

## **Apartment Owners Fined Over \$500,000 for Lead-Based Paint Violations!**

**by Jo Becker**

I've heard from housing providers over the past several months that HUD and EPA are cracking down on lead hazards disclosure requirements and checking records to confirm compliance. This and a relevant case of landlords being penalized for non-compliance are excellent reminders to be sure you're aware of the law and that your procedures are up to snuff. **Penalties for non-compliance are steep!**

"With few exceptions, federal rules require owners, manager and sellers of (as well as agents representing) pre-1978 housing to provide disclosure forms to buyers or renters prior to entering into a contract; enabling the consumer to make informed decisions about protecting young children and themselves from lead-based paint hazards. Owners, managers and agents equally share responsibility for providing lead disclosure information and must retain copies of disclosure records for three years.

A 2003 EPA complaint alleged that an Oregon landlord committed 16 violations of the Residential Lead-Based Paint Hazard Reduction Act of 1992 when they failed to provide their renters with a Lead Warning Statement disclosing the health hazards associated with lead-based paint and notifying the tenants of either the presence of known lead-based paints or a lack of knowledge of such. They also failed to provide tenants with the EPA-approved lead information pamphlet entitled **Protect Your Family from Lead in Your Home** [available at AOA]. Each violation carries a maximum penalty of \$11,000. [That's \$176,000!]

Rick Albright, the director of EPA's Office of Waste and Chemicals Management explained, "Lead poisoning in children from deteriorating paint is especially tragic because it can be avoided. Landlords and property management companies must take seriously their obligations to inform parents how to protect their children from the hazards associated with the lead paint".

***[Editor's Note: The Lead Disclosure Rule requires that landlords or sellers of housing constructed prior to 1978 provide each purchaser or tenant with a lead hazard information pamphlet, any information and/or reports concerning lead-based paint hazards at the property and a Lead Warning Statement to be signed by the parties. Additionally, sellers are required to provide purchasers with an opportunity to conduct a lead-based paint evaluation.***

***A few years ago the U.S. Environmental Protection Agency fined a Los Angeles apartment property manager over lead-based paint violations for several properties. The property management firm was fined \$8,008 for violating the federal lead based paint disclosure requirements at 12 apartment buildings in Los Angeles, Burbank, Canoga Park, Orange, Santa Monica and Malibu. The company failed to provide federally-required lead warning statements to rental apartment tenants and also failed to disclose whether it had information or reports on lead-based paint or lead hazards at these locations prior to tenants signing leasing agreements.***

***In May of last year, EPA fined 12 Los Angeles property owners \$62,500 for violations of the Toxic Substances Control Act through violation of Section 1018 of Title X of the Residential Lead-Based Paint Hazard Reduction Act of 1992 ("Section 1018)". Because EPA shares enforcement authority for the Disclosure Rule with HUD, in a separate settlement, those respondents also paid a civil penalty of \$62,000.***

***In that same month, a group of inspectors from EPA conducted joint inspections of approximately 50 landlords and property management companies with multiple apartment units in Los Angeles County, California. One owner was forced to pay a federal civil administrative penalty of \$7,700 and a state civil penalty of \$2,300 as part of a separate agreement with the State of California.***

***A few months later, a San Diego property manager was fined \$31,000 due to lead-based paint violations in connection with the leasing of 25 rental units and was forced to spend \$216,664 in lead paint removal.***

***EPA reported, "We hope today's enforcement action reminds all landlords and home sellers that they have a responsibility to warn tenants and home buyers that their homes may contain dangerous lead."***

***Are you providing your tenants with the proper forms and EPA lead-based paint booklet? AOA members can visit [www.aoausa.com](http://www.aoausa.com) to download FREE copies.]***

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