

Kansas Administrative Regulations

Department of Health and Environment

Article 72.—Residential Childhood Lead Poisoning Prevention Program

28-72-53. Information distribution requirements.

(a) Renovations in target housing. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the renovator shall perform the following:

(1) Provide the owner of the unit with the pamphlet and renovation notice and comply with one of the following:

(A) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet and renovation notice; or

(B) obtain a certificate of mailing at least seven days before the renovation; and

(2) if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet and renovation notice and comply with one of the following:

(A) Obtain from the adult occupant a written acknowledgment that the occupant has received the pamphlet and renovation notice, or certify in writing that the pamphlet and renovation notice have been delivered to the dwelling and that the renovator has been unsuccessful in obtaining a written acknowledgment from an adult occupant. This certification shall include the following:

(i) The address of the unit undergoing renovation;

(ii) the date and method of delivery of the pamphlet and renovation notice;

(iii) the names of persons delivering the pamphlet and renovation notice;

(iv) the reasons for lack of acknowledgment, including the occupant's refusal to sign and unavailability of adult occupants;

(v) the signature of the renovator; and

(vi) the date of signature; or

(B) obtain a certificate of mailing at least seven days before the renovation.

(b) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multifamily housing, the renovator shall perform the following:

(1) Provide the owner with the pamphlet and renovation notice and comply with one of the following:

(A) Obtain from the owner a written acknowledgment that the owner has received the pamphlet and renovation notice; or

(B) obtain a certificate of mailing at least seven days before the renovation;

(2) provide a pamphlet and a renovation notice to each unit of the multifamily housing before the start of renovation. This notification shall be accomplished by distributing written notice to each affected unit. The notice from the renovator shall describe the general nature and locations of the planned renovation activities and the expected starting and ending dates; and

(3) if the scope, location, or expected starting and ending dates of planned renovation activities change after the initial notification, provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification shall be provided before the renovator initiates work beyond that which was described in the original notice.

(c) Written acknowledgment. Sample language for the written acknowledgments required in paragraphs (a)(1)(A), (a)(2)(A), and (b)(1)(A) shall be provided by the KDHE upon request from the renovator. These acknowledgments shall be written in the same language as that in the text of the contract agreement for the renovation or, in the case of non-owner-occupied target housing, in the same language as that in the lease or rental agreement or the pamphlet and shall include the following:

(1) A statement recording the owner or occupant's name and acknowledging receipt of the pamphlet and renovation notice before the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of the signature; and

(2) either a separate sheet or part of any written contract or service agreement for the renovation.

(d) Lead poisoning prevention poster.

(1) Each commercial establishment that offers paint or supplies intended for the removal or application of paint shall display, in a conspicuous location near the painting supplies, a poster containing a warning statement, with the following information at a minimum:

(A) The dry sanding and the dry scraping of paint in dwellings built before 1978 are dangerous.

(B) The improper removal of old paint is a significant source of lead dust and the primary cause of lead poisoning.

(C) Renovators are required by regulation to notify owners and occupants of the hazards associated with lead paint before doing work.

The commercial establishment shall also include contact information so that consumers and renovators can obtain more information.

(2) Sample posters and materials that commercial establishments may use to comply with this subsection shall be available from KDHE.

(e) Compliance. A commercial establishment shall be deemed to be in compliance with this regulation if the commercial establishment displays the lead poisoning prevention poster as required in subsection (d) and makes the pamphlet available to its customers.

(Authorized by and implementing K.S.A. 65-1,202; effective June 23, 2000; amended April 9, 2010.)

***** Authenticated Kansas Administrative Regulation *****