

Kansas Administrative Regulations

Department of Health and Environment

Article 72.—Residential Childhood Lead Poisoning Prevention Program

28-72-51. Definitions.

For purposes of this article, the definitions in K.A.R. 28-72-1a through K.A.R. 28-72-1x, as well as the following definitions, shall apply:

(a) "Acknowledgment statement" means a form that is signed by the owner or occupant of housing confirming that the owner or occupant received a copy of the pamphlet and renovation notice before the renovation began.

(b) "Certificate of mailing" means a receipt from the postal service that provides evidence that the renovator mailed the pamphlet and a renovation notice to each owner or occupant. The pamphlet and renovation notice shall be mailed at least seven days before the start of renovation.

(c) "Compensation" means payment or goods received for services rendered. Payment may be in the form of money, goods, services, or bartering.

(d) "Emergency renovation operations" means unplanned renovation activities performed in response to a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard or threatens property with significant damage. Emergency renovation operations shall include renovations to repair damage from a tree that fell on a house and renovations to repair a water pipe break in an apartment complex.

(e) "EPA" is defined in K.A.R. 28-72-1e.

(f) "Housing for the elderly" means retirement or similar types of housing specifically reserved for households of one or more persons 62 years of age or older at the time the unit is first occupied.

(g) "Lead-based-paint-free housing" means target housing that has been determined by a certified inspector or certified risk assessor to be free of paint or other surface

coatings that contain lead equal to or in excess of one milligram per square centimeter or 0.5 percent by weight.

(h) "Lessor" means any entity that offers target housing for lease, rent, or sublease, including the following:

- (1) Individuals;
- (2) partnerships;
- (3) corporations;
- (4) trusts;
- (5) government agencies;
- (6) housing agencies; and
- (7) nonprofit organizations.

(i) "Minor repair and maintenance" means activities including the following:

(1) Performing minor electrical work that disturbs six square feet or less of painted surface per component;

(2) drilling holes in the wall to run an electrical line; or

(3) replacing a light fixture.

(j) "Occupant" means any person or entity that enters into an agreement to lease, rent, or sublease target housing or any person that inhabits target housing, including the following:

- (1) Individuals;
- (2) partnerships;
- (3) corporations;
- (4) trusts;
- (5) government agencies;
- (6) housing agencies; and
- (7) nonprofit organizations.

(k) "Owner" means any person or entity that has legal title to housing, including the following:

- (1) Individuals;
- (2) partnerships;
- (3) corporations;

- (4) trusts;
- (5) government agencies;
- (6) housing agencies; and
- (7) nonprofit organizations.

(l) "Pamphlet" has the meaning specified in 40 CFR 745.83 as adopted in K.A.R. 28-72-2.

(m) "Record of notification" means a written statement documenting the steps taken to provide pamphlets and renovation notices to occupants and owners in residential dwellings.

(n) "Renovation" has the meaning specified in 40 CFR 745.83 as adopted in K.A.R. 28-72-2.

(o) "Renovation firm" means any individual, organization, or entity that has met the requirements for licensing by KDHE as specified in K.A.R. 28-72-10a.

(p) "Renovation notice" means a notice of renovation activities to occupants and owners of residential dwellings. The notice shall describe the scope, location, and expected duration of the renovation activity.

(q) "Renovator" means a person who has received certification from the secretary, as specified in K.A.R. 28-72-7a, and is receiving compensation for a renovation.

(r) "Self-certification of delivery" means an alternative method of documenting the delivery of the pamphlet and renovation notice to the occupant. This method may be used whenever the occupant is unavailable or unwilling to sign a confirmation of receipt of pamphlet.

(s) "Supplemental renovation notice" means any additional notification that is required when the scope, location, or duration of a project changes.

(t) "Zero-bedroom dwelling" means any residential dwelling in which the living area is not separated from the sleeping area. This term shall include dormitory housing and military barracks. This term shall not include efficiency and studio apartments.

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