

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, line 6, strike "365.09" and insert "365.10".
2. In Section 2, line 2, after "365.09" insert "365.10,".
3. In Section 2, at amended Section 365.04, insert new divisions (d), (e) and (f) to read as follows:

"(d) 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 an affidavit, in the form prescribed by the Director, 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.

(e) 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.

(f) 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, 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.

For purposes of this division "immediate family member" means a spouse residing in the owner's household and any dependent child."

4. In Section 2, at amended Section 365.07(a), line 5, after "organization," insert "at least one (1) shall be a current owner of residential rental property located in the City,".

5. In Section 2, after Section 365.09 and before Section 240.01, insert the following new Section:

"Section 365.10. 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."

6. In Section 3, at amended Section 367.99, at division (a), line 2, after "provided" insert "or any rule or regulation promulgated thereunder or fails to comply with this housing code or with any order issued";.

7. Insert new Section 8 to read as follows: "Section 8. That on or about March 1, 2021, the Director of Building and Housing will appear before the Council to provide a status on managing and operating the lead-safe certification requirement, including, but not limited to, staffing levels, technology upgrades and lead-safe certification schedule."; and renumber existing Section 8 to new "Section 9.".

Date: _____ (Signed): _____

Mary Cornely
Assistant Director of Law

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