Louisville Metro Government

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Title:	AN ORDINANCE CREATING CHAPTER 167 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES REQUIRING PROPERTY OWNERS TO REMEDY LEAD HAZARDS LEAD ABATEMENT OF IN ALL RENTAL HOUSING UNITS IN LOUISVILLE METRO. (AMENDMENT BY SUBSTITUTION)(AS AMENDED)				
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12/1/2022	2	Metro Council	approved	
12/1/2022	2	Metro Council	amended	
12/1/2022	2	Metro Council	Limit Debate	
12/1/2022	2	Metro Council	passed	Pass
11/10/2022	2	Metro Council	approved as amended and sent to the Metro Council	
11/10/2022	2	Metro Council	Limit Debate	
11/10/2022	2	Metro Council	tabled	
11/2/2022	1	Community Affairs, Housing, Health and Education Committee	amended	
11/2/2022	1	Community Affairs, Housing, Health and Education Committee	recommended for approval	Pass
10/19/2022	1	Community Affairs, Housing, Health and Education Committee	held	
10/13/2022	1	Metro Council	assigned	
10/5/2022	1	Community Affairs, Housing, Health and Education Committee	held	
9/14/2022	1	Community Affairs, Housing, Health and Education Committee	held	
8/31/2022	1	Community Affairs, Housing, Health and Education Committee	held	

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8/3/2022	1	Community Affairs, Housing, Health and Education Committee	held
7/20/2022	1	Community Affairs, Housing, Health and Education Committee	held
6/15/2022	1	Community Affairs, Housing, Health and Education Committee	held
6/1/2022	1	Community Affairs, Housing, Health and Education Committee	held
5/11/2022	1	Community Affairs, Housing, Health and Education Committee	held
4/20/2022	1	Community Affairs, Housing, Health and Education Committee	held
4/14/2022	1	Metro Council	assigned

ORDINANCE NO._____, SERIES 2022

AN ORDINANCE CREATING CHAPTER 167 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES REQUIRING PROPERTY OWNERS TO REMEDY LEAD HAZARDS ~~LEAD ABATEMENT OF~~ IN ALL RENTAL HOUSING UNITS IN LOUISVILLE METRO. (AMENDMENT BY SUBSTITUTION)(AS AMENDED)

SPONSORED BY: COUNCIL MEMBER CASSIE CHAMBERS ARMSTRONG

WHEREAS, Louisville Metro Government and Louisville Public Health and Wellness ("LMPHW") are committed to achieving health equity and improving the health and well-being of all Louisville Metro residents and visitors;

WHEREAS, lead is a neurotoxin that causes lasting damage to many biological systems including nervous, circulatory, endocrine, immune, renal, skeletal and muscular systems, according to the Centers for Disease Control and Prevention ("CDC");

WHEREAS, the World Health Organization and other experts advise that no blood-lead level is considered safe, especially among children under the age of 6;

WHEREAS, the CDC and other public health bodies warn that even low-level chronic lead exposure is known to profoundly impede a child's development of cognitive abilities, language and reading skills, impulse control, concentration, and physical growth;

WHEREAS, the CDC, National Institutes of Health, and other organizations report that early lead exposure has been shown to have life-long negative impacts, with links to lower educational attainment and income, increased rates of exposure to the carceral system, and a variety of adverse

health conditions in adulthood;

WHEREAS, CDC research has shown that lead poisoning results from contact with lead contained in soil, dust, and paint;

WHEREAS, the national ban on lead-based paint in 1978 means housing built before that time poses a significantly higher risk of lead hazard exposure;

WHEREAS, of the nearly 120,000 occupied rental units in Louisville Metro, approximately 65% were built before 1980, and 24% were built before 1950, based on estimates from the U.S. Census Bureau's American Community Survey;

WHEREAS, the American Community Survey also estimates that 70% of the nearly 26,000 children under age 6 who live in rental housing in Louisville Metro occupy a unit built before 1980, and 23% occupy a unit built before 1950.

WHEREAS, from 2005 through 2021, 9,823 unique children have had elevated blood-lead levels, based on data from the LMPHW Childhood Lead Poisoning Prevention Program;

WHEREAS, discriminatory policy and inequitable historical patterns of development have limited housing options for low-income families and families of color in Louisville Metro to older and more poorly maintained rental housing stock, putting them at higher risk for lead exposure;

WHEREAS, LMPHW lead testing data show that children living in the northwest area of the county are at 9.37 times greater risk for lead poisoning than children in other areas of the county;

WHEREAS, research on lead poisoning shows that it cannot be cured, but it can be prevented through testing, identifying and remediating lead hazards;

WHEREAS, one peer-reviewed study shows that localities with proactive lead inspection policies have dramatically decreased the prevalence of children in the community with elevated blood -lead levels and have done so at twice the average rate of nearby communities with less intensive policies;

WHEREAS, numerous studies show that public investments in keeping children safe from lead exposure also produce long-term economic benefits for the community that far exceed their costs; and

WHEREAS, a robust program that includes proactive inspection of rental housing for environmental lead hazards and the abatement of these hazards would improve the health and development of children in Louisville Metro.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: A new chapter is hereby added to the Louisville Metro Code of Ordinances ("LMCO") to read as follows:

CHAPTER 167: LEAD ~~ABATEMENT~~ HAZARD REDUCTION PROGRAM FOR RENTAL HOUSING UNITS

§ 167.01 PURPOSE.

The purpose of Chapter 167 is to prevent and protect children from lead-based hazards during their occupancy of residential rental properties and to create and preserve safe and healthy rental housing in Louisville, Jefferson County, Kentucky.

§ 167.02 SCOPE.

This Chapter shall apply to any Rental Housing Unit as defined by this Chapter and which was built before 1978.

§ 167.03 DEFINITIONS.

***CERTIFIED LEAD-HAZARD RISK ASSESSOR*.** As defined by 902 KAR 48.020.

CHEWABLE SURFACE. An interior or exterior accessible painted surface that a child can mouth or chew. Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

CHILD TENANT. An occupant of a Rental Housing Unit that is less than 72 months of age.

***THE DEPARTMENT*.** For the purposes of this Chapter, the Louisville Metro Department of Codes and Regulations and the Louisville Metro Department of Public Health and Wellness will be referred collectively as the Department. Both Departments shall be responsible for the administration and enforcement of this Chapter unless otherwise specified.

ELEVATED BLOOD LEAD LEVEL (EBLL). Means a blood lead level greater than or equal to the currently approved Blood Lead Reference Value established by the Centers for Disease Control and Prevention.

ENCAPSULANT. Means a substance that forms a barrier between lead-based paint <https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=a9fc91a9d2f8bec175c6a5cd518e9551&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:745:Subpart:L:745.223> and the environment using a liquid-applied coating (with or without reinforcement materials) or an adhesively bonded covering material.

ENCAPSULATION. Means the application of an encapsulant <https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=e8937d3e6a982e5089620cc9871f9774&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:745:Subpart:L:745.223>.

FRICTION SURFACE. An interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

IMPACT SURFACE. An interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

INTERIM CONTROLS*.* Means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards <https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=956b138375823073ea80442f57d694f6&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:745:Subpart:L:745.223>, including specialized cleaning, repairs, maintenance, painting, temporary containment <https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=9bf232a984f762659b220754773a648f&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:745:Subpart:L:745.223>, ongoing monitoring of lead-based paint hazards <https://www.law.cornell.edu/definitions/index.php?width=840&height=800&iframe=true&def_id=956b138375823073ea80442f57d694f6&term_occur=999&term_src=Title:40:Chapter:I:Subchapter:R:Part:745:Subpart:L:745.223> or potential hazards, and the establishment and operation of management and resident education programs.

LEAD-BASED HAZARD**.** As defined by 40 C.F.R. § 745.65.

LEAD-HAZARD ABATEMENT. As defined by KRS 211.9061.

LEAD-HAZARD CONTROL. Means the effectuation of Interim Controls ~~so as to temporarily reduce likely exposure to Lead-Based Hazards~~ and/or Lead-Hazard Abatement ~~so as to permanently eliminate Lead-Based Hazards~~ so as to temporarily or permanently eliminate Lead-Based Hazards.

LEAD-HAZARD CONTROL REPORT. Following the completion of a Lead-Hazard Evaluation or, if necessary, effectuation of Lead-Hazard Control, a Lead-Hazard Control Report shall be completed by a Certified Lead-Hazard Risk Assessor. Such Report shall be completed by utilizing a standardized Lead-Hazard Control form created by the Department.

The report shall require the following information be included and certified by the Assessor:

(1) That there are no Lead-Based Hazards.

(2) Locations where future Lead-Based Hazards may arise.

(3) Name of the certified risk assessor completing the report.

(4) Address of property.

(5) Date of ~~Screening~~ Evaluation.

(6) Results of visual assessment and dust wipe sample analysis.

(7) Name and address of laboratory used.

(8) Lead-Hazard Control ~~or abatement~~ methods used.

LEAD-HAZARD EVALUATION. As defined in LMCO § 167.05(d)

***LEAD-HAZARD RISK ASSESSMENT*.** As defined by 902 KAR 48.040-Section 4.

MULTI-UNIT RENTAL HOUSING FACILITY. Any structure containing more than one rental housing unit.

OWNER. A person, association, corporation, partnership, and/or other legal entity having a legal or equitable title in real property.

RENTAL HOUSING UNIT. Any individual housing unit, whether a standalone unit or an individual unit within a larger multi-unit complex, that is or may be available for rent or is occupied or rented by a tenant or subtenant in exchange for consideration in any form. Housing unit means a building or portion thereof, designed for occupancy for residential purposes and having cooking and sanitary facilities. Any individual housing unit located within a larger structure, such as, but not limited to, a duplex house or apartment building, shall be considered its own Rental Housing Unit.

A Rental Housing Unit shall not include any of the following:

- a short-term rental unit as defined in LMCO § 115.515;

- hotels, motels, inns, bed and breakfasts, or similar accommodations that provide lodging for transient guests;

- hospitals, hospice facilities, assisted living facilities, nursing homes, and residential care facilities meeting the definition of KRS 100.982;

- convents, monasteries, or other facilities occupied exclusively by religious order or congregation;

- transitional housing, homeless shelters, rehabilitation homes, and other emergency or temporary shelters;

- housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution;

- housing units that a governmental entity or housing authority owns, operates, or manages, or those exempted by federal, state, or local law.

VISUAL ASSESSMENT. A visual examination for possible Lead-Based Hazards, with specific attention paid to chewable surfaces, friction surfaces, impact surfaces, areas of deteriorated, chipping and/or peeling paint, and/or to areas likely to be frequented by children.

§ 167.04 LEAD-SAFE HOUSING REGISTRATION.

(A) *Lead-Safe Housing Registry.* The Louisville Metro Department of Public Health and Wellness shall create a Lead-Safe Housing Registry for the purpose of maintaining records on the status and compliance of Rental Housing Units pursuant to this Chapter. Such information shall be maintained and made available to the public in the rental registry established in Chapter 119.

(B) *Responsibility*. The Owner of any Rental Housing Unit shall in addition to the requirements of LMCO § 119, register each individual Rental Housing Unit pursuant to this Chapter. No Owner shall rent, offer to rent, or allow occupancy of a Rental Housing Unit without complying with the terms of this Chapter. It shall be a violation of this Chapter for an Owner to allow a Rental Housing Unit to be occupied with a Lead-Based Hazard.

(C) *Requirements.* In addition to satisfying the requirements of Chapter 119, the Owner of a Rental Housing Unit to which this Chapter applies, shall submit the following information to the Louisville Metro Department of Public Health and Wellness:

(1) The date of construction for all Rental Housing Units and, if requested, available proof of the construction date;

(2) The Lead-Hazard Control Report upon initial registration and thereafter, the most recent Lead-Hazard Control Report for annual renewals along with all other reports created pursuant LMCO § 167.05;

(3) Dates and nature of treatment, interim controls, or abatement performed to attain or maintain Lead-Hazard Control;

(4) Certification attesting the information provided is true and accurate to the best of their knowledge. A certification form shall be provided by the Louisville Metro Department of Public Health and Wellness for such purpose.

(D) *Renewals*. The Owner of a Rental Housing Unit to which this Chapter is applicable shall, after initial registration and in addition to the requirements of Chapter 119, adhere to the following requirements:

(1) Owners of previously registered rental housing units shall renew registration on or before December 31 of each year or according to a schedule established by the Louisville Metro Department of Public Health and Wellness;

(2) Owners shall update information contained in the Lead-Safe Housing Registry within 30 days of any change in information required for registration pursuant to subsection (C);

(3) Owners who acquire a Rental Housing Unit shall update information contained in the Lead -Safe Housing Registry within 30 days after acquisition.

(E) *Application Returns.* Applications and renewals requiring additional information for compliance will be returned to the applicant with an explanation of the missing or additional information needed. The Louisville Metro Department of Public Health and Wellness shall establish a time by which such documentation must be completed before deemed a violation of this Chapter.

(F) *Tenant Notification.* Subject to applicable law, the results of the initial Lead-Hazard Evaluation and most recent Lead-Hazard Control Report shall be provided to current and subsequent tenants by the Owner and made publicly available in a manner that permits renters, parents, and other consumers to meaningfully consider this information. In addition, before any work impacting Lead-Based Hazards, tenants shall be notified and appropriate arrangements for their safety shall be made.

(G) *Compliance.* Unless otherwise specified, compliance with this section shall be required pursuant to a timeline to be established by the Louisville Metro Department of Public Health and Wellness.

(H) *Violation-Double Fines*. Any owner who knowingly or recklessly submits fraudulent or inaccurate information pursuant to this section shall be issued a citation with double fines pursuant to LMCO § 167.12. Each day after a citation has been issued or notice has been served shall be deemed a separate offense.

§ 167.05 LEAD-HAZARD EVALUATION.

(A) *Responsibility.* The Owner of a Rental Housing Unit shall, along with all other requirements of this Chapter, ensure that an initial Lead-Hazard Evaluation is completed upon their property as established in this Section.

(B) *Initial Lead-Hazard Evaluation*. An initial Lead-Hazard Evaluation and Lead-Hazard Control Report must be completed pursuant to the requirements of this Section. The initial Lead-Hazard Evaluation and Control Report must be completed within the time frame established below:

(1) All Rental Housing Units built before 1940 shall have an initial Lead-Hazard Evaluation and Lead-Hazard Control Report completed and submitted within 12 months of this Chapter taking effect.

(2) All Rental Housing Units built between 1940 and 1965 shall have an initial Lead-Hazard Evaluation and Lead-Hazard Control Report completed and submitted within 24 months of this Chapter taking effect.

(3) All Rental Housing Units built between 1966 and before 1978 shall have an initial Lead Hazard Evaluation and Lead-Hazard Control Report completed and submitted within 36 months of this Chapter taking effect.

(4) Upon this Chapter taking effect, a Rental Housing Unit wherein a child tenant has been found to have an Elevated Blood Lead Level, shall have an initial Lead Hazard Evaluation and Lead-Hazard Control Report completed within 60 days of such finding regardless of the age of the Unit.

(C) *Lead Risk Assessors.* All Lead-Hazard Evaluations and subsequent Control Reports, shall be performed and completed by a Kentucky State certified Lead-Hazard Risk Assessor.

(D) *Lead-Hazard Evaluation.* A Lead-Hazard Evaluation shall at a minimum include the following:

(1) A visual inspection of a residential dwelling to locate deteriorated paint, assess the extent and causes of the deterioration of paint, inspect for other potential lead hazards, and inspect any chewable, friction, or impact surfaces for possible lead-based hazards.

(2) Collect information regarding the physical characteristics and occupant use patterns of the residential dwelling that may cause lead exposure to children.

(3) Test every surface coated with visibly deteriorated paint for the presence of lead.

(4) Collect dust wipe samples, either composite or single surface, from the interior windowsills and floor, where children are most likely to come into contact with dust in the living area.

(5) For a multifamily dwelling, collect additional dust wipe samples in each common area adjacent to the residential dwelling from which samples have been taken and from each common area in the building.

(6) Collect soil samples from exterior play areas where bare soil is present, dripline or foundation areas where bare soil is present, and any other portion of the yard where bare soil is present.

(7) Submit collected paint chip, dust wipe, or soil samples to an EPA-recognized laboratory.

(8) The Department of Public Health and Wellness may create protocols and procedures for the inspection of Multi-Unit Rental Housing Facilities, so that only a representative sampling of the total Rental Housing Units within such a Facility would be required in determining the presence of Lead-Based Hazards.

(E) *Violation-Double Fines.* Any owner who knowingly or recklessly submits a fraudulent or inaccurate Lead-Hazard Control Report shall be issued a citation with double fines pursuant to LMCO § 167.12. Each day after a citation has been issued or notice has been served shall be deemed a separate offense.

§ 167.06 LEAD-HAZARD CONTROL.

(A) *Control.* Upon the finding of a Lead-Based Hazard following any inspection conducted pursuant to this Chapter, the Owner shall ensure the completion of Lead-Hazard Control and submit a Lead-Hazard Control Report within a time period set forth by the Louisville Metro Department of Public Health and Wellness, not to exceed sixty (60) days unless for good cause shown.

(B) *Lead-Hazard Control Work.* All Lead-Hazard Control shall be performed in accordance with applicable state and federal law and must comply with the following provisions:

(1) No person shall disturb or remove lead-based paint or in any other way generate excessive dust or debris during work on the interior or exterior of any existing building or structure except in accordance with the requirements of applicable Kentucky state law and the Lead-Based

Paint Renovation, Repair and Painting Rule (40 CFR 745 *et seq.)*.

(2) Any home improvement contractor, property management firm, handyman or other person compensated for renovation work that involves window replacement or that disturbs more than six square feet of interior, and/or more than 20 square feet of exterior paint or surface coating, must possess an EPA RRP certification.

(3) The remediation of lead-based hazards shall be accomplished by the owner in a manner which will not endanger the health and wellbeing of current or future occupants, and shall result in the safe removal from the premises, and the safe disposal of lead containing materials, debris, and other potentially harmful materials.

(C) *Lead-Hazard Control Report.* Upon the completion of a Lead Hazard Evaluation and if necessary Lead-Hazard Control, the Owner shall submit a Lead-Hazard Control Report to the Department, providing all necessary information and detailing the status of remaining potential future lead-hazards at the property and any necessary future surveillance and remediation of such hazards, to the Louisville Metro Department of Public Health and Wellness and to any current or future tenants.

§ 167.07 RE-INSPECTIONS.

Re-Inspections. Following the initial Lead Hazard Evaluation, an Owner shall have their Rental Housing Unit re-inspected according to the schedule set forth below. Unless otherwise specified by the Department, a re-inspection shall consist of a Lead-Hazard Evaluation and submission of a Lead-Hazard Control Report.

(1) At a minimum, every 3 years a Lead-Hazard Evaluation shall be conducted, which shall include reviewing and visually inspecting lead-based material identified in past inspections, reviewing previous abatement and remediation plans, and repairs or remodeling that may have impacted the status of previously identified potential lead-based hazards.

(2) Within 14 days, unless granted an extension by the Louisville Metro Department of Public Health and Wellness, of identification of a Child Tenant that is less than 72 months of age and with an Elevated Blood Lead Level, owners of a regulated property shall conduct a Lead Hazard Evaluation and thereafter, submit a Lead-Hazard Control Report within a time frame for compliance established by the Louisville Metro Department of Public Health and Wellness.

(3) On each occasion when a Rental Housing Unit undergoes treatment, repair, or remodeling that may affect any lead-based material.

(4) By order of the Department due to a tenant complaint of a potential Lead-Based Hazard that is verified by a visual inspection completed by the Department.

(5) By order of the Department based upon the finding of a probable Lead-Based Hazard following an inspection pursuant to this Chapter.

§ 167.08 TEMPORARY AND PERMANENT EXEMPTION FROM CHAPTER.

(A) *General Exemptions*. Rental Housing Units shall be exempted from the requirements of this Chapter if an Owner establishes, through credible and verifiable evidence, that the Rental Housing Unit contains no Lead-Based Hazards. Such a finding shall be determined by procedures established by the Louisville Metro Department of Public Health and Wellness.

(B) ~~*Renovated Units*~~ *Renovation and Maintenance Exemption*. The Department of Public Health and Wellness shall establish procedures for exempting a property from the requirements of this Chapter if it finds that the property has been subject to significant construction and/or renovation such that it is safe or free from Lead-Based Hazards. Factors to be considered in determining eligibility for this exemption shall include but not be limited to:

(1) Whether a building permit was issued in association with the renovation or construction;

(2) The nature of the renovation or construction including the number of chewable, friction, or impact surfaces affected by the renovation;

(3) Whether the contractor has a valid and current Lead Renovation, Repair, and Painting (RRP) Certification;

(4) Whether prior documented lead risk assessments conducted by a certified lead risk assessor demonstrate that no lead-based hazards exist on the property.

Additionally, a property owner may qualify for this exemption, whether or not the property has undergone significant construction or renovation, if the property owner employs or contracts with a person performing maintenance at the property who has a valid and current RRP certification as a certified renovator defined in 40 CFR Part 745.83, and the property otherwise satisfies a combination of the factors enumerated above as determined by the Department of Public Health and Wellness.

~~(C) *Multi-Unit Buildings*. The Department of Public Health and Wellness shall establish procedures for exempting a property from the requirements of this Chapter if it determines that the property is:~~

~~(1) a multi-unit building~~

~~(2) that has an employed maintenance person responsible for the property who is a certified lead risk assessor, and~~

~~(3) that the owner of the property has established sufficient protocols and procedures to ensure units are screened and remain safe or free from lead-based hazards.~~

(C) *Exemption Review.* Applicable to all exemptions pursuant to this Section, the Department of Public Health and Wellness shall determine the length of time of the exemption based on the method of Lead-Hazard Control. ~~abatement or remediation~~. All documentation on the application for and rationale for exemption shall be publicly available. All exemptions shall terminate and cease to be effective upon the finding of a violation of this Chapter. In considering whether to approve an exemption and the length of time for which it is to be granted, the Department of Public Health and Wellness may consider all relevant information including the following factors: the encapsulation or removal of lead-based materials, status of friction surfaces, documentation of previous renovations and RRP work, documentation of previous lead-hazard risk assessments and clearance reports, maintenance plans for existing lead-based hazards or such hazards that may arise, and whether an EBLL has previously been reported at the unit in question.

§ 167.09 ENFORCEMENT AND ADMINISTRATION.

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(A) Unless otherwise specified, the Louisville Metro Department of Codes & Regulations and the Louisville Metro Department of Public Health and Wellness shall have the authority to administer and enforce this Chapter. The Louisville Metro Department of Public Health and Wellness shall be responsible for the accurate maintenance of records on the status of all Rental Housing Units concerning their compliance with this Chapter.

(B) The Owner of a Rental Housing Unit that fails to obtain an Initial Lead-Hazard Evaluation and/or comply with LMCO § 167.04 within the applicable time-frames set forth within this Chapter shall first receive a Notice of Non-Compliance. Upon failure to remedy the violation within 30 days, a citation shall be issued unless good cause is shown. Thereafter, citations shall be issued pursuant to LMCO § 167.12 and LMCO § 32.275 *et seq*.

(C) The tenants of Rental Housing Units shall be informed by the Louisville Metro Department of Public Health and Wellness of all reports and findings created pursuant to this Chapter by the Owner and thru a publicly available Louisville Metro Department of Public Health webpage.

(D) In enforcing this ordinance, the Department is instructed to give priority to properties in which a child currently has an elevated blood lead level, or a child residing there previously is known to have had an elevated blood lead level.

§ 167.10 CODE ENFORCEMENT LEAD INSPECTION

(A) All Louisville Metro Code Enforcement Officers shall receive Kentucky state accredited training sufficient to become either a Certified Lead-Hazard Inspector or Certified Lead-Hazard Risk Assessor pursuant to 902 KAR 48:030.

(B) During an inspection performed by the Department of a Rental Housing Unit for which this Chapter is applicable, officers shall conduct a visual inspection of the property and take all other reasonable steps for the purposes of identifying Lead-Based Hazards. In the instance that there is reasonable suspicion of a Lead-Based Hazard following an inspection, the Louisville Metro Department of Code Enforcement shall notify the Department of Public Health and Wellness.

(C) Upon the identification of a probable Lead-Based Hazard the Department of Public Health shall take all necessary steps to ensure the Owner remediates all Lead-Based Hazards. The Owner shall be issued an Order of Correction and given 14 days to remediate the violation and show valid proof of remediation. Absent such proof, a citation shall be issued pursuant to this Chapter. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(D) The Owner of a Rental Housing Unit with an identified Lead-Based Hazard shall have all fines doubled for subsequent citations after the issuance of an initial notice or citation. In addition, all relevant local agencies shall be notified as to the status of the property. The Department shall notify the Jefferson County Attorney's Office and/or Commonwealth Attorney's Office for the purpose of investigating criminal charges if the Owner's actions are deemed intentional, wanton, or reckless in regards to the health and safety of their tenants.

§ 167.11 APPEALS; PROCEDURE.

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Any person directly affected by a decision of the Department or a citation, notice of violation, or any other notice or order issued under this Chapter shall have the right to appeal to the Code Enforcement Board ("Board") in accordance with LMCO § 32.275 *et seq*.

§ 167.12 PENALTY.

Any citation issued pursuant to Chapter 167 shall be classified as a civil offense and shall be enforced through the Code Enforcement Board as provided in LMCO § 32.275 <https://codelibrary.amlegal.com/codes/louisvillemetro/latest/loukymetro/0-0-0-24373> *et seq*. or as it may be amended. For an initial citation issued pursuant to this Chapter, the fine shall be $500. Such civil penalty shall increase $500 for each new citation up to $2,000 for a fourth or greater offense. All fines shall be doubled for violations pursuant to LMCO § 167.04(H), LMCO § 167.05(E), or LMCO § 167.10(D). Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

§ 167.16 FEES SCHEDULE.

(A) The Louisville Metro Department of Public Health and Wellness is authorized to maintain a fee schedule and charge lawful fees necessary to implement and enforce this Chapter. For compliance with LMCO § 167.04(C) the Owner of a Rental Housing Unit shall be required to pay an initial registration fee of $30. The Owner of a Multi-Unit Rental Housing Facility shall only be required to pay one such fee per facility. Renewal fees pursuant to LMCO § 167.04(D) may be adjusted annually based upon the requirements for the maintenance of this Chapter, but shall not exceed $50.

(B) The Louisville Metro Department of Public Health and Wellness shall create a fund and procedures for the purposes of offering relief to qualifying tenants impacted by lead and/or required lead-abatement work pursuant to this Chapter. Such relief shall be used for tenant support which may include reimbursement for temporary relocation needed during completion of Lead-Hazard Control ~~abatement~~ ~~work~~. Any fees collected pursuant to this Chapter that are beyond what is necessary for the administration of this Chapter shall be utilized for the purposes of this fund.

SECTION II: This Ordinance shall be effective two years after its passage and approval or otherwise becoming law.

_____	_____
Sonya Harward Metro Council Clerk	David James Metro Council President
_____	_____
Greg Fisher Mayor	Approval Date

APPROVED AS TO FORM AND LEGALITY:

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Michael J. O'Connell
Jefferson County Attorney

By: _____

O-134-22 Lead Abatement RH 11-30-22