



Ohio Administrative Code

Rule 3701-81-02 Standards and procedures for registration on lead-safe residential rental unit registry.

Effective: April 1, 2019

- (A) Any owner or agent of a residential rental unit may register the residential rental unit on the lead-safe residential rental unit registry designated by the director pursuant to section 3742.41 of the Revised Code after showing compliance with the requirements set forth in this chapter.
- (B) For properties constructed after January 1, 1978 the owner or agent of the residential rental unit may register the residential rental unit on the lead-safe residential rental unit registry by providing evidence of the date the property was built.
- (C) In accordance with division (D)(2) of section 3742.41 of the Revised Code, properties determined to be lead free by a licensed lead inspector or lead risk assessor after an inspection of the residential rental unit can be registered by providing the director with appropriate documentation from the licensed lead professional.
- (D) For properties constructed prior to January 1, 1978, the owner or agent of the residential rental unit who chooses to do the work him or herself to make the residential rental unit lead-safe, must implement residential rental unit lead-safe maintenance practices as set forth in this paragraph:
- (1) Successfully complete a training program in residential rental unit lead-safe maintenance practices approved by the director pursuant to section 3742.43 of the Revised Code and this chapter. An individual is exempt from taking the course of instruction, approved by the director, if the individual meets one of the following:
 - (a) Holds a current United States environmental protection agency renovator and firm certification;
 - (b) An individual who is licensed, certified, or otherwise approved under the laws of another state approved by the United States environmental protection agency to perform functions substantially equivalent to the United States environmental protection agency renovation, repair and painting program; or



(c) Holds a current Ohio lead abatement contractor or lead abatement worker license and performs the lead-safe maintenance practices as described in this rule and in accordance with the standards in 40 C.F.R. 745.85 (as effective on the effective date of this rule).

(2) Perform a visual examination in the areas of the residential rental unit as specified in division (B) of section 3742.42 of the Revised Code using a form prescribed by the director to identify deteriorated paint, underlying damage, and other conditions that may cause exposure to lead.

(3) Repair any deteriorated paint, damage, or conditions identified during the visual examination. Repairs are to be made in accordance with all applicable federal and state codes.

(4) Conduct a clearance examination as required in this chapter.

(5) An owner or agent of the owner, must retain documentation of compliance with the work practice standards set forth in this chapter for a period of no less than three years.

(E) An owner or agent of the residential rental unit may choose to hire a contractor to perform the visual assessment and repair the areas identified through the visual examination that may cause exposure to lead. In order to do the work, a contractor must meet one of the following:

(1) Has completed the training for lead-safe maintenance practices set forth in this chapter;

(2) Is certified by the United States environmental protection agency to perform work practices in accordance with 40 CFR Part 745.85 (as effective on the effective date of this rule); or

(3) Is certified by a state with training requirements that meet the requirements set forth in this chapter.

(F) The director may remove any property from the lead-safe residential rental unit registry upon determination that the owner or agents of the owner did any of the following:

(1) Falsified any of the required records;



(2) Failed to comply with any requirement of this chapter, Chapter 3742. of the Revised Code, or any federal, or state regulations as they pertain to lead-based paint or lead hazards; or

(3) Failed to maintain required records.

(G) Listing on the lead-safe residential rental unit registry shall be effective for one year. An owner or agent of the owner must provide the director with evidence that an annual visual assessment, any required maintenance defined in paragraph (D)(3) of this rule and a clearance examination was performed in accordance with this chapter to continue placement on the registry.

(H) In accordance with division (E)(1) of section 3742.41 of the Revised Code the owner of a residential rental unit that is subject to a lead hazard control order under section 3742.37 of the Revised Code shall register the residential rental unit as a lead-safe residential rental unit on the lead-safe residential rental unit registry after the unit passes a clearance examination as specified in section 3742.39 of the Revised Code, indicating that the lead hazards identified in the order are controlled.

(I) A property owner who has a residential rental unit currently subject to a lead hazard control order under section 3742.37 of the Revised Code shall not use the lead-safe maintenance practices set forth in this chapter to remediate those hazards.