

# 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 July 1, 2004, 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 PROPERTY OWNERS WHO OWN TEN OR MORE HOUSING RENTAL UNITS



Under the Lead Hazard Mitigation Law, property owners who own 10 or more residential rental units may apply for a special provision called Presumptive Compliance. If you own 10 or more rental housing units, you have the option of getting a Certificate of Conformance for each individual rental unit or you may apply for a Certificate of Presumptive Compliance for some or all of your rental units.

### Applying for Presumptive Compliance

First you select the rental units that you want covered by the Certificate of Presumptive Compliance. All selected rental units must have been built between 1960 and 1978. Rental units that have a Lead-Safe or a Lead-Free Certificate cannot be selected for the Certificate of Presumptive Compliance.

#### To apply you must meet the following conditions:

- » No major outstanding Minimum Housing Code Violations (as defined by the Housing Resources Commission) in any of the selected rental properties.
- » No history of repeated lead poisoning of children living in any of your rental properties.

#### If you meet these conditions then you must:

- » **Request an Independent Clearance Inspection.** You must hire an authorized Lead Inspector or Inspector Technician to complete the Independent Clearance Inspections on at least 5% of your selected rental units, but not less than 2 rental units.
- » **Submit a completed application.** If your properties pass the inspections, you must submit a completed application and all required documents to the Housing Resources Commission.

If the application is approved, you will be given a Certificate of Presumptive Compliance that covers all of your selected rental units.

Note: Any properties not covered by your Certificate of Presumptive Compliance must have a Certificate of Conformance or a current Lead-Safe or a Lead-Free Certificate.

### Keeping Your Certificate Current

The Certificate of Presumptive Compliance must be renewed every 12 months. Each year you must hire an authorized Lead Inspector or Inspector Technician to inspect a portion of your selected housing rental units (5% of total selected units but not less than 2 units). The inspector must inspect different properties each year.



## Additional Requirements of the Law

### 1. GET A CERTIFICATE OF CONFORMANCE.

You must get a Certificate of conformance for all rental units not covered by your Certificate of Presumptive Compliance. To get this Certificate 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.** You must check each 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 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 the lead hazards. Then you must ask the Inspector to return and check the property again. You will receive the Certificate of Conformance after the property has passed inspection.

Note: If you have a *current* Lead-Safe or Lead-Free Certificate for an entire rental unit, you do not need a Certificate of Conformance. However, you must attend the Lead Hazard Awareness Class.

### 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 or a Certificate of Presumptive Compliance that covers their rental unit.

### 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 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 when there is a change in tenants or every two years even when there is no change in tenants. Follow these steps to renew your Certificate:

**When there is a change in tenants:** You must hire an authorized Lead Inspector or Lead 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 12-month period, even if there has been more than one change in tenants.

**Every two years:** If it has been two years since you received or renewed your Certificate 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 a Certificate of Conformance. A current Lead-Safe or a Lead-Free Certificate can be used to meet this requirement.

### About Vacation Homes

If you rent your vacation property for more than 31 days in any given year, you must meet all of the requirements of the law. This rule applies to the total number of days the property is rented overall, not days rented to each tenant.

## 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 **1-800-570-0768** or visit **www.hrc.ri.gov**.

