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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2005**

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A N A C T

RELATING TO LEAD HAZARD MITIGATION

Introduced By: Representatives Picard, San Bento, and Trillo

Date Introduced: June 22, 2005

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 23-24.6-4 and 23-24.6-23 of the General Laws in Chapter 23-24.6  
2 entitled "Lead Poisoning Prevention Act" are hereby amended to read as follows:

3           **23-24.6-4. Definitions. [Effective until July 1, 2008.] Definitions. [Effective until July**  
4 **1, 2009.]** -- For the purposes of this chapter:

5           (1) "Childhood lead poisoning" means a confirmed venous blood lead level, measured in  
6 micrograms of lead per deciliter of whole blood, established by rule by the Rhode Island  
7 department of health based on the best available information about the effects of elevated blood  
8 lead levels.

9           (2) "Comprehensive environmental lead inspection" means the inspection of any  
10 structure or premises for the presence of lead in various media and includes sampling as may be  
11 necessary or expedient in order to determine compliance in the structure or premises with  
12 standards for being lead safe or lead free.

13           (3) "Department" means the state department of health.

14           (4) "Director" means the director of health.

15           (5) "Dwelling" means any enclosed space which is wholly or partly used or intended to  
16 be used for living or sleeping by human occupants.

17           (6) "Dwelling unit" means any room or group of rooms located within a dwelling and  
18 forming a single habitable unit with facilities which are used or intended to be used for living,  
19 sleeping, cooking, and eating.

1 (7) "Environment intervention blood lead level" means a confirmed concentration, in a  
2 person under six (6) years of age, of lead in whole blood of greater than or equal to twenty (20)  
3 micrograms per deciliter for a single test or for fifteen (15) to nineteen (19) micrograms per  
4 deciliter for two (2) tests taken at least three (3) months apart or as defined by the department  
5 consistent with regulations adopted by the U.S. Department of Housing and Urban Development.

6 (8) "Environmental lead hazard reduction" means activities undertaken by or on behalf  
7 of a property owner in order to achieve lead free or lead safe status pursuant to the requirements  
8 of this chapter.

9 (9) "Inspection" means the inspection, other than a comprehensive environmental lead  
10 inspection, of any structure or premises undertaken to determine compliance with the  
11 requirements of this chapter or with orders issued pursuant to this chapter.

12 (10) "Insurer" means every medical service corporation, hospital service corporation,  
13 health maintenance organization, or other insurance company offering and/or insuring health  
14 services; the term includes any entity defined as an insurer under section 42-62-4.

15 (11) "Lead contractor" means any person or entity engaged in lead hazard reduction as a  
16 business and includes consultants who design, perform, oversee, or evaluate lead hazard  
17 reduction projects undertaken pursuant to the requirements of this chapter.

18 (12) "Lead exposure hazard" means a condition that presents a clear and significant  
19 health risk to occupants of the dwelling, dwelling unit, or premises, particularly where there are  
20 children under the age of six (6) years.

21 (13) "Lead free" means that a dwelling, dwelling unit, or premises either contains no lead  
22 or contains lead in amounts less than the maximum acceptable environmental lead levels  
23 established by department of health regulations.

24 (14) "Lead hazard reduction" means any action or actions designed to reduce exposure to  
25 toxic levels of lead which impose an unacceptable risk of exposure in any dwelling or dwelling  
26 unit, where a child under the age of six (6) years, with environmental intervention blood lead  
27 level or greater resides, or on any premises and may include, but is not limited to: repair,  
28 enclosure, encapsulation, or removal of lead based paint and/or lead contaminated dust, soil or  
29 drinking water; relocation of occupants; and cleanup measures or ongoing maintenance measures,  
30 which may include activities and/or measures that do not present an undue risk to children under  
31 age six (6) and can be performed by, or on behalf of, the property owner, without the person  
32 performing such activities being licensed or certified.

33 (15) "Lead safe" means that a dwelling, dwelling unit, or premises has undergone  
34 sufficient lead hazard reduction to ensure that no significant environmental lead hazard is present

1 and includes but is not limited to covering and encapsulation.

2 (16) "Occupant" means any person who legally resides in, or regularly uses, a dwelling,  
3 dwelling unit, or structure ;provided, however, that a guest shall not be considered an occupant  
4 for the purposes of this chapter.

5 (17) "Owner" means any person who, alone or jointly or severally with others:

6 (i) Shall have legal title to any dwelling or dwelling unit with or without accompanying  
7 actual possession of it, or

8 (ii) Shall have charge, care, or control of any dwelling or dwelling unit as owner or agent  
9 of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any  
10 person representing the actual owner shall be bound to comply with the provisions of this chapter  
11 and with rules and regulations adopted pursuant to this chapter to the same extent as if that person  
12 were the owner. An agent of the owner excludes real estate and property management functions  
13 where the agent is only responsible for the property management and does not have authority to  
14 fund capital and/or major property rehabilitation on behalf of the owner.

15 (iii) For purposes of publicly owned property only, the owner shall be defined to be the  
16 chief executive officer of the municipal or state agency which owns, leases, or controls the use of  
17 the property.

18 (18) "Person" means any individual, firm, corporation, association, or partnership and  
19 includes municipal and state agencies.

20 (19) "Premises" means a platted lot or part thereof or unplatted lot or parcel of land, or  
21 plot of land, occupied by a dwelling or structure and includes any building, accessory structure, or  
22 other structure thereon which is or will be frequently used by children under the age of six (6)  
23 years.

24 (20) "Program" means the comprehensive environmental lead program established by  
25 this chapter.

26 (21) "State inspector" means the director, his or her designee, or any inspector employed  
27 by the department of health who is authorized by the director to conduct comprehensive  
28 environmental lead inspections and/or other inspections for the department.

29 ~~**23-24.6-23. Compliance and enforcement. [Effective until July 1, 2008.] Compliance**~~  
30 ~~**and enforcement. [Effective until July 1, 2009.]**~~ -- (a) Except as provided in this chapter, the  
31 inspection, enforcement, and penalties for violations of the provisions of this chapter shall be in  
32 accordance with the provisions and procedures set forth in sections 23-1-19 -- 23-1-25. In  
33 addition to the provisions for enforcement of this section found elsewhere in this chapter, there  
34 shall be the following powers of enforcement, which shall be in addition to other provisions of

1 the general laws pertaining to enforcement of the laws of this state and shall not be deemed to  
2 limit or replace such other provisions. The provisions of this section shall be liberally construed  
3 and shall be considered an essential responsibility of the state to protect public health and welfare.

4 (b) The department shall establish a comprehensive integrated enforcement program,  
5 which shall be designed: (1) to assure that enforcement is certain, predictable, and effective as a  
6 means of reducing the incidence of childhood lead poisoning; (2) to direct enforcement efforts to  
7 places, areas, and types of structures where there is a high incidence of childhood lead poisoning;  
8 and (3) to identify and give priority to addresses where there are multiple instances of childhood  
9 lead poisoning and to identify and as consistent with law to provide for the prosecution of persons  
10 at whose properties there have been multiple instances of childhood lead poisoning and lead  
11 hazards have not been corrected. In order to effectuate the provisions of this subsection, the  
12 department of health: (i) shall maintain a list as a public document of the addresses of properties  
13 that are not lead safe and in which more than three (3) children lived at the time their blood was  
14 tested for lead concentration and at least two (2) of these children were lead poisoned, (ii) shall  
15 maintain a database with the names and addresses of owners of rental housing at the time any  
16 child residing in the rental housing was tested positive for lead poisoning for which a second  
17 notice of violation has been issued and lead hazards have not been corrected as required pursuant  
18 to the provisions of this chapter, which database shall be public and provided to government and  
19 nonprofit agencies that are attempting to prevent lead poisoning or to enforce lead poisoning  
20 regulations, and (iii) shall notify the attorney general of all second notices of violation, issued  
21 pursuant to the provisions of section 23-24.6-17, to which there has not been a response meeting  
22 the requirements of law within thirty (30) days after the notice.

23 (c) The attorney general shall maintain an office of lead advocate, which office shall  
24 have, in addition to any other powers that the attorney general may assign to it, the power:

25 (1) To investigate any alleged failures to comply with the lead hazard reduction, to  
26 initiate either a civil or criminal cause of action, or both, to compel compliance via injunctive  
27 relief and/or impose penalties and fines, as appropriate;

28 (2) To bring any actions that may be necessary or appropriate to secure the performance  
29 by state agencies and political subdivisions the duties assigned to them by this section;

30 (3) To notify in writing on behalf of the attorney general any person, who has received a  
31 second notice of violation issued by the department of health and has not responded consistent  
32 with the requirements of law within thirty (30) days, of the person's obligations under law and the  
33 potential penalties for continued violations; and

34 (4) To establish guidelines to prevent retaliatory actions by property owners against

1 tenants on the basis of complaints or notices of violations arising from this chapter and chapter  
2 128.1 of title 42, or based on the presence of a pregnant woman or child under age six (6) who in  
3 any manner seeks to enforce their right to housing in which lead hazards have been corrected in  
4 accordance with this chapter or chapter 128.1 of title 42. These guidelines shall define retaliatory  
5 actions, including, but not limited to, arbitrary termination of tenancy or other form of  
6 constructive eviction, arbitrary refusal to renew a lease, or arbitrary and unreasonable increase in  
7 rent or decrease in services to which the tenant is entitled, for all tenants, whether or not they  
8 have leases or are tenants at will. It shall be unlawful to take retaliatory actions against tenants  
9 arising from enforcement of the provisions of this chapter or chapter 128.1 of title 42; this  
10 prohibition against retaliatory actions applies whether or not the tenant has a lease. Damages and  
11 remedies for retaliatory actions under this paragraph shall be as provided for in chapter 18 of title  
12 34.

13 (5) No provision of this chapter shall derogate the common law or any statutory  
14 authority of the attorney general, nor shall any provision be construed as a limitation on the  
15 common law or statutory authority of the attorney general.

16 (d) Receivership of properties not meeting standards. - Following the second notice of  
17 violation, issued by the department of health pursuant to the provisions of section 45-24.3-17(e)  
18 for failure to meet the applicable lead hazard reduction for rental dwellings occupied by a  
19 pregnant woman or a child under the age of six (6) years unless the violations alleged to exist are  
20 corrected or a plan for correction has been approved by the department, the unit ~~shall~~ may be  
21 considered abandoned and a public nuisance, which is a menace to public health, as the term  
22 "abandon" or "abandonment" and "public nuisance" defined by section 34-44-2. In those  
23 instances the department of health, the attorney general, a nonprofit corporation as provided for in  
24 section 34-44-3, or the city or town in which the unit is located shall have the specific power to  
25 request the court to appoint a receiver for the property, the court in such instances may  
26 specifically authorize the receiver to apply for loans, grants and other forms of funding necessary  
27 to correct lead hazards and meet lead hazard mitigation standards, and to hold the property for  
28 any period of time that the funding source may require to assure that the purposes of the funding  
29 have been met.

30 (e) High risk premises and dwellings. - (1) The department of health shall notify the  
31 property owner where both the following conditions have been met: (i) there have been three (3)  
32 or more at risk children under the age of six (6) years with at least environmental intervention  
33 blood levels and (ii) fifty percent (50%) of children under the age of six (6) years from the  
34 premises who have been tested have had at least environmental intervention blood lead levels,

1 that the premises present a high risk of lead poisoning.

2 (2) A property owner who receives notice that the premises are high risk: (i) shall have  
3 thirty (30) days in which to conduct a comprehensive lead inspection that shows that lead hazards  
4 have been corrected to the lead safe standard, or (ii) shall present a compliance schedule to the  
5 department of health to meet the lead safe standard, which compliance schedule shall be subject  
6 to approval by the department of health and shall provide for achieving the lead hazard reduction  
7 within ninety (90) days. The requirements of the compliance schedule shall be deemed to have  
8 been met if a comprehensive lead inspection shows that the lead safe standard has been met at the  
9 premises.

10 (3) A property owner who fails to meet the requirements of subdivision (2) of this  
11 subsection shall be notified that the premises are declared unsafe for habitation by children under  
12 six (6). A list of property owners so notified and of addresses of premises for which the notice has  
13 been given shall be a public record.

14 (4) A copy of this notice shall be sent to the town clerk or recorder of deeds in the city or  
15 town where the property is located, to be recorded pursuant to the provisions of chapter 13 of title  
16 34. The property owner, so notified, shall post and maintain a warning at the primary entrance to  
17 the premises and to each dwelling unit therein declaring that the unit is unsafe for children under  
18 six (6) years of age. If the property owner shall fail to make or maintain the posting herein  
19 required, the department of health shall post the premises as provided for in section 23-24.6-  
20 12(2).

21 (5) Any property owner who receives notice that a dwelling unit is high risk and who  
22 fails to abate lead hazards in accordance with a compliance schedule as provided in subdivision  
23 (2) of this subsection and there is a subsequent instance of an at risk occupant with an  
24 environmental intervention blood lead level, which is attributable in whole or in part to conditions  
25 in the dwelling unit, ~~shall~~ may be deemed to have committed a felony and shall be punished by  
26 imprisonment for not less than one year, but not more than five (5) years and/or by a fine of not  
27 less than five thousand dollars (\$5,000) nor more than twenty thousand dollars (\$20,000).

28 (6) Any property owner who receives notice that a dwelling unit is high risk and who has  
29 substantially completed the required remediation as determined by the department may become  
30 reclassified from "high risk" to "abatement in progress" contingent upon adherence to the  
31 approved compliance schedule for the remaining remediation efforts.

32 (f) Nothing in this section shall be deemed to limit or impair the existing rights of parties  
33 to take action to compel property owners to improve or maintain property under common law or  
34 pursuant to any of the general laws of the state of Rhode Island.

1 SECTION 2. Sections 42-128.1-4, 42-128.1-5, 42-128.1-6, 42-128.1-7, 42-128.1-8, 42-  
2 128.1-9, 42-128.1-10, 42-128.1-11, 42-128.1-12 and 42-128.1-13 of the General Laws in Chapter  
3 42-128.1 entitled "Lead Hazard Mitigation [Repealed effective July 1, 2008.]" are hereby  
4 amended to read as follows:

5 ~~42-128.1-4. Definitions. [Repealed effective July 1, 2008.]~~ **Definitions. [Repealed**  
6 **effective July 1, 2009.]** -- The following definitions shall apply in the interpretation and  
7 enforcement of this chapter:

8 (1) "At-risk occupant" means a person under six (6) years of age, or a pregnant woman,  
9 who has been a legal inhabitant in a dwelling unit for at least thirty (30) days; provided, however,  
10 that a guest shall not be considered an occupant for the purposes of this chapter.

11 ~~(1)~~(2) "Designated person" means either: (i) a property owner, or the agent of the  
12 property owner, who has completed a housing resources commission approved awareness  
13 seminar on lead hazards and their control; or (ii) a person trained and certified as either a lead  
14 hazard mitigation inspector, an environmental lead inspector, or a lead hazard inspection  
15 technician.

16 ~~(2)~~(3) "Dwelling" or "dwelling unit" means an enclosed space used for living and  
17 sleeping by human occupants as a place of residence, including, but not limited to, a house, an  
18 apartment, or condominium, but for the purpose of this chapter shall not include, hotels or  
19 "temporary housing".

20 (4) "Elderly housing" means a local program that is specifically designed and operated to  
21 assist elderly persons, aged sixty-two (62) years of age or older, as set forth in a regulatory  
22 agreement or zoning ordinance.

23 ~~(3)~~(5) "Lead abated" means a dwelling and premises which are lead free or lead safe, as  
24 those terms are defined in chapter 24.6 of title 23.

25 (6) "Lead Free" means that a dwelling, dwelling unit, or premises contains no lead or  
26 contains lead in amounts less than the maximum acceptable environmental lead levels established  
27 by regulation by the Rhode Island Department of Health.

28 ~~(4)~~(7) "Lead hazard mitigation standards" means standards adopted by the housing  
29 resources commission for a dwelling unit and associated common areas that provide for:

30 (i) A continuing and ongoing responsibility for lead hazard control that includes: (A)  
31 repair of deteriorated paint; (B) correction of dust generating conditions such as friction or impact  
32 areas; (C) provision of cleanable surfaces to eliminate harmful dust loading; (D) correction of soil  
33 lead hazards; (E) safe work practices;

34 (ii) At unit turnover: (A) the provision of information on lead hazards and their

1 avoidance and control to tenants; (B) documentation of lead hazard mitigation compliance; (C) an  
2 explicit process for notification by tenants to property owners of instances of deterioration in  
3 conditions effecting lead hazards; and

4 (iii) Maintenance of "lead hazard control." "Lead hazard control" means those portions  
5 of the lead hazard mitigation standard pertaining to repair of deteriorating paint, correction of  
6 dust generating conditions, provision of cleanable surfaces, and correction of soil lead hazards  
7 that can be identified by visual inspection as provided for in paragraph (5)(ii) of this section or  
8 through inspections conducted in accordance with chapter 24.2 of title 45, Minimum Housing,  
9 and chapter 24.3 of title 45, Housing Maintenance and Occupancy.

10 ~~(5)(8)~~ "Lead hazard mitigation compliance" means ~~an independent clearance~~ the  
11 inspection and certificate, as specified in this subdivision, undertaken to determine whether the  
12 lead hazard mitigation measures have been completed. ~~A clearance review shall be valid for two~~  
13 ~~(2) years or until the next turnover of the dwelling unit, whichever period is shorter, provided~~  
14 ~~however that no more than one clearance review shall be required in any twelve (12) month~~  
15 ~~period~~ Said inspection shall be valid for two (2) years or until the next turnover of the dwelling  
16 unit, whichever period is longer. The requirements for ~~a clearance review~~ said inspection shall be  
17 met either by an independent clearance inspection or a visual inspection as set forth in this  
18 subdivision:

19 (i) An "independent clearance inspection" means an inspection performed by a person  
20 who is not the property owner or an employee of the property owner and who is authorized by the  
21 housing resources commission to conduct independent clearance inspections, which shall include:  
22 (A) a visual inspection to determine that the lead hazard controls have been met, and (B) dust  
23 testing in accordance with rules established by the department of health and consistent with  
24 federal standards, and that shall be limited to testing dust on walls and floors. A certificate of  
25 conformance shall be issued by the person who conducted the inspection on the passage of the  
26 visual inspection and the required dust testing. ~~An independent clearance inspection shall be~~  
27 ~~required at unit turn over or once in a twelve (12) month period, whichever period is the longer.~~ If  
28 the tenancy of an occupant is two (2) years or greater, the certificate of conformance shall be  
29 maintained by a visual inspection as set forth in paragraph (ii) of this subdivision.

30 (ii) A "visual inspection" means a visual inspection by a designated person to determine  
31 that the lead hazard controls have been met. If the designated person concluded that the lead  
32 hazard controls specified in this chapter have been met, the designated person may complete an  
33 Affidavit of Completion of Visual Inspection. The affidavit shall be valid upon its being notarized  
34 within thirty (30) days after the completion of the visual inspection and shall set forth:



- 1 (A) The date and location that the designated person took the lead hazard control  
2 awareness seminar;
- 3 (B) The date and findings of the lead hazard evaluation;
- 4 (C) The date and description of the lead hazard control measures undertaken;
- 5 (D) The date of the visual inspection; and
- 6 (E) The name and signature of the designated person and date of the Affidavit of  
7 Completion of Visual Inspection.

8 ~~An Affidavit of Completion of Visual Inspection shall be valid for two (2) years after the~~  
9 ~~date it was notarized or until unit turn over, whichever time period is the shorter, and shall be kept~~  
10 ~~by the property owner for a minimum of five (5) years.~~

11 (iii) Presumptive Compliance for less than 5 dwelling units. - A property owner of ~~ten~~  
12 ~~(10) or more~~ fewer than five (5) dwelling units shall be eligible to obtain a certificate of  
13 presumptive compliance from the housing resources commission provided that the following  
14 conditions are met: ~~(A) the dwelling units were constructed after 1960,~~ ~~(B)~~ (A) there are no major  
15 outstanding minimum housing violations on the premises, ~~(C)~~ (B) the property owner has no  
16 history of repeated lead poisonings, and ~~(D)~~ (C) independent clearance inspections have been  
17 conducted on at least ~~five (5) percent~~ one of the dwelling units, ~~but not less than two (2) dwelling~~  
18 ~~units~~ and at least ninety (90) percent of the independent clearance inspections were passed.  
19 Repeated lead poisoning for purposes of this paragraph shall mean a lead poisoning rate of less  
20 than one half (.5) percent per dwelling unit year, with dwelling unit years being calculated by  
21 multiplying the number of dwelling units owned by the property owner by the number of years of  
22 ownership since 1992. Major minimum housing violations shall be defined by rule by the housing  
23 resources commission. The housing resources commission shall not arbitrarily withhold its  
24 approval of applications for presumptive compliance. A certificate of presumptive compliance  
25 shall be deemed to be satisfactory for purposes of demonstrating compliance with the  
26 requirements of this chapter.

27 (iv) Presumptive Compliance for 5 or more units. - A property owner of five (5) or more  
28 dwelling units shall be eligible to obtain a certificate of presumptive compliance from the housing  
29 resources commission provided that the following conditions are met: (A) there are no major  
30 outstanding minimum housing violations on the premises; (B) the property owner has no history  
31 of repeated lead poisonings; and (C) independent clearance inspections have been conducted on  
32 at least five (5) percent of the dwelling units, but not less than two (2) dwelling units and at least  
33 ninety (90) percent of the independent clearance inspections were passed. Repeated lead  
34 poisoning for purposes of this paragraph shall mean a lead poisoning rate of less than one half (.5)

1 percent per dwelling unit year, with dwelling unit years being calculated by multiplying the  
2 number of dwelling units owned by the property owner by the number of years of ownership  
3 since 1992. Major minimum housing violations shall be defined by rule by the housing resources  
4 commission. The housing resources commission shall not arbitrarily withhold its approval of  
5 applications for presumptive compliance. A certificate of presumptive compliance shall be  
6 deemed to be satisfactory for purposes of demonstrating compliance with the requirements of this  
7 chapter.

8 ~~(6)~~(9) "Lead hazard mitigation inspector" means either a person approved by housing  
9 resources commission to perform independent clearance inspections under this chapter or  
10 inspections required by 24 CFR 35 Subpart M, or approved by the department of health to  
11 conduct inspections pursuant to chapter 24.6 of title 23.

12 Lead hazard mitigation inspectors shall not have any interest, financial or otherwise,  
13 direct or indirect, or contractual, or engage in any business or employment, with regards to:

14 (a) The dwelling unit that is the subject of a lead hazard mitigation inspection; or a  
15 property owner who conducted the lead hazard mitigation work at the dwelling unit which is the  
16 subject of the independent clearance inspection;

17 (b) A laboratory that is used to analyze the independent clearance inspection unless the  
18 lead hazard mitigation inspector or his/her employer discloses his/her connection with the  
19 laboratory to the person requesting the inspection and on the inspection report.

20 (c) Employees of public agencies and quasi-public agencies that hold a financial interest  
21 in the property may perform independent clearance inspections.

22 ~~(7)~~(10) "Lead poisoned" as used in this chapter means a confirmed venous blood lead  
23 level ~~established by the department of health pursuant to section 23-24.6-4(1)~~ at or over the  
24 environmental intervention blood lead level as defined pursuant to section 23-24.6-4.

25 (11) "Lead Safe" means that a dwelling, dwelling unit, or premises has undergone  
26 sufficient lead hazard reduction to ensure that no significant environment lead hazard is present  
27 and includes, but is not limited to, covering and encapsulation and is evidenced by a lead safe  
28 certificate issued by the department of health.

29 ~~(8) "At risk occupant" means a person under six (6) years of age, or a pregnant woman,~~  
30 ~~who has been in habitancy in a dwelling unit at least thirty (30) days.~~

31 ~~(9)~~(12) "Property owner" means any person who, alone or jointly or severally with  
32 others:

33 (i) Shall have legal title to any dwelling, dwelling unit, or structure with or without  
34 accompanying actual possession of it; or

1 (ii) Shall have charge, care, or control of any dwelling, dwelling unit, or structure as  
2 owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the  
3 owner. Any person representing the actual owner shall be bound to comply with the provisions of  
4 this chapter, and of rules and regulations adopted pursuant to this chapter, to the same extent as if  
5 that person were the owner.

6 (iii) Notwithstanding the foregoing, no holder of a mortgage or other lien holder who, in  
7 enforcing a security interest, acquires title by foreclosure or deed in lieu of foreclosure shall be  
8 considered a property owner for purposes of this chapter, if the holder transfers the title within  
9 one year after the date the title is acquired; provided, however, if the mortgagee or lien holder,  
10 subsequent to acquiring title, is notified of a lead hazard under chapter 24.6 of title 23 or section  
11 42-128.1-8(a)(5), then and in that event, the mortgagee or lien holder shall take any steps to  
12 reduce the lead hazard that shall be required under the provisions of chapter 24.6 of title 23 or this  
13 chapter, as applicable.

14 (13) "Temporary housing" means any seasonal place of residence that is rented for no  
15 more than one hundred (100) days per calendar year to the same tenant and any emergency  
16 shelter intended for night to night accommodation.

17 ~~**42-128.1-5. Housing resources commission -- Powers and duties with respect to lead**~~  
18 ~~**hazard mitigation. [Repealed effective July 1, 2008.] Housing resources commission --**~~  
19 ~~**Powers and duties with respect to lead hazard mitigation. [Repealed effective July 1, 2009.]**~~

20 ~~--~~ (a) General powers and duties. - The housing resources commission shall implement and to put  
21 into full force and effect the powers, duties, and responsibilities assigned to it by this chapter, and  
22 shall serve as the lead state agency for lead hazard mitigation, planning, education, technical  
23 assistance, and coordination of state projects and state financial assistance to property owners for  
24 lead hazard mitigation.

25 (b) Regulatory guidelines. - In developing and promulgating rules and regulations as  
26 provided for in this chapter, the housing resources commission shall consider, among other  
27 things: (1) the effect on efforts to reduce the incidence of lead poisoning, (2) the ease and cost of  
28 implementation, (3) the impact on the ability to conduct real estate transactions fairly and  
29 expeditiously, (4) consistency with federal standards, such that the differences between basic  
30 federal standards and Rhode Island standards for lead hazard mitigation are, to the extent  
31 practicable, minimized, and (5) the direction of effort to locations and housing types, which due  
32 to age, condition, and prior history of lead poisoning are more likely to the location of lead  
33 poisoning. Said regulations shall include a definition of "turnover" of a dwelling unit and a  
34 means for tenants to voluntarily notify property owners of the legal tenancy of an "at risk"

1 [occupant.](#)

2 (c) Comprehensive strategic plan. - In order to establish clear goals for increasing the  
3 availability of housing in which lead hazards have been mitigated, to provide performance  
4 measures by which to assess progress toward achieving the purposes of this chapter, and to  
5 facilitate coordination among state agencies and political subdivisions with responsibilities for  
6 housing and housing quality for lead poisoning reduction and for the availability of insurance  
7 coverages described in this chapter, the housing resources commission established by chapter 128  
8 of this title shall adopt by April 1, 2003, a four (4) year, comprehensive strategic plan for  
9 reducing the incidence of childhood lead poisoning, for increasing the supply of lead-safe  
10 housing, and for assuring that pre-1978 in rental housing throughout the state lead hazards have  
11 been mitigated.

12 (1) Plan elements. - The plan as a minimum shall include elements pertaining to:

13 (i) Educating people with regard to lead hazards and how they can be avoided, mitigated,  
14 and/or abated;

15 (ii) Programs to assist low and moderate income owners of property to eliminate lead  
16 hazards and to achieve lead-safe conditions;

17 (iii) Coordination of the enforcement of laws pertaining to lead hazard control,  
18 mitigation and abatement including the Lead Poisoning Prevention Act, chapter 24.6 of title 23,  
19 and minimum housing codes and standards;

20 (iv) Coordination of efforts with local governments and other agencies to improve  
21 housing conditions;

22 (v) Financing lead abatement efforts in Rhode Island, including, but not limited to,  
23 assistance to low and moderate income property owners, education and outreach, and  
24 enforcement by state and local officials;

25 (vi) An assessment of the availability of insurance for lead hazard liability, which shall  
26 be designed and implemented in cooperation with the department of business regulation.

27 (2) Implementation program. - The comprehensive strategic plan shall include an  
28 implementation program, which shall include performance measurers and a program of specific  
29 activities that are proposed to be undertaken to accomplish the purposes of this chapter and to  
30 achieve goals and elements set forth by the plan. The implementation program shall be updated  
31 annually according to a schedule set forth in the plan.

32 (3) Reporting. - The commission shall report annually to the governor and the general  
33 assembly, no later than March of each year ~~up to and including the year 2007~~ on the progress  
34 made in achieving the goals and objectives set forth in the plan, which report may be integrated

1 with or issued in conjunction with the report of the commission on environmental lead submitted  
2 pursuant to section 23-24.6-6.

3 ~~42-128.1-6. Education. [Repealed effective July 1, 2008.] Education. [Repealed~~  
4 ~~effective July 1, 2009.] --~~ In order to achieve the purposes of this chapter, a statewide,  
5 multifaceted, ongoing educational program designed to meet the needs of tenants, property  
6 owners, realtors and real estate agents, insurers and insurance agents, local building officials, and  
7 health providers and caregivers is hereby established.

8 (1) The governor, in conjunction with the department of health and the housing resources  
9 commission, shall sponsor a series of public service announcements on radio, television, and print  
10 media about the nature of lead hazards, the importance of lead hazard control and mitigation, and  
11 the purposes and responsibilities set forth in this chapter. In developing and coordinating this  
12 public information initiative the sponsors shall seek the participation and involvement of private  
13 industry organizations, including those involved in real estate, insurance, mortgage banking, and  
14 pediatrics.

15 (2) Within sixty (60) days after the regulations set forth in section 42-128.1-7 for lead  
16 hazard control and mitigation go into effect, the housing resources commission in conjunction  
17 with the department of health shall:

18 (i) Create culturally and linguistically appropriate material outlining the rights and  
19 responsibilities of parties affected by this chapter;

20 (ii) Establish guidelines and a trainer's manual for a not more than three (3) hour lead  
21 hazard control awareness seminar for rental property owners or designated persons, which shall  
22 be forwarded to all public and private colleges and universities in Rhode Island, to other  
23 professional training facilities, and to professional associations and community organizations  
24 with a training capacity, with the stipulation this seminar be offered for a maximum fee of fifty  
25 dollars (\$50.00) per participant. The housing resources commission shall approve the proposals to  
26 offer the seminar from institutions, provided those proposals are consistent with the guidelines;  
27 An electronic version of this awareness seminar shall be created and approved by the housing  
28 resources commission for computer Internet access. The awareness seminar shall also be made  
29 available on videotape and DVD for a fee of not more than ten dollars (\$10.00). Said seminar  
30 shall be available to tenants, property owners and other interested parties;

31 (iii) Adopt rules for the dissemination of information about the requirements of this  
32 chapter to all prospective owners of pre-1978 dwellings during the real estate transaction,  
33 settlement, or closing;

34 (iv) Solicit requests, to the extent that these partnerships are not already established, to

1 enter into ongoing, funded partnerships, to provide specific counseling information services to  
2 tenants and affected parties on their rights and responsibilities with regard to lead hazards and  
3 lead poisoning.

4 (3) The department of business regulation shall, with regard to its responsibilities for the  
5 profession of real estate brokers and salespersons, adopt rules, with the concurrence of the  
6 housing resources commission and the department of health which shall be effective not later than  
7 June 30, 2004; (i) requiring proof of reasonable familiarity with the knowledge of duties and  
8 responsibilities under the provisions of the Lead Poisoning Prevention Act, chapter 24.6 of title  
9 23, and this chapter, for the licensure or renewal of licenses of real estate brokers and  
10 salespersons in accordance with section 5-20.5-6 after July 1, 2004; and (ii) providing, pursuant  
11 to section 5-20.5-18, an educational program for real estate brokers and salespersons regarding  
12 such duties and responsibilities.

13 (4) The housing resources commission, in conjunction with the department of health, is  
14 hereby authorized to develop, offer, engage in, contract for and/or provide any other educational  
15 or informational programs that they may deem necessary to accomplish the purposes of this  
16 chapter, including, but not limited to: programs to assist families to find housing that is lead free,  
17 lead safe or lead hazard mitigated or abated; to train lead hazard mitigation inspectors and local  
18 building officials and persons engaged in renovating and/or improving housing about controlling  
19 or mitigating lead hazards in pre-1978 housing; ~~and to~~ Said programs shall provide information  
20 about lead hazard mitigation requirements at retail hardware and paint stores and home-  
21 improvement centers, ~~which informational materials shall~~ including, as a minimum, ~~included~~  
22 signs of sufficient size with large enough lettering to be easily seen and read, which contains the  
23 following language:

24 WARNING

25 Use of abrasive material (sandpaper, steel wool, drill disks and pads, etc.) in your home  
26 to remove paint may increase the risk of childhood lead poisoning. For more information please  
27 contact the Rhode Island housing resources commission or department of health.

28 ~~**42-128.1-7. Lead hazard mitigation. [Repealed effective July 1, 2008.] Lead hazard**~~  
29 ~~**mitigation. [Repealed effective July 1, 2009.]**~~ -- The housing resources commission, shall adopt  
30 no later than April 1, 2003, rules:

31 (1) For housing constructed prior to 1978, which require property owners to certify at the  
32 time of transfer that the dwelling and/or premises meet the requirements for lead hazard  
33 mitigation or lead hazard abatement, or that the party or parties acquiring the property are notified  
34 of the potential lead hazards, and at the time of rental of units that the requirements for meeting

1 the appropriate standards have been met;

2 (2) For a lead hazard mitigation standard;

3 (3) For any training, certification or licensing necessary to carry out the provisions of  
4 this chapter; and

5 (4) For a process to receive, investigate, and decide whether the correction of a lead  
6 hazard, pursuant to section 42-128.1-8(a)(3) and (d) was satisfactory. These rules shall establish  
7 an expeditious procedure to determine whether the allegation of unsatisfactory correction has  
8 merit. The process may be integrated with or make use of the technical assistance service  
9 provided for in section 42-128.1-13.

10 (5) For a process to grant a variance to subsections 42-128.1-8 (a)(3), (a)(5), and (b),  
11 where there exists a hardship as to financing lead hazard mitigation, or where materials,  
12 personnel, or weather delays the mitigation completion.

13 **42-128.1-8. Duties of property owners of pre-1978 rental dwellings. [Repealed**  
14 **effective July 1, 2008.] --** (a) Property owners of pre-1978 rental dwellings, which have not been  
15 made lead safe or have not been lead hazard abated, ~~shall mitigate lead hazards and~~ shall comply  
16 with all the following requirements:

17 (1) Learn about lead hazards by taking a lead hazard awareness seminar in person, via  
18 the Internet, by videotape, DVD or as represented by a designated person;

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

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

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

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

28 (b) New property owners of a pre-1978 rental dwelling that is occupied by an at risk  
29 occupant shall have up to sixty (60) days to meet requirements for lead hazard mitigation, if those  
30 requirements were not met by the previous owner at the time of transfer, provided that the new  
31 property owner has the property visually inspected within ~~ten (10)~~ thirty (30) business days after  
32 assuming ownership to determine conformity with the lead hazard control standard.

33 (c) The requirements for lead hazard mitigation shall apply to the first change in  
34 ownership or tenancy after ~~July~~ November 1, 2005; provided, further, that unless requested and

1 agreed to by an at-risk occupant, meeting the lead hazard mitigation standard shall not be  
2 construed to authorize a property owner to compel or cause a person, who is in tenancy on  
3 January 1, 2004, and remains in tenancy continuously thereafter, to vacate a rental unit  
4 temporarily or otherwise.

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

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

16 (1) lead-safe or lead free; or

17 (2) comprised of up to nine (9) units; or

18 (3) elderly housing; or

19 (4) temporary housing.

20 Nothing contained herein shall be construed to prevent an owner who is seeking to obtain  
21 affordable lead liability insurance coverage from complying with the provisions of this chapter.

22 **42-128.1-9. Insurance coverage. [Repealed effective July 1, 2008.]** -- (a) The  
23 department of business regulation shall by January 1, 2003, establish a uniform policy with regard  
24 to exclusion for lead poisoning and shall adopt any rules and requirements that may be necessary  
25 to assure the availability of insurance coverage for losses and damages caused by lead poisoning,  
26 in accordance with the provisions of this chapter, which policy and rules shall apply to liability  
27 coverage available to property owners. The department of business regulation shall have the  
28 authority and is empowered, consistent with the requirements of chapter 35 of this title, to  
29 promulgate rules and regulations which shall enable it to compile and analyze data and to make  
30 determinations with regard to the availability of and rates for lead liability coverage.

31 (b) Except as otherwise provided by this chapter, no insurance company licensed or  
32 permitted by the department of business regulation to provide liability coverage to rental property  
33 owners shall exclude, after ~~June~~ October 31 30, 2005, coverage for losses or damages caused by  
34 lead poisoning. The department of business regulation shall not permit, authorize or approve any



1 exclusion for lead poisoning, except as specifically provided for by this chapter, that was not in  
2 effect as of January 1, 2000, and all previously approved exclusions shall terminate ~~June~~ October  
3 31 30, 2005. As of ~~July~~ November 1, 2005, coverage for lead poisoning shall be included in the  
4 policy or offered by endorsement, as set forth in this section.

5 (c) All insurers issuing commercial lines insurance policies and personal lines insurance  
6 policies covering pre-1978 rental housing in compliance with the requirements of this chapter for  
7 lead hazard mitigation or with the requirements of chapter 24.6 of title 23 for lead safe housing,  
8 within the state of Rhode Island, shall, effective ~~July~~ November 1, 2005, include in the policy  
9 coverage for liability for injury, damage, or death resulting from occurrences of lead poisoning in  
10 an amount equal to and no less than the underlying policy limits for personal injury/bodily injury  
11 coverage provided under the policy so issued to a residential rental property owner. The property  
12 owner shall, if requested by the insurer, present to the insurance company, either: (1) proof of  
13 certificate of compliance of an independent clearance inspection and of any affidavit of visual  
14 inspection required to maintain the validity of the independent clearance inspection; (2) proof of  
15 meeting the mitigation standard in the form of a clearance exam showing that lead hazards are  
16 mitigated; or (3) proof of abatement. This proof shall be prima facie evidence of compliance with  
17 the requirements of this chapter. In any subsequent renewal, the insurer may require any  
18 continuing proof whenever the certificate is expiring, has expired, or is otherwise invalidated.

19 (d) For residential rental properties that have not been brought into compliance with the  
20 requirements for lead hazard mitigation pursuant to this chapter or for lead hazard reduction  
21 pursuant to chapter 24.6 of title 23, effective ~~July~~ November 1, 2005, for residential rental  
22 property owners who own or owned a substantial legal or equitable interest in one property and  
23 have had no more than one unremediated dwelling unit at which a child was poisoned prior to  
24 ~~July~~ November 1, 2005, and for residential property owners who own or owned more than one  
25 property and have had no more than two unremediated dwelling units at which a child was  
26 poisoned prior to ~~July~~ November 1, 2005, an insurance company, which provides liability  
27 insurance to a residential rental property owner, shall either offer lead liability coverage for  
28 bodily injury, which shall be equal to the underlying limits of liability coverage for the property,  
29 by endorsement, or shall assist the insured in placing lead liability coverage through the program  
30 commonly known as the Rhode Island FAIR Plan either directly or through one of the insurance  
31 company's agents or brokers, and the Rhode Island FAIR Plan shall make available liability  
32 coverage for damages caused by lead poisoning to the class of property owners described in this  
33 subsection. If the insured seeks lead liability coverage with the FAIR Plan, the FAIR Plan may  
34 use reasonable underwriting guidelines, as approved by the department of business regulation to

1 underwrite the property. Any property owner, who fails to remediate a property, after a notice of  
2 violation subsequent to ~~June~~ October 31 ~~30~~, 2005, and any property which is not remediated after  
3 notice of a violation subsequent to ~~June~~ October 31 ~~30~~, 2005, shall not be eligible to receive an  
4 offer of coverage and shall be subject to cancellation and non-renewal of that coverage if the  
5 property is not found to be in compliance with the lead law within ninety (90) days of the date of  
6 issuance of the notice by the director, or the housing resources commission, as applicable.

7 (e) Rates for lead poisoning liability coverage, as specified in subsections (c) and (d) of  
8 this section, shall be approved by the department of business regulation, notwithstanding any  
9 limits on rate approval authority established by the provisions of chapter 65 of title 27 and subject  
10 to the provisions of sections 27-44-6 and 27-44-7, using the following standards:

- 11 (1) That they are not excessive, inadequate, or unfairly discriminatory;
- 12 (2) That consideration is given to:
  - 13 (i) Past and prospective loss experience within the state of Rhode Island;
  - 14 (ii) A reasonable margin for profits and contingencies;
  - 15 (iii) Past and prospective expenses specifically applicable to the state of Rhode Island;
  - 16 (iv) Any other data, including data compiled in other states, especially regarding  
17 experience data for lead liability coverages, that the department may deem necessary; and
  - 18 (v) Past history of the owner with regard to lead poisoning or any associated violations.

19 (f) The department of business regulation shall have the authority and is empowered,  
20 consistent with the requirements of chapter 35 of this title, to promulgate rules and regulations to  
21 enable it to compile and analyze data and to make determinations with regard to the availability  
22 of and rates for lead liability coverage. In order to effect the purposes of this section insurers shall  
23 file, on or before October 1, 2004, the proposed language of endorsements for lead liability  
24 coverage and the proposed rates for that coverage with the department.

25 (g) All endorsements, rates, forms and rules for lead liability coverage approved by the  
26 department of business regulation to be effective on or after July 1, 2004 are hereby extended to  
27 be effective ~~July~~ November 1, 2005. Prior to ~~July~~ November 1, 2005, insurers and advisory  
28 organizations shall continue to utilize all endorsements, rates, forms and rules in effect on June  
29 30, 2004 for lead liability coverage. The department shall not approve any new endorsements,  
30 rates, forms or rules for lead liability coverage in pre-1978 residential rental properties unless the  
31 filings are submitted in accordance with the provisions of this act. The department is hereby  
32 authorized to promulgate reasonable rules and regulations to carry out the provisions of this  
33 section.

34 **42-128.1-10. Right to housing where lead hazards are corrected. [Repealed effective**

1 ~~July 1, 2008.~~ **Right to housing where lead hazards are corrected. [Repealed effective July 1,**  
2 **2009.]** -- (a) Pregnant women and families with children under six (6) years of age shall be  
3 deemed to have a right, to housing in which lead hazards have been mitigated or abated.

4 (b) Injunctive Relief. - Effective ~~July~~ November 1, 2005, if the property owner of a  
5 rental dwelling fails to comply with such standards for lead hazard mitigation, or abatement, as  
6 applicable, a right of private action shall exist that allows households that include an at risk  
7 occupant to seek injunctive relief from a court with jurisdiction against the property owner in the  
8 form of a court order to compel compliance with requirements for lead hazard control or  
9 mitigation. A person who prevails is entitled to an award of the costs of the litigation and  
10 reasonable attorneys' fees in an amount to be fixed by the court. Cases brought before the court  
11 under this section shall be granted an accelerated hearing.

12 ~~42-128.1-11. Enforcement. [Repealed effective July 1, 2008.] Enforcement.~~  
13 ~~[Repealed effective July 1, 2009.]~~ -- (a) The standards for lead hazard control and for lead  
14 hazard mitigation in pre-1978 housing shall be considered basic housing standards and shall be  
15 enforceable through the provisions of this chapter and through procedures established in chapter  
16 24.2 of title 45 and chapter 24.3 of title 45.

17 (b) Minimum Housing Standards and Housing Maintenance and Occupancy Code. - In  
18 order to establish consistency between state and local programs pertaining to enforcement of  
19 standards for housing and housing occupancy and to provide for broadly available, multiple  
20 means of identifying instances of noncompliance with this chapter and enforcing the requirements  
21 of this chapter, the following provisions regarding Minimum Housing Standards and Housing  
22 Maintenance and Occupancy Code shall be effective:

23 (1) The ordinances, rules, and regulations for "Minimum Housing Standards" adopted  
24 pursuant to section 45-24.2-3 shall on or before ~~July~~ November 1, 2005, include provisions for  
25 lead hazard control.

26 (2) The Housing Maintenance and Occupancy Code, established by chapter 24.3 of title  
27 23, shall, effective ~~July~~ November 1, 2005, include provisions consistent with a continuing and  
28 ongoing responsibility for lead hazard mitigation as required by the department of health  
29 standards.

30 ~~42-128.1-12. Independent evaluation. [Repealed effective July 1, 2008.] Independent~~  
31 ~~evaluation. [Repealed effective July 1, 2009.]~~ -- In order to assure the effectiveness of the lead  
32 hazard awareness mitigation program established by this chapter and to recommend any changes,  
33 which may be necessary to appropriate, the auditor general shall:

34 (1) (i) Conduct a performance audit for the period ending December 31, 2003, of the

1 duties and responsibilities assigned to the state agencies and to political subdivisions by this  
2 chapter and by the Lead Poisoning Prevention Act, chapter 24.6 of title 23, and of the  
3 effectiveness of this chapter in meeting its purposes. The auditor general may contract with  
4 independent firms and organizations with expertise in lead poisoning prevention and lead hazard  
5 mitigation to assist with the evaluation of matters set forth in this subsection.

6 (ii) The auditor general's report shall be submitted to the governor, the speaker of the  
7 house, the president of the senate, the chairperson of the housing resources commission and the  
8 director of health, on or before March 31, 2005, and shall contain, as appropriate,  
9 recommendations: (A) to make the programs established by this chapter and by the Lead  
10 Poisoning Prevention Act more effective in achieving their respective purposes; and (B) to  
11 address any unreasonable hardships caused by this chapter or likely to be caused by this chapter  
12 with its full implementation July 1, 2005.

13 (iii) The performance audit required by this subdivision shall, in addition to the  
14 examination of effectiveness of administration and the efficiency and adequacy of state agencies  
15 and political subdivisions in the performance of their duties under this chapter and the Lead  
16 Poisoning Prevention Act, include consideration of the following matters:

17 (A) The number and type and date of public service announcements required by section  
18 42-128.1-6(1);

19 (B) The availability and distribution of education materials specified by section 42-  
20 128.1-6(2)(i);

21 (C) The number, date and location of lead hazard awareness seminars and the number of  
22 persons who have participated in those seminars;

23 (D) The number of "mitigation inspectors," average length of time necessary to conduct  
24 the inspections, the cost of meeting standards per inspection, and the availability of inspectors to  
25 conduct the inspections, at a reasonable cost needed in the various geographic areas of the state;

26 (E) The availability of programs to assist property owners, especially low and moderate  
27 income property owners;

28 (2) Conduct a performance audit for the period ending June 30, ~~2006~~ 2007, of the duties  
29 and responsibilities, as assigned by this chapter, to state agencies and political subdivisions and of  
30 the effectiveness of this chapter in meeting its purposes, especially with regard to increasing the  
31 supply of housing in which lead hazards have been mitigated and in reducing the incidence and  
32 severity of lead poisoning in Rhode Island. The auditor general may contract with independent  
33 firms and organizations with expertise in lead poisoning prevention and lead hazard mitigation to  
34 assist with the evaluation of matters set forth in this chapter. The auditor general's report shall be

1 submitted to the governor, the speaker of the house, the president of the senate, the chairperson of  
2 the housing resources commission and the director of health, on or before January 1, ~~2007~~ 2008,  
3 and shall contain, as appropriate, recommendations: (i) to make the programs established by this  
4 chapter more effective in achieving the respective purposes; and (ii) to redress any unreasonable  
5 hardships caused by this chapter or likely to be caused by this chapter.

6 ~~42-128.1-13. Rhode Island lead hazard technical assistance service. [Repealed~~  
7 ~~effective July 1, 2008.] Rhode Island lead hazard technical assistance service. [Repealed~~  
8 ~~effective July 1, 2009.] --~~ (a) Establishment and purposes. - (1) The Rhode Island housing  
9 resources commission shall establish a "Rhode Island lead hazard technical assistance service"  
10 program for the purposes of providing technical assistance to property owners to achieve  
11 compliance with this chapter and the Lead Poisoning Prevention Act, chapter 24.6 of title 23.

12 (2) The services of the program may include, but shall not be limited to: evaluation of  
13 the need for lead hazard mitigation in a dwelling; review of independent inspection results;  
14 identification of and arranging funding for conduction lead hazard abatement and mitigation, and  
15 supplying any materials, assistance, and services that may be needed by property owners to  
16 achieve compliance with this chapter and the Lead Poisoning Prevention Act in an affordable  
17 manner.

18 (b) Historic properties. On or before March 1, 2006, the housing resources commission,  
19 in conjunction with the Historic Preservation and Heritage Commission shall initiate the  
20 following activities to assist owners of historic properties to comply with the provisions of this  
21 chapter: (i) provide technical assistance; (ii) identify financial resources available for compliance;  
22 and (iii) seek additional resources for this purpose.

23 ~~(b)~~(c) Cooperation with Rhode Island Housing and Mortgage Finance Corporation. - The  
24 housing resources commission is hereby authorized to cooperate with the Rhode Island Housing  
25 and Mortgage Finance Corporation in putting the provisions of this section into effect, and the  
26 Rhode Island Housing and Mortgage Finance Corporation is hereby authorized to exercise its  
27 powers under section 42-55-5.1 to provide for the implementation of this section.

28 ~~(e)~~(d) Exercise of powers. - The housing resources commission is hereby expressly  
29 authorized to exercise any or all of its general powers set forth in section 42-128-7 to accomplish  
30 the purpose of this section.

31 SECTION 3. Section 6 of Chapter 187 of the 2002 Public Laws as amended by Section 4  
32 of Chapter 221 of the 2004 Public Laws and Section 6 of Chapter 188 of the 2002 Public Laws,  
33 as amended by Section 4 Chapter 223 of the 2004 Public Laws entitled "An Act Relating to  
34 Health – Lead Hazard Mitigation" are hereby amended to read as follows:

1           SECTION 6. Sunset provision. – This act shall be and is hereby repealed effective July 1,  
2   ~~2008~~ 2009.  
3           SECTION 4. This act shall take effect on July 1, 2009.

=====  
LC03545  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO LEAD HAZARD MITIGATION

\*\*\*

1           This act would make amendments to the Lead Hazard Mitigation Act and would also  
2 repeal the sunset provision of the act.

3           This act would take effect on July 1, 2009.

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LC03545  
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