

Orlando Investment Properties

Update on Lead-based Paint

4th Quarter 2009

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 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

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You or someone you know may need a property manager in other states. Because of our proud affiliation with NARPM, the National Association of Residential Property Managers, we have contacts throughout the country and may be able to assist you.

Update Your Insurance

Events can happen - flood, extreme heat, earthquakes, fire, and more! It is important to check your insurance to obtain the best coverage possible and ensure that it is *current*. Review now with your insurance agent before a disaster/emergency occurs.

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 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 lead-based paint compliance. 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, 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. For more information, visit www.epa.gov/lead.