

# Ohio Housing Codes

based on <http://codes.ohio.gov> on June 13, 2007

## CHAPTER 5321: LANDLORDS AND TENANTS

### 5321.01 Landlord and tenant definitions.

As used in this chapter:

- (A) “Tenant” means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.
- (B) “Landlord” means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement.

### 5321.02 Retaliatory action by landlord prohibited.

- (A) Subject to section 5321.03 of the Revised Code, a landlord may not retaliate against a tenant by increasing the tenant’s rent, decreasing services that are due to the tenant, or bringing or threatening to bring an action for possession of the tenant’s premises because:
  - (1) The tenant has complained to an appropriate governmental agency of a violation of a building, housing, health, or safety code that is applicable to the premises, and the violation materially affects health and safety;
  - (2) The tenant has complained to the landlord of any violation of section 5321.04 of the Revised Code;
  - (3) The tenant joined with other tenants for the purpose of negotiating or dealing collectively with the landlord on any of the terms and conditions of a rental agreement.
- (B) If a landlord acts in violation of division (A) of this section the tenant may:
  - (1) Use the retaliatory action of the landlord as a defense to an action by the landlord to recover possession of the premises;
  - (2) Recover possession of the premises; or
  - (3) Terminate the rental agreement.In addition, the tenant may recover from the landlord any actual damages together with reasonable attorneys’ fees.
- (C) Nothing in division (A) of this section shall prohibit a landlord from increasing the rent to reflect the cost of improvements installed by the landlord in or about the premises or to reflect an increase in other costs of operation of the premises.

### 5321.04 Landlord obligations.

- (A) A landlord who is a party to a rental agreement shall do all of the following:
  - (1) Comply with the requirements of all applicable building, housing, health, and safety codes that materially affect health and safety;
  - (2) Make all repairs and do whatever is reasonably necessary to put and keep the premises in a fit and habitable condition;
  - (3) Keep all common areas of the premises in a safe and sanitary condition;
  - (4) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, and air conditioning fixtures and appliances, and elevators, supplied or required to be supplied by him;
  - (5) When he is a party to any rental agreements that cover four or more dwelling units in the same structure, provide and maintain appropriate receptacles for the removal of ashes,

# Ohio Housing Codes

based on <http://codes.ohio.gov> on June 13, 2007

- garbage, rubbish, and other waste incidental to the occupancy of a dwelling unit, and arrange for their removal;
- (6) Supply running water, reasonable amounts of hot water and reasonable heat at all times, except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection;
  - (7) Not abuse the right of access conferred by division (B) of section 5321.05 of the Revised Code;
  - (8) Except in the case of emergency or if it is impracticable to do so, give the tenant reasonable notice of his intent to enter and enter only at reasonable times. Twenty-four hours is presumed to be a reasonable notice in the absence of evidence to the contrary.
  - (9) Promptly commence an action under Chapter 1923. of the Revised Code, after complying with division (C) of section 5321.17 of the Revised Code, to remove a tenant from particular residential premises, if the tenant fails to vacate the premises within three days after the giving of the notice required by that division and if the landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in division (A)(6)(a)(i) of section 1923.02 of the Revised Code, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in that division. Such actual knowledge or reasonable cause to believe shall be determined in accordance with that division.
- (B) If the landlord makes an entry in violation of division (A)(8) of this section, makes a lawful entry in an unreasonable manner, or makes repeated demands for entry otherwise lawful that have the effect of harassing the tenant, the tenant may recover actual damages resulting from the entry or demands, obtain injunctive relief to prevent the recurrence of the conduct, and obtain a judgment for reasonable attorney's fees, or may terminate the rental agreement.

## 5321.05 Tenant obligations.

- (A) A tenant who is a party to a rental agreement shall do all of the following:
- (1) Keep that part of the premises that he occupies and uses safe and sanitary;
  - (2) Dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner;
  - (3) Keep all plumbing fixtures in the dwelling unit or used by him as clean as their condition permits;
  - (4) Use and operate all electrical and plumbing fixtures properly;
  - (5) Comply with the requirements imposed on tenants by all applicable state and local housing, health, and safety codes;
  - (6) Personally refrain and forbid any other person who is on the premises with his permission from intentionally or negligently destroying, defacing, damaging, or removing any fixture, appliance, or other part of the premises;
  - (7) Maintain in good working order and condition any range, refrigerator, washer, dryer, dishwasher, or other appliances supplied by the landlord and required to be maintained by the tenant under the terms and conditions of a written rental agreement;

## Ohio Housing Codes

based on <http://codes.ohio.gov> on June 13, 2007

- (8) Conduct himself and require other persons on the premises with his consent to conduct themselves in a manner that will not disturb his neighbors' peaceful enjoyment of the premises;
  - (9) Conduct himself, and require persons in his household and persons on the premises with his consent to conduct themselves, in connection with the premises so as not to violate the prohibitions contained in Chapters 2925. and 3719. of the Revised Code, or in municipal ordinances that are substantially similar to any section in either of those chapters, which relate to controlled substances.
- (B) The tenant shall not unreasonably withhold consent for the landlord to enter into the dwelling unit in order to inspect the premises, make ordinary, necessary, or agreed repairs, decorations, alterations, or improvements, deliver parcels that are too large for the tenant's mail facilities, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen, or contractors.
- (C) (1) If the tenant violates any provision of this section, other than division (A)(9) of this section, the landlord may recover any actual damages that result from the violation together with reasonable attorney's fees. This remedy is in addition to any right of the landlord to terminate the rental agreement, to maintain an action for the possession of the premises, or to obtain injunctive relief to compel access under division (B) of this section.
- (2) If the tenant violates division (A)(9) of this section and if the landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in division (A)(6)(a)(i) of section 1923.02 of the Revised Code, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in that division, then the landlord promptly shall give the notice required by division (C) of section 5321.17 of the Revised Code. If the tenant fails to vacate the premises within three days after the giving of that notice, then the landlord promptly shall comply with division (A)(9) of section 5321.04 of the Revised Code. For purposes of this division, actual knowledge or reasonable cause to believe as described in this division shall be determined in accordance with division (A)(6)(a)(i) of section 1923.02 of the Revised Code.

### **5321.07 Failure of landlord to fulfill obligations - remedies of tenant.**

- (A) If a landlord fails to fulfill any obligation imposed upon him by section 5321.04 of the Revised Code, other than the obligation specified in division (A)(9) of that section, or any obligation imposed upon him by the rental agreement, if the conditions of the residential premises are such that the tenant reasonably believes that a landlord has failed to fulfill any such obligations, or if a governmental agency has found that the premises are not in compliance with building, housing, health, or safety codes that apply to any condition of the premises that could materially affect the health and safety of an occupant, the tenant may give notice in writing to the landlord, specifying the acts, omissions, or code violations that constitute noncompliance. The notice shall be sent to the person or place where rent is normally paid.
- (B) If a landlord receives the notice described in division (A) of this section and after receipt of the notice fails to remedy the condition within a reasonable time considering the severity of the condition and the time necessary to remedy it, or within thirty days, whichever is sooner, and if

# Ohio Housing Codes

based on <http://codes.ohio.gov> on June 13, 2007

the tenant is current in rent payments due under the rental agreement, the tenant may do one of the following:

- (1) Deposit all rent that is due and thereafter becomes due the landlord with the clerk of the municipal or county court having jurisdiction in the territory in which the residential premises are located;
  - (2) Apply to the court for an order directing the landlord to remedy the condition. As part of the application, the tenant may deposit rent pursuant to division (B)(1) of this section, may apply for an order reducing the periodic rent due the landlord until the landlord remedies the condition, and may apply for an order to use the rent deposited to remedy the condition. In any order issued pursuant to this division, the court may require the tenant to deposit rent with the clerk of court as provided in division (B)(1) of this section.
  - (3) Terminate the rental agreement.
- (C) This section does not apply to any landlord who is a party to rental agreements that cover three or fewer dwelling units and who provides notice of that fact in a written rental agreement or, in the case of an oral tenancy, delivers written notice of that fact to the tenant at the time of initial occupancy by the tenant.
- (D) This section does not apply to a dwelling unit occupied by a student tenant.

## **5321.15 Acts of landlord prohibited if residential property involved.**

- (A) No landlord of residential premises shall initiate any act, including termination of utilities or services, exclusion from the premises, or threat of any unlawful act, against a tenant, or a tenant whose right to possession has terminated, for the purpose of recovering possession of residential premises, other than as provided in Chapters 1923., 5303., and 5321. of the Revised Code.
- (B) No landlord of residential premises shall seize the furnishings or possessions of a tenant, or of a tenant whose right to possession has terminated, for the purpose of recovering rent payments, other than in accordance with an order issued by a court of competent jurisdiction.
- (C) A landlord who violates this section is liable in a civil action for all damages caused to a tenant, or to a tenant whose right to possession has terminated, together with reasonable attorneys fees.

## **5321.16 Procedures for security deposits.**

- (A) Any security deposit in excess of fifty dollars or one month's periodic rent, whichever is greater, shall bear interest on the excess at the rate of five per cent per annum if the tenant remains in possession of the premises for six months or more, and shall be computed and paid annually by the landlord to the tenant.
- (B) Upon termination of the rental agreement any property or money held by the landlord as a security deposit may be applied to the payment of past due rent and to the payment of the amount of damages that the landlord has suffered by reason of the tenant's noncompliance with section 5321.05 of the Revised Code or the rental agreement. Any deduction from the security deposit shall be itemized and identified by the landlord in a written notice delivered to the tenant together with the amount due, within thirty days after termination of the rental agreement and delivery of possession. The tenant shall provide the landlord in writing with a forwarding address or new address to which the written notice and amount due from the landlord may be sent. If the tenant fails to provide the landlord with the forwarding or new address as required, the tenant shall not be entitled to damages or attorneys fees under division (C) of this section.

# Ohio Housing Codes

based on <http://codes.ohio.gov> on June 13, 2007

- (C) If the landlord fails to comply with division (B) of this section, the tenant may recover the property and money due him, together with damages in an amount equal to the amount wrongfully withheld, and reasonable attorneys fees.

## **CHAPTER 5323: RESIDENTIAL RENTAL PROPERTY**

### **5323.01 Residential rental property definitions.**

As used in this chapter:

- (E) “Residential rental property” means real property on which is located one or more dwelling units leased or otherwise rented to tenants solely for residential purposes, or a mobile home park or other permanent or semipermanent site at which lots are leased or otherwise rented to tenants for the parking of a manufactured home, mobile home, or recreational vehicle that is used solely for residential purposes. “Residential rental property” does not include a hotel or a college or university dormitory.

### **5323.02 Filing of information by owner with county auditor.**

- (A) An owner of residential rental property shall file with the county auditor of the county in which the property is located the following information:
- (1) The name, address, and telephone number of the owner;
  - (2) If the residential rental property is owned by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following:
    - (a) A trustee, in the case of a trust or business trust;
    - (b) The executor or administrator, in the case of an estate;
    - (c) A general partner, in the case of a partnership or a limited partnership;
    - (d) A member, manager, or officer, in the case of a limited liability company;
    - (e) An associate, in the case of an association;
    - (f) An officer, in the case of a corporation;
    - (g) A member, manager, or officer, in the case of any other business entity.
  - (3) The street address and permanent parcel number of the residential rental property;
- (4) If the residential rental property has dwelling units that are leased or otherwise rented to tenants, the year the units were built.
- (B) The information required under division (A) of this section shall be filed and maintained in a manner to be determined by the county auditor.
- (C) An owner of residential rental property shall update the information required under division (A) of this section within ten days after any change in the information occurs.

### **5323.03 Designation of filing agent by out-of-state owner.**

An owner of residential rental property who resides outside the state shall designate, in a manner to be determined by the county auditor of the county in which the property is located, an individual who resides in the state to serve as the owner’s agent for the acceptance of service of process on behalf of the owner in any legal action or proceeding in the state, unless the owner previously designated and continues to maintain a statutory agent for the service of process with the secretary of state as a condition of being authorized to engage in business in this state pursuant to another section of the Revised Code.

An owner who designates an agent pursuant to this section shall file in writing with the relevant county auditor the name, address, and telephone number of the agent. An owner who previously designated and continues to maintain a statutory agent for the service of process with the secretary of state as a condition

## Ohio Housing Codes

based on <http://codes.ohio.gov> on June 13, 2007

of being authorized to engage in business in this state pursuant to another section of the Revised Code shall file in writing with the county auditor of the county in which the residential rental property is located a certified copy of the document filed with the secretary of state containing that designation.  
Effective Date: 09-28-2006

### **5323.04 Filed information as public record.**

- (A) All information filed with a county auditor under this chapter is a public record under section 149.43 of the Revised Code.
- (B) An owner of residential rental property who complies with the requirements of this chapter shall be deemed to be in full compliance with any request by the state or any political subdivision to that owner for information that is identical to the information filed with the county auditor under this chapter.

### **5323.99 Failure to comply with chapter - penalty.**

No owner of residential rental property shall fail to comply with the filing or updating of information requirements of section 5323.02 of the Revised Code or shall fail to satisfy the designation of agent requirement or the filing of the appropriate designation of agent document requirement of section 5323.03 of the Revised Code. Whoever violates this section is guilty of a minor misdemeanor.

## Ohio Administrative Code

### Chapter 3701-32 Lead Hazard Abatement and Inspection Activities

These files are in .PDF format. The free [Adobe Acrobat Viewer](#) is required to view them.

File Size	Rule No.	Title
25.47 KB	<a href="#">3701-32-01</a>	Definitions
12.10 KB	<a href="#">3701-32-02</a>	Scope and applicability of rules
12.20 KB	<a href="#">3701-32-03</a>	General provisions and prohibitions
16.39 KB	<a href="#">3701-32-04</a>	General application procedures and provisions for clearance technician, lead inspector, lead risk assessor, lead abatement contractor, lead abatement worker or lead abatement project designer
11.37 KB	<a href="#">3701-32-05</a>	Clearance technician application content, qualifications and standards of conduct
12.20 KB	<a href="#">3701-32-06</a>	Lead inspector application content, qualifications, and standards of conduct
26.10 KB	<a href="#">3701-32-07</a>	Lead risk assessor application content, qualifications and standards of conduct
19.50 KB	<a href="#">3701-32-08</a>	Lead abatement contractor application content, qualifications and standards of conduct
9.43 KB	<a href="#">3701-32-09</a>	Lead abatement worker application content, qualifications and standards of conduct
19.47 KB	<a href="#">3701-32-10</a>	Lead abatement project designer application content, qualifications and standards of conduct
9.04 KB	<a href="#">3701-32-11</a>	Lead-safe renovator training requirements and standards of conduct
34.22 KB	<a href="#">3701-32-12</a>	Clearance examinations
9.23 KB	<a href="#">3701-32-13</a>	Encapsulant requirements
10.97 KB	<a href="#">3701-32-14</a>	Record keeping and reporting requirements for environmental lead analytical and clinical laboratories
9.96 KB	<a href="#">3701-32-15</a>	Record keeping and reporting requirements for clearance technicians, lead inspectors, lead risk assessors, lead abatement contractors, and lead abatement project designers
15.02 KB	<a href="#">3701-32-16</a>	Application procedures for lead training programs for essential maintenance practices and lead-safe renovation
10.33 KB	<a href="#">3701-32-16.1</a>	Qualifications for training managers and instructors
12.26 KB	<a href="#">3701-32-16.2</a>	Duties of approved training providers and training managers
15.35 KB	<a href="#">3701-32-16.3</a>	Essential maintenance and lead-safe renovation training course requirements
14.18 KB	<a href="#">3701-32-17</a>	Essential maintenance practices
9.45 KB	<a href="#">3701-32-18</a>	Variances
11.63 KB	<a href="#">3701-32-19</a>	Levels of lead hazardous to human health and clearance examination standards

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[Home](#) / [Search](#) / [SiteMap](#)

3701-32-01      **Definitions.**

As used in Chapters 3701-32 and 3701-82 of the Administrative Code:

- (A) "Bare soil" means soil or sand, including sand found in sandboxes, not covered with grass, sod, or some other similar vegetation, or paving.
- (B) "Chewable surface" means any protruding interior or exterior painted or coated surface on which there is evidence of teeth marks.
- (C) "Child day-care facility" means each area of any of the following in which child daycare, defined in section 5104.01 of the Revised Code, is provided to children under six years of age:
  - (1) A child day-care center, type A family day-care home, or type B family day-care home as defined in section 5104.01 of the Revised Code;
  - (2) A type C family day-care home authorized to provide child day-care by Sub. H.B. 62 of the 121st general assembly, as amended by Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 of the 123rd general assembly; or
  - (3) A preschool program or school child program as defined in section 3301.52 of the Revised Code.
- (D) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child day-care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.
- (E) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who performs a clearance examination.
- (F) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.
- (G) "Deteriorated paint" means any interior or exterior paint or other coating that shows signs of abrasion and/or is peeling, chipping, 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.
- (H) "Director" means the director of the Ohio department of health, the director's designee, or the director's authorized agent.

- (I) "Documented methodologies" means a method or methods, prescribed by legal requirements, recognized and published by a national organization, or developed and validated by the environmental lead analytical laboratory or personnel employing the method(s). Sample collection methods, preparation procedures and analytical methods recommended by the United States environmental protection agency, national institutes of safety and health, ASTM, AOAC, APHA, the United States department of urban development and others may be acceptable if the environmental lead analytical laboratory or personnel has demonstrated acceptable performance for each particular matrix. Alternative procedures and/or modifications of methods may be used only if they have been validated by the environmental lead analytical laboratory.
- (J) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children.
- (K) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints to prevent or control chalking, flaking, peeling, scaling or loose lead-containing substances from becoming part of house dust or otherwise accessible to children.
- (L) "Environmental lead analytical laboratory" means a facility that analyzes air, dust, soil, water, paint, film, or other substances, other than substances derived from the human body, for the presence and concentration of lead.
- (M) "Environmental samples" means paint-chip, dust, soil, water or air samples collected for the purpose of analysis.
- (N) "Essential maintenance practices" means preventive treatments performed as prescribed in section 3742.41 of the Revised Code in residential units, child day-care facilities or schools.
- (O) "Exterior living area" means a room or area located on the exterior of a residential unit, such as a porch, patio, or stoop that is used as living space as indicated by the presence of toys, other children's possessions or play patterns, information provided by the residents, property owners, or other observations.
- (P) "Flushed water sample" means a one-liter sample of tap water collected after the tap has been allowed to run at its maximum flow rate for a minimum of one minute before collecting the sample.
- (Q) "Friction surface" means any interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

- (R) "Hands-on assessment" means an evaluation which tests a trainee's ability to perform specified work practices and procedures in compliance with Chapters 3701-32 and 3701-82 of the Administrative Code.
- (S) "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter, which is a filter capable of removing particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency.
- (T) "HUD guidelines" means the document issued by the U.S. department of housing and urban development pursuant to Section 1017 of the residential lead-based paint hazard reduction act of 1992, Public Law 102-550. The guidelines provide detailed, comprehensive, technical information on how to identify lead-based paint hazards in housing and how to control such hazards safely and efficiently. The HUD guidelines may be accessed at [www.hud.gov/office/lead](http://www.hud.gov/office/lead).
- (U) "Impact surface" means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.
- (V) "Interim controls" means a set of measures designed to reduce temporarily human exposure or likely human exposure to lead hazards. Interim controls include specialized cleaning, repairs, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.
- (W) "Lead abatement":
- (1) Means a measure or a set of measures, designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all the following:
    - (a) Removal of lead-based paint and lead-contaminated dust;
    - (b) Permanent enclosure or encapsulation of lead-based paint;
    - (c) Replacement of surfaces or fixtures painted with lead-based paint;
    - (d) Removal or permanent covering of lead-contaminated soil;
    - (e) Preparation, cleanup, and disposal activities associated with lead abatement.
  - (2) "Lead abatement" does not include any of the following:
    - (a) Preventive treatments performed pursuant to section 3742.41 of the Revised Code;
    - (b) Implementation of interim controls;

- (c) Activities performed by a property owner on a residential unit to which both of the following apply:
  - (i) It is a freestanding single-family home used as the property owner's private residence;
  - (ii) No child under six years of age who has lead poisoning resides in the unit.
- (X) "Lead abatement contractor" means any individual who engages in or intends to engage in lead abatement and who employs or supervises one or more lead abatement workers, including on-site supervision of lead abatement projects, or prepares specifications, plans, or documents for a lead abatement project.
- (Y) "Lead abatement project" means one or more lead activities that are conducted by a lead abatement contractor and are reasonably related to each other.
- (Z) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.
- (AA) "Lead abatement worker" means an individual responsible in a non-supervisory capacity for the performance of lead abatement.
- (BB) "Lead activity" means:
  - (1) Any aspect of a lead inspection, lead risk assessment, lead hazard screen risk assessment, clearance examination; or
  - (2) In the case of a lead abatement project, any aspect of lead abatement that is conducted by a lead abatement contractor, lead abatement project designer, or lead abatement worker.
- (CC) "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 Administrative Code.
- (DD) "Lead-based paint sampling" means limited paint-chip sampling or XRF analysis performed to determine the presence or absence of lead-based paint on deteriorated paint surfaces or painted surfaces in a residential unit, child day-care facility, or school.
- (EE) "Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (FF) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.

- (GG) "Lead-contaminated water pipes" means water pipes containing lead materials causing the water supply to contain lead levels at or in excess of the level that is hazardous to human health as set forth in rule 3701-32-19 of the Administrative Code.
- (HH) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in rule 3701-32-19 of the Administrative Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.
- (II) "Lead hazard screen risk assessment" means a risk assessment that involves limited paint and dust sampling and that is conducted in compliance with paragraph (J) of rule 3701-32-07 of the Administrative Code.
- (JJ) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique set forth in rule 3701-32-06 of the Administrative Code. A licensed lead inspector or laboratory approved pursuant to rule 3701-82-02 of the Administrative Code shall certify in writing the precise results of the inspection.
- (KK) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.
- (LL) "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, child day-care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.
- (MM) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment and analysis plan; conducting inspections for lead hazards in a residential unit, child day-care facility, or school; interpreting results of inspections or risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.
- (NN) "Lead-safe renovation" means the supervision or performance of services for the general improvement of all or part of an existing structure, including a residential unit, child day-care facility, or school, when the services are supervised or performed by a lead-safe renovator.
- (OO) "Lead-safe renovator" means a person who has successfully completed a training program in lead-safe renovation approved pursuant to rule 3701-32-16 of the Administrative Code.

- (PP) "Manager" means a person, who may be the same person as the owner, responsible for the daily operation of a residential unit, child day-care facility, or school.
- (QQ) "Non-abatement" means activities such as essential maintenance practices and preventive treatments performed pursuant to section 3742.41 of the Revised Code, interim controls, or lead-safe renovation.
- (RR) "Owner" means a person, firm, corporation, guardian, conservator, receiver, trustee, executor, or other judicial officer who, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. Owner includes a vendee in possession, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease.
- (SS) "Other lead assessment activity" means limited evaluation or sampling performed in a residential unit, child day-care facility or school by a lead risk assessor to determine the existence, nature, severity and location of any lead hazards.
- (TT) "Paint" means any substance applied to a surface as a surface coating, including, but not limited to, household paints, varnishes and stains.
- (UU) "Paint stabilization" means repairing any physical defect in the substrate of any painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.
- (VV) "Permanent" means an expected design life of at least twenty years.
- (WW) "Play area" means an area of soil contact by children as indicated by, but not limited to, the presence of play equipment (e.g. sandboxes, swing sets, and sliding boards), toys, or other children's possessions, observations of play patterns, or information provided by parents, residents, care givers, or property owners.
- (XX) "Principal instructor" means the individual who has primary responsibility for organizing and teaching a particular course.
- (YY) "Proof of licensure" means the license certificate or the pocket license certificate.
- (ZZ) "Replacement" means an activity that entails removing components such as windows, doors, and trim that have lead hazards on their surfaces and installing components free of lead hazards.
- (AAA) "Residential unit" means a dwelling or any part of a building being used as an individual's private residence

- (BBB) "Room" means a separate part of the inside of a building, such as a bedroom, living room, dining room, kitchen, bathroom, laundry room, hallway, or utility room. To be considered a separate room, the room must be separated from adjoining rooms by built-in walls or archways that extend at least six inches from an intersecting wall. Half walls or bookcases count as room separators if built-in. Movable or collapsible partitions or partitions consisting solely of shelves or cabinets are not considered built-in walls. A screened in porch that is used as a living area is a room.
- (CCC) "School" means a public or nonpublic school in which children under six years of age receive education.
- (DDD) "Training hour" means at least fifty minutes of actual learning, including, but not limited to, time devoted to lecture, learning activities, small group activities, demonstrations, evaluations, and/or hands-on experience
- (EEE) "Training manager" means the individual responsible for administering a training program and monitoring the performance of the principal instructors, work practice instructors, and guest instructors.
- (FFF) "Visual assessment" means the visual examination of a residential unit, child day-care facility or school to identify deteriorated paint, visible dust, paint-chips, debris or residue which may be lead-based.
- (GGG) "Window sill" means the portion of the horizontal window ledge that protrudes into the interior of the room, adjacent to the window sash when the window is closed. Window sill is often called the window stool.
- (HHH) "Window trough" means, for the typical double-hung window, the portion of the exterior window sill between the interior window sill (or stool) and the frame of the storm window. If there is no storm window, the window trough is the area that receives the upper and lower window sashes when both sashes are lowered. The window trough is sometimes referred to as the window well.
- (III) "Work practice instructor" means the individual who is responsible for teaching particular skills in a specific course.
- (JJJ) "XRF technology" means the science of the use of portable x-ray fluorescence lead in paint analyzers to determine lead concentration in paint.

3701-32-01

8

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3701-32-02      **Scope and applicability of rules.**

All individuals licensed pursuant to the rules of this chapter must comply with Chapter 3742. of the Revised Code and the applicable rules in Chapter 3701-32 of the Administrative Code. These rules are applicable to residential units, child day-care facilities and schools. In addition:

- (A) Clearance technicians shall comply with rules 3701-32-03, 3701-32-04, 3701-32-05, 3701-32-12, 3701-32-15 and 3701-32-19 of the Administrative Code.
- (B) Lead inspectors shall comply with rules 3701-32-03, 3701-32-04, 3701-32-06, 3701-32-12, 3701-32-15, and 3701-32-19 of the Administrative Code.
- (C) Lead risk assessors shall comply with rules 3701-32-03, 3701-32-04, 3701-32-07, 3701-32-12, 3701-32-15 and 3701-32-19 of the Administrative Code.
- (D) Lead abatement workers shall comply with rules 3702-32-03, 3701-32-04, 3701-32-09 and 3701-32-15 of the Administrative Code.
- (E) Lead abatement contractors shall comply with rules 3701-32-03, 3701-32-04, 3701-32-08, 3701-32-15 and 3701-32-19 of the Administrative Code.
- (F) Lead abatement project designers shall comply with rules 3701-32-03, 3701-32-04, 3701-32-10, 3701-32-15 and 3701-32-19 of the Administrative Code.
- (G) Lead-safe renovators shall comply with rules 3701-32-03 and 3701-32-11 of the Administrative Code.
- (H) Individuals performing essential maintenance practices shall comply with rules 3701-32-03, 3701-32-17 and 3701-32-19 of the Administrative Code.
- (I) Manufacturers of encapsulants must comply with rule 3701-32-03 and 3701-32-13 of the Administrative Code.
- (J) Clinical lead laboratories must be approved pursuant to rule 3701-82-02 of the Administrative Code and comply with rules 3701-32-14 and 3701-30-05 of the Administrative Code.
- (K) Environmental lead laboratories must be approved pursuant to rule 3701-82-02 of the Administrative Code and comply with rule 3701-32-14 of the Administrative Code.
- (L) Training providers must be approved pursuant to rule 3701-32-16 or 3701-82-01 of the Administrative Code and must comply with rules 3701-32-16.1, 3701-32-16.2, 3701-32-16.3, or rules 3701-82-01.1, 3701-82-01.2, and 3701-82-01.3 of the Administrative Code.

3701-32-02

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**General provisions and prohibitions.**

- (A) No person shall do any of the following when a residential unit, child day-care facility, or school is involved:
- (1) Perform a lead inspection without a valid lead inspector license or valid lead risk assessor license;
  - (2) Perform a lead risk assessment, lead hazard screen risk assessment, or lead risk assessment activity without a valid lead risk assessor license;
  - (3) Perform a clearance examination following lead abatement without a valid lead inspector license, or valid lead risk assessor license;
  - (4) Perform a clearance examination following non-abatement without a valid clearance technician license, unless that person holds a valid lead inspector license or valid lead risk assessor license;
  - (5) Supervise a lead abatement project without a valid lead abatement contractor license, or valid lead abatement project designer license;
  - (6) Provide professional advice regarding lead abatement without a valid lead abatement contractor license, or valid lead abatement project designer license;
  - (7) Perform lead abatement without a valid lead abatement worker license, valid lead abatement contractor license, or valid lead abatement project designer license;
  - (8) Perform lead abatement without the on-site supervision of a lead abatement contractor or lead abatement project designer;
  - (9) Act as a lead abatement project designer without a valid lead abatement project designer license;
  - (10) Knowingly authorize or employ an individual to perform lead abatement, unless the individual who will perform the lead abatement holds a valid lead abatement contractor license, valid lead abatement project designer license, or valid lead abatement worker license;
  - (11) Perform lead-safe renovation without the appropriate training as set forth in rule 3701-32-16 of the Administrative Code;
  - (12) Have lead-safe renovation performed in lieu of having lead abatement performed on a property at which a lead-poisoned child under six years of age has been identified;
  - (13) Perform lead hazard control on a property at which a lead-poisoned child has been identified, without holding a valid lead abatement contractor

license, valid lead abatement project designer license, or valid lead abatement worker license,

- (14) Employ or authorize any person to perform lead hazard control on a property where a lead hazard control order has been issued pursuant to rule 3701-30-09 of the Administrative Code, unless that person holds a valid lead abatement contractor license, valid lead abatement project designer license, or valid lead abatement worker license, until the lead hazard control order has been lifted;
  - (15) Perform a clearance examination on a residential unit, child day-care facility, or school where lead hazard control orders have been issued pursuant to rule 3701-30-09 of the Administrative Code without a valid lead risk assessor or valid lead inspector license, until the lead hazard control order has been lifted;
  - (16) Interfere with an investigation conducted by the director or a board of health in accordance with section 3742.35 of the Revised Code;
  - (17) Perform interim controls without complying with 24 C.F.R. Part 35;
  - (18) Use an encapsulation product for the purposes of lead abatement that has not been approved by the director pursuant to section 3742.03(H) of the Revised Code and rule 3701-32-13 of the Administrative Code;
  - (19) Use the services of an environmental lead analytical laboratory that has not been approved by the director pursuant to section 3742.09 of the Revised Code and rule 3701-82-02 of the Administrative Code;
  - (20) Provide or offer to provide analysis of lead content in air, dust, soil, paint film or other substances, for the purposes of meeting the requirements of Chapter 3742. of the Revised Code and Chapter 3701-32 of the Administrative Code unless that person is approved by the director as an environmental lead analytical laboratory or employed by an environmental lead analytical laboratory approved by the director;
  - (21) Provide or offer to provide analysis of lead content in blood, for the purpose of meeting the requirements of Chapter 3742. of the Revised Code and Chapters 3701-30 and 3701-32 of the Administrative Code unless that person is approved by the director as a clinical laboratory or employed by a clinical laboratory approved by the director; and
  - (22) Perform lead training for licensing purposes without a valid approval from the director.
- (B) The director may issue an immediate cease work order to a person licensed pursuant to this chapter if the director determines that the license holder is violating the terms or conditions of the license in a manner that endangers or materially impairs the health or well-being of an occupant of a residential unit,

child day-care facility, or school or a person employed to perform lead abatement.

- (C) If applicable, anyone engaging in lead abatement or non-abatement shall comply with Chapter 3714. of the Revised Code and rules in Chapter 3745-400 of the Administrative Code for construction and demolition debris; Chapter 3734. of the Revised Code and the rules adopted thereunder, including Chapters 3745-50 to 3745-57, 3745-65 to 3745-69, 3745-218, 3745-248 and 3745-270 of the Administrative Code for hazardous waste; Chapter 3745-27 of the Administrative Code for solid waste; and Chapter 3745-29 of the Administrative Code for industrial solid waste landfills.
- (D) No person shall violate any provision of Chapter 3742. of the Revised Code or this chapter of the Administrative Code.

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**Essential maintenance practices.**

- (A) In order to obtain a rebuttable presumption, as specified in section 3742.41 of the Revised Code, that a residential unit, child day-care facility or school built before January 1, 1950 does not contain a lead hazard and is not the source of the lead poisoning of an individual who resides in the unit, facility or school, the owner or manager shall maintain documentation proving essential maintenance practices were performed according to section 3742.41 of the Revised Code and paragraphs (B), (C), (D) and (E) of this rule.
- (B) Essential maintenance practices shall be performed by an individual licensed as a lead abatement project designer, lead abatement contractor or a lead abatement worker licensed pursuant to section 3742.05 of the Revised Code, or by an individual who successfully completed an essential maintenance practices training course approved pursuant to section 3742.47 of the Revised Code and rule 3701-32-16 of the Administrative Code.
- (C) The areas of a residential unit, child day-care facility, or school that are subject to paragraph (A) of this rule include all of the following:
- (1) The interior surfaces and all common areas of the unit, facility, or school;
  - (2) Every attached or unattached structure located within the same lot line as the unit, facility, or school that the owner or manager considers to be associated with the operation of the unit, facility, or school, including garages, play equipment, and fences; and
  - (3) The lot or land that the unit, facility, or school occupies.
- (D) Persons performing essential maintenance practices shall:
- (1) Only allow persons performing the essential maintenance practices access to the area while work is underway until a clearance examination is passed;
  - (2) Cover the floor underneath the area receiving essential maintenance practices with two layers of six mil polyethylene plastic or its equivalent until final cleaning is completed;
  - (3) Assure that all persons involved in the essential maintenance practices follow the worker protection standards established pursuant to 29 C.F.R. 1926.62 by the United States occupational safety and health administration;
  - (4) Protect occupants belongings by covering them with one layer of six mil polyethylene plastic or removing them from the essential maintenance practices work site;
  - (5) Wet all painted surfaces before disturbing the surfaces;

- (6) Wet debris prior to sweeping to prevent the spread of lead-contaminated dust;
- (7) Use a high efficiency particulate air (HEPA) vacuum as part of the final cleaning procedure;
- (8) Utilize only safe work practices, which include compliance with section 3742.44 of the Revised Code, to prevent the spread of lead-contaminated dust;
- (9) Cover all rough, pitted, or porous horizontal surfaces of the inhabited or occupied areas within the residential unit, child day-care facility, or school with a smooth, cleanable covering or coating, such as metal coil stock, plastic, polyurethane, carpet, or linoleum;
- (10) Perform visual examinations for deteriorated paint, underlying damage, and other conditions that may cause exposure to lead;
- (11) Promptly and safely repair deteriorated paint or other building components that may cause exposure to lead and eliminate the cause of the deterioration;
- (12) Ask tenants in a residential unit, and parents, guardians, and custodians of children in a child day-care facility or school, to report concerns about potential lead hazards by providing written notices to the tenants or parents, guardians, and custodians or by posting notices in conspicuous locations;
- (13) To control lead-contaminated dust, perform specialized cleaning which may include:
  - (a) Cleaning potentially lead-contaminated surfaces with a detergent;
  - (b) Vacuuming potentially lead-contaminated surfaces with a HEPA vacuum;
- (14) Cover any bare soil on the property, except soil proven not to be lead-contaminated; and
- (15) Not perform the following prohibited methods:
  - (a) Open-flame burning, torching or charring of paint;
  - (b) Machine sanding or grinding or abrasive blasting or sandblasting paint unless the machine used is equipped with a high efficiency particulate air (HEPA) exhaust control which removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency;
  - (c) Dry sanding paint;
  - (d) Dry scraping paint unless the scraping is done in conjunction with heat guns or within one foot of electrical outlets or when treating defective

paint spots totaling no more than two square feet in any one room, hallway, or stairwell, or totaling no more than twenty square feet on exterior surfaces;

- (e) Use of a heat gun on paint above one thousand one hundred degrees fahrenheit;
- (f) Uncontained hydro-blasting or high pressure washing of lead-based paint; or
- (g) Paint stripping in a poorly ventilated space using a volatile stripper that is considered a hazardous substance pursuant to 16 C.F.R 1500.3 or a hazardous chemical pursuant to 29 C.F.R. 1910.1200 or 29 C.F.R. 1926.59.

(E) The owner or manager of a residential unit, day-care facility or school shall:

- (1) Ensure that specialized cleaning associated with essential maintenance practices is performed on affected areas of the residential unit, child day-care facility or school according to the procedures in Chapter 14 of the HUD guidelines and that covering potentially contaminated soil is performed on affected areas of the residential unit, child day-care facility or school according to the procedures in Chapters 11 and/or 12 of the HUD guidelines.
- (2) Ensure that a clearance technician, lead risk assessor or lead inspector performs a clearance examination annually in accordance with the procedures specified in rule 3701-32-12 of the Administrative Code. If the clearance examination indicates that the residential unit, child day-care facility or school does not meet the clearance examination standards set forth in rule 3701-32-19 of the Administrative Code, the owner or manager shall take any necessary steps to achieve the clearance standards. A clearance technician, lead risk assessor or lead inspector shall perform additional clearance examination(s) to ensure the residential unit, child day-care facility or school meets the clearance standards.
- (3) Maintain a record of all essential maintenance practices including the clearance examination report for at least three years.

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3701-32-19 **Levels of lead hazardous to human health and clearance examination standards.**

(A) Lead-based paint is present:

- (1) When a paint or other surface coating contains a lead concentration equal to or exceeding 1.0 mg/cm<sup>2</sup> (milligram per square centimeter), 0.5 percent by weight, or 5,000 parts per million (ppm) by weight; and
- (2) On any surface like a surface tested in the same room that has a lead concentration equal to or exceeding the level set forth in paragraph (A)(1) of this rule.

(B) Lead-based paint is hazardous to human health when present:

- (1) On any friction surface where the dust levels on the nearest horizontal surface (e.g. a window sill or floor) underneath the friction surface are equal to or exceed:
  - (a) 40 micrograms per square foot or more of lead, if the horizontal surface is an interior floor or exterior living area floor;
  - (b) 250 micrograms per square foot or more of lead, if the horizontal surface is an interior window sill or an exterior living area window sill; and
  - (c) 40 micrograms per square foot or more of lead, if the horizontal surface is not a window trough, or an interior window sill;
- (2) On any chewable lead-based painted surface that has evidence of teeth marks;
- (3) Where there is any damaged or otherwise deteriorated lead-based paint on an impact surface; or
- (4) Where there is deteriorated lead-based paint in a residential unit, child day-care facility, or school or on the exterior of any residential unit, child day-care facility, or school.

(C) Lead-contaminated dust is hazardous to human health when present:

- (1) On interior floors, or exterior living area floors containing a lead loading of 40 micrograms per square foot or more;
- (2) On interior window sills or exterior living area window sills containing a lead loading of 250 micrograms per square foot or more;
- (3) On window troughs containing 400 micrograms per square foot or more lead;

- (4) On any horizontal surface if that surface is not an interior window sill, exterior living area window sill or window trough containing a lead loading of 40 micrograms per square foot or more; or
  - (5) On floors or interior window sills in an unsampled residential unit or common area in a multi-family dwelling if a dust lead hazard is present on floors or interior window sills when random sampling was performed and when the minimum number of residential units, common areas and/or exterior areas as determined in Table 2.0 as set forth in rule 3701-32-12 of the Administrative Code were sampled. In addition, all the randomly sampled residential units meet the standards set forth in paragraph (C) of this rule thereby establishing a 95 percent level of confidence that no more than 5 percent or 50 of the residential units (whichever is smaller) have components that may equal or exceed the hazard standards;
- (D) Lead-contaminated soil is hazardous to human health when present:
- (1) In non-play areas when the lead concentration from a composite sample (or arithmetic mean of composite samples) is equal to or exceeds 1,200 micrograms per gram;
  - (2) In play areas when the lead concentration from a composite sample is equal to or exceeds 400 micrograms per gram;
- (E) Lead-contaminated water pipes that leach a lead concentration equal to or exceeding 15 micrograms per liter into a flushed water sample collected in accordance with the procedure specified in 40 C.F.R. 141.86 are considered hazardous to human health.
- (F) In order to pass a clearance examination a residential unit, child day-care facility or school shall:
- (1) For single-surface wipes, have a lead loading less than:
    - (a) 40 micrograms per square foot on interior floors, or exterior living area floors;
    - (b) 250 micrograms per square foot on interior window sills, exterior living area window sills, or on any other interior chewable surface; and
    - (c) 400 micrograms per square foot on window troughs.
  - (2) For composite wipes, have a lead loading less than the appropriate standard of paragraph (1) of this rule divided by one half the number of subsamples in the composite sample.
  - (3) All horizontal surfaces in the exterior living area closest to the surface abated or receiving non-abatement treatments shall be found to be free of all visible dust and debris.

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