

LANDLORD RESPONSIBILITIES FOR PROPERTY MAINTENANCE

The following information is provided as a general guide to assist homeowners and landlords to help protect children and pregnant women residing or visiting in their apartments, or homes from lead-based paint hazards. This is not intended to be an exhaustive source of information. Please check with your local housing agencies and/or codes departments for complete information on landlord responsibilities, tenant rights, and local regulations regarding property maintenance and codes or the health department for more information on lead poisoning information. The guidance offered in this website is based on the latest lead hazard control information available to us at the time it was written. Users bear all risks associated with reliance on this information and have sole responsibility for evaluating the information it contains.

Responsible homeowners and landlords who maintain their properties in good condition are an important key to creating healthy housing and decreasing children's and pregnant women's risk for exposure to lead-based paint hazards that may be found in chipping and peeling paint and lead-laden dust in homes built before 1978.

IMPORTANT SAFETY INFORMATION ON RENOVATIONS:

Renovations on homes built before 1978, that may contain lead-based paint hazards, should be conducted by a contractor certified in lead-safe work practices.

Homeowners who choose to perform their own maintenance, repairs, or window or door replacements on any home built prior to 1978 that may contain lead-based paints should attend lead-safe work practice training. They should consider having dust wipe clearance testing performed to insure lead dust levels are within safe limits.

Failure to follow lead-safe work practices may result in the home and/or the furniture and other personal belongings being contaminated with lead-based paint dust and could cause lead poisoning in children and adults present in the home or apartment.

Federal law requires that owners and occupants of a house or apartment built before 1978 must receive the pamphlet "Protect Your Family From Lead In Your Home" prior to any renovation work that could disturb lead-based paint.

This applies to, but is not limited to contractors performing painting, drywall, electrical work. Window replacements should also take special care due to the potential for large amounts of lead-based paint to be present in old window frame components. Owners of properties who have work performed by maintenance staff must also follow this regulation.

(This pamphlet is available in PDF on this web site or at www.ocgov.net Lead Recalls and Information. It is in the public domain and may be saved to your computer and reprinted as many times as needed. If you do not have access to a computer, it is available on your local library computer by accessing the www.ocgov.net website. Ask your librarian for assistance.)

REMEMBER: NO DRY SCRAPING, NO DRY SANDING, NO BURNING OR HEATING OF LEAD PAINT

WORK WET, WORK CLEAN, AND WORK LEAD SAFE!!!

For more information on using lead-safe work practices, CLICK on “Lead Paint Safety A Field Guide for Painting, Home Maintenance, and Renovation Work”. Additional sources of information and contact numbers can be found on pages 62-63 of the field guide. Other information on Tips for Contractors may be found under the Contractor section of this web site.

PROPERTY MAINTENANCE CODES

The Property Maintenance Code of New York State provides the following information on the expectations for the maintenance of exterior and interior painted surfaces.

Section 303.1 General. “The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety and welfare.”

Section 303.2 Protective treatment. “All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted...”

Section 304.3 Interior Surfaces “All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.”

Additional local requirements may also exist in the Oneida County Sanitary Code and the Property Code Chapter 2-12 from the Code of the City of Utica.

Lead-based paint may be present in apartments and homes built anytime **before** 1978. Lead-based paints were banned in the United States in 1978. Houses built before 1950 will likely contain lead-based paint unless the home underwent a complete removal (abatement) of all lead-based paint surfaces in the past. Homes built between 1950 and 1978 may contain lead-based paint hazards. Oneida County has one of the oldest housing stocks in New York State and therefore many houses in this county are at high risk for lead-based paint hazards.

To protect your tenants from lead-based poisoning hazards and to protect yourself against liability that occurs from poorly maintained property, please consider the following:

- Maintain the painted surfaces of the inside and outside of your homes and apartments in good condition to help prevent lead poisoning caused by chipping and peeling lead-based paint.
- **Uniform Property Codes** require homeowners/landlords to maintain paint in good condition. You could be cited for chipping and peeling paint hazards depending on your locality even if they are not lead paint.
- Check that window casings, window sills, and casings around locks and doors fit properly to lower the 'wear and tear' risk to lead-based paint on 'friction' surfaces. Frequent opening and closing of doors and windows re-exposes lead-based paint surfaces and increases lead-laden dust. Wet Clean, and repaint those areas frequently.
- Keep porches, railings, and stairs free of chipping and peeling paint by maintaining gutters and roof diverters. Repaint these surfaces as needed. Consider vinyl or other runners to decrease 'wear and tear' on painted steps.
- Re-inspect your apartments **regularly** if you suspect lead-based paint hazards to touch up any chipping paint areas that would re-expose old lead paint hazards.
- Consider enlisting your tenants' help in protecting their young children by offering them a small plastic container with a tight fitting lid that is clearly labeled **touch up paint** and a few 10¢ foam paint brushes from your local lumber or craft supply store. If they are willing, they can touch up scraped paint areas in between your re-painting efforts. Remind them to keep the jar handy, but **out of the reach** of the children. (Hint: If you can't give them paint in every color in the apartment, give them a small amount of white paint, that way when you come back to re-check the apartment, you can easily see what needs touching up and in the meantime children do not have access to that old lead paint underneath.)
- If you have been notified in the past that you have a lead hazard in your apartment be certain you follow **Federal Disclosure Rules** and disclose the lead hazard to the tenant prior to their signing their lease. It is the landlord's responsibility to insure they have written documentation to prove they have disclosed this hazard to their tenants. Landlords who re-rent an apartment that has a known lead hazard and do not disclose it, may risk legal action if another person becomes lead poisoned by those lead hazards and the landlord could be held accountable for lead dust contamination of the tenants' furniture and belongings.
- Follow **Federal Disclosure Rules** and provide tenants with the pamphlet: "Protect Your Family from Lead" every time you rent an apartment. This pamphlet is in the public domain and may be reprinted as many times as needed. It is available on this web site in PDF for your convenience. Click on it, open in PDF, save a copy or print it. If you do not have a home computer, you may go to your local library and print a copy. The web site is www.ocgov.net Go to: Lead Recalls and Information. Ask your librarian for assistance.

Tips for Performing Renovation and Painting Projects in Your Apartments

pamphlet: "Protect Your Family From Lead In Your Home". It is available on this website in PDF format and may be copied for your use.

4. Monitor that contractors employed by you are completing renovations using lead-safe work practices and protecting your tenants. (See Tips Under the Contractor section of this web site and the Lead Paint Safety Field Guide)
5. Consider paying for clearance testing after they complete the work and clean up, if you have concerns about lead-based paint hazards in housing built before 1978.
6. Do not dump or permit contractors to dump work waste water that may be contaminated with lead-based paint chips or dust on the lawns of your apartments or to leave construction debris on your lawn.
7. Paint scrapped from the outside of the house or porches can contaminate the soil around your buildings or apartments and cause lead poisoning.
8. Be sure to use lead-safe work practices when performing outside work, including no dry sanding, dry scraping, or burning of lead-based paint.
9. Plant hardy grass in any bare soil areas to decrease the likelihood of lead hazards in soil being brought into the home or apartment on tenants' shoes or by pets.
10. Discourage tenants from planting **vegetable** plants within 10 feet of the base of the house if there has ever been lead-based paint scrapped from it in the past. They should use raised boxes for planting.
11. If a building in your area is being demolished, ask the owner or your local government, if a local fire company could hose it down on the top and bottom during the demolition. Studies show that by wetting the building on the top and bottom during demolition it will seriously decrease the amount of lead dust that is stirred up and deposited on neighboring homes and yards.

Thank you for taking the time to review these tips and for being a responsible landlord.

Please Remember:

By working together, we can create healthy housing in our community and end childhood lead poisoning!