



YOUNGSTOWN CITY HEALTH DISTRICT
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Board of Health Members:
Marguerite Douglas
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May 21, 2024

Rental property owners/tenants:

On July 31, 2023, Youngstown City Council passed Ordinance 23-293 which amended the codified Ordinance of the City of Youngstown to enact Chapter 1755 Residential Lead Based Paint of the codified ordinances of the City of Youngstown. **The ordinance can be viewed at Youngstownohio.gov/health in the document titled Residential Lead-Based Paint ORD 23-293.**

Please be advised that Ordinance 23-293 requires, in part:

1755.04 LEAD-SAFE CERTIFICATION REQUIRED FOR RESIDENTIAL UNITS BUILT BEFORE JANUARY 1, 1978.

- (A) Presumption and Policy. Any residential rental unit originally constructed prior to January 1, 1978, is presumed to have lead-based paint. It is the policy of the City to help prevent the poisoning of children by requiring that the presence of deteriorated lead-based paint on the interior and exterior of residential rental structures built before January 1, 1978, be identified, and be correctly addressed by reducing and controlling lead-based paint hazards which may be present, in order to prevent human exposure to these hazards. **Therefore, it is the further policy of the City to require all residential rental units in the City constructed prior to January 1, 1978, to have lead-safe certification no later than March 1, 2028.**
- (B) Lead-Safe Certification. Beginning March 1, 2023, all residential rental units constructed before January 1, 1978, shall have lead-safe certification, from the Commissioner, according to a quarterly schedule established by the Superintendent, but in no case later than March 1, 2028. A lead-safe certification is valid as defined in section V (H) of this ordinance.

1755.05 OBTAINING A LEAD SAFE CERTIFICATE.

To obtain a lead-safe certification, the following must be submitted to the Commissioner:

(A) A completed application for a "Lead-Safe Certificate, to include: the name, address, telephone number, and email address of the Owner of the Residential Rental Property or Family Childcare Home and the number of rental units at the address. In the case of ownership under partnership, corporation, trust, estate, or other non-natural person entity, the names, addresses, telephone numbers, and email addresses of all current partners, statutory agents, corporate officers, trustees, or executors that may exist under such ownership. The address for non-natural person entities shall be the principal place of business and the address for persons shall be the home address. An Agent designated under this section shall be of sound mind and at least eighteen (18) years of age. It is the Owner's obligation to notify the Health District, in writing, of any change in the name, address, telephone number, and/or email address of any Agent designated within sixty (60) days after the change occurs.

(B) A "Lead-Safe Report", issued by a "Local Lead Inspector," as defined in Section II, who has completed a "Local Lead Inspection" in compliance with the requirements of this Chapter, and the Ohio Department of Health and US EPA Hazard Standards, shall have been made and issued within six months of the Owner's application. A Local Lead inspection shall include all of the following:

(1) A full visual assessment in the Residential Rental Property or Family Childcare Home to identify all Deteriorated Paint, visible dust, paint chips, debris, or residue on interior or exterior surfaces, and bare or exposed soil within the Dripline. Deteriorated Paint is presumed to contain lead unless proven otherwise under Section V of this code.

(2) Following a passing visual assessment, a dust sample shall be collected from a floor, and if present, windowsill and window trough in no fewer than four separate rooms. A minimum of 12 samples shall be collected unless the Residential Rental Property, or Family Childcare 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, and submitted to a licensed environmental lead analytical laboratory for analysis for lead, interpretation of sampling results, and preparation of a report.

(C) For a structure constructed prior to January 1, 1978 that contains five (5) or more residential rental units to obtain a lead-safe certification, an owner shall provide to the Superintendent a copy of a report, completed pursuant to applicable law within ninety (90) days prior to the date of submission, that lead hazards were not identified in the minimum number of units tested relative to the total number of units in the structure, according to Federal HUD Guidelines, 2012 edition, or as it may be hereafter amended.

(D) Exemption. To be exempt from the lead-safe certification requirement set forth in this section, the owner of a residential rental unit originally constructed prior to January 1, 1978 shall submit a copy of a comprehensive lead risk assessment and paint inspection report, issued by a lead risk assessor verifying that the unit has been abated of lead hazards in accordance with 40 C.F.R. 745.227 and applicable state law, or as it may be hereafter amended. The report shall have been completed

within twenty (20) years prior to the date of submission to the Commissioner.

(E) An owner of a residential rental unit is not required to obtain a lead- safe certification so long as the unit is unoccupied, and the owner does not receive rent or anything else of value for the unit. The owner shall file a notarized affidavit, in the form prescribed by the Superintendent, that the unit is unoccupied, and that the owner does not receive rent or anything else of value for the unit, which affidavit shall be filed annually so long as the unit remains unoccupied, and the owner does not receive rent or anything else of value for the unit.

(F) Affirmative Defense. It is an affirmative defense to a charge for a violation of this section that the rental unit is unoccupied, and the owner of the rental unit does not receive rent or anything else of value for the unit.

(G) Conflict of Interest. Any clearance technician, lead risk assessor or lead inspector who performs a clearance examination or lead risk assessment for purposes of this section shall not be:

(1) the owner or an immediate family member (as defined in this ordinance), agent or employee of the owner;

(2) part of a company or associated with a company that is directly or beneficially owned, controlled, or managed by the owner, or by an immediate family member, agent or employee of the owner.

(3) a person hired by or under contract with the owner to manage or maintain the owner's residential rental unit or units as directed by the owner;

(4) a person who has been authorized by the owner to manage or maintain the owner's residential rental unit or units on the owner's behalf; or

(5) a person who has a financial interest in the laboratory results of dust sampling or testing, or in the determination of whether lead hazards are identified in the owner's residential rental unit or units. Refer to the City of Youngstown Property Maintenance Code 546.11, or as it may be hereafter amended

(H) The "Lead-Safe Certificate" shall expire from the date of issuance by the Commissioner as follows:

(1) five (5) years for any property that passes the visual and dust wipe inspection;

(2) twenty (20) years if the property has undergone a complete Lead Abatement designed for the single purpose of permanently eliminating lead hazards consistent with the provisions of Ohio law, or has been determined

not to contain lead-based paint pursuant to Section V(D) and a tested composite sample of soil from within the Dripline contains less than four hundred micrograms per gram of lead and a lead clearance examination has performed by a licensed Lead Risk Assessor.

(I) Upon the sale, purchase, or transfer of ownership of Residential Rental Property or a Family Childcare Home constructed prior to 1978 and which is subject to this Chapter, the Commissioner of the Health District shall issue an updated "Lead-Safe Certificate" in the name of the new Owner, upon application and receipt of a re-issue fee of \$10.00. The updated "Lead-Safe Certificate" shall expire on the same date as indicated in the original Certificate.

(J) A new application for a "Lead-Safe Certificate" shall be made at least thirty (30) days prior to the expiration date of the current Certificate. The application shall include the filing of a new "Lead-Safe Report" and filing fee.

(K) Previously issued "Lead-Safe Certificates" as of December 2017 will be recognized and grandfathered-in with an adjusted certificate date to reflect compliance with this Chapter.

(L) Previously completed clearance examinations from December 2017 to March 2023 without an issued "Lead-Safe Certificate" will be recognized but must be submitted with a new application for a "Lead-Safe Certificate." The application shall include the filing of the "Lead-Safe Report" and filing fee.

(M) All fees related to the Lead-Safe Certificate shall be deposited in the Lead Ordinance Fund of the City of Youngstown Health District to be used exclusively for the administration, implementation, and enforcement of this Chapter.

1755.06 PRESUMPTION OF LEAD-BASED PAINT.

(A) For purposes of this Chapter, all paint on the interior or exterior of any residential building 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.

1755.07 RIGHT OF INSPECTION AND ENFORCEMENT.

The Superintendent of the Division of Code Enforcement and/ or their designee and/or the Commissioner of the Health District and/or their designee is authorized to enter on and into and inspect all premises, dwellings, dwelling units and accessory buildings, subject to the provisions of this Chapter and in accordance with the right of entry defined in City of Youngstown Property Maintenance Code 546.11 for the purpose of determining compliance with the provisions of this Chapter. The owner or other person in charge of the premises shall permit entry by any authorized officer or employee of the City for the limited and exclusive purpose of conducting

such inspection, provided that the inspection is carried out at a reasonable time, that sufficient advance notice has been given to the occupants, and that permission to enter was requested and denied by the occupants. Where permission to enter has

not been obtained, is denied, or there is probable cause to believe a violation of this Chapter has occurred in a dwelling unit, the Commissioner shall have recourse to the remedies provided by law to secure entry. The Commissioner of the Health District and the Superintendent of the Division of Code Enforcement may petition any court of competent jurisdiction to seek any relief necessary to enforce the provisions of this Chapter, including, but not limited to, the collection of any fines assessed pursuant to City of Youngstown Property Maintenance Code 546.11.