2023 -- S 0656

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2023

A N A C T
RELATING TO STATE AFFAIRS IN GOVERNMENT -- LEAD HAZARD MITIGATION

Introduced By: Senators Acosta, Kallman, Mack, Murray, LaMountain, and Burke

Date Introduced: March 07, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Section 42-128.1-8 of the General Laws in Chapter 42-128.1 entitled "Lead Hazard Mitigation" is hereby amended to read as follows:


(a) Property owners of pre-1978 rental dwellings, which have not been made lead safe or have not been lead hazard abated shall comply with all the following requirements:

(1) Learn about lead hazards by taking a lead hazard awareness seminar, himself or herself or through a designated person;

(2) Evaluate the dwelling unit and premises for lead hazards consistent with the requirements for a lead hazard control evaluation;

(3) Correct identified lead hazards by meeting and maintaining the lead hazard mitigation standard;

(4) Provide tenants: (i) basic information about lead hazard control; (ii) a copy of the independent clearance inspection; and (iii) information about how to give notice of deteriorating conditions;

(5) Correct lead hazards within thirty (30) days after notification from the tenant of a dwelling unit with an at risk occupant, or as provided for by § 34-18-22.

(b) New property owners of a pre-1978 rental dwelling that is occupied by an at risk occupant shall have up to sixty (60) days to meet requirements for lead hazard mitigation, if those requirements were not met by the previous owner at the time of transfer, provided that the new
property owner has the property visually inspected within thirty (30) business days after assuming ownership to determine conformity with the lead hazard control standard.

(c) The requirements for lead hazard mitigation shall apply to the first change in ownership or tenancy after November 1, 2005; provided further, that unless requested and agreed to by an at-risk occupant, meeting the lead hazard mitigation standard shall not be construed to authorize a property owner to compel or cause a person, who is in tenancy on January 1, 2004, and remains in tenancy continuously thereafter, to vacate a rental unit temporarily or otherwise.

(d) If the tenant receives no response to the notification to the property owner of deteriorating conditions affecting lead hazards, if the response is in the tenant’s opinion unsatisfactory, or if the remedy performed is in the tenant’s opinion unsatisfactory, the tenant may request a review of the matter by the housing resources commission. After its review of the matter, the housing resources commission shall either send notice to the property owner in which notice shall be issued in a manner substantially similar to a notice of violation issued by the director pursuant to the Housing Maintenance Code, chapter 24.3 of title 45, or promptly inform the tenant of the reasons why the notice is not being issued.

(e) Notwithstanding the foregoing, the provisions of this chapter shall not apply to common areas in condominium complexes that are owned and operated by condominium associations, or to pre-1978 rental dwelling units that are:

1. Lead-safe or lead free; or
2. Temporary housing; or
3. Elderly housing; or
4. Comprised of two (2) or three (3) units, one of which is occupied by the property owner; or

(f) The department of health shall report to the legislature annually on the number of children who are lead poisoned in any of the exempted dwelling units as referred to in subdivision subsection (e)(4) of this section.

(g) Nothing contained herein shall be construed to prevent an owner who is seeking to obtain lead liability insurance coverage in the policy from complying with the provisions of this chapter, by securing and maintaining a valid and in force letter of compliance or conformance in force.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
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This act would relieve property owners from implementing lead hazard mitigation for pre-1978 rental dwelling units that are comprised of two (2) or three (3) units, one of which is occupied by the property owner.

This act would take effect upon passage.

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