

WHAT IS THE LEAD HAZARD MITIGATION LAW?

The Lead Hazard Mitigation Law is designed to prevent lead poisoning in children and pregnant women. Most houses built before 1978 contain lead-based paint. Lead is poison when it gets into the body. Lead can harm people – especially children and pregnant women. Starting November 1, 2005, most property owners who own rental housing units built before 1978 will be required by the Lead Hazard Mitigation Law to fix lead hazards in these units.



REQUIREMENTS FOR NEW OWNERS OF RENTAL PROPERTIES

The Lead Hazard Mitigation Law requires that most owners of rental properties built before 1978 meet the following four requirements: 1) Get a Certificate of Conformance for each rental unit that you own, 2) Give tenants information about lead hazards, 3) Respond to tenant concerns, and 4) Keep your Certificate of Conformance current.

Exempt Properties

If you own one of the following types of pre-1978 rental dwelling units, you are exempt from the requirements of the Lead Hazard Mitigation Law:

1. Rental units with a current Lead Safe or Lead Free certificate;
2. Temporary housing or seasonal housing, which is defined as housing that is rented for no more than 100 days in a calendar year to the same tenant;
3. Housing that is specifically designated by a regulatory agreement or a zoning ordinance to house persons 62 years of age or older;
4. Two or three unit properties, in which one of the units is occupied by the property owner.

If you own an exempt property, you are exempt from the law. However, if you choose to get lead liability insurance coverage your insurance carrier may ask that you follow the same steps as property owners who are not exempt from the law.

1. GET A CERTIFICATE OF CONFORMANCE

When you buy a rental property that was built before 1978, you should ask for a current certificate regarding lead hazards on your property. If the property has a current Certificate of Conformance, you must attend a Lead Hazard Awareness class and keep your certificate current.

If the property does not have a current Certificate of Conformance, Lead Safe Certificate, or Lead Free Certificate at the time of sale you must get a Certificate of Conformance.

The steps to get this Certificate depend on the occupancy status of the rental property at the time of sale.

If a pregnant woman or a child under age six occupies the rental property, you must:

- » **Attend a Lead Hazard Awareness Class.** You must take the three-hour class prior to or immediately after purchasing the rental property. After completing the class, you will be able to visually inspect your rental property for lead hazards and fix them using the safe work practices that you learned.
- » **Complete a visual assessment.** You must visually inspect your rental property within 30 days of purchase. If you have not been trained to do a visual inspection for lead hazards, you must hire an authorized Lead Inspector or Inspector Technician. If lead hazards are found, you have 60 days to fix them and get a Certificate of Conformance.
- » **Request an Independent Clearance Inspection.** You must hire an authorized Lead Inspector or Inspector Technician to verify that there are no lead hazards on your property. If your property fails this inspection, you have 60 days to fix any lead hazards. Then you must ask the inspector to return and check the property again. You will receive a Certificate of Conformance after the property has passed the inspection.

If the property is vacant or not occupied by a pregnant woman or a child under age six, you must:

- » **Attend a Lead Hazard Awareness Class.** In this three-hour class you will learn how to find and safely fix lead hazards.

» **Conduct a visual inspection of your rental unit and surrounding property when there is a change in tenants.**

You must check the rental unit and the surrounding property for lead hazards using the methods learned in the class.

» **Fix lead hazards found during the visual inspection.** You must fix the lead hazards using the safe work practices learned in the class.

» **Request an Independent Clearance Inspection.** You must hire an authorized Lead Inspector or Inspector Technician to verify that there are no lead hazards on your property. If your property fails this inspection, you have 60 days to fix any lead hazards. Then you must ask the inspector to return and check the property again. You will receive a Certificate of Conformance after the property has passed the inspection.

2. GIVE TENANTS INFORMATION ABOUT LEAD HAZARDS

The law requires that you give your tenants:

- » Information about how to help protect their family from lead hazards.
- » The name, address, and telephone number of a contact person whom they can call if they find lead hazards. This can be you or a person you choose.
- » A copy of the most recent Independent Clearance Inspection Report.

3. RESPOND TO TENANT CONCERNS ABOUT LEAD HAZARDS

Your tenant must first bring any concerns about potential lead hazards to you or your contact person. You must respond to these concerns within 30 days. If you find lead hazards, you must fix them using safe work practices.

If you do not respond or the tenant feels that you have not fixed the lead hazards, the tenant can bring his or her concerns to the Housing Resources Commission, who will investigate. If the Housing Resources Commission finds lead hazards, they will issue a Notice of Violation. If you do not respond to this notice or do not fix the hazards within 30 days, the Housing Resources Commission will file a complaint with your city or town housing code official.

4. KEEP YOUR CERTIFICATE OF CONFORMANCE CURRENT

The Certificate of Conformance must be renewed every two years. Follow these steps to renew your Certificate:

When there has been a change in tenants: You must hire an authorized Lead Inspector or Inspector Technician to do an Independent Clearance Inspection within 30 days of renting the unit to new tenants. Only one Independent Clearance Inspection is needed in a 24-month period, even if there has been more than one change in tenants.

When there has been no change in tenants: If it has been two years since you received or renewed your Certificate of Conformance and there has been no change in tenants, you must complete a visual inspection of the rental unit to renew your certificate. Then you must fill out an Affidavit of Completion of Visual Inspection. The affidavit can be obtained from the Housing Resources Commission.

Information Your Property Insurer May Require

If you are buying lead liability insurance for your rental property, your insurance carrier may require you to provide proof of compliance with the Lead Hazard Mitigation Law. Check with your property insurer or agent for the type of certificate they require and coverage they provide.

About Vacation Homes

If you rent your vacation property for more than 100 days to the same tenant in any given year, you must meet all of the requirements of the law.



THE HOUSING RESOURCES COMMISSION IS READY TO HELP YOU

If you have questions about the Lead Hazard Mitigation Law, or any of the information in this brochure including the Lead Hazard Awareness Classes, call the Housing Resources Commission at **401-222-LEAD (5323)** or visit **www.hrc.ri.gov**.

