

**3701-30-09      Lead hazard control order.**

- (A) If the director determines, based on the public health lead risk assessment that one or more lead hazards exist in a residential unit, child care facility, or school are contributing, in whole or in part, to a child's lead poisoning the director shall issue an order to have each lead hazard controlled. The areas of each residential unit, child care facility, or school that may be subject to the lead hazard control order include the following:
  - (1) The interior and exterior surfaces and all common areas of the residential unit, child care facility, or school;
  - (2) Every attached or unattached structure located within the same lot line as the residential unit, child care facility, or school, including garages, play equipment, and fences; and
  - (3) The lot or land that the residential unit, child care facility, or school occupies.
- (B) A lead hazard control order shall be in writing and specify the following:
  - (1) Each lead hazard to be controlled;
  - (2) The date by which the residential unit, child care facility, or school must pass a clearance examination demonstrating that each lead hazard has been sufficiently controlled. The date by which the residential unit, child day-care facility, or school must pass clearance shall be ninety calendar days from receipt of the lead hazard control order; and
  - (3) If the director determines that the health of the occupants of the residential unit, child care facility, or school, may be at risk during the lead hazard control work, the director may require that the occupants be removed from the residential unit, child care facility, or school until the residential unit, child care facility, or school passes a clearance examination.
- (C) The director may grant an extension to the date by which a clearance examination of the property subject to a lead hazard control order must be passed. The request shall be in writing, set forth the reasons for the extension request and describe the measures that have been implemented to protect the child from further lead poisoning.
- (D) The lead hazard control order shall be sent by certified mail return receipt requested or hand delivered to the owner and manager of the property that is the subject of the lead hazard control order. Any order that is returned undelivered will be re-sent by regular mail and after three calendar days will be assumed to be delivered. Any order that is returned undelivered for a second time shall be posted at the property that is the subject of the lead hazard control order.
- (E) If the lead hazard control order applies to a building in which there is more than one residential unit, the director shall have a copy of the order delivered to the occupants of each residential unit or require that the owner or manager of the building deliver a copy of the order to the occupants of each residential unit.
- (F) If the lead hazard control order applies to a child care facility or school, the owner

shall have a copy of the order delivered to the parent, guardian, or custodian of each child under six years of age who receives child care or education at the facility or school or require the owner or manager of the child care facility or school to have a copy of the order so delivered.

- (G) If ownership of a property subject to a lead hazard control order is transferred after the issuance of a lead hazard control order, the property remains subject to the order. The director shall deem the individual or entity listed on the property deed as the owner and shall send documents or otherwise communicate with the deed holder until the hazards are sufficiently controlled and the order is lifted.

Effective: 11/20/2014

Five Year Review (FYR) Dates: 06/19/2014 and 06/01/2019

CERTIFIED ELECTRONICALLY

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Certification

11/10/2014

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Date

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