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 DEPARTMENT OF LAW

ORD - 23 - 293

AN ORDINANCE

AMENDING THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN

ENACTING CHAPTER 1755, RESIDENTIAL LEAD-BASED PAINT, OF THE CODIFIED ORDINANCES OF THE CITY OF YOUNGSTOWN, WHICH IS MORE FULLY DEFINED HEREIN; AND

PROVIDING THAT THIS ORDINANCE SHALL BE AN EMERGENCY MEASURE IF IT RECEIVES THE AFFIRMATIVE VOTE OF SIX OF THE MEMBERS OF COUNCIL; OTHERWISE, IT SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW.

* * *

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF YOUNGSTOWN, STATE OF OHIO:

SECTION 1

That **Chapter 1755, Residential Lead-Based Paint**, of the Codified Ordinances of the City of Youngstown, is hereby enacted to read as follows:

1755.01 POLICY AND INTENT.

It is the policy of the City of Youngstown to help prevent the poisoning of its residents by requiring that the presence of deteriorated paint, bare soil, and lead dust on the interior and exterior of pre-1978 residential structures be identified and correctly addressed in accordance with federal, state, and local laws, regulations, and guidelines in order to prevent potential human exposure to lead hazards. An analysis of the risk assessments conducted in the City of Youngstown by the Health District indicates that the majority of lead poisoning of children occurs in rental properties that are either single-family homes or four (4) units or less. All fees related to the Lead-Safe Certificate shall be deposited in the Lead Ordinance Fund of the City of Youngstown Health District, and all fines related to enforcement of this Chapter shall be deposited into the Rental Registration Fund, to be used exclusively for the administration, implementation, and enforcement of this Chapter.

1755.02 DEFINITIONS.

As used in this chapter:

(A) "Agent" means the individual designated by the owner as the person authorized by the owner to perform any duty imposed upon the owner by the terms of this chapter.

(B) "Bare Soil Condition" means bare or exposed soil within the "Dripline."

(C) "Clearance examination" means an examination, performed by a clearance technician, lead inspector, or lead risk assessor, to determine whether lead hazards in a residential unit have been sufficiently controlled. A clearance examination includes a visual assessment, collection and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who is licensed under RC Chapter 3742 to perform a clearance examination.

(E) "Commissioner" means the Health Commissioner of the Youngstown City Health District.

(F) "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 visual signs of chewing.

(G) "Dripline" means the area within three (3) feet surrounding the perimeter of a building.

(H) "Dwelling Unit," for purposes of this Chapter, means:

(1) any residential unit constructed as a single family home and built prior to 1978,

(2) any residential unit constructed as a duplex and built prior to 1978, and

(3) any residential unit, or other unit modified to be a residential unit consisting of between one and four residential units built prior to 1978 including all of the following:

(a) The interior surfaces and all common areas of the dwelling unit;

(b) Every attached or unattached structure located within the same lot line as the dwelling unit and associated with the operation of

the dwelling unit, including garages, play equipment, and fences;
and

(c) The lot or land that the dwelling unit occupies.

(I) "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.

(J) "Health District" means the Youngstown City Health District.

(K) "Immediate Family," for purposes of this Chapter, includes father, mother, brother, sister, spouse, child, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepmother, stepfather, grandmother, grandfather and grandchild.

(L) "Interim Controls," for purposes of this Chapter, means a set of measures designed to temporarily reduce human exposure or likely exposure to the "Maintenance Conditions" identified in Section III (a). These measures include specialized cleaning, repairs, maintenance, painting, temporary containment, and ongoing monitoring of "Maintenance Conditions" or potential "Maintenance Conditions."

(M) "Lead Abatement," for purposes of this Chapter, has the same meaning as it does in Ohio Revised Code section 3742.01: "A measure or set of measures designed for the single purpose of permanently eliminating lead hazards. "Lead Abatement" includes all of the following:

- (1) Removal of lead-based paint and lead-contaminated dust;
- (2) Permanent enclosure or encapsulation of lead-based paint;
- (3) Replacement of surfaces or fixtures painted with lead-based paint;
- (4) Removal or permanent covering of lead-contaminated soil;
- (5) Preparation, cleanup, and disposal activities associated with lead abatement."

(N) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in Rule 3701-32-19 of the Ohio Administrative Code (OAC) or as it may be hereafter amended.

(O) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in OAC Rule 3701-32-19. Lead hazard includes lead-based paint, lead-contaminated dust, lead-contaminated soil and lead-contaminated water pipes.

(P) "Lead inspector" means any individual licensed under Ohio Revised Code Chapter 3742 who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(Q) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit including information gathering from the unit, current owner's knowledge regarding the age and painting history of the unit, and occupancy by children under six (6) years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(R) "Lead risk assessor" means a person licensed under Ohio Revised Code Chapter 3742 who is responsible for developing a written inspection, risk assessment and analysis plan; conducting inspections for lead hazards in a residential unit; interpreting results of inspections or risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.

(S) "Lead Dust Condition" means surface dust (visible or invisible) that contains a mass-per-area concentration of lead equal to or exceeding current US EPA Hazard Standards and Clearance Levels based on wipe samples.

(T) "Lead-Safe Certificate" is a certificate issued by the Youngstown City Health District that indicates that a Residential Rental Property or a Family Child Care Home has been certified as lead-safe pursuant to this Chapter.

(U) "Lead-Safe Report" means a written report from a "Local Lead Inspector," as defined by this Chapter, verifying that the "Owner" has sufficiently controlled "Maintenance Conditions." The "Lead-Safe Report" shall be written and shall 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 "Agent" of the "Residential Rental Property" or "Family Child Care Home;"

(3) A statement verifying that the "Owner" has sufficiently controlled "Maintenance Conditions;"

(4) A completed Visual Clearance Form;

(5) A Clearance Examination Report;

(6) A floor plan with indicated sample locations;

- (7) A Clearance Dust Sampling Form with lab results attached;
- (8) The name, address, license number, and signature of the "Local Lead Inspector," performing the "Local Lead Inspection" and the date that the inspection was performed.

(V) "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 samples to determine the presences of "Maintenance Conditions," as detailed in the City of Youngstown Codified Ordinances.

(W) "Local Lead Inspector" means:

(1) an individual, licensed by the Ohio Department of Health as a lead risk assessor, lead inspector, clearance technician or

(2) an individual who meets the licensing standards established by the Youngstown City Health District, subject to approval by the Ohio Department of Health. A "Local Lead Inspector" may not inspect a property they own, a property owned by a relative, a property in which they have a financial interest, or where they receive or have received payments for providing services to the property owner--exclusive of an initial consultation related to a "Local Lead Inspection."

(X) "Maintenance Conditions" means the existence of any of the following: a "Deteriorated Paint Condition," a "Lead Dust Condition" or a "Bare Soil Condition," which are presumed lead hazards.

(Y) "Occupant" means a person who inhabits a "Dwelling Unit."

(Z) "Owner" means any legal entity or person who has legal title to the "Residential Rental Property" as shown on the records of the Mahoning County Auditor.

(AA) "Permanent" means an expected design life of at least twenty (20) years.

(BB) "Quality Maintenance Practices" for purposes of this Chapter must adhere to the US EPA Lead Renovation, Repair and Painting Program (RRP) Rules codified at 40 CFR 745, subpart E or as it may be hereafter amended.

(CC) "Residential Rental Property" means a "Dwelling Unit," as defined by this Chapter, or any part of a "Dwelling Unit" being used or occupied, or

intended to be used or occupied, as a private residence, including attached structures such as porches or stoops, occupied by any person or persons other than the "Owner" and/or members of the owner's "Immediate Family" regardless of whether or not the Owner" occupies another portion of the structure.

(DD) "Superintendent" means the Superintendent of Code Enforcement and Blight Remediation.

1755.03 OBLIGATIONS FOR RESIDENTIAL RENTAL PROPERTIES AND FAMILY CHILD CARE HOMES.

(A) Violations.

(1) No Owner, Agent, real estate agent or broker, company, or any person or persons shall rent, lease, sublease, let, or otherwise allow the occupancy of any Residential Rental Property, or provide child care services in a Family Child Care Home, as defined in this Chapter, constructed prior to 1978 and which is subject to this Chapter, whether such use, or occupancy is temporary or permanent, unless a "Lead-Safe Certificate" has been issued for such Property.

(2) Every Owner of a Residential single-family or four (4) units or less residential Rental Property and every operator of a "family Child Care Home" shall maintain such property free from the following conditions:

- (a) "Deteriorated Paint Condition,"
- (b) "Lead Dust Condition," or a
- (c) "Bare Soil Condition," as defined in Section II(2).

Once identified, the condition is to be remedied in accordance with the requirements of this Chapter. Termination of occupancy of any such Residential Rental Property shall not constitute compliance with the requirements of this Section.

(3) All provisions of this Chapter shall apply to "Family Child Care Homes", as defined in this Chapter.

(B) Required Unit Registration; Application for and Issuance of Certificate of Rental Registration, Revocation.

(1) Rental Unit Registration Required. An owner of a residential rental unit or units located in the City shall register each unit with the Department of Code Enforcement and Blight Remediation in a rental registry which is established by the Superintendent. As per City of Youngstown Property Maintenance Code 546.11.

(2) Application Information. Application for a certificate of rental registration required by this Housing Code shall be made annually, on or

before March 1st on forms supplied by the Superintendent. Information to be supplied on an application shall include, but is not limited to, the following:

(a) The name, address, telephone number and email address of the owner or owners of the premises. If a partnership, the names, addresses, telephone numbers and email addresses of all general partners. If a corporation, the names, addresses, telephone numbers and email addresses of the current statutory agent and all corporate officers of the corporation. The address for corporations and partnerships shall be the principal place of business and the address for persons shall be the home address;

(b) The name, address, telephone number and email address of the managing agent of the premises, if any. If a partnership, the names, addresses, telephone numbers and email addresses of the current statutory agent and all corporate officers of the corporation. The address for corporations and partnerships shall be the principal place of business and the address for persons shall be the home address;

(3) Proof of registration for Family Child Care Home facilities as issued by the Mahoning County Department of Job and Family Services must accompany any registrations submitted in regards to this ordinance.

(C) Issuance of Certificate of Rental Registration.

Upon registration, the Superintendent shall issue a certificate of rental registration which shall indicate the following, as per the City of Youngstown Property Maintenance Code 546.11:

(1) The street address or other identifying characteristics of the building or other structure;

(2) The name, address, telephone number and email address of the owner or owners of the premises. In the case of a partnership, the names of all general partners;

(3) If the owner of record is a corporation, the names, addresses, telephone numbers and email addresses of the current statutory agent and all corporate officers of that corporation;

(4) The name, address, telephone number and email address of the managing agent of the premises, if any;

(5) The name, address (including the dwelling unit, apartment or room number), telephone number and email address of the superintendent, custodian, or other individual employed by the owner or managing agent to provide regular maintenance services, if any;

(6) The name, address, telephone number and email address of an individual representative of the owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises of any rental unit in that structure, including such emergencies as the failure of a utility system or service, and who has the

authority to make emergency decisions concerning the building including its repairs or expenditures;

(7) The use and occupancy authorized and the use district, ward, and census tract in which the structure is located; and

(8) The lead-safe certification status, if applicable.

(D) Revocation of Certificate of Rental Registration. The Superintendent may revoke a certificate of rental registration if the applicant makes any false statement in connection with the registration, or if the structure that was covered by it is no longer in compliance with the requirements of this Code, or if the owner, agent, or person in charge of a structure refuses to comply with any provision of this Code required for the use, maintenance and/or occupancy of a structure, including this chapter and any other City of Youngstown Codified Ordinances. If the Superintendent revokes a certificate of rental registration, the owner may appeal the Superintendent's action to the Housing Appeals Board, in writing within ten (10) days from the date of the Superintendent's action. The Board may sustain, disapprove or modify the Superintendent's action, and the Board's decision shall be final.

(E) In addition to revocation of the certificate of rental registration, whoever violates this division shall be assessed penalties not more than one hundred dollars (\$100.00) after the first month of non-compliance, five hundred dollars (\$500.00) after the second month and one thousand Dollars (\$1,000.00) following the third month of non-compliance. In each period during which the violation continues is a separate offense. Please see the City of Youngstown Property Maintenance Code 546.11.

(1) Furthermore, any person in control who violates or fails to comply with any provision of Chapter 546 of the Youngstown Codified Ordinances, or any order issued by the Code Official or his or her designee, after notice pursuant to 546.06, shall be guilty of a misdemeanor of the third degree and shall be fined not more than \$500.00 or imprisoned more than 60 days or both. Completion of any administrative appeals process is not a prerequisite to criminal prosecution. Please see the City of Youngstown Property Maintenance Code 546.11

(2) The provisions of this Code are specifically intended to impose strict liability. Please see the City of Youngstown Property Maintenance Code 546.11(Ord. 16-228. Passed 7-13-16.).

(F) Notice of Change in Owner's Information. An owner of a residential rental unit shall give notification of a change in the name, address, telephone number, and/or email address of a corporation, partnership or person listed on a certificate of rental registration under Section III(c)(2)

through (6) to the Superintendent within seven (7) days after the change occurs. If the owner fails to give written notification as required in this section, the Superintendent may revoke the certificate of rental registration until the owner provides in writing the changed name, address, telephone number, and/or email address.

1755.04 LEAD-SAFE CERTIFICATION REQUIRED FOR RESIDENTIAL RENTAL 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 Child Care 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 Child Care 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 Child Care Home contains less than four rooms, in which case a dust sample shall be collected from a floor, and if present, window sill 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 Child Care 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.

1755.08 PROHIBITION OF RETALIATORY ACTION.

It is unlawful for an Owner, or any person acting on his or her behalf, to take any retaliatory action toward an occupant, lessee, or tenant who reports a failure of the Owner to obtain a Lead-Safe Certificate, or who reports suspected lead-based paint hazards to the Owner or to the City, or reports other issues suggesting non-compliance with this Chapter or the City Building or Housing Code. Retaliatory actions include, but are not limited to, any actions that materially alter the terms of the tenancy (including unsupported rent increases and non-renewals) or interfere with the occupants' use of the property.

1755.09 PROTECTIONS FOR TENANTS.

(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 owner'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.

1755.10 MISCELLANEOUS.

Lead-Safe Advisory Board; Responsibilities

(A) There is hereby established a Lead-Safe Advisory Board to consist of seven (7) members: six (5) members appointed by the Mayor with approval of Council, one (1) member appointed by Council who shall be a member of Council, and one (1) member appointed by Community Legal Aid. Of the members, at least two (2) shall be representatives from Healthy Homes Healthy Families Coalition or similar organization, at least one (1) shall be a current owner of residential rental property located in the City, one (1) shall be the Lead-Safe Auditor, and one (1) shall be a current member of the Youngstown Columbiana Board of Realtors or similar organization of realtors. Of the original appointments, three (3) shall be appointed for terms of two (2) years and four (4) shall be appointed for terms of three (3) years. Thereafter, the terms shall be four (4) years. None of the members shall be current employees of the City. The Lead-Safe Advisory Board shall meet as often as a majority of its members deems necessary, but at least

quarterly in each calendar year. The Board shall establish its own rules and regulations.

(B) The responsibilities of the Lead-Safe Advisory Board shall be as follows: to provide recommendations for improvements to the City's lead-safe policies and procedures; to report, on a quarterly basis, progress and status of the City's Lead-Safe Certification requirement and other lead poisoning prevention related efforts to the Council, the Superintendent Code Enforcement, the Commissioners of Public Health and Community Development, and the Healthy Homes Healthy Families Coalition or similar organization; to cause an appropriate outside entity or entities to produce impact analyses of the Lead Safe Certification program; to review such impact analyses and report same to the Council, the Superintendent of Building and Housing, the Commissioner of Public Health and Community Development, and the Healthy Homes Healthy Families Coalition or similar organization.

Rental Registration Fee

An application for a certificate of rental registration shall be accompanied by a nonrefundable rental registration fee of seventy dollars (\$70.00) for each residential rental unit.

(A) Certificate for rental registration shall be issued upon application and inspection of said rental property in accordance with Housing Code 546.11.

(B) No fee shall be charged for a unit occupied by the owner or for a unit for which the owner does not receive rent or anything else of value. The Superintendent shall establish guidelines for fee exemptions.

(C) No fees shall be collected from any one (1) owner for all units owned by that owner within the City in excess of thirty thousand dollars (\$30,000.00) per calendar year.

(D) A renewal certificate may be renewed prior to expiration upon application, re-inspection and payment of the fee described above.

(E) A certificate that has expired may be renewed upon re-application and re-inspection of property, and payment of the above registration fee, plus a late fee of one hundred dollars (\$100.00). See: City of Youngstown Property Maintenance Code 546.11.

Fines for Non-compliance

(A) Anyone in violation of Section IV of this code, shall be subject to the penalties listed in the City of Youngstown Property Maintenance Code 546.11, with a maximum penalty of ten thousand dollars (\$10,000) per year per dwelling unit if the dwelling unit is not in compliance with the deadlines established in City of Youngstown Property Maintenance Code 546.11.

(B) Anyone in violation of any other portion of this Chapter shall be subject to the penalties listed in the City of Youngstown Property Maintenance Code 546.11.

(C) Anyone assessed an administrative fine under the proceeding sections shall have the right to appeal to the Housing Appeals Board as detailed in the City of Youngstown Property Maintenance Code 546.11.

(D) All fines related to enforcement of this Chapter shall be deposited into the Rental Registration Fund, to be used exclusively for the administration, implementation, and enforcement of this Chapter.

Exemptions

(A) This Chapter shall not apply to properties taken by a governmental entity in a foreclosure proceeding which are:

- (1) scheduled for demolition; or
- (2) scheduled for sale within twelve (12) months; or
- (3) vacant and secured.

(B) This Chapter shall not apply to Residential Rental Properties owned and operated by the Youngstown Metropolitan Housing Authority's (YMHA) public housing program and subject to the required inspections, performed by a Local Lead Inspector, excepting that Sections IV and Section VI of this Chapter shall apply to Residential Rental Properties owned and operated by YMHA. YMHA shall provide the City of Youngstown's Department of Code Enforcement a list of addresses of Residential Rental Properties so excluded under this exemption on an annual basis.

(C) The City of Youngstown reserves the right to eliminate any exemption if it is discovered that a child has 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.

Severability.

If any section, subsection, sentence, clause, phrase, or other portion of this chapter, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions of this chapter.

SECTION 2

That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, welfare and safety, the emergency being the necessity **to enact Chapter 1755, Residential Lead-Based Paint, of the Codified Ordinances of the City of Youngstown**, as above-described; and provided it receives the affirmative vote of six of the members elected to the legislative authority, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 31 DAY OF July, 2023.

Thomas A. Hestrich
PRESIDENT OF COUNCIL

ATTEST:

Valencia Morrow

CITY CLERK

APPROVED: THIS 3 DAY OF August, 2023.

Jared W. [Signature]
MAYOR