

**Policy Title:** Polk County Lead Regulation Enforcement Procedure

**Policy Justification:** On January 10, 2006 the Polk County Board of Health adopted and the Polk County Board of Supervisors approved, an amendment of the Polk County Local Board of Health Rules and regulations adding a new Chapter VIII, Control of Lead-Based Paint Hazards. This regulation increases the Board of Health's, through Polk County Health Department, authority to see that properties with lead-based paint hazards are properly cleaned up.

**Policy Purpose:** To provide clear, consistent, guidelines for enforcement of the regulation.

**Applicability:** This procedure to all Polk County Certified Lead Inspectors, Health Department staff, Board of Health Advisory Committee members, volunteers, interns, and residents.

**Policy Implementation:**

1. Enter the property(ies) where an EBL child has resided and conduct an inspection(s).
2. Within 21 business days, an inspection report and the Polk County "Order to Repair Lead Hazards" Letter will be completed, signed by the EBL Inspector, and by the **Polk County Health Department Director** and sent to the Property Owner via Certified Mail or delivered in person. All lead hazards will be ordered to be remediated in 30 days. A copy of these documents will also be sent to the family, if this is a rental property. In the case of a contract sale, both parties will receive a copy. A copy of "Eliminating Lead Hazards" will be enclosed with each mailing. Copy of Polk County Regulation "Control of Lead-Based Paint Hazards" will also be enclosed with each mailing.
3. 30 Calendar days from the date of the Inspection Report, an EBL Inspector will follow up in person or by telephone with the Owner of Record to ascertain whether the work has been completed.
4. If the Owner of Record indicates the work has been completed, the EBL inspector will schedule a Clearance Test, in accordance with the State of Iowa/CDC procedures. The owner must agree to have the Clearance Test scheduled within 15 days. If the owner does not agree to schedule the Clearance Test within 15 days, a Notice of Violation will be issued, as described in Step 6. Upon a successful Clearance Test, the EBL inspector will issue a Clearance Report within 3 weeks. If the Clearance test is unsuccessful, a follow up Clearance Test, per State of Iowa/CDC procedures, will be scheduled within 15 days, with subsequent Notice of Violation issued, as above, if not scheduled.
5. If, after 30 days from the Inspection Report, the Owner has remediated the immediate lead hazards, but has other lead hazards remaining, and/or has developed a concrete plan and timeline to address all the lead hazards, an EBL Inspector has the discretion to enlist the help of the Lead Program Specialist to help the owner meet the requirements

specified in the original “Order to Repair Lead Hazards” and/or to amend the time allowed to complete the repairs for a period not to exceed 30 additional days. Failure by the Owner to show reasonable progress on the remaining lead hazards within 15 days will result in a Notice of Violation being issued to the Owner, as described in Step 6, below. Failure to completely repair all lead hazards within the amended time period will result in a Notice of Violation being issued to the Owner, as described in Step 7, below.

6. If the Owner has not remediated the immediate lead hazards after 30 days, a “Notice of Violation” will be issued by the EBL Inspector and signed by the Polk County Health Department Director and sent via Certified Mail or hand delivered to the same parties to whom the Order to Repair was sent. The owner will be given 15 days to complete the items in the Notice of Violation. Prior to a “Notice of Violation” being issued, the Owner will be sent a letter indicating that failure to show reasonable progress by a specified deadline will result in the file being referred to the County Attorney. This letter will be signed by the EBL Inspector and the Polk County Health Department Director.
7. If the owner of a RENTAL property has not remediated the immediate lead hazards after 30 days, a copy of the Notice of Violation, a copy of the Order to Repair, a copy of the inspection report, and a formal request to revoke the rental permit will be sent to the Administrator of the City of Des Moines Neighborhood Inspections Division.
8. The EBL Inspector will notify the Lead Team at the next Monthly meeting of any Notices of Violation Issued.
9. If, after 15 days from the issuance of the Notice of Violation, the EBL inspector visits the property, and work is underway, but is not complete, the EBL inspector may—depending on the progress made—issue a citation, schedule a clearance test, or amend the time allowed to complete the repairs, for a period not to exceed 30 additional days. Amending the time allowed to complete the repairs beyond 30 days requires the authorization from the Lead Program Supervisor.
10. If, after 15 days from the issuance of the Notice of Violation, the owner has not begun the repairs, a Citation is drafted and emailed to the County Attorney’s office for review. Following review, the Citation, signed by the EBL Inspector and by the Polk County Health Department Director is served on the Property Owner by the EBL Inspector, either in person, or by Certified Mail.
11. If, at any time after 30 days from the issuance of the Order to Repair Lead Hazards, the seriousness of the situation warrants it, the EBL Inspector can request that the Polk County Health Department Director approve an abatement order to have the work performed.
12. If the Certified Mail receipt comes back as undelivered, the Citation will be published in the Legal records of the newspaper.

13. If the EBL inspection is refused entry to any property, the EBL will complete a “Complaint of Failure to Allow Entry to Property” The draft complaint will be signed by the Director of the Health Department and emailed to the County Attorney’s office for review. The Director of the Health Department will request that the County Attorney request a judge to issue a warrant or order to allow entry.
14. The warrant is served on the Property Owner by the EBL Inspector in person, with the presence of a Peace Officer. The EBL inspector will perform the inspection at this time.

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Location/Name on Computer: Polk County Lead Regulation Enforcement Procedure  
(S:Everyone/Share/Policy and Procedure Manual/Lead/Lead Ordinance)



Director’s Signature

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