

Rhode Island Property Owner Faces Fine for Failing to Notify Tenants about Potential Lead Hazards

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(Boston, Mass. – July 20, 2012) – A Rhode Island company faces a penalty of up to \$421,900 for repeatedly violating federal lead-based paint disclosure laws and regulations when leasing residential property in Providence.

A recent EPA complaint alleges that Private Reserve Properties, LLC failed to notify prospective tenants, including families with young children, about potential lead-paint hazards in housing owned by the company, as required by the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the Lead-Based Paint Disclosure Rule.

Private Reserve Properties owns about 50 properties, with about 130 rental units, throughout Providence. Many of the company's holdings, including several subject to the complaint, are in environmental justice areas, which have higher than average rates of poverty.

The complaint asserts 61 violations of the federal disclosure requirements associated with 16 leases signed between 2009 and 2011. According to the complaint, Private Reserve Properties failed to disclose the presence of lead-based paint or lead-based paint hazards in its housing, provide tenants with available reports and records regarding lead-based paint, and supply educational information regarding lead-based paint hazards. Eight of the leases include families with children who are more vulnerable to the adverse affects of lead exposure.

Exposure to lead paint is a serious health concern in New England due to the age of the housing stock. Infants and young children are especially vulnerable to lead paint exposure, which can cause lowered intelligence, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity and behavior problems. Adults with high lead levels can suffer difficulties during pregnancy, high blood pressure, nerve disorders, memory problems and muscle and joint pain.

The purpose of the Residential Lead-Based Paint Hazard Reduction Act and the Lead-Based Paint Disclosure Rule is to ensure that prospective tenants have enough information about lead-based paint in general and known lead-based paint hazards in specific housing to make an informed decision about whether to lease a particular property. Among other things, the Disclosure Rule requires landlords to provide prospective tenants with an EPA-approved lead hazard information pamphlet and lead warning statement; disclose the presence of known lead-based paint and lead-based paint hazards; and provide prospective tenants with available records and reports pertaining to lead-based paint in the housing to be leased. Property managers and owners therefore play an important role in helping to prevent lead poisoning. Violations of the federal disclosure requirements are subject to the penalty provisions set forth in the Toxic Substances Control Act.

More information: Lead disclosure rules and health concerns (<http://www.epa.gov/lead/>)