

NARPM Position on Lead Based Paint

ISSUE: Following the adoption of the Lead Based Paint Disclosure requirements for housing constructed prior to 1978 by the Environmental Protection Agency (EPA) in 1996, we have seen increasing pressures for state and local governments to enact new laws for pre-1978 housing that would do one or more of the following:

- Mandate lead paint inspection of all housing built prior to 1978.
- Certification of lead free status at each change of tenancy or ownership.
- Abatement, encapsulation and/or removal of all lead paint hazards.
- Tenant relocation and other expenses.
- Assign legal liability for discovered lead poisoning in children to the owner of the property where the child resides without determination of where the lead poisoning occurred.

All of the proposed legislation would result in increased responsibility, liability and costs to property owners and property managers.

NARPM POSITION: NARPM supports disclosure requirements for lead based paint, with appropriate fines and penalties for noncompliance. We do not support the enactment of legislation requiring inspection, abatement or tenant relocation at the property owner's expense. We do support proposals and studies to provide clear, consistent standards to property owners and managers for their use. We also support the following in dealing with lead paint problems: "Certification Standards" for lead paint inspectors, liability relief to property owners for resolving lead paint problems, and appropriate tax relief to offset the costs of any needed compliance. Proposed legislation should be uniform in each state, and include provisions directed at preserving older properties from costs that would make them uneconomical to own and operate.

IMPACT ON PROPERTY MANAGERS: Currently a number of states, such as Maryland, and some local governments, such as San Francisco and Los Angeles, have already enacted lead paint laws imposing inspection and/or abatement requirements. As of late 1997, the EPA has started an enforcement program for the disclosure requirements, with significant penalties for violations, and has published a 2000 page manual dealing with lead paint. Any new legislation will increase property manager responsibilities and costs, and will certainly make ownership of rental property less desirable as an investment. Lead paint health problems primarily affect children under age 6 residing in older, often inner city properties, making this a more difficult issue to deal with responsibly. A major anticipated effect is a substantial increase in liability for both owners and property managers.

STATUS/OUTLOOK: NARPM will provide information to our chapters to help keep them abreast of any proposed lead paint legislation in other states and local agencies. The EPA may be pressured to extend the current regulations to include lead contamination from any source, and to include specific removal requirements. Any proposal for lead paint legislation in your area should be forwarded to the Legislative Committee for distribution to the chapters. It would appear that lead paint issues will be with us for some time.

OTHER ASSOCIATION POSITIONS: The NARPM position on lead paint parallels the positions of NAR, IREM, and most other interests representing the ownership side of real property. Some tenant advocates also support similar positions due to their concerns that affordable housing will decrease and rents will increase with inspection or abatement legislation.