

15A NCAC 18A .3108 APPLICATION AND ISSUANCE OF CERTIFICATE OF COMPLIANCE

(a) Written application for a certificate of compliance shall be made by an owner or managing agent on a form developed by the Department and shall include a copy of the tax record or other documentation indicating the date of construction of the residential housing unit.

(b) To obtain a certificate of compliance with the maintenance standard, an owner or managing agent shall comply with the provisions of G.S. 130A-131.7 and these Rules.

(c) Proof of compliance shall include:

- (1) a sworn statement by the owner or managing agent that either he has complied with all provisions of the maintenance standard or a sworn statement that no child less than six years old has resided in or regularly visited the unit for the past year;
- (2) a signed statement by the occupants, if any, acknowledging that information was provided as required under G.S. 130A-131.7 and these Rules;
- (3) a written summary of the visual inspection conducted by a certified lead inspector or a certified lead risk assessor; and
- (4) measurements of at least two composite dust samples, one each from floors and either interior window sills or window troughs, indicating the absence of dust that constitutes a lead poisoning hazard. Each composite sample must contain no more than four subsamples including a bedroom, a playroom, a den, and a kitchen. All samples must be analyzed by a laboratory recognized by the Department and the U.S. Environmental Protection Agency pursuant to section 405(b) of the Toxic Substances Control Act as being capable of performing analyses for lead in paint, dust, and soil.

(d) For multi-family residential housing units consisting of five or more units in a single property, visual inspections and laboratory measurements are only required for a statistical sampling of the units as specified for risk assessments of similar dwellings by the U.S. Department of Housing and Urban Development in Chapter 5 of the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing and any updates and revisions. Any such sampling protocol shall focus on the units most likely to contain lead-based paint hazards and units where children less than six years old reside or regularly visit.

(e) For annual renewal of the certificate of compliance, periodic surveillance may be conducted by an owner or a managing agent who has a good compliance record, with no outstanding violations of these Rules, in lieu of a visual inspection so long as the written summary of a visual inspection conducted by a certified lead inspector or a certified lead risk assessor is provided at least once every three years. Periodic surveillance shall include a written report and composite dust sampling measurements as described in 15A NCAC 18A .3108(c)(4).

(f) The Department shall issue a certificate of compliance within 30 days after receipt of proof of compliance unless the residential housing unit has been designated for on-site monitoring by the Department. If the residential housing unit has been selected for on-site monitoring, the certificate of compliance shall be issued within 30 days after the Department has verified compliance with G.S. 130A-131.7 and these Rules by a visual inspection. The visual inspection shall occur within 30 days after receipt of the application for a certificate of compliance.

(g) The certificate of compliance shall be signed, dated, and issued by the Department. The certificate shall state the date of issue, the date of expiration, and the address of the residential housing unit.

(h) The certificate of compliance shall expire one year from the date of its issuance.

(i) The owner or managing agent shall notify the Department and the occupants of a residential housing unit three days prior to commencing maintenance, renovation, or remodeling activities that occur after a certificate of compliance is issued but before the certificate expires. Such activities shall be performed using safe work practices.

(j) The Department shall notify the occupants at the time a certificate of compliance is issued or reissued. Such notification shall include an educational pamphlet describing the maintenance standard and the effects of compliance on the owner and the lead poisoning hazard information package described in these Rules.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;

Temporary Adoption Eff. November 21, 1997;

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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.