

**LEAD HAZARD MITIGATION ACT OF 2002
REQUIREMENTS OF RENTAL PROPERTY OWNERS**

Prepared by the Housing Resources Commission Staff

Purpose

*In the effort to prevent lead poisoning of RI children the RI Legislature passed the **Lead Hazard Mitigation Act of 2002**. All property owners who own rental dwelling units built before 1978 are required to comply with the following regulations starting July 1, 2004.*

Requirements of Property Owner/Designated Person

The new law is designed to prevent childhood lead poisoning in RI. Property Owners/Designated Persons must:

1. Attend a **3-hour Lead Hazard Awareness Seminar**. For course information call 1-(401) 450-1349.
2. **Identify and evaluate** rental unit(s) and premises for existing lead hazards.
3. **Correct identified lead hazards** using *safe work practices* learned in the 3-hour course.
4. Pass an **Independent Clearance Inspection**, performed by a licensed Lead Inspector or Lead Technician, after the work is completed. If first inspection fails, a property owner has sixty (60) days to correct the lead hazards identified by a visual inspection or independent clearance inspection upon receiving an inspection report.
5. **Provide tenants with:**
 - a. Basic information about lead hazard control.
 - b. A copy of the Independent Clearance Inspection report.
 - c. Name, telephone number and address of a contact person to notify of deteriorated conditions.
6. **Correct lead hazards** within thirty (30) days after being notified by tenants of deteriorated conditions.

Promoting proper lead safe maintenance and work practices: The required **3-hour Lead Hazard Awareness Seminar** will teach you how to identify lead hazards, do spot repair using lead safe work practices, do proper cleaning and prepping the property for clearance inspection.

Your property insurance carrier will require compliance with the Mitigation Standard. Compliance may protect you from future litigation.

Requirements of new property owners of rental housing built before 1978.

If the property you purchased does not comply with the requirements of Lead Hazard Mitigation at time of transfer, in addition to the above requirements, you must:

- Have the property visually inspected within ten (10) days of ownership.
- If occupied by an at-risk occupant, you have sixty (60) days to achieve compliance with this regulation following the visual inspection.

If you need general information on lead and requirements, please call 1-(401) 450-1439. For more specific programs, please direct your call to the following:

- Note:**
1. **At-Risk Occupant** is defined as a person under six years of age, or a pregnant woman.
 2. **Designated Person** is defined as a property owner, or the agent of the property owner.

Inspection Requirement

The Inspection Requirement is determine by the length of tenancy of your tenants. Below is a chart to assist you determined which category you belong.

Length of Tenancy	Type of Inspection	What you should know	Type of Certification	Duration
Less than 2 years	Annual Inspection	An Independent Clearance Inspection is required every 12 months if a tenant resided for less than 12 months. If there is no change in tenancy, inspection is required every 2 year.	Certificate of Conformance	2 year
Greater than 2 years	Visual Inspection	If tenancy is greater than 2 years, only a visual inspection is required. Once change in tenancy, an Independent Clearance Inspection is required.	Affidavit of Completion of Visual Inspection	2 years

Presumptive Compliance

PROPERTY OWNERS WITH TEN (10) OR MORE RENTAL DWELLING UNITS MAY QUALIFY FOR PRESUMPTIVE COMPLIANCE PROVIDED THAT ALL QUALIFY UNITS MEET THE FOLLOWING CONDITIONS.

1. All dwelling units must be constructed after 1960.
2. No outstanding major minimum housing violations.
3. No history of repeated lead poisoning.

If you have ten (10) or more qualified dwelling units you can fill-out the attached application and submitted all the required documents to the HRC including the Independent Clearance Inspections. A minimum of 2 units or 5 % of the qualified units must be inspect by a licensed Lead Inspector or Lead Technician.