

2023 -- H 5946

LC002194

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: Representatives Voas, Giraldo, O'Brien, Morales, Casimiro, DeSimone, Solomon, and Kazarian

Date Introduced: March 01, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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

3 **42-128.1-8. Duties of property owners of pre-1978 rental dwellings.**

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

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

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

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

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

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

17 (b) New property owners of a pre-1978 rental dwelling that is occupied by an at risk
18 occupant shall have up to sixty (60) days to meet requirements for lead hazard mitigation, if those
19 requirements were not met by the previous owner at the time of transfer, provided that the new

1 property owner has the property visually inspected within thirty (30) business days after assuming
2 ownership to determine conformity with the lead hazard control standard.

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

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

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

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

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

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

31 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO STATE AFFAIRS IN GOVERNMENT -- LEAD HAZARD MITIGATION

1 This act would relieve property owners from implementing lead hazard mitigation for pre-
2 1978 rental dwelling units that are comprised of two (2) or three (3) units, one of which is occupied
3 by the property owner.

4 This act would take effect upon passage.

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