

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Jim Graham introduced the following bill, which was referred to the Committee on _____.

To amend, the Lead-Based Paint Abatement and Control Act of 1996 to correct inconsistencies from the previous amendments, and to align inspection and enforcement procedures with federal and surrounding states standards; to amend Title 14 of the District of Columbia Municipal Regulations to eliminate the delegation of authority under the Peeling Wall Covering or Paint section to a specific agency and expand the Mayor’s delegation and enforcement authority; and to enact the “Lead-Based Paint Risk Reduction Act of 2007” to reduce the incidence of childhood lead poisoning by reducing exposure to lead-based paint hazards, to establish duties for owners of property built prior to 1978 used as a rental dwelling, foster care home, or child-occupied facility, to authorize the establishment of lead-safe work practice requirements for contractors engaged in renovation, remodeling, painting, demolition and other activities that disturb painted surfaces of property built prior to 1978, and to establish a Lead Poisoning Prevention Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District Department of the Environment Comprehensive Lead-Based Paint Risk Reduction Act of 2007”.

TITLE I. LEAD-BASED PAINT ABATEMENT AND CONTROL

Sec. 2. The Lead-Based Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law 11-221; D.C. Official Code § 8-115.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-115.01) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) “Abatement” means any measure or set of measures that eliminate or reduce lead-based paint hazards. These measures may include, but are not limited to: the

1 removal of lead-based paint and lead-contaminated dust, the enclosure, encapsulation,
2 containment, or covering of lead-based paint, the replacement or demolition of lead-based
3 painted structures, surfaces, or fixtures, or the removal or covering of lead-contaminated soil,
4 and all preparation, cleanup, disposal, testing, and post-abatement clearance testing activities
5 associated with such measures.”.

6 (2) Paragraph (2) is amended by striking the number “8” and inserting the
7 number “6” in its place.

8 (3) Paragraph (4) is amended by striking the phrase “or interim controls” after the
9 word “activities”.

10 (4) Paragraph (5) is amended by striking the phrase “or interim controls” after the
11 word “activities”.

12 (5) Paragraph (5A) is amended to read as follows:

13 (5A) “Child-occupied facilities” means a building, or portion of a
14 building, constructed prior to 1978, which as part of its function receives children age 6 and
15 under on a regular basis. The term “child-occupied facilities” may include, but not be limited to,
16 day-care centers, preschools, and kindergarten classrooms. The location of a child-occupied
17 facility as part of a larger structure does not make the entire structure a child-occupied facility,
18 only the portion of the structure that is occupied or regularly visited by children age 6 and under
19 is to be treated as a child-occupied facility.

20 (6) Paragraph (7A) is repealed.

21 (7) Paragraph (9) is amended to read as follows:

22 “(9) “Lead-Based Paint activities” means the identification, risk
23 assessment, inspection, abatement, reduction or elimination of lead-based paint, lead-based paint

1 hazards, lead-contaminated dust, and lead-contaminated soil, and all planning, project designing,
2 and supervision associated with any of the these activities.”.

3 (8) Paragraph (9)(B) is repealed.

4 (9) Paragraph (12) is amended by striking the phrase “interim controls and” after
5 the word “including”.

6 (10) Paragraph (13) is amended by striking the number “8” wherever it appears
7 and inserting the number “6” in its place, and striking the word “and” wherever it appears and
8 inserting the word “or” in its place.

9 (11) Paragraph (16)(A) is amended by inserting the phrase “but not limited to”
10 after the word “including”.

11 (12) Paragraph (16)(A)(i) is amended by striking the number “8” and inserting
12 the number “6” in its place.

13 (13) Paragraph (17) is amended by striking the number “8” and inserting the
14 number “6” in its place and striking the phrase “or any zero bedroom unit” after the word
15 “housing”.

16 (14) Paragraph (18) is repealed.

17 (b) Section 4 (D.C. Official Code § 8-115.03) is amended as follows:

18 (1) Subsection (a)(4)(C) is amended by striking the phrase “or interim controls”
19 after the word “activities”.

20 (2) Subsection (a)(5) is repealed.

21 (3) Subsection (d) is amended as follows:

22 (A) By striking the phrase “individual or”.

23 (B) By inserting the phrase “or individual” after the word “entity”; and

1 (B) By striking the phrase “or interim controls”.

2 (4) Subsection (e) is added to read as follows:

3 (e) Any individual who performs any lead-based paint activity shall not
4 be related to the owner or the tenant, if any, of the property.

5 (c) Section 5 (D.C. Official Code § 8-115.04) is amended as follows:

6 (1) Subsection (a)(1) is amended by striking the phrase “or interim controls”.

7 (2) Subsection (a)(1)(B) is amended by striking the number “8” and inserting the
8 number “6” in its place.

9 (3) Subsection (a)(3) is amended by striking the word “and” after the word
10 “paint” and inserting the word “or” in its place.

11 (4) Subsection (a)(4) is amended to read as follows:

12 “(4) Performance of maintenance, repair, or renovation work involving
13 lead-based paint that results in disturbances of lead-based paint in a total of 3 square feet or less
14 of surface area in any one room, except for window removal or replacement.”.

15 (5) Subsections (b), (c), (d) and (e) are repealed.

16 (d) Section 6 (D.C. Official Code § 8-115.05) is amended as follows:

17 (1) Subsection (a) is amended to read as follows:

18 “(a) An individual shall be certified by the Mayor prior to conducting
19 lead-based paint activities in the District. To obtain certification from the Mayor, an individual
20 shall:

21 “(1) Either submit proof to the Mayor that he or she has
22 successfully completed an accredited training course and any required accredited review course,
23 or submit proof of accreditation from the EPA or an EPA-approved state program;

1 “(2) Pass an examination required by the Mayor for the disciplines
2 of risk assessor, inspector, and supervisor; and

3 “(3) Meet or exceed any additional requirements set by the Mayor
4 through rulemaking pursuant to section 15”.

5 (2) Subsection (b) is amended to read as follows:

6 “(b) A business entity shall be certified by the Mayor prior to
7 conducting a lead-based paint activity in the District. To obtain certification, a business entity
8 shall demonstrate to the satisfaction of the Mayor the following:

9 “(1) That all its employees and subcontractors conducting lead-
10 based paint activities are certified pursuant to this subchapter;

11 “(2) That the business entity and its employees and subcontractors
12 will conduct lead-based paint activities in accordance with all applicable federal and District
13 environmental, occupational safety, and health laws, regulations and rules;

14 “(3) That the business entity and its employees and subcontractors
15 will comply with all federal and District laws, regulations, and rules governing the disposal of all
16 waste containing lead; and

17 “(4) That it has met any additional requirements set by the Mayor
18 necessary to implement this subchapter through rulemaking pursuant to section 15.”.

19 (3) Subsection (c) is amended to read as follows:

20 “(c) The Mayor shall establish criteria, procedures, and fees for
21 certification through rulemaking pursuant to section 15.”.

22 (4) Subsection (d) is amended to read as follows:

1 “(d) All certificates issued to business entities shall expire 12 months from
2 the date of certification. All certificates issued to individuals shall expire 24 months from the
3 date of certification.”.

4 (5) Subsection (e) is amended to read as follows:

5 “(e) Individuals and business entities seeking certification and
6 certification renewal in the District shall pay a reasonable fee set by the Mayor. The Mayor
7 shall, by rulemaking, revise the certification and certification renewal fees as necessary to cover
8 administrative costs.”.

9 (e) Section 6a (D.C. Official Code § 8-115.05a) is amended as follows:

10 (1) Strike the phrase “interim controls” wherever it appears.

11 (2) Paragraph (2) is amended by inserting the phrase “as a supervisor” after the
12 word “certified”.

13 (f) Section 7 (D.C. Official Code § 8-115.06) is amended as follows:

14 (1) Subsection (a) is amended to read as follows:

15 “(a) A training provider shall be accredited for each training
16 course or refresher course offered by that training provider. To receive accreditation, a training
17 provider shall:

18 “(1) Submit an application to the Mayor for approval that shall
19 include, but not be limited to, the following information:

20 “(A) Qualification of all training managers and instructors;

21 “(B) Copies of all instructor and student course materials

22 for each course offered;

1 “(C) A description of the facilities and equipment available
2 for lecture and hands-on training; and

3 “(D) Any other information determined by the Mayor to be
4 necessary for approval of an application for accreditation; and

5 “(2) Pay a reasonable fee with each application, except that fees
6 shall not be imposed on any District government or nonprofit training program; the Mayor may,
7 through rulemaking, revise the application fees as necessary to cover the administrative costs.”.

8 (2) Subsection (b) is amended by striking the phrase “12 months” and inserting
9 the phrase “2 years” in its place.

10 (g) Section 8 (D.C. Official Code § 8-115.07) is amended to read as follows:

11 (1) Subsection (b) is amended as follows:

12 “(b) A permit fee determined by the Mayor shall be assessed for each
13 lead-based paint abatement permit. The Mayor may, by rulemaking, revise permit fees as
14 necessary to recover administrative costs. Permits shall be valid for a period not to exceed one
15 year from the date of issuance, or for the length of the project provided the project started within
16 one year of the date of permit issuance. Each permit shall be limited to one site and shall not be
17 transferable to another site.”.

18 (h) Section 10 (D.C. Official Code § 8-115.09) is amended as follows:

19 (1) Subsection (a) is amended to read as follows:

20 “(a) The Mayor shall have the right to randomly and periodically inspect
21 any and all lead-based paint activities in the District, and all pertinent records, documents, or
22 data compilations, for the purpose of ensuring compliance with this act and rules promulgated

1 pursuant to § 15. Inspections may take place at any reasonable time upon the presentation of
2 appropriate credentials.”.

3 (2) Subsection (a-1) is repealed.

4 (3) Subsection (d) is added to read as follows:

5 “(d) If the Mayor is denied access to any records, documents or other data
6 compilations, for the purposes of ensuring compliance with this subchapter, the Mayor shall have
7 the right to issue a subpoena to obtain all necessary documentation.”.

8 Sec. 3. Title 14, Chapter 7 of the District of Columbia Municipal Regulations, is
9 amended as follows:

10 (a) Subsection 707.3 is amended by striking the number “8” wherever it appears and
11 inserting the number “6” in its place.

12 (b) Subsection 707.4 is amended to read as follows:

13 “(a) The Mayor may order the owner of the residential premises in which a lead-
14 based paint hazard was found to perform an abatement under the standards and requirements of
15 The Lead-Based Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law
16 11-221; D.C. Official Code §§ 8-115.01 *et. seq.*).

17 “(b) Any contractor, prior to commencing any abatement or other lead-based
18 paint activity in the property shall provide the owner of such property and any tenant with a set
19 of written materials provided or approved by the Mayor for such purposes. Such materials shall
20 include, but not be limited to, a summary of the requirements of this subsection.

21 “(c) When any abatement or other lead-based paint activity is to be performed,
22 the owner shall make reasonable efforts to ensure that all children age 6 and under are removed
23 from the property when the work is performed.

1 “(d) Following completion of any abatement or other lead-based paint activity a
2 lead dust clearance must be performed and the results shall be submitted to the owner, the tenant
3 and the Mayor. The lead dust clearance test shall be performed by an inspector or risk assessor
4 certified pursuant to the Lead-Based Paint Abatement and Control Act of 1996, effective April 9,
5 1997 (D.C. law 11-221; D.C. Official Code §§ 8-115.01 *et seq.*).

6 “(e) No child age 6 or under shall be allowed to return to the property until the
7 Mayor receives the results of the lead dust clearance test and issues a Notice of Compliance with
8 Order to Abate.”.

9 (c) Subsection 707.5 is repealed.

10 (d) Subsection 707.6 is repealed.

11 (e) Subsection 707.7 is amended by striking the phrase “Director of the agency
12 responsible for enforcement of housing regulations” and inserting the word “Mayor” in its place.

13 (f) Subsection 707.8 is amended as follows:

14 (1) By striking the phrase “Director of the agency responsible for the
15 enforcement of the health regulations inserting the word “Mayor” in its place.

16 (2) By striking the number “8” and inserting the number “6” in its place.

17 (g) Subsection 707.13 is amended by striking the phrase “Director of the agency
18 responsible for enforcement of housing regulations” and inserting the word “Mayor” in its place.

19 (h) Subsection 707.14 is amended by striking the phrase “Director of the agency
20 responsible for the enforcement of the health regulations” and inserting the word “Mayor” in its
21 place.

22 (i) Subsection 707.15(a) is amended by striking the phrase “eight (8)” wherever it
23 appears and inserting the number “6” in its place.

1 TITLE II. Risk Reduction

2 Sec. 1. Short Title.

3 This title may be cited as the “Lead-Based Paint Risk Reduction Act of 2007”.

4 Sec. 2. Definitions.

5 For the purposes of this act, the term:

6 (1) “Affected property” means a property subject to this act pursuant to Section 3.

7 (2) “Certified” means certified pursuant to the Lead-Based Paint Abatement and
8 Control Act of 1996, effective April 9, 1007 (D.C. Law 11-221; D.C. Official Code § 8-115.01
9 *et. seq.*).

10 (3) “Change in tenancy” means a change of tenant in an affected property.

11 (4) “Child-occupied facility” means a building, or portion of a building, constructed
12 prior to 1978, which as part of its function receives children age 6 and under on a regular basis.
13 The term “child-occupied facility” may include, but not be limited to, day-care centers,
14 preschools, and kindergarten classrooms. The location of a child-occupied facility as part of a
15 larger structure does not make the entire structure a child-occupied facility; only the portion of
16 the structure that is occupied or regularly visited by children age 6 and under is to be treated as a
17 child-occupied facility.

18 (5) “Dwelling unit” means 1 or more habitable rooms forming a single unit that is
19 used for living and sleeping purposes that may or may not contain cooking facilities.

20 (6) “Elevated blood lead level” means the concentration of lead in a sample of whole
21 blood equal to or greater than 10 micrograms of lead per deciliter (mu/dl).

1 (7) “Foster care home” means a dwelling unit for which the owner or operator
2 receives aid from the District of Columbia to take temporary care and custody of an orphaned,
3 delinquent, or neglected child age 6 and under.

4 (8) “Lead-based paint hazard” shall have the same meaning as set forth in Section 2
5 of The Lead-Based Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law
6 11-221; D.C. Official Code § 8-115.02).

7 (9) “Lead-free” means a lead content level at or below a level determined to be safe
8 by the Mayor by regulation.

9 (10) “Lead-safe” means free of lead-based paint hazards.

10 (11) “Owner” means a person, firm, corporation, guardian, conservator, receiver,
11 trustee, executor, legal representative or registered agent, who alone or jointly and severally
12 with others, owns, holds, or controls the whole or any part of the freehold or leasehold interest to
13 any property, with or without actual possession.

14 (12) “Person at risk” means a child age 6 or under or a pregnant woman.

15 (13) “Relocation expenses” means all reasonable expenses necessitated by the
16 relocation of a tenant’s household to lead-safe housing, including, but not limited to, moving and
17 hauling expenses, the HEPA-vacuuming of all upholstered furniture, payment of a security
18 deposit for the lead-safe housing, and installation and connection of utilities and appliances.

19 (14) “Rent subsidy” means the difference between the rent paid by a tenant for housing
20 at the time of the lead poisoning and the rent due for the lead-safe housing to which the tenant is
21 relocated.

1 (15) "Risk assessment" shall have the same meaning as set forth in The Lead-Based
2 Paint Abatement and Control Act of 1996, effective April 9, 1997 (D.C. Law 11-221; D.C.
3 Official Code § 8-115.01 *et seq.*).

4 Sec. 3 Applicability.

5 (a) Except as provided in Section 4, this act applies to the following affected properties:

6 (1) Any rental dwelling unit built prior to 1978;

7 (2) Any property built prior to 1978 and in use as a foster care home or as a
8 child-occupied facility;

9 (3) Any residential property for which the owner makes an election to be
10 included in the registry; or

11 (4) Any property that the Mayor determines, upon issuance of a notice, may have
12 contributed to a child's elevated blood lead level.

13 Sec. 4 Exemptions.

14 (a) The following are exempt from the provisions of this act subject to the requirement in
15 subsection (b), if applicable:

16 (1) Property constructed in or after 1978.

17 (2) Property owned or operated by the federal or District of Columbia
18 government, unless the property or a portion thereof is in use as a child-occupied facility;

19 or

20 (3) Property for which a District-certified lead-based paint inspector determined,
21 in accordance with any rules established by the Mayor, that:

22 (A) All interior and exterior surfaces of the property are lead-free; or

1 (B) All interior surfaces are lead-free and exterior painted surfaces are
2 lead safe.

3 (b) To maintain exemption under paragraph (3)(B) of this section, every 2 years the
4 owner shall submit to the Mayor a certification, by a District-certified lead inspector, certifying
5 that exterior painted surfaces of the property are lead-safe.

6 Sec. 5 Property Registration and Fees:

7 (a) By December 31, 2007, the owner of an affected property shall register that property
8 with the Mayor in accordance with any rules established by the Mayor.

9 (b) The owner of an affected property shall pay a registration fee, in an amount to be
10 determined by the Mayor, at the time of registration or renewal.

11 (c) An owner shall renew the registration of the affected property before December 31 of
12 each year.

13 (d) An owner shall update the required registration information within 30 days of any
14 change in the information.

15 (e) An owner who acquires an affected property after December 31, 2007, shall register,
16 or transfer the registration of the property by updating the information required by the Mayor,
17 within 30 days following the acquisition.

18 Sec. 6 Registry Database.

19 (a) The Mayor shall establish and maintain a District-wide database that tracks the status
20 of affected properties.

21 Sec. 7 Risk Reduction Requirements.

22 (a) Owners of affected properties, other than child-occupied facilities, shall, in
23 accordance with subsections (b) through (e), submit a report from a District-Certified lead-based

1 paint inspector or risk assessor certifying that the property is lead-safe, and any other
2 requirements established by the Mayor.

3 (b) After January 1, 2008, the owner of an affected property shall comply with
4 subsection (a) before each change in tenancy.

5 (c) By January 1, 2013, owners of more than one affected property shall ensure that at
6 least 50% of the owner's affected properties have satisfied the requirements in subsection (a).

7 (d) By January 1, 2016, owners of any affected property shall satisfy subsection (a) for
8 all properties owned.

9 (e) Notwithstanding the requirements in (b) through (d), the owner of the affected
10 property shall satisfy the requirements of subsection (a) within 30 days after receipt of written
11 notice from the tenant, or a government agency, of a possible lead-based paint hazard.

12 (f) A tenant shall allow access to an affected property, at reasonable times, to the owner
13 or his or her employee or representative to facilitate any work or inspection required under this
14 act.

15 (g) If an owner has made all reasonable efforts to gain access to a property in order to
16 perform any work or inspection required under this act, and the tenant refuses to allow access,
17 after receiving reasonable advance notice of the need for access, the owner shall not be liable for
18 any damages arising from the tenant's refusal to allow access, and shall be exempt from the
19 requirements of this section while that tenant occupies that property.

20 (h) If an owner has made all reasonable efforts to cause a tenant to temporarily vacate a
21 property in order to perform work that will disturb the paint on interior surfaces, and the tenant
22 refuses to vacate the property, the owner shall not be liable for any damages arising from the
23 tenant's refusal to vacate.

1 Sec. 8 Risk Reduction Requirements in Child-Occupied Facilities.

2 (a) Every 2 years, each child-occupied facility shall obtain a risk assessment of the areas
3 of the facility that are accessible to children. The assessment shall include, but not be limited to,
4 soil sampling of any play areas and paint chip sampling of any deteriorating playground
5 equipment and other areas as determined by the Mayor.

6 (b) The first risk assessment shall be performed as follows:

7 (1) For an existing child-occupied facility, within 180 days of the effective date
8 of this act; or

9 (2) For any new child-occupied facility, prior to allowing children to enter the
10 facility.

11 (c) Within 60 days of receipt of the risk assessment in subsection (a), or when otherwise
12 determined by the Mayor by regulation, a child-occupied facility shall abate any lead-based paint
13 hazard identified in the risk assessment and submit a clearance report to the Mayor, completed
14 by a certified inspector or risk assessor.

15 (d) Effective January 1, 2008, upon each child's enrollment at a child-occupied facility,
16 the owner of the facility shall give to the parent or guardian of each child a lead poisoning
17 prevention pamphlet provided by the Mayor.

18 Sec. 9 Response to Identification of an Elevated Blood Lead Level.

19 (a) Within 2 business days of receipt of written notification by an agency of the District
20 of Columbia government that a person at risk with an elevated blood lead level resides in or
21 regularly visits an affected property, an owner of that affected property shall ensure that a
22 certified risk assessor conducts a risk assessment.

1 (b) Upon completion of a risk assessment required in subsection (a), the risk assessor
2 shall provide the owner and the Mayor with a report that contains a summary of the scope of the
3 risk assessment and the results of the tests conducted on the property.

4 (c) The owner shall abate all lead-based paint hazards identified in the risk assessment.

5 (d) Within 14 days of receipt of the notice in subsection (a), unless the letter required by
6 subsection (e) is issued within that time, the owner in question shall make temporary or
7 permanent comparable alternative arrangements for the relocation of any person at risk with the
8 elevated blood lead level and their family members living within the affected property, and shall
9 pay for any relocation expenses.

10 (e) The Mayor shall issue a dated Letter of Compliance to the owner once the owner
11 establishes, to the satisfaction of the Mayor, that the affected property is:

12 (1) Lead-safe or lead-free; and

13 (2) Registered pursuant to Section 5 of this act.

14 Sec. 10 Affected Property Repairs, Maintenance and other Lead-Based Paint Activities.

15 (a) Any individual who performs any demolition, renovation, remodeling, painting,
16 carpentry, plumbing, or other activity, that generates lead-based paint chips, dust, or other lead-
17 based paint debris in an affected property shall:

18 (1) Be certified as an inspector, risk assessor or supervisor or be supervised by a
19 certified supervisor;

20 (2) Follow lead-safe work practices required by the Lead-Based Paint Abatement
21 and Control Act of 1996, effective April 9, 1997 (D.C. Law 11-221, D.C. Official Code §§ 8-
22 115.01 *et seq.*); and

1 (3) Upon completion of the work, submit to the Mayor a clearance report
2 certifying that the affected property is free of lead-based paint hazards.

3 (b) Prior to commencing any activity in subsection (a), a contractor shall provide the
4 owner of such property and any tenant with a set of written materials provided by the Mayor for
5 such purposes. Such materials shall include, but are not limited to, a summary of the
6 contractor's responsibilities under this act.

7 (c) When an owner of an affected property intends to undertake work identified in
8 subsection (a) in the interior of the property, the owner shall make reasonable efforts to ensure
9 that all persons who are not persons at risk are not present in the area where work is performed
10 and that all persons at risk are removed from the property when the work is performed.

11 Sec. 11 Owner Obligations.

12 (a) The provisions of this act do not affect:

13 (1) The duties and obligations of an owner of an affected property to monitor,
14 repair or maintain the property as required under any applicable District law or regulation; or

15 (2) The authority of another District agency to enforce applicable housing codes
16 or to order lead abatements in accordance with any applicable District law or regulation.

17 (b) By January 1, 2008, and every 2 years thereafter, an owner of an affected property
18 shall give to the tenant of each of the owner's affected properties a lead poisoning information
19 packet and a notice of tenant's rights prepared or approved by the Mayor.

20 (c) After January 1, 2008, upon the execution of a lease or the inception of a tenancy for
21 an affected property, and every 2 years thereafter, the owner of the property shall give to the
22 tenant a lead poisoning information packet and notice of tenant's rights prepared or approved by
23 the Mayor.

1 (d) A lead poisoning information packet given under this section shall be sent to the
2 address of the affected property by a verifiable method approved by the Mayor.

3 (e) An owner shall disclose pending actions ordered by the Mayor pursuant to this act to
4 any prospective purchaser of an affected property at, or prior to, the time a contract of sale is
5 executed.

6 (f) No owner shall discriminate against any individual because that individual has
7 asserted any right reserved to him under this act, or because he has made a charge, testified,
8 assisted, or participated in any manner in an investigation, proceeding, or hearing under this act
9 or otherwise opposed any condition or practice made unlawful by this act.

10 (g) The owner or entity that manages, oversees, or controls the regular operation of the
11 child-occupied facility shall keep any written record of the completion of any repairs performed
12 and proof the distribution of lead poisoning information packets for no less than 2 years.

13 Sec. 12 Lead Poisoning Prevention Fund.

14 (a) The Mayor of the District of Columbia shall establish a trust fund pursuant to D.C.
15 Official Code § 47-373(2)(H) to be known as the “Lead Poisoning Prevention Fund”.

16 (b) All fees and fines derived from compliance with and enforcement of the requirements
17 of this act, and all interest earned on those monies, shall be deposited into The Lead Poisoning
18 Prevention Fund without regard to fiscal year limitations pursuant to any act of Congress. All
19 monies deposited into the fund shall not revert to the General Fund of the District of Columbia at
20 the end of any fiscal year or at any other time, but shall be continually available for the uses and
21 purposes set forth in this section, subject to authorization by Congress.

1 (c) Amounts allocated to, or deposited in, the Lead Poisoning Prevention Fund shall be
2 used by the Mayor solely for the purposes of ensuring compliance with and enforcement of this
3 act, and to provide assistance with relocation of a person at risk.

4 Sec. 13. Right of Entry; Inspections, Analyses, Corrective Action.

5 (a) The Mayor shall have the right to randomly and periodically enter any property
6 reasonably believed to be subject to this act without delay, at any time, upon the presentation of
7 appropriate credentials to the owner or tenant, for the following purposes:

8 (1) To conduct a risk assessment or inspection;

9 (2) To collect paint chip, soil or other environmental samples;

10 (3) To conduct a lead-based paint dust test;

11 (4) To verify compliance with this act; or

12 (5) For any reason related to ensuring the safety of occupants after detection of
13 an elevated blood lead level in such occupants of, or regular visitors to, such property.

14 (b) If, upon inspection, the Mayor has reason to believe that (i) there has been a violation
15 of this act or of the rules issued pursuant to this act, or (ii) the presence of a lead-based paint
16 hazard, the Mayor may:

17 (1) Give written notice of the alleged violation or threat to the party responsible
18 and order the party to take such corrective measures as the Mayor determines reasonable and
19 necessary;

20 (2) Issue a cease and desist order;

21 (3) Impose civil or criminal fines and penalties in accordance with sections 14
22 and 16;

1 (4) Request the Attorney General for the District of Columbia to commence
2 appropriate civil action in the Superior Court of the District of Columbia to secure a temporary
3 restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief;
4 and

5 (5) Relocate a child with an elevated blood lead level and correct any lead-based
6 paint hazards. The costs for such relocation and abatement of hazards shall be assessed against
7 the owner of the affected property and the failure to pay such costs may result in a lien being
8 placed upon the affected property without further notice to the owner.

9 (c) If the Mayor is denied access to conduct an inspection in accordance with this
10 section, the Mayor may apply to the Superior Court of the District of Columbia for a search
11 warrant.

12 (d) A cease and desist order issued under this section shall be effective upon issuance.

13 (e) Notwithstanding any other provision of law, the District government shall not issue
14 any license or permit if the owner is in violation of this act.

15 Sec. 14 Civil and Administrative Penalties.

16 (a) Any violation of this act is punishable by a civil penalty not to exceed \$25,000 for
17 each day of each violation.

18 (b) Civil infraction fines, penalties, and fees may be imposed as alternative sanctions for
19 any infraction of the provisions of this act or the rules issued under authority of Chapter 18 of
20 Title 2.

21 Sec. 15 Hearings.

1 Any person issued a cease and desist order pursuant to section 13(b)(2) or a civil fine
2 pursuant to section 14, is entitled to request a hearing before the Office of Administrative
3 Hearings.

4 Sec. 16 Criminal Penalties.

5 (a) Notwithstanding any other provisions of this act, any person who knowingly or
6 willfully violates the provisions of this act, or the implementing rules and regulations, may be
7 subject, upon conviction, to a fine of not more than \$25,000 for each day of each violation, or to
8 imprisonment for not more than one year, or both.

9 (b) Willful and knowing falsification of information required by this act shall be a
10 violation of this act.

11 (c) All prosecutions under this section shall be in the Superior Court of the District of
12 Columbia in the name of the District of Columbia and shall be instituted by the Attorney General
13 for the District of Columbia.