Multi-family buildings. For multi-family Residential Rental Properties with more than ten rental units, the Local Lead Inspector must sample at least 10% of the dwelling units and need not inspect all of the dwelling units in the property. The Local Lead Inspector will choose, at their sole discretion, which dwelling units to sample, and may inspect more than 10%.

(d) Lead-Safe Report. If no Maintenance Conditions are identified by the Local Lead Inspection, then the Local Lead Inspector shall issue a Lead-Safe Certificate.

(e) Conditions Report. If Maintenance Conditions are identified by the Local Lead Inspection, the Local Lead Inspector shall prepare a Maintenance Conditions Report. The Maintenance Conditions Report shall be provided to the property owner, the property management agent, the occupant, and the Commissioner. A copy of any Maintenance Conditions

Reports must be submitted to the Commissioner no later than thirty (30) days after the report is provided to the property owner, or the property management agent and the occupant. (Ord. 381-19. Passed 11-12-19.)

1760.08 Required response to maintenance conditions and use of interim controls.

(a) Owner must address Maintenance Conditions within 180 days. If a Maintenance Condition is identified in a Residential Rental Property or Family Child Care Home, the Owner must remedy the Maintenance Condition in a manner that is consistent with Ohio and Federal law. The Owner must complete work necessary to properly remedy the Maintenance Condition within 180 days after the date of the Local Lead Inspection that identified the Maintenance Condition.

(b) Interim controls. For purposes of this Chapter, the Owner may attempt to address a Maintenance Condition by using Interim Controls as long as such measures are consistent with Ohio and Federal law. "Interim Controls" for purposes of this Chapter, means a set of measures designed to reduce temporarily human exposure or likely exposure to lead hazards. These measures include specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of Maintenance Conditions or potential Maintenance Conditions. Interim Controls include the following:

(1) Paint Stabilization

a. Interim control treatments of intact, factory applied prime coatings on metal surfaces are not required. Finish coatings on such surfaces shall be treated by interim controls if those coatings contain lead-based paint.

b. Any physical defect in the substrate of a painted surface or component that is causing deterioration of the surface or component shall be repaired before treating the surface or component. Examples of defective substrate conditions include dry-rot, rust, moisture-related defects, crumbling plaster, and missing siding or other components that are not securely fastened.

c. Before applying new paint, all loose paint and other loose material shall be removed from the surface to be treated. Acceptable methods for preparing the surface to be treated include wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to the manufacturer's instructions.

d. Dry sanding or dry scraping is permitted only in accordance with 24 CFR 35.140(e) (i.e., for electrical safety reasons or for specified minor amounts of work).

e. Paint stabilization shall include the application of a new protective coating or paint. The surface substrate shall be dry and protected from future moisture damage before applying a new protective coating or paint. All protective coatings and paints shall be applied in accordance with the manufacturer's recommendations.

(2) Friction and impact surfaces.

a. Friction surfaces are required to be treated only if:

i. Lead dust levels on the nearest horizontal surface underneath the friction surface (e.g., the window sill, window trough, or floor) are equal to or greater than the standards specified in 24 CFR 35.1320(b);

ii. There is evidence that the paint surface is subject to abrasion; and

iii. Lead-based paint is known or presumed to be present on the friction surface.

b. Impact surfaces are required to be treated only if:

i. Paint on an impact surface is damaged or otherwise deteriorated;

- ii. The damaged paint is caused by impact from a related building component (such as a door knob that knocks into a wall, or a door that knocks against its door frame); and
- iii. Lead-based paint is known or presumed to be present on the impact surface.

c. Examples of building components that may contain friction or impact surfaces include the following:

- i. Window systems;
- ii. Doors;
- iii. Stair treads and risers;
- iv. Baseboards;
- v. Drawers and cabinets; and
- vi. Porches, decks, interior floors, and any other painted surfaces that are abraded, rubbed, or impacted.

d. Interim control treatments for friction surfaces shall eliminate friction points or treat the friction surface so that paint is not subject to abrasion. Examples of acceptable treatments include rehanging and/or planing doors so that the door does not rub against the door frame, and installing window channel guides that reduce or eliminate abrasion of painted surfaces. Paint on stair treads and floors shall be protected with a durable cover or coating that will prevent abrasion of the painted surfaces. Examples of acceptable materials include carpeting, tile, and sheet flooring.

e. Interim control treatments for impact surfaces shall protect the paint from impact. Examples of acceptable treatments include treatments that eliminate impact with the paint surface, such as a door stop to prevent a door from striking a wall or baseboard.

f. Interim control for impact or friction surfaces does not include covering such a surface with a coating or other treatment, such as painting over the surface that does not protect lead-based paint from impact or abrasion.

(3) Chewable surfaces.

a. Chewable surfaces are required to be treated only if there is evidence that a child of less than 6 years of age has chewed on the painted surface, and lead-based paint is known or presumed to be present on the surface.

b. Interim control treatments for chewable surfaces shall make the lead-based paint inaccessible for chewing by children of less than 6 years of age. Examples include enclosures or coatings that cannot be penetrated by the teeth of such children.

(4) Dust control.

a. Dust control shall involve a thorough cleaning of all horizontal surfaces, such as interior window sills, window troughs, floors, and stairs, but excluding ceilings. All horizontal surfaces, such as floors, stairs, window sills and window troughs, that are rough, pitted, or porous shall be covered with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, or linoleum.

b. Surfaces covered by a rug or carpeting shall be cleaned as follows:

i. The floor surface under a rug or carpeting shall be cleaned where feasible, including upon removal of the rug or carpeting, with a HEPA vacuum or other method of equivalent efficacy.

ii. An unattached rug or an attached carpet that is to be removed, and padding associated with such rug or carpet, located in an area of the dwelling unit with dust-lead hazards on the floor, shall be thoroughly vacuumed with a HEPA vacuum or other method of equivalent efficacy. Protective measures shall be used to prevent the spread of dust during removal of a rug,

carpet or padding from the dwelling. For example, it shall be misted to reduce dust generation during removal. The item(s) being removed shall be wrapped or otherwise sealed before removal from the worksite.

iii. An attached carpet located in an area of the dwelling unit with dust-lead hazards on the floor shall be thoroughly vacuumed with a HEPA vacuum or other method of equivalent efficacy if it is not to be removed.

(5) Bare Soil Condition. Acceptable interim control methods for soil lead are impermanent surface coverings and land use controls.

a. Impermanent surface coverings may be used to treat lead- contaminated soil if applied in accordance with the following requirements. Examples of acceptable impermanent coverings include gravel, bark, sod, and artificial turf.

i. Impermanent surface coverings selected shall be designed to withstand the reasonably-expected traffic. For example, if the area to be treated is heavily traveled, neither grass nor sod shall be used.

ii. When loose impermanent surface coverings such as bark or gravel are used, they shall be applied in a thickness not less than six inches deep.

iii. The impermanent surface covering material shall not contain more than 200 µg/g of lead.

b. Adequate controls to prevent erosion shall be used in conjunction with impermanent surface coverings.

i. Land use controls may be used to reduce exposure to soil-lead hazards only if they effectively control access to areas with soil-lead hazards. Examples of land use controls include: fencing, warning signs, and landscaping.

ii. Land use controls shall be implemented only if residents have reasonable alternatives to using the area to be controlled.

iii. If land use controls are used for a soil area that is subject to erosion, measures shall be taken to contain the soil and control dispersion of lead.

(c) Reinspection Required. The Owner of any Residential Rental Properties or Family Child Care Home where a Maintenance Condition has been identified by a Local Lead Inspection must cause a Local Lead Re-Inspection to occur once the Maintenance Condition has been removed. The Local Lead Re-Inspection is subject to the following requirements.

(1) The Local Lead Re-Inspection must be completed by the same Local Lead Inspector that completed the inspection that identified the Maintenance Condition, unless such Inspector is no longer registered with the Commissioner.

(2) When performing a Local Lead Re-Inspection, the Local Lead Inspector shall follow the same procedure and use the same standards for a Local Lead Inspection as provided at 1760.07.

(3) The Commissioner may, in consultation with the Law Department and the Rental Registry and Lead Safety Advisory Committee, develop and publish regulations that provide additional requirements for Local Lead Re-Inspections.

(4) Upon completion of the Local Lead Re-Inspection, the Local Lead Inspector must issue reports in the same manner as provided for a Local Lead Inspection. If the Local Lead Inspector issues a Lead-Safe Report, the Owner must apply for a Lead-Safe Certificate as provided at 1760.04.

(Ord. 381-19. Passed 11-12-19.)

1760.09 Protections for tenants. implementation and compliance.

(a) Properties that are vacant when a Lead-Safe Certificate is required. When a Lead-Safe Certificate is required under this Chapter, if any Residential Rental Property constructed before 1978 contains a rental unit that is or becomes vacant and not yet leased to a tenant, the Owner of that property may not lease the unit for occupancy until the Owner obtains a Lead-Safe Certificate.

(b) Leases with new tenants when a Lead-Safe Certificate is required. When a Lead-Safe Certificate is required under this Chapter, if a current tenant vacates any Residential Rental Property constructed before 1978, the Owner of that property may not lease the unit for occupancy to a new tenant until the Owner obtains a Lead-Safe Certificate.

(c) Evictions of current tenants. No Owner without good cause to evict a tenant may cause a tenant to be evicted because the Owner does not wish to comply with the requirements of this Chapter. No Owner without good cause may refuse to renew a month-to-month or other periodic tenancy because the Owner does not wish to comply with the requirements of this Chapter.

(d) Rights of tenants under the Ohio Landlord-Tenant Act. Nothing in this Chapter shall be construed to limit the rights of tenants under the Ohio Landlord-Tenant Act, including but not limited to the right to withhold rent or terminate a tenancy in response to landlord's failure to comply with the Ohio Landlord-Tenant Act.

(e) Lead-Safe Certificate provided upon lease. Upon leasing a Residential Rental Property, the Owner shall provide a copy of any Lead-Safe Certificate issued for the property to the tenant or proof that the property was constructed after 1978.

(Ord. 381-19. Passed 11-12-19.)

1760.10 Community involvement and outreach.

(a) Rental Registry and Lead Safety Advisory Committee. The Commissioner must convene meetings of a Rental Registry and Lead Safety Advisory Committee on at least a quarterly basis.

a. The members of the Rental Registry and Lead Safety Advisory Committee will include one representative from the Toledo Lead Poisoning Prevention Coalition, two members appointed by City Council, one member appointed by the Mayor, and three members appointed by the Commissioner.

b. The Rental Registry and Lead Safety Advisory Committee will determine the length of terms that members will serve.

(b) Education and training. The Commissioner must, from time to time, provide education and training to residents in the City explaining how to comply with this Chapter, how to become a Local Lead Inspector, and how to avoid lead poisoning risks. Education and training events must be performed with review and feedback provided by the Rental Registry and Lead Safety Advisory Committee.

(Ord. 381-19. Passed 11-12-19.)

1760.11 Enforcement and penalties.

(a) Anyone in violation of Section 1760.02 shall be subject to a fifty dollar (\$50.00) per day administrative fine per Residential Rental Property with a maximum penalty of ten thousand dollars (\$10,000) per year per Residential Rental Property.

(b) Anyone in violation of Section 1760.04 or rules and regulations created thereunder shall be subject to a two hundred fifty dollar (\$250.00) per day administrative fine per Residential

Rental Property or Family Child Care Home with a maximum penalty of ten thousand dollars (\$10,000) per year per Residential Rental Property or Family Child Care Home.

(c) Anyone in violation of Section 1760.06 or rules and regulations created thereunder shall be subject to a five hundred dollar (\$500.00) fine per violation as an administrative penalty.

(d) Anyone assessed an administrative fine pursuant to this section shall have the right to appeal the imposition of the administrative fine to the Nuisance Abatement Housing Appeals Board by filing an application in writing with the Director of the Department of Neighborhoods accompanied by a fifty dollar (\$50.00) non-refundable filing fee no later than thirty (30) calendar days from the date notice of the fine was received.

(Ord. 381-19. Passed 11-12-19.)