



Lead Poisoning Prevention Program

SUMMARY OF OWNER RIGHTS AND RESPONSIBILITIES ENVIRONMENT ARTICLE TITLE 6 SUBTITLE 8 REDUCTION OF LEAD RISK IN HOUSING

I. PURPOSE

- Reduce childhood lead poisoning.
- Maintain affordable housing
- Provide liability relief to compliant property owners.

II. SCOPE

- Participation is mandatory for rental units built before 1950. Compliance makes the owner eligible for limited liability for that unit. Units built after 1950 may choose to “opt-in”, but must meet all requirements.
- Exemptions are allowed for:
 - Government owned or operated housing subject to a stricter standard
 - Hotel, motel or seasonal rentals
 - Housing certified lead free by MDE accredited inspector

II. FEES

- For properties built before 1950 and “opt-in” units \$15 per unit per year
- Any report submitted to the Department certifying a unit as lead free shall include a one time processing fee of \$10 per unit

III. REGISTRATION

- Required for rental properties built before 1950 and “opt-in” units
- Register on MDE form with unique Owner Identification number
- Registration renewal required annually on MDE form
- Changes in ownership and property management must be reported within 30 days

IV. TURNOVER UNITS: FULL RISK REDUCTION TREATMENT

- At turnover (change of occupancy) of a unit, the Owner must meet Full Risk Reduction Standard by either:
 - Passing a lead dust test and visual inspection confirming no defective paint is present on the interior or exterior; OR
 - Performing the following Lead Hazard Reduction Treatments:
 - Remove any chipping, peeling or flaking paint and repaint;
 - Repair structural defects that cause paint to chip, peel and flake;
 - Strip, replace or encapsulate interior sills;
 - Cap window wells in order to make them smooth and cleanable;
 - Fix the top sash of all windows to prevent friction caused by the opening and closing of windows;
 - Re-hang all doors to prevent rubbing;
 - Ensure that kitchens and bathrooms have smooth, water-resistant floors;
 - Make all bare floors smooth and cleanable; and
 - HEPA-vacuum and phosphate wash the interior of the unit.

All lead hazard reduction work must be performed by an accredited contractor or by a trained worker under the supervision of an accredited supervisor; compliance must be verified by an accredited independent inspector and a report submitted to MDE.

V. **OTHER RISK REDUCTION REQUIREMENTS**

- Owner must satisfy the Modified Risk Reduction Standard within 30 days of receiving:
 - A notice that a child under six or a pregnant woman who resides in the unit has an elevated blood lead (EBL) level of 10 micrograms or more per deciliter of blood.
 - A notice that the unit contains a defect such as chipping, peeling or flaking paint.
- Modified treatment is the same as the full treatment except there is no obligation to smooth bare floors and HEPA-vacuuming and phosphate washing are limited to the area of repair.
- Compliance for the Modified Risk Reduction Standard is confirmed by submittal to MDE of statement of work verified by the tenant and an accredited contractor or supervisor or by an inspection by an accredited inspector.
- 50% of an Owner's units were required to be in compliance with the Full Risk Reduction Standard by February 24, 2001.
- 100% of units must be in compliance with the Full or Modified Risk Reduction Standard by February 24, 2006.
- All unit in which the Owner has been notified that a pregnant woman or child under the age of six resides, must comply with the Full Risk Reduction Standard by February 24, 2006.

VI. **QUALIFIED OFFER**

- Owner who receives notice of a child or pregnant woman who reside or spends at least 24 hours per week in a unit with an EBL of 15 micrograms or more per deciliter of blood and whose rental unit is in full compliance with all requirements of the law may make a Qualified Offer, using a form developed by MDE, consisting of:
 - Reimbursements up to \$9,500 to relocate household to lead-safe housing; and
 - Reimbursements up to \$7,500 for uncovered, lead-related medical expenses.

VI. **LIMITED LIABILITY PROTECTION**

- Owner may make a Qualified Offer if Owner has:
 - Registered the property;
 - Provided the tenant with the Notice of Tenant's Rights, and EPA brochure "Protect Your Family from Lead" at time of rental and every two years thereafter, and provided copy of inspection certificate at time of rental.
 - Complied with all applicable Risk Reduction Standards.

VII. **DISCLOSURE ON SALE**

- At or prior to a contract of sale being executed the Owner must disclose to prospective buyer any obligation to perform Risk Reduction Treatments not yet performed that have been triggered by turnover, Notice of defect, or Notice of EBL that will not be performed prior to transfer.

NOTE: This is in addition to any disclosure requirements contained in the Federal law commonly known as Title X, section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992.

VIII. **MDE ENFORCEMENT**

Department has authority to:

- Order compliance;
- Perform spot checks; and
- Assess civil penalties against inspectors, supervisors and owners for non-compliance.

