

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3873

02/28/2022 Authored by Jordan
The bill was read for the first time and referred to the Committee on Health Finance and Policy
03/30/2022 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to health; modifying renovation and lead hazard reduction provisions;
1.3 amending Minnesota Statutes 2020, sections 144.9501, subdivisions 26a, 26b;
1.4 144.9505, subdivisions 1, 1h; Minnesota Statutes 2021 Supplement, section
1.5 144.9501, subdivision 17.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2021 Supplement, section 144.9501, subdivision 17, is
1.8 amended to read:

1.9 Subd. 17. **Lead hazard reduction.** (a) "Lead hazard reduction" means abatement, swab
1.10 team services, or interim controls undertaken to make a residence, child care facility, school,
1.11 playground, or other location where lead hazards are identified lead-safe by complying with
1.12 the lead standards and methods adopted under section 144.9508.

1.13 (b) Lead hazard reduction does not include renovation activity that is primarily intended
1.14 to remodel, repair, or restore a given structure or dwelling rather than abate or control
1.15 lead-based paint hazards.

1.16 (c) Lead hazard reduction does not include activities that disturb painted surfaces that
1.17 total:

1.18 (1) less than 20 square feet (two square meters) on exterior surfaces; or

1.19 (2) less than two square feet (0.2 square meters) in an interior room.

1.20 Sec. 2. Minnesota Statutes 2020, section 144.9501, subdivision 26a, is amended to read:

1.21 Subd. 26a. **Regulated lead work.** ~~(a)~~ "Regulated lead work" means:

- 2.1 (1) abatement;
- 2.2 (2) interim controls;
- 2.3 (3) a clearance inspection;
- 2.4 (4) a lead hazard screen;
- 2.5 (5) a lead inspection;
- 2.6 (6) a lead risk assessment;
- 2.7 (7) lead project designer services;
- 2.8 (8) lead sampling technician services;
- 2.9 (9) swab team services;
- 2.10 (10) renovation activities; or
- 2.11 (11) lead hazard reduction; or
- 2.12 ~~(11)~~ (12) activities performed to comply with lead orders issued by a community health
- 2.13 ~~board~~ an assessing agency.
- 2.14 ~~(b) Regulated lead work does not include abatement, interim controls, swab team services,~~
- 2.15 ~~or renovation activities that disturb painted surfaces that total no more than:~~
- 2.16 ~~(1) 20 square feet (two square meters) on exterior surfaces; or~~
- 2.17 ~~(2) six square feet (0.6 square meters) in an interior room.~~
- 2.18 Sec. 3. Minnesota Statutes 2020, section 144.9501, subdivision 26b, is amended to read:
- 2.19 Subd. 26b. **Renovation.** (a) "Renovation" means the modification of any pre-1978
- 2.20 affected property for compensation that results in the disturbance of known or presumed
- 2.21 lead-containing painted surfaces defined under section 144.9508, unless that activity is
- 2.22 performed as lead hazard reduction. A renovation performed for the purpose of converting
- 2.23 a building or part of a building into an affected property is a renovation under this
- 2.24 subdivision.
- 2.25 (b) Renovation does not include activities that disturb painted surfaces that total:
- 2.26 (1) less than 20 square feet (two square meters) on exterior surfaces; or
- 2.27 (2) less than six square feet (0.6 square meters) in an interior room.

3.1 Sec. 4. Minnesota Statutes 2020, section 144.9505, subdivision 1, is amended to read:

3.2 Subdivision 1. **Licensing, certification, and permitting.** (a) Fees collected under this
3.3 section shall be deposited into the state treasury and credited to the state government special
3.4 revenue fund.

3.5 (b) Persons shall not advertise or otherwise present themselves as lead supervisors, lead
3.6 workers, lead inspectors, lead risk assessors, lead sampling technicians, lead project designers,
3.7 renovation firms, or lead firms unless they have licenses or certificates issued by the
3.8 commissioner under this section.

3.9 (c) The fees required in this section for inspectors, risk assessors, and certified lead firms
3.10 are waived for state or local government employees performing services for or as an assessing
3.11 agency.

3.12 (d) An individual who is the owner of property on which ~~regulated lead work~~ lead hazard
3.13 reduction is to be performed or an adult individual who is related to the property owner, as
3.14 defined under section 245A.02, subdivision 13, is exempt from the requirements to obtain
3.15 a license and pay a fee according to this section.

3.16 (e) A person that employs individuals to perform ~~regulated lead work~~ lead hazard
3.17 reduction, clearance inspections, lead risk assessments, lead inspections, lead hazard screens,
3.18 lead project designer services, lead sampling technician services, and swab team services
3.19 outside of the person's property must obtain certification as a certified lead firm. An
3.20 individual who performs lead hazard reduction, lead hazard screens, lead inspections, lead
3.21 risk assessments, clearance inspections, lead project designer services, lead sampling
3.22 technician services, swab team services, and activities performed to comply with lead orders
3.23 must be employed by a certified lead firm, unless the individual is a sole proprietor and
3.24 does not employ any other individuals; the individual is employed by a person that does
3.25 not perform ~~regulated lead work~~ lead hazard reduction, clearance inspections, lead risk
3.26 assessments, lead inspections, lead hazard screens, lead project designer services, lead
3.27 sampling technician services, and swab team services outside of the person's property; or
3.28 the individual is employed by an assessing agency.

3.29 Sec. 5. Minnesota Statutes 2020, section 144.9505, subdivision 1h, is amended to read:

3.30 Subd. 1h. **Certified renovation firm.** A person who ~~employs individuals to perform~~
3.31 performs renovation activities ~~outside of the person's property~~ must obtain certification as
3.32 a renovation firm. The certificate must be in writing, contain an expiration date, be signed
3.33 by the commissioner, and give the name and address of the person to whom it is issued. A

- 4.1 renovation firm certificate is valid for two years. The certification fee is \$100, is
- 4.2 nonrefundable, and must be submitted with each application. The renovation firm certificate
- 4.3 or a copy of the certificate must be readily available at the worksite for review by the
- 4.4 contracting entity, the commissioner, and other public health officials charged with the
- 4.5 health, safety, and welfare of the state's citizens.