

211.905 Inspection of dwelling or dwelling unit of occupant with confirmed elevated lead blood level -- Procedure -- Duties of cabinet -- Effect.

- (1) When notified that an occupant of a dwelling or dwelling unit is a child seventy-two (72) months of age or younger found to have a confirmed elevated blood level, an authorized representative of the cabinet shall inspect the dwelling and dwelling unit or other places the child routinely spends more than six (6) hours per week, at reasonable times, for the purpose of ascertaining the existence of lead-based hazards. The representative of the cabinet shall present proper credentials to the owner or occupant of the dwelling or dwelling unit prior to inspection of the premises. Such representative may remove samples necessary for laboratory analysis, in the determination of the presence of lead-based hazards in the designated dwelling or dwelling unit.
- (2) Upon determination by the cabinet that there are lead-based substances in or upon any dwelling or dwelling unit which may be hazardous to children, or upon receipt of confirmation that an occupant has an elevated blood lead level as set out in regulations promulgated by the secretary, the cabinet shall:
 - (a) In the event that children seventy-two (72) months of age or younger reside in the premises, notify the owner and occupant that lead-based hazards are present on the surfaces of the dwelling or dwelling unit and may constitute a hazard to the health of children;
 - (b) Inform the local health officers of the results of such determination and provide suitable recommendations for elimination of the problem areas;
 - (c) Notify the owner of the dwelling or dwelling unit, in writing, advising of the existence of these lead-based hazards with instructions that these lead-based hazards, if accessible to children under the age of seventy-two (72) months, shall be removed, replaced, or securely and permanently covered within a time period not to exceed sixty (60) days and in a manner prescribed by the cabinet.
- (3) The removal of the lead-based hazards from the dwelling or dwelling unit shall be accomplished by the owner in a manner which will not endanger the health or well-being of its occupants, and result in the safe removal from the premises, and the safe disposition, of flakes, chips, debris, and other potentially harmful materials.
- (4) In the event that the owner of the dwelling or dwelling unit does not remove, replace, or securely and permanently cover the lead-based substances designated as hazardous within sixty (60) days, the cabinet shall cause to be posted upon the dwelling or dwelling unit identified as containing lead-based hazards, a notice of the existence of such hazards and the declaration that the dwelling or dwelling unit is unfit for human habitation for those persons under seventy-two (72) months of age. The dwelling or dwelling unit shall remain posted until the owner has complied with the orders of the cabinet.
- (5) Determination by the cabinet that a child under seventy-two (72) months of age is in immediate danger from the presence of lead-based hazards in or upon a dwelling or dwelling unit shall be cause for release from a rental agreement without prejudice to the occupant.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 180, sec. 6, effective July 12, 2006. -- Created 1974 Ky. Acts ch. 20, sec. 6(1) to (5), effective June 21, 1974.