

What You Should Know about the Rhode Island Lead Law



Lead disclosure

Rhode Island landlords must meet federal disclosure requirements and give tenants a copy of this document, *What You Should Know about the Rhode Island Lead Law*.

You can find the federally required Protect Your Family from Lead in Your Home and the Rhode Island insert at <http://www.health.ri.gov/materialbyothers/LeadPoisoningProtectYourFamily.pdf>.

Landlords must also give tenants the name and contact information of the person who maintains the property. Landlords who do not live in Rhode Island must file a “designation of agent” with the Rhode Island Secretary of State and with the city or town clerk where the property is located.

Renting homes built before 1978

The *Rhode Island Lead Hazard Mitigation Act* requires landlords to have a *Certificate of Conformance* for most rental units. To learn more, go to <http://ohcd.ri.gov/lead-healthy-housing/>.

Checking your family for lead

All children who live in Rhode Island must be screened at least twice for blood lead levels before they are 36 months old. To learn more, go to <http://www.health.ri.gov/healthrisks/poisoning/lead/for/parents/>.

Where lead is found

Unless a test by a licensed Lead Inspector or certified Lead Renovator shows that the paint is not lead based, all surfaces painted before 1978 are assumed to be lead-based paint.

Lead can also be in soil, dust in the home, and drinking water. You should also check to see if the pipes in your home are made of lead.

Rhode Island Department of Health’s standards for lead in soil are different from federal standards:

Less than 150 ppm	Lead free, recommended for fruit and vegetable gardens
150 to less than 400 ppm	Lead safe for uncovered soil in any area
More than 400 ppm	Lead hazard for uncovered soil in any area

The RIDOH-approved treatments for soil hazards depend on the lead concentration levels.

Identifying lead hazards

Damaged paint and uncovered soil must be tested to find out if the lead levels are below RIDOH’s lead-safe limits. If damaged paint on pre-1978 building parts and all uncovered soil are not tested, they are assumed to be unsafe. Damaged paint includes paint that is loose, flaking, peeling, chipping, chalking, blistering, or rubbing.

Checking your home for lead

Rhode Island has two types of inspections:

1. Housing Resources Commission Independent Clearance Inspection

This is mainly a visual inspection. The inspector makes sure there is no damaged paint and no uncovered soil in a play area or within five feet of a pre-1978 painted structure. If the paint is undamaged and the soil is covered, the inspector will collect dust wipe samples from inside the house.

If the dust sample results are lower than RIDOH's lead-safe limit, the landlord will get a *Certificate of Conformance*. The certificate is required for most residential rental units. It is good for two years. The landlord must renew it to make sure that the paint is still undamaged, and the soil is covered.

2. RIDOH Comprehensive Environmental Lead Inspection This is a surface-by-surface investigation. The inspector checks for lead in paint, soil, dust in the home, and drinking water. If the paint, soil, dust, and water test results are lower than RIDOH's lead-safe limits, the landlord will get **one** of these two *Lead Safe Certificates*:

- **Conditional Lead Safe Certificate:** Lead-based paint was found to be in a lead-safe condition. This means it is undamaged or covered and no bare soil is above the RIDOH lead-safe limits. The certificate is good for two years. Re-inspections must show that the lead-based paint is still intact and that approved soil coverings are still in place.
- **Full Lead Safe Certificate:** No lead-based paint and no lead-contaminated soil, dust, or water were found. This certificate does not expire. Re-inspection is not required.

Reducing lead hazards

Lead-hazard reduction

Lead-hazard reduction (LHR) is lead abatement (removal), interim controls, or both. Lead abatement is permanent. Interim controls require ongoing maintenance. Only a licensed Lead Contractor can do LHR work. LHR is required at properties that got a RIDOH Notice of Violation. Violations are usually for homes where children who tested positive for lead poisoning live or have lived.

A property with a violation cannot get a *Certificate of Conformance*. For a list of these properties, go to <http://www.health.ri.gov/find/environmentallead/propertystatus/>.

The LHR contractor must send a *Start Work Notification* to RIDOH before work starts. Download or submit the form at <http://www.health.ri.gov/forms/notification/LeadStartWork.pdf>.

LHR may also be required by a funding agency such as Rhode Island Housing's Lead Safe Homes Program or the Lead Safe Providence Program. At the end of the LHR project, a licensed Lead Inspector must do a clearance inspection. A *Full Lead Safe Certificate* or a *Conditional Lead Safe Certificate* is required.

Lead hazard control

Lead hazard control (LHC) is window replacement and/or interim controls to fix lead hazards. Interim controls may include paint stabilizing and special cleaning. Only a licensed Lead Renovation Firm (LRF) can do LHC work.

LHC is required, as a minimum, at properties that got a RIDOH Order to Correct Lead Hazards. Before starting LHC work, the firm must give the owner and tenants the Renovate Right EPA pamphlet and the Rhode Island insert. For both, go to <http://www.health.ri.gov/publications/brochures/RenovateRight.pdf>.

The LHC firm must also send a *Start Work Notification* to RIDOH. Download or submit the form at <http://www.health.ri.gov/forms/notification/LeadStartWork.pdf>.

At the end of an LHC project, a licensed Lead Inspector must do a clearance inspection. A *Full Lead Safe Certificate*, *Conditional Lead Safe Certificate*, *Partial Lead Safe Certificate*, or *Certificate of Conformance* is required.

Lead hazard mitigation

Lead hazard mitigation (LHM) is minor repair and maintenance work done by a landlord or designated person. The person doing the work must first complete a lead-hazard awareness seminar and may not use prohibited work practices. For a list of HRC-approved seminars, go to <http://ohcd.ri.gov/lead-healthy-housing/lead-classes.php>.

A licensed Lead Renovation Firm is required for window replacement, demolition, or work that is more than spot removal. At the end of an LHM project, or every two years, a licensed Lead Inspector must do a clearance inspection. A *Certificate of Conformance* is required.

Renovating, remodeling, or repairing a home with lead-based paint

Renovation, repair, and painting

RIDOH has authority from EPA to administer the federal *Renovation, Repair, and Painting* (RRP) Rule. RIDOH licenses Lead Renovation Firms and certifies Lead Renovators. The RRP Rule applies to painting, construction, carpentry, plumbing, or electrical work done on homes and buildings built before 1978. These buildings are assumed to contain lead-based paint unless a licensed Lead Inspector or certified Lead Renovator tests the paint to make sure that it is not lead based.

A licensed Lead Renovation Firm is required for any window replacement and for any demolition. For most pre-1978 housing and child care facilities, work that will disturb six square feet of lead-based paint for any interior (inside) room or 20 square feet of lead-based paint on the outside of a house also requires a licensed Lead Renovation Firm. This includes homes where children under six years of age live. A certified Lead Renovator must be on site to supervise all RRP activities.

Minor repair and maintenance or spot removal

Both RIDOH and HRC spot-removal limits are the same as the EPA maximum of six square feet of lead-based paint for any interior room or 20 square feet of exterior lead-based paint. This is if the work does not include window replacement or demolition activities, and no prohibited work methods are used. DEM regulation number 24: *Removal of Lead-Based Paint from Exterior Surfaces* also applies to any exterior paint removal.

Prohibited work methods

Along with EPA rules, Rhode Island has rules against disturbing lead paint.

For **interior** work, RIDOH does **not** allow:

- Dry sweeping
- Dry scraping or sanding
- Use of chemical strippers that are flammable or contain methylene chloride
- Dry or wet abrasive blasting

For **exterior** work, DEM does **not** allow:

- Dry scraping or sanding
- Use of chemical strippers that are flammable or contain methylene chloride
- Uncontained power washing

Lead professionals

To find lists of RIDOH-licensed lead professionals, go to <http://www.health.ri.gov/find/environmentallead/professionals/>.

Financial help

There is a Rhode Island personal income tax credit of up to \$5,000 per dwelling unit for money spent to correct lead hazards.

For the Residential Lead Abatement Income Tax Credit Form RI-6238, go to <http://www.tax.ri.gov/taxforms/misc.php>.

For questions about the tax credit, call **401-222-6262**.

These grant and loan programs are available to help property owners pay for and fix lead hazards:

- Rhode Island Housing Lead Safe Homes Program
401-450-1350
http://loans.rhodeislandhousing.org/LeadSafe_Homes/
- Lead Safe Providence Program
401-680-8400
<https://www.providenceri.gov/planning/community-development/>

Other cities and towns may have financial assistance for lead-related home repairs.

Lead certificates

Landlords of most pre-1978 rental properties must have either a *Certificate of Conformance*, a *Conditional Lead Safe Certificate*, or a *Full Lead Safe Certificate*. Your insurance company is required to provide you with lead liability coverage if you have a valid lead certificate. Check with your insurance company to see what type of certificate they will accept.

You will also need one of the above lead certificates to apply for the Rhode Island Residential Lead Abatement Tax Credit (Form RI-6238). To find out if a certificate was issued, go to <http://dualsearch.datasparkri.org/>.

Education, advocacy, and parent support

Call the Childhood Lead Action Project at **401-785-1310**. Or go to www.lead safekids.org.

Rhode Island Contacts

Rhode Island Department of Health (RIDOH)

To learn about:

- Lead training courses
- Licensing requirements for lead professionals
- Lead-safe work practices
- Lead poisoning screening for children Health

Information Line

401-222-5960/RI Relay 711

www.health.ri.gov

Department of Environmental Management (DEM)

To learn about:

- DEM Air Pollution Control Regulation No. 24: Removal of Lead-Based Paint from Exterior Surfaces

www.dem.ri.gov

Office of Compliance and Inspection

401-222-1360 for outdoor residential lead-based paint

Office of Air Resources

401-222-2808 for all other non-residential structures

Housing Resources Commission (HRC)

To learn about:

- The Lead Hazard Mitigation Law
- Landlord requirements

Office of Healthy Housing

401-222-4892

www.ohcd.ri.gov