

Marie Hansen Properties Newsletter

A Quarterly Publication for Our Clients

UPDATE ON LEAD-BASED PAINT

Spring 2010

Lead base paint has been of utmost importance since March 6, 1996, when the Environmental Protection Agency (EPA) & Housing & Urban Development (HUD) released regulations on the Residential Lead Based Paint Hazard Control Act. Additionally, the EPA invoked the Lead-Based Paint Pre-Renovation Education Rule, requiring notification to occupants in advance of work that could disturb lead-based paint. The danger from lead is that adults, children, and even animals can ingest lead by breathing or swallowing lead-based paint dust or by eating lead-contaminated soil or lead-based paint chips.

Reviewing Existing Law

The law applies to properties built prior to 1978. Sellers, property owners, and professionals must comply. There are exceptions listed below:

- Any rental less than 100 days (such as a vacation home)
- Zero-bedroom units such as efficiencies, lofts and dormitories
- Housing exclusively for the elderly
- Housing for handicapped unless children are present
- Rental housing that has been inspected by a certified inspector and found to be free of paint
- Housing being sold because of foreclosure

- Emergency renovations or repairs; minor repairs disturbing 2 sq. feet or less of paint per component

The general guidelines for compliance by landlords and property managers are:

- Sellers and property owners must disclose known paint hazards and provide available reports to buyers and tenants. You do not have to supply a report if there is not an existing report.
- Property managers and owners must give buyers and renters a federal pamphlet titled "Protect Your Family from Lead in Your Home."
- Property managers and owners must include certain language in rental agreements to ensure that disclosure and notification actually take place.
- For rental transactions, the property managers and owners must provide the information prior to accepting an application and complete the disclosure portions of the rental agreement and/or lease prior to renting.
- Prior to any renovation or maintenance, landlords must take steps to notify tenants in writing 7 days in advance of the work to be completed and once again, provide the pamphlet previously referenced.

- Courts can fine Property owners up to \$10,000 for civil and criminal fines for each violation. Additionally, owners can pay up to triple damages in a lead-based paint lawsuit if they knowingly violated the rules.

New Federal Requirements

The EPA has now issued new federal requirements for contractors who renovate or repair housing, child-care facilities, or schools built before 1978. The "Lead: Renovation, Repair and

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ANNOUNCEMENTS & SERVICES

Online Statements: Effective May 2010, we started sending statements online. If you haven't already provided the authorization to have your statement sent to you online, please email Kim Diga at kim@mhprops.net with the following information: Name, property address we manage for you, your e-mail address and the simple phrase: "sign me up for on-line statements."

Direct Deposits: If you haven't already signed up for direct deposits, please e-mail Kim at kim@mhprops.net and ask for the direct deposit authorization form. Please remember, you will receive your money about 3 days earlier by using direct deposit!!

Online Newsletters: Effective June 2010 we will also be sending all future newsletters online. Again, please make sure we have your current e-mail address!

Contact information changes: If we do not have your current email address please provide the information as soon as possible. If you have any changes in your address or contact numbers (including cell phone), please email Kim at kim@mhprops.net. Please know that we do not give your email addresses to other parties.

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Painting Program" rule will take effect in April 2010 and prohibits work practices creating lead hazards. Requirements under the rule include implementing lead-safe work practices and certification and training for paid contractors and maintenance professionals working in pre-1978 housing, child-care facilities, and schools. Beginning October 22, 2009, contractors must take EPA-accredited training before beginning renovation, repair, or painting projects as defined in the RR& P rule.

The rule covers all rental housing and non-rental homes in homes constructed prior to January 1, 1978, where children under six and pregnant mothers reside. The new requirements apply to renovation, repair, or painting activities where more than six square feet of lead-based paint is disturbed in a room or where 20 square feet of lead-based paint is disturbed on the exterior. The affected contractors include builders, painters, plumbers, and electricians. Trained contractors must post warning signs, restrict occupants from work areas, contain work areas to prevent dust and debris from spreading, conduct a thorough cleanup, and verify that the cleanup was effective.

These new requirements are key components of a comprehensive effort to eliminate childhood lead poisoning. As your management company, we know the importance of compliance with the EPA rulings. When a tenant rents a property built prior to 1978, we prepare the lead-based paint addendum, giving out the required pamphlet to the tenant prior to renting the property. If there is work required that affects lead-based paint, we contact the tenants and owners in a timely manner with the required notifications before starting work. Then, we use only approved lead-based paint contractors where the situation applies. For more information, visit www.epa.gov/lead.