

2011-Or-___

**ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Johnson

**Amending Title 12, Chapter 240 of the Minneapolis Code of Ordinances
relating to Housing: Lead Poisoning Prevention and Control.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 240.100 of the above-entitled ordinance be amended to read as follows:

240.100. ~~Lead safe work practices~~ Renovation and remodeling. ~~(a) On or after January 1, 2008, whenever~~ Whenever the commissioner of health, the fire chief of the fire prevention bureau, the director of inspections regulatory services or a proper designee thereof issues a notice of violation to the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of a rental dwelling, rooming house or lodging establishment constructed prior to January 1, 1978 ordering the remedial repair of blistered, cracked, flaked, scaled or chalked away interior surface paint the notice shall inform the recipient of the following requirements:

- (1) That a person actually performing or supervising the repair work, or the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of the premises should that person perform or actively supervise the repair work, provide proof of certification in lead safe work practices renovation and remodeling from an accredited training source pursuant to the Environmental Protection Agency's Lead Renovation Repair and Painting Program, 40 CFR Part 745, prior to or upon completion and inspection of the repair work.
- (2) ~~That the lead safe work practices certification must consist of an executed certificate of attendance at and successful completion of a lead safe work practices training program as proposed by the Minneapolis Rental Property Advisory Committee and approved by the director of inspections. The director of inspections shall maintain and make readily available an official registry of approved lead safe work practices training programs based upon a review of the program's curriculum.~~

~~(3)~~ (2) That the certification requirement imposed by this section shall not apply if the ÷

- a. ~~The person actually performing or supervising the repair work, or the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of the premises should that person perform or actively supervise the repair work, is licensed in any state as a lead worker, lead supervisor, lead project designer, lead risk assessor or lead inspector, or~~
- b. The owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of the premises provides a report from a professional risk assessment performed by an independent risk assessor demonstrating that no paint from the area in need of repair contains lead. The report must be approved by the director of inspections or the director's designee.

~~(b) A violation of this section shall not be found unless no person actually performing or supervising the repair work ordered to be completed in the notice of violation possesses the lead safe work practices certification required by this section and a minimum of two (2) approved lead safe work practices training programs are offered within the seven-county metropolitan area between the date of receipt of the notice and the initial due date for compliance with the notice of violation.~~

Section 2. That Chapter 240 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 240.110 to read as follows:

240.110. Lead clearance inspection required. (a) In addition to the requirements of section 240.100, whenever the director of regulatory services or a proper designee thereof issues a notice of violation to the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of a one (1) to three (3) unit rental dwelling, rooming house or lodging establishment constructed prior to January 1, 1978 ordering the remedial repair of blistered, cracked, flaked, scaled or chalked away interior surface paint the notice shall inform the recipient of the requirements of this section. A person actually performing or supervising the repair work, or the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of the premises should that person perform or actively supervise the repair work, shall provide proof of training and licensure pursuant to, and shall ensure in writing to the inspector that all work is performed in compliance with, the Environmental Protection Agency's Lead Renovation Repair and Painting Program, 40 CFR Part 745. If the director or the director's designee has cause to believe that the requirements of 40 CFR Part 745 have not been followed, the responsible party shall obtain and submit a Clearance Inspection Report as defined in Minnesota Rules, Chapter 4761 documenting compliance with all requirements. Alternatively, the responsible party may submit a Lead Risk Assessment report in compliance with Minnesota Rules, Chapter 4761 or an equivalent as approved by the director

establishing that the deficient surface coatings do not contain lead. The inspections, measurements and any required mitigation shall be completed in compliance with a protocol that shall be published, maintained and made readily available by the director. The owner shall submit to the director all applicable and necessary information documenting compliance with this section.

(b) Effective date. This section shall become effective on June 1, 2011.