

House Bill 1043 (COMMITTEE SUBSTITUTE)

By: Representatives Cooper of the 41st, Wilkinson of the 52nd, Jacobs of the 80th, Manning of the 32nd, Butler of the 18th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 41 of Title 31 of the Official Code of Georgia Annotated, the
2 "Childhood Lead Exposure Control Act," so as to revise the definition of the term "confirmed
3 lead poisoning"; to provide for new definitions; to change certain provisions relating to the
4 abatement of lead poisoning hazards; to provide for certain remedies; to provide for
5 application of the article; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 41 of Title 31 of the Official Code of Georgia Annotated, the
10 "Childhood Lead Exposure Control Act," is amended by revising paragraph (1) and adding
11 a new paragraph (5.1) to Code Section 31-41-12, relating to definitions, as follows:

12 "(1) 'Confirmed lead poisoning' means a confirmed concentration of lead in whole blood
13 equal to or greater than 20 micrograms of lead per deciliter for a single test or between
14 15 and 19 micrograms of lead per deciliter in two tests taken at least three months apart."

15 "(5.1) 'Lead hazard abatement' means the removal and correction, in a manner no more
16 strict than what is determined to be absolutely necessary, of a specifically identified
17 hazard which causes a confirmed lead poisoning."

18 **SECTION 2.**

19 Said article is further amended by revising Code Section 31-41-13, relating to notice of lead
20 poisoning hazard, as follows:

21 "31-41-13.

22 Upon determination that a lead poisoning hazard exists, the division shall give written
23 notice of the lead poisoning hazard to the owner ~~or managing agent~~ of the dwelling,
24 dwelling unit, school, or day-care facility and to all persons residing in or attending the
25 dwelling or facility. The division shall also make every reasonable and practicable effort

1 to provide written notice to the managing agent of the dwelling, dwelling unit, school, or
 2 day-care facility. The written notice to the owner, ~~or managing agent, or tenant~~ shall
 3 include a list of possible methods of abatement of the lead poisoning hazard."

4 SECTION 3.

5 Said article is further amended by revising subsection (a) of Code Section 31-41-14, relating
 6 to abatement of lead poisoning hazard, as follows:

7 "(a) Upon determination that a child less than six years of age has a confirmed lead
 8 poisoning ~~of 20 micrograms per deciliter or greater~~ and that the child resides in, attends,
 9 or regularly visits a dwelling, dwelling unit, school, or day-care facility containing lead
 10 poisoning hazards, the division shall require a lead hazard abatement ~~of the lead poisoning~~
 11 ~~hazards.~~ The division shall also require the a lead hazard abatement ~~of the lead poisoning~~
 12 ~~hazards identified~~ at the supplemental addresses of a child less than six years of age with
 13 a confirmed lead poisoning ~~of 20 micrograms per deciliter or greater.~~ Upon confirming
 14 that all other potential sources of the confirmed lead poisoning have tested negative and
 15 making every reasonable effort to obtain consent from such dwelling's owner or managing
 16 agent to comply with this Code section, the division shall solicit a court order from the
 17 superior court with jurisdiction over such dwelling to order the dwelling's owner to
 18 perform a lead hazard abatement."

19 SECTION 3.

20 Said article is further amended by revising Code Section 31-41-18, relating to application of
 21 such article, as follows:

22 "31-41-18.

23 ~~This article shall not apply to any owner or managing agent of a single-family dwelling or~~
 24 ~~multifamily residence, building, or structure designed to contain not more than 12~~
 25 ~~single-family dwellings, dwelling units, or residential housing units so long as the whole~~
 26 ~~complex comprised of such residences, buildings, or structures does not contain more than~~
 27 ~~12 single-family dwellings, dwelling units, or residential housing units.~~ This article shall
 28 only apply to:

29 (1) Owners of residential rental property; and

30 (2) Landlords

31 that accept compensation for the use of residential property by another."

32 SECTION 4.

33 All laws and parts of laws in conflict with this Act are repealed.