

## REQUIRE RENTAL PROPERTY OWNERS TO INFORM TENANTS HOW TO REPORT DETERIORATING PAINT

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### DESCRIPTION OF THE STRATEGY

Requiring property owners to provide information on lead hazards to tenants and to inform tenants how to report deteriorating paint can increase tenant awareness of the risk of lead hazards and assist them if paint deterioration problems develop. Notices can be delivered or mailed to tenants or posted in the building to inform occupants of basic lead hazard control measures, ask them to report deteriorated paint, and provide them with the information necessary to report conditions of concern. This strategy is effective only to the extent that property owners promptly and safely repair deteriorated paint and its causes. This type of notice to tenants is required in Vermont, Rhode Island, and housing subject to HUD's lead-safe housing rule: public housing, housing subsidized by a variety of HUD assistance programs (including the Section 8 Housing Choice Voucher program), and properties that HUD is selling.

### BENEFITS

**Immediate/Direct Results:** This strategy can increase tenant awareness of the risk of lead hazards and increase the likelihood that property owners are made aware if paint deterioration develops, which, in turn, increases the likelihood of corrective action.

**Public Health Benefits:** Lead exposure is reduced if deteriorated paint is repaired more promptly and in a lead-safe manner.

**Other Indirect/Collateral Benefits:** Property owners and occupants will become more aware of the hazards associated with deteriorated lead paint and will pay more attention to paint condition. Code enforcement personnel may also pay more attention to deteriorated paint.

### SCOPE OF POTENTIAL IMPACT

City- or County-Wide

Specific (Targeted) Population—Notice requirement could be restricted to a higher-risk set of properties, such as pre-1950 rental housing

### PRIMARY ACTORS

Health Department

### KEY PARTNERS

Code or Building Inspection Agency

Housing Agency

Local Prosecutors

Community-based Organizations

Property Owners

Tenants

Community Members

### CRITICAL ELEMENTS

**Staff requirements:** The requirement to notify could be considered self-enforcing, but governmental enforcement efforts can greatly improve awareness and compliance. Very minimal staffing within a health or code enforcement agency (0.2-0.5 FTE) could create a basic education and outreach program to increase landlord awareness of the requirement. High-profile enforcement actions against egregious violations and/or spot-checking properties for compliance would be a reasonable starting point for additional enforcement efforts. Staffing levels for enforcement could be further increased to the point where additional staff produces diminishing returns. To the extent that increased reporting to landlords of deteriorated paint does not prompt safe repairs by landlords, additional hazard inspection and enforcement may be needed.

## **Building Blocks for Primary Prevention: Protecting Children from Lead-Based Paint Hazards**

*Lead Safety and Healthy Homes Standards*

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**Other resource requirements:** Additional staff dedicated to ensuring landlord compliance probably could be funded mostly or entirely from penalties assessed against non-complying landlords.

**Institutional capacity required:** State or local legislation would need to be enacted to create the notice requirement and enforcement authority to ensure compliance.

**Cost considerations:** This requirement seems cost-effective no matter how passively or aggressively it is enforced. Without enforcement, some compliance will occur at virtually no cost. Additional resources spent on landlord outreach and education and/or enforcement should increase compliance substantially. Penalties against non-compliant landlords would increase in proportion to resources spent on enforcement and cover or at least offset costs of enforcement.

**Timing issues:** No seasonal or cyclical considerations. Timeline to implement depends on the legislative process.

**Feasibility of Implementation:** Moderate. The existence of this policy in two states and throughout most federally assisted housing demonstrates its feasibility.

#### **POTENTIAL OBSTACLES/BARRIERS**

The impact of this policy is directly related to the degree to which it is promoted and enforced among landlords. Some resources would have to be committed initially in order to demonstrate cost effectiveness of promotion and enforcement. This is most likely to happen if policy makers are shown or convinced that enforcement efforts can pay for themselves.

#### **ADDITIONAL RESOURCES**

N/A

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#### **ILLUSTRATION OF STRATEGY IN PRACTICE**

In 1996, the Vermont Legislature enacted the Essential Maintenance Practices law, which includes a requirement that owners of pre-1978 rental housing and child care facilities “post, in a prominent place ... a notice to occupants emphasizing the importance of promptly reporting deteriorated paint to the owner or to the owner’s agent. The notice shall include the name, address, and telephone number of the owner or the owner’s agent.” The law also requires owners of pre-1978 rental housing to annually submit an Affidavit of Performance attesting to compliance with this and the other requirements to the Vermont Department of Health.

**Jurisdiction or Target Area:** Vermont

**Primary Actor:** Vermont Housing and Conservation Board

**Secondary Actor(s):** Vermont Department of Health

**Staffing utilized:** There is no dedicated funding or staff for this strategy. Presently the entire law is being implemented within the Vermont Department of Health’s (VDH) existing budget, utilizing less than 1 FTE. It is estimated that 2 FTEs are needed to track and respond to complaints and apparent non-compliance.

**Other resources utilized:** Required training course, fact sheets, associated forms, guidance, and affidavit filing system.

**Factors essential to implementation:** Coordination between Vermont Department of Health and Vermont Housing and Conservation Board is essential, as is sufficient staffing to ensure compliance.

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**Limitations/challenges/problems encountered:** Although VDH is charged with implementing the law and keeping records, no money is appropriated for these activities or for enforcement. VDH does not have the resources to conduct quality control on affidavits to verify they are correctly completed or to physically check dwellings to confirm compliance. Currently, VDH attempts to resolve complaints informally but does not use its statutory power to penalize non-compliant landlords. VDH has never issued a health order to address violations of the law—even after the infraction caused a child to be lead poisoned. Failure to prosecute even the most egregious cases means there are essentially no negative consequences to ignoring the law.

**Magnitude of Impact/Potential Impact:** Approximately 30-40 percent of Vermont's pre-1978 rental housing units have affidavits on file at VDH that claim compliance. According to officials, the lack of any comprehensive listing of rental properties hinders the agency's ability to get a precise picture of compliance. However, Vermont is poised to have a larger impact in the future, and other jurisdictions with more staff availability could be even more effective.

**Potential for replication:** Moderate

**Contact for Specific Information**

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**References for additional information**

1. The Vermont Lead Law (Vermont Statutes, Title 18, Chapter 38)  
[www.leg.state.vt.us/statutes/sections.cfm?Title=18&Chapter=038](http://www.leg.state.vt.us/statutes/sections.cfm?Title=18&Chapter=038)
2. Vermont Housing and Conservation Board's "Lead-Safe Vermont" web site  
[www.leadSAFEvermont.org](http://www.leadSAFEvermont.org)
3. Vermont Tenants, Inc. "Lead Safety" web page  
[www.cvoeo.org/vti/leadInfo\\_introduction.htm](http://www.cvoeo.org/vti/leadInfo_introduction.htm)