



MANDATORY REVISION OF LEAD RENOVATE RIGHT BROCHURE
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I hope you're all aware of HUD and EPA's long standing lead-based paint disclosure requirements for landlords, sales agents, and sellers of homes built before 1978. But did you know that these requirements were recently revised?

The most recent amendments to the Renovation, Repair, and Painting (RRP) regulation became effective on October 4, 2011. The regulations and associated guidance documents can be found at <http://epa.gov/lead/pubs/renovation.htm>.

YOU MUST PROVIDE A NEWLY REVISED RENOVATION BROCHURE

Due to these changes, the Environmental Protection Agency (EPA) revised various materials including the "Renovate Right" brochure that must be provided to residents prior to many repairs that may disturb lead based paint in homes built prior to 1978. The brochure has a new look (new graphic on the front and a revamped layout throughout) but most of the information is essentially the same with one significant exception...

Page 10 of the Renovate Right brochure was revised (see thumbnail image below). It can be found online and printed out for free at <http://epa.gov/lead/pubs/renovaterightbrochure.pdf>.



You are required to use the new version of this brochure.

...Or, if you have preprinted inventory of the original lead renovation brochures, you may use them up so long as you include (simply print, cut, and insert) the half-page replacement page 10 found at <http://epa.gov/lead/pubs/insert.pdf>.

In addition, the EPA offers the following revised resources:

- Right: EPA's Lead-based Paint Renovation, Repair and Painting Program
<http://epa.gov/lead/pubs/sbcomplianceguide.pdf>
- Paint Chip Sample Collection Guide
<http://epa.gov/lead/pubs/paintchip.pdf>
- Sample Renovation Recordkeeping Checklist
<http://epa.gov/lead/pubs/samplechecklist.pdf>

- Renovation Firm Application for Certification Form and Instructions <http://epa.gov/lead/pubs/firmapp.pdf>

In addition to the changes above, on April 23, 2010, the EPA announced a number of changes that went into full effect federally on July 6, 2010. As an EPA authorized state, Oregon had one year to adopt these changes. Oregon revised Oregon Administrative Rule (OAR) 333-070 (http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_333/333_070.html) effective June 16, 2011.

There were, essentially, two changes to the RRP rule:

- 1) EPA has eliminated the provision allowing people who own and occupy housing without children or pregnant women to waive compliance with the rule. **Renovators working in all target housing built before 1978 will have to comply with the rule, regardless of ownership.**
- 2) **EPA also now requires a post-renovation notification, such as a copy of the "Renovation Record keeping Checklist," to be provided to the owner and the occupant.**

These steps were taken in an effort to increase protections against lead-paint poisoning by eliminating the ability of owner-occupants of older housing to "opt-out" of having their contractors follow lead-safe work practices and increase occupants' knowledge of the presence (or likely presence) of lead in their home. You may learn more about these changes at <http://www.epa.gov/lead/new.htm>.

All of these changes are in addition to the decades-old requirement to distribute the booklet entitled "Protect Your Family from Lead in Your Home"¹ from the EPA and HUD, and get the "Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards"² signed by buyers / renters prior to they're becoming obligated under a sales / rental contract and the pre-existing Renovation Repair and Painting (RRP) rule of 2008. The RRP already requires housing providers and contractors to distribute a brochure and to get another disclosure signature prior to repairs or renovations that may disturb 6+ square feet of interior or 20+ square feet of exterior lead-based paint. Federal law also requires those doing work on pre-1978 homes to be certified to do so and to follow specific work practices. In other words, you must, by law, hire a contractor who is lead-safe certified, or become certified yourself, if doing work on a home you do not occupy.

WATCH FOR FURTHER LEAD REGULATIONS DOWN THE ROAD

You should further know that 12 states, including Oregon and Washington, are authorized to have their own RRP program in lieu of the EPA federal program. As such, it is essential that you are certified (or hire a contractor that is certified) by the state and comply with state regulations. Also, as a result of this local administration of federal rules, some of the changes to the EPA RRP regulation is not expected to take effect in Oregon until the OARs are changed again. These federal-rules-not-yet-in-effect-in-Oregon include paint chip sampling conducted by a contractor or landlord. Look for ongoing updates and changes as the program is refined and expanded at state and federal levels.

¹ http://www.hud.gov/offices/lead/library/enforcement/pyf_eng.pdf

² The disclosure form can be found at <http://www.hud.gov>

³ Federally protected classes under the Fair Housing Act include: race, color, national origin, religion, sex, familial status (children), and disability. Oregon law also protects marital status, source of income, sexual orientation, and domestic violence survivors. Washington law covers martial status, sexual orientation, and domestic violence survivors, and honorably discharged veterans / military status. Additional protected classes have been added in particular geographic areas; visit FHCO.org/mission.htm and read the section entitled "View Local Protected Classes" for more information.

For more information on EPA and State programs, go to
http://www.epa.gov/opptintr/lead/pubs/lscp-renovation_firm.htm.

A reminder that it is illegal under the federal Fair Housing Act (FHA) to discriminate based on familial status³. Case law has reinforced the fact that housing providers may not discourage potential residents with children simply because the property has or may have "hazards" such as steep stairways and balconies, busy streets, or even the presence of lead-based paint. For more information on fair housing law in Oregon and SW Washington visit www.FHCO.org.

This article brought to you by the Fair Housing Council; a nonprofit serving the state of Oregon and SW Washington. Learn more and / or sign up for our free, periodic newsletter at FHCO.org.

Qs about your rights and responsibilities under fair housing laws?

Visit FHCO.org or call 1-800-424-3247 Ext. 2.

Qs about this article? Want to schedule an in-office fair housing training program or speaker for corporate or association functions?

Contact Jo Becker at jbecker@FHCO.org or 503/453-4016.

Have property to promote?

Advertise vacancies or for-sales free across the Portland / Vancouver market at HousingConnections.org!