

860-RICR-00-00-2

TITLE 860 – HOUSING RESOURCES COMMISSION

CHAPTER 00 - N/A

SUBCHAPTER 00 - N/A

PART 2 – Lead Hazard Mitigation Program

2.1 AUTHORITY

Authority for these rules and regulations is contained in R.I. Gen. Laws Chapter 42-~~281~~128.1.

2.2 PURPOSE

The purpose of this ~~Part~~regulation is to establish rules and regulations under the Housing Resources Commission (HRC) Lead Hazard Mitigation Program for ~~property owners~~ of pre-1978 residential rental ~~properties~~dwellings, ~~prospective~~ tenants, and licensed lead professionals~~inspectors~~ to achieve lead safe compliance, and their respective rights and responsibilities~~duties~~. In developing these rules and regulations, the HRC considered regulatory guidelines set forth in R.I. Gen. Laws § 42-128.1-5(b).

2.3 APPLICABILITY

These rules and regulations shall be liberally construed to permit ~~the~~ HRC to effectuate state law, and to allow tenants to exercise their rights as stipulated herein.

2.4 DEFINITIONS

- A. "At Risk occupant" means a person under six (6) years of age, or a pregnant woman, who has been a legal inhabitant in a dwelling unit for at least thirty (30) days; provided, however, that a guest of any age shall not be considered an occupant.
- B. "Designated person" means either:
 - 1. A property owner, or the agent of the property owner, who has completed an HRC-housing-resources-commission-approved lead hazard awareness seminar ~~on lead hazards and their control~~; or

2. A Licensed Lead Professional~~person trained and certified as either a lead-hazard mitigation inspector, an environmental lead inspector, or a lead-hazard inspection technician.~~

C. "Damaged or deteriorated paint" means any paint or coating on a damaged or deteriorated component, or any surface which has loose, delaminating, flaking, peeling, chipping, chalking, blistering, or paint that is otherwise becoming separated from the substrate, or paint which is abraded by friction or impact, shows evidence of teeth marks, or is damaged by water. For the purposes of this Part, painted surfaces are not considered damaged if the paint is adhered to the substrate and the surface contains only minor impact damage (e.g. a nail hole), minor stress fractures, or other minor damage which is not related to Deteriorated Paint or substrate.

D "HRC" means the Housing Resources Commission.

E. "Lead hazard" means any of the following;

1. Deteriorated paint assumed to be lead-based paint;

2. Visible lead dust, paint chips or debris; or~~Dust-generating conditions, such as friction or impact areas;~~

3. Damaged paint, interior dust, bare soil, or drinking water above the lead safe thresholds established~~The presence of lead in excess of the standards set~~ by RIDOH in § [216-RICR-50-15-3.7](#).

F. "Lead hazard control" means any window replacement or interim controls performed to correct lead hazards by a Lead Renovation Firm licensed by RIDOH in accordance with § 216-RICR-50-15-3.11.

G. "Lead hazard mitigation" means spot removal or minor repair and maintenance activities performed to correct lead hazards and/or maintain lead safe compliance by an Owner or Designated Person who completed an HRC-approved lead hazard awareness seminar.

H. "Lead hazard reduction" means lead abatement, interim controls, or a combination of both, performed to correct lead hazards by a Lead Contractor licensed by RIDOH in accordance with § 216-RICR-50-15-3.12.

I. "Lead mitigation standard" means:

1. All lead-based paint, including pre-1978 surfaces required to be assumed to contain lead-based paint, must be intact with no paint or coating on a damaged or deteriorated component; no surface which has loose,

delaminating, flaking, peeling, chipping, chalking, or blistering paint; no paint that is otherwise becoming separated from the substrate; no paint which is abraded by friction or impact, shows evidence of teeth marks, or is damaged by water;

2. All surfaces must be clean and free of lead dust, paint chips or debris; and

3. All horizontal surfaces except ceilings (e.g. floors, stairs, window sills, window wells) must be covered with a smooth, cleanable covering or coating.

J. "~~Lead Safe Standard~~" means... "Lead safe compliance" means:

1. Compliance with the HRC Lead Mitigation Standard as evidenced by a ~~C~~ertificate of ~~C~~onformance; or

2. Compliance with the RIDOH Lead Safe Standards as evidenced by a Conditional Lead Safe Certificate or Full Lead Safe Certificate.

GK. "Lead safe standards" means:

1. Lead in paint, dust and/or soil ~~below~~within the lead safe ~~threshold~~concentration ranges ~~established by~~in RIDOH in § 216-RICR-50-15-3.7; or

2. Intact paint and/or covered soil above the lead safe threshold ~~established by~~in RIDOH in § -216-RICR-50-15-3.7.

L. "Licensed lead inspector" means anyone who is licensed by RIDOH as a Lead Inspector; or Lead Assessor

; or Environmental Lead Inspector

~~GH~~TechnicianM. "Licensed lead professional" means anyone who is licensed or certified by RIDOH~~has been approved by the R.I. Department of Health to conduct inspections in accordance with~~pursuant to R.I. Gen. Laws Ch. 23-24.6 et. seq.216-RICR-50-15-3 as a:

1. Lead Inspector or Lead Assessor licensed to perform lead inspections;-

2. Lead Renovation Contractor or Firm or Lead Renovator licensed or certified to perform lead hazard control; or

3. Lead Contractor, Lead Supervisor, or Lead Worker licensed to perform lead hazard reduction.

~~H. "Major minimum housing violation" means for these purposes any violations of the following Section of Chapter 45-24.3 Housing Maintenance and Occupancy Code:~~

~~Section 45-24.3-6 (b) Every owner of a multiple dwelling is responsible for maintaining, in a clean and sanitary condition, the shared or public areas of the Dwelling Unit and Premises. Occupancy of two (2) or three (3) family dwellings shall share the maintenance of clean and sanitary conditions within the shared or public areas of the dwelling and Premises;~~

~~Section 45-24.3-7 (ii) Cabinets and/or shelves for the storage of eating and drinking and cooking equipment and utensils, and of food that does not, under ordinary maximum summer conditions, require refrigeration for safe-keeping, and a counter or table for food preparation; the cabinets and/or shelves shall be adequate for the permissible occupancy of the Dwelling Unit and of sound construction finished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food;~~

~~Section 45-24.3-9(1) Every Dwelling Unit must have heating facilities properly installed and maintained in safe and working conditions, and capable of safely and adequately heating habitable rooms, bathrooms, and water closet compartments in every Dwelling Unit located at a distance of eighteen inches (18") above the floor level under average winter conditions to a temperature of at least sixty-eight (58) degrees Fahrenheit.~~

~~Section 45-24.3-10 (1) Every foundation, floor, roof, ceiling, and exterior and interior wall must be reasonably weather tight, watertight, and damp free, and shall be kept in sound condition and good repair. All exterior wood surfaces, other than decay resistant woods, must be protected from the elements and decay by paint and other protective covering or treatment. Potentially hazardous materials will not be used where readily accessible to children. Walls must be capable of affording privacy for the occupants. Every Premise must be graded, drained, free of standing water, and maintained in a clear, sanitary, and safe condition;~~

~~Section 45-24.3-10 (2) Potentially hazardous material on the interior surfaces of any Dwelling Unit, rooming house, rooming unit, or facility occupied by children is prohibited. The interior surfaces shall include, but are not limited to, window sills, window frames, doors, door frames, walls, ceilings, stair rails and spindles, or other appurtenances;~~

~~Section 45-24.3-10 (3) Lead based substances are prohibited whenever circumstances present a clear and significant health risk to the occupants of the property, as defined by the Department of Health;~~

~~Section 45-24.3-10 (18) Every plumbing fixture and all water and waste pipes must be properly installed and maintained in good condition.;~~

~~N.~~

~~H.~~ "Mitigation report" means the final independent clearance inspection report, laboratory report, copy of lead hazard awareness seminar completion certificate or RIDOH lead professional license and weather variance, as applicable.

~~O.~~

~~KJ.~~ "Owner" means the person who owns a pre-1978 rental dwelling.

~~LK.~~ ~~"Repeated Lead Poisoning" means a lead poisoning rate of less than one half percent (.5%) per dwelling unit year, with dwelling unit years being calculated by multiplying the number of dwelling units owned by the property owner by the number of years of ownership since 1992.~~

~~PL.~~ "RIDOH" means Rhode Island Department of Health.

~~Q.~~ "Substrate" means the material directly beneath the painted surface out of which the components are constructed. The underlying surface which remains after paint is removed. Examples of substrates include wood, plaster, sheetrock, concrete, and metal.

~~NM.~~ "RIDOH" means Rhode Island Department of Health.

~~RON.~~ "Tenant" means any person, other than the owner, who enters into an agreement to rent, lease, or sublease a single-family house, dwelling unit, or premises.

~~SPO.~~ ~~"Transfer" or~~ "Turnover" means the time at which all existing occupants vacate a unit and all new occupants move into the unit.

2.5 OWNER RESPONSIBILITIES/DUTIES OF PROPERTY OWNERS OF PRE-1978 RENTAL DWELLINGS

2.5.1 Education

Owners or their designee must complete/attend a lead hazard awareness seminar approved/hosted by ~~the~~ HRC, pursuant to R.I. Gen. Laws § 42-128.1-8.

2.5.2 Evaluations~~Visual Inspections~~

- A. After attending a lead awareness seminar, Owners- or their Designated Person shall conduct a visual inspection of the premises to identify Deteriorated Paint and determine who can perform the work to correct those hazards; or
- B. Owners shall hire a Licensed Lead Professional to conduct an inspection of the premises to identify any lead hazards and determine who can perform the work necessary to correct those hazards.-

2.5.3 Evaluations and Lead Hazard Corrections

- A. The Owner must correct~~repair~~ identified lead hazards under the following conditions:
 - 1. All painted surfaces constructed before January 1, 1978 (pre-1978) must be assumed to exceed the RIDOH lead safe thresholds in § 216-RICR-50-15-3.7, unless determined otherwise by a Lead Inspector licensed by RIDOH in accordance with § 216-RICR-50-15-3.13.
 - 2. If ~~the work~~repair of deteriorated paint will result in ~~disturbing a~~disturbed surface of less than six (6) square feet of lead-based paint per interior room being repaired, and room or less than twenty (20) square feet ~~on~~ of the exterior, and the work does not involve window replacement or demolition activities, then the work may be performed as lead hazard mitigation by someone who has attended a lead hazard awareness seminar provided that no prohibited work practices are used.
 - 3. If ~~the work~~repair of deteriorated paint will result in ~~disturbing a~~disturbed surface of ~~more than~~ six (6) square feet or more of lead-based paint per interior room ~~being repaired, or more than~~ or twenty (20) square feet or more ~~on~~ of the exterior, then the work must be performed as lead hazard control by a Lead Renovation Firm ~~or a contractor~~ licensed by RIDOH in accordance with § 216-RICR-50-15-3.11.
 - 4. If the Owner is in receipt of a Notice of Violation from RIDOH requiring the paint, dust, soil, and water to meet the Lead Safe Standards in § 216-RICR-50-15-3.7, then the work must be performed as lead hazard reduction by a Lead Contractor licensed by RIDOH in accordance with § 216-RICR-50-15-3.12.
- B. All corrections of lead hazards must be conducted in accordance with lead safe work practices pursuant to § 216-RICR-50-15-3.16.

C. The Owner shall make all reasonable efforts to ensure that occupants are not present during the work.

2.5.4 Independent Clearance Inspections

A. After ~~all Deteriorated Paint is corrected~~ repairs are conducted, the Owner must have a Licensed Lead Inspector perform ~~obtain clearance through an independent clearance inspection performed by a licensed lead inspector to~~ obtain a Certificate of Conformance.

~~B. Licensed Lead Inspector, for the purposes of implementing R.I. Gen. Laws Ch. 42-128.1 and these regulations shall mean inspectors licensed by RIDOH in accordance with 216-RICR 50-15-3.16.~~

B. ~~The licensed Lead Inspectors~~ may not present a conflict of interest pursuant to § ~~216-RICR-50-15-3~~, have any monetary interest in the outcome of the investigation, and they may not be family, friends, or co-workers of, the Owner(s). ~~5.1(C) Lead Assessors may perform independent clearance inspections and issue certificates of conformance only within the purview of their employment.~~

C. The Licensed Lead Inspector shall follow the comprehensive environmental lead inspection protocol for evaluating paint in § ~~216-RICR-50-15-3.5.3(B)~~, except that paint testing is not required; all pre-1978 painted surfaces may be assumed to be lead-based paint. Intact lead-based paint is conditionally lead safe.

1. Optional paint testing may be conducted pursuant to § ~~216-RICR-50-15-3.6.2~~ Paint below the lead safe thresholds in § ~~216-RICR-50-15-3.7~~ is lead safe regardless of condition.

D. Dust wipe samples must be collected pursuant to § ~~216-RICR-50-15-3.6.3~~.

1. For a single-family dwelling, a minimum of three (3) dust wipes and one (1) field blank must be collected.

2. For a multi-family dwelling, a minimum of three (3) dust wipes must be collected in the dwelling unit and a minimum of one (1) dust wipe collected in each associated common area, plus one (1) field blank per building.

E. For condominium units, the inspection requirements are limited to the interior of the dwelling unit. The interior and exterior common areas ~~soil~~ are exempt from the ~~HRC~~ inspection requirements.

F. Optional soil testing may be conducted pursuant to § ~~216-RICR-50-15-3.6.4~~. The Licensed Lead Inspector shall follow the comprehensive environmental lead

inspection protocol for soil in § [216-RICR-50-15-3.5.3\(D\)](#). Covered soil is conditionally lead safe.

- G. The Licensed Lead Inspector shall submit the lead samples to a laboratory certified by RIDOH within seven (7) days of the inspection, issue the Certificate of Conformance for passing results, complete the Mitigation Report on forms approved by HRC, and provide a copy to the Owner, tenant(s), and HRC within seven (7) days of receiving the sample results.
- H. Lead Inspectors and Environmental Lead Technicians shall retain copies of all Mitigation Reports for at least three (3) years. Lead Assessors' employers shall retain copies of all Mitigation Reports for at least three (3) years.
- I. To receive access to the password protected sections of the HRC web-based system, which allows Licensed Lead Inspectors to issue Certificates of Conformance, the inspector must submit a written request, on a form approved by HRC, for a login and password.
- J. HRC may deny a request for access to the system if HRC determines that the applicant has not demonstrated the ability to comply fully with applicable requirements established by this Part or RIDOH Regulation [216-RICR-50-15-3](#).
- K. Suspension or revocation of any privileges or database access granted pursuant to this Part may be implemented in any circumstances of intentional, egregious, repeated or grossly negligent conduct.
- L. Written notice of any disciplinary action taken by HRC and/or RIDOH, including appeal rights, and a detailed explanation of the facts and circumstances for which the disciplinary actions are being taken must be provided to the party being disciplined before such action shall take effect.

2.5.5 Lead Disclosure Notification to Tenants and HRC

- A. Owners shall provide [current](#) tenants with a copy of the Mitigation Report within seven (7) days of receipt.
- B. Owners shall provide [current](#) tenants with a copy of the latest Certificate of Conformance and Affidavit(s) of Completion of Visual Inspection within seven (7) days of the last affidavit being notarized.
- C. Owners shall provide prospective tenants with the following information on or before signing a lease, or before occupancy in the case of an oral lease:
 - 1. Lead Warning Statement and acknowledgment pursuant to 24 C.F.R. 35.92 and 40 C.F.R. 745.113;

2. EPA pamphlet "Protect Your Family from Lead in Your Home" and the RIDOH insert "What You Should Know About the Rhode Island Lead Law";
3. Any known information about the presence of lead-based paint and/or environmental lead hazards;
4. The most recent Certificate of Conformance and/or Affidavit(s) of Completion of Visual Inspection; and
5. Notice of Deteriorating Conditions with the name and contact information of the Owner, their agent, or Designated Person who is responsible for maintaining the property.

D. The acknowledgment must include the property address and unit number, if applicable, and be signed by the Owner or agent and the tenant(s). The Owner must retain a copy for at least three (3) years or the term of tenancy, whichever period is longer.

E. These requirements are in addition to, not in lieu of, 24 CFR Part 35 Subpart A, 40 C.F.R. Part 745 Subpart F, and § 216-RICR-50-15-3.8. The Owner of a dwelling shall make all reasonable efforts to ensure that occupants are not present during lead hazard mitigation/control activities. Reasonable efforts shall include, as a minimum, providing written notification to the occupants at least one week in advance of the proposed lead hazard mitigation/control activities. Said notice shall be signed by both the property owner/designated person and the tenant. The notice shall include:-

1. The days and hours during which the work will be performed;
2. The method by which the tenants will be compensated (e.g. prorata adjustment and abatement of the rent) for loss of use of living space if tenants are required to vacate the property overnight for three (3) or more days to complete the lead hazard reduction activities, and
3. Information on lead hazards and avoidance and control for tenants.

B. Owners are required to certify at the time of transfer whether the dwelling and/or premises meet the requirements for lead hazard mitigation or lead hazard Abatement in addition to any other State and/or Federal disclosure requirements. Nothing in this regulation shall be interpreted to prohibit a Property Owner from transferring his property.

1. Certification shall include all available records and reports pertaining to lead and/or lead hazards including, but not limited to, the most recent certificate of

~~conformance (compliance), affidavit of completion of visual inspection, certification of presumptive compliance, or lead safe certificate.~~

- ~~2. If the property does not meet the requirements for lead hazard mitigation or lead hazard abatement, then the party or parties acquiring the property must be notified of the potential hazards.~~
- ~~3. The Owner must provide any inspection reports indicating potential lead hazards and;~~

~~C. Owners shall provide tenants with:~~

- ~~1. Basic information about lead hazard control standards this information includes, but is not limited to: "Protect Your Family from Lead in Your Home;" "Disclosure Form" and "Tenant Rights and Responsibilities Fact Sheet";~~
- ~~2. A copy of the most recent independent clearance inspection report within ten (10) business days after the owner receives the report from the mitigation inspector or copy of the affidavit of visual inspections;~~
- ~~3. Information on how to give notice to the Owner about deteriorating conditions, including but not limited to the Notice of Deteriorating Conditions Form as approved by HRC.~~

~~D. The HRC shall provide copies of the second notice of violation to the property Owner, the tenants, RIDOH, the city or town in which the property is located and the Office of the Attorney General.~~

~~E. All Mitigation Reports shall be submitted to the HRC, on forms approved by the HRC, along with a copy of the certificate of conformance, a copy of the property owner/designated person's certificate of attendance to the lead hazard awareness seminar, and supporting laboratory documentation, if applicable.~~

- ~~1. Mitigation reports must be submitted to the HRC no later than five (5) business days following the date of the inspection or no later than five (5) business days following to the receipt of all laboratory results, if applicable.~~
- ~~2. Mitigation Inspectors shall retain a copy of any completed mitigation inspection report files for a minimum of three (3) years.~~
- ~~3. The copy of the inspection report and additional documents required by this Section shall be either delivered in person, mailed, or submitted electronically to the HRC~~

2.5.6 Certificate of Conformance

A. A Certificate of Conformance ~~is shall be~~ valid for two (2) years or until the next turnover of the dwelling unit, whichever period is longer.;

B. An independent clearance inspection is required within thirty (30) days of the expiration of the Certificate of Conformance or unit turnover, provided that no more than one independent clearance inspection ~~is shall be~~ required in any twenty-four (24) month period.

CB. If the tenancy ~~of the occupant~~ is two (2) years or ~~more greater,~~ the Owner or Designated Person may conduct a visual inspection to determine that the Lead Mitigation Standard was maintained.

~~certificate of conformance shall be maintained by a visual inspection. A visual inspection shall be performed every two years or an independent clearance inspection shall be conducted at unit turnover within thirty days of re-occupancy, whichever time period is shorter.~~

~~C. A visual inspection shall be conducted within 30 days of the expiration date of the certificate of conformance by the property owner or designated person to determine that the lead safe standards have been met.~~

~~1. 1. If the Owner/Designated Person concludes that the lead safe standards have been met, the Owner or Designated Person shall may complete an Affidavit of Completion of Visual Inspection, on forms approved by HRC, have the form. The affidavit of completion shall be notarized and submitted to HRC for approval within thirty (30) days after completion of the Visual Inspection and shall set forth:~~

~~a. The date and location that the Owner or Designated Person took the lead hazard control awareness seminar approved by the HRC;~~

~~b. The date and finding of the most recent Independent clearance inspection;~~

~~c. The date and description of the lead hazard control measures undertaken;~~

~~d. The date of the visual inspection; and~~

~~e. The name and signature of the Owner or Designated Person;~~

~~f. And date of the affidavit of completion of visual inspection.~~

2. A visual inspection must be performed performed, and an Affidavit of Completion of Visual Inspection must be completed every two (2) years until the next unit turnover.

- D. ~~An affidavit of completion of visual inspection shall be submitted for approval to the HRC within 30 days after the visual inspection was conducted and shall be valid for two years after the date it was notarized or until unit turnover, whichever time period is the shorter, and The Certificate of Conformance and Affidavit(s) of Completion of Visual Inspection must~~ shall be kept by the ~~Property~~ Owner for a minimum of five (5) years pursuant to R.I. Gen. Laws § 42-128.1-4(9)(ii).

3.6 LEAD SAFE COMPLIANCE

- A. Lead Mitigation Standards shall be lead safe compliant as defined and regulated by the R.I. Department of Health pursuant to 216-RICR-50-15-3.16.
1. Lead levels in interior dust that are in excess of forty (40) µg/ft² on floors, two hundred and fifty (250) µg/ft² on window sills, four hundred (400)µg/ft² in window wells, or forty (40) µg/ft² on any surfaces shall be considered a lead hazard.
- B. Pursuant to R.I. Gen. Laws § 42-128.1-4(9)(iii) a property owner of ten (10) or more dwelling units is eligible to obtain a certificate of presumptive compliance from the HRC provided the following conditions are met:
1. The dwelling units were constructed after 1960 or after 1950 on federally owned or leased lands;
 2. There are no outstanding, “major minimum housing violations”
 3. The property owner has no history of Repeated Lead Poisonings; and
 4. Independent clearance inspections have been conducted on at least five percent (5%) of the dwelling units (not less than two (2) dwelling units) – and – at least ninety percent (90%) of the independent clearance inspections were passed.
- C. If a unit qualifies for a presumptive compliance certificate, having passed an independent clearance inspection at least once, that unit’s compliance may be maintained by a visual inspection.

2.6 LEAD SAFE COMPLIANCE

- A. As a minimum, an Owner shall have one of the following to document lead safe compliance:

1. A current Certificate of Conformance;

2. A Certificate of Conformance and a current notarized Affidavit of Completion of Visual Inspection approved by HRC; or

3. A current Certificate of Presumptive Compliance issued by HRC.

~~Lead Mitigation Standards shall be lead safe compliant as defined and regulated by the R.I. Department of Health pursuant to 216-RICR 50-15-3.16.~~

~~1. Lead levels in interior dust that are in excess of forty (40) µg/ft² on floors, two hundred and fifty (250) µg/ft² on window sills, four hundred (400) µg/ft² in window wells, or forty (40) µg/ft² on any surfaces shall be considered a lead hazard.~~

B. Pursuant to R.I. Gen. Laws § 42-128.1-4(9)(iii), an O-a property owner of ten (10) or more dwelling units is eligible to obtain a Ceertificate of Ppresumptive Geompliance from the HRC, provided the following conditions are met:

1. The dwelling units were constructed after 1960 or after 1950 on federally owned or leased lands;

2. There are no outstanding Notices of Violation from RIDOH or the municipality where the property is located“major minimum housing violations”, as identified by appropriate local authority.;

3. The Owner has no history of multiple lead poisoningsrepeated lead poisonings, as defined by multiple lead poisonings pursuant to R.I. Gen. Laws § 23-24.6-23; and-and

4. Independent clearance inspections have been conducted in at least five percent (5%) of the dwelling units, but not less than two (2) dwelling units, and at least ninety percent (90%) of the independent clearance inspections passed the initial inspection.:-and.-

C. The Owner or Designated Person shallmust complete an application for pPresumptive cCompliance, to the HRC on forms approvedprovided by the HRC. The application and all supporting documentation must be submitted to HRC for approval within no later than sixty days (60) after the date of the independent clearance inspectionseertification of the percentage of the qualified units.

D. A certificate of Presumptive Compliance is valid for two (2) years. The Certificate of Presumptive Compliance may be maintained by visual inspections conducted by the Owner or Designated Person. Once complete, Affidavits of Completion of Visual Inspection shall be submitted to HRC for approval.

~~D. A Certificate of Presumptive Compliance remains valid until there is a change of tenants. As necessary, the Owner or Designated Person may conduct Visual Inspection(s).~~

~~The Owner must repair any lead hazards identified using Lead Safe Work Practices. Once complete, an Affidavit of Completion of Visual Inspection shall be submitted to the HRC.~~ E. Alternatively, an Owner may have one of the following to document lead safe compliance:

1. A current Conditional Lead Safe Certificate;
2. A Full Lead Safe Certificate; or
3. A Certification of Lead Free Status for the dwelling unit and common areas including the building exterior.

~~Pursuant to R.I. Gen. Laws § 42-128.1-4(9)(iii) a property owner of ten (10) or more dwelling units is eligible to obtain a certificate of presumptive compliance from the HRC provided the following conditions are met:~~

- ~~1. The dwelling units were constructed after 1960 or after 1950 on federally owned or leased lands;~~
 - ~~2. There are no outstanding, “major minimum housing violations”~~
 - ~~3. The property owner has no history of Repeated Lead Poisonings; and~~
 - ~~4. Independent clearance inspections have been conducted on at least five percent (5%) of the dwelling units (not less than two (2) dwelling units) and at least ninety percent (90%) of the independent clearance inspections were passed.~~
- ~~C. If a unit qualifies for a presumptive compliance certificate, having passed an independent clearance inspection at least once, that unit’s compliance may be maintained by a visual inspection.~~

2.7 TENANT RIGHTS

- ~~A. Tenants shall have the right to file a complaint with HRC if the Owner's response to a Notice of Deteriorating Conditions is unsatisfactory or if the lead hazard mitigation performed is unsatisfactory.~~
- ~~B. Tenants shall have the right to voluntarily notify the Owner of any At-Risk Occupants, potential or otherwise, at any point before, during, or after unit Turnover. At-Risk Occupants have the right to lead safe housing. Unless requested and agreed to by an At Risk Occupant or parent/guardian, meeting the Lead Hazard Mitigation Standard shall not be construed to authorize an Owner to compel or cause a person to vacate such rental unit temporarily, for three (3) or more days overnight, or otherwise unless the owner provides acceptable short-term accommodations while lead reduction or mitigation work is performed.~~
- ~~B. Tenants shall have the right to file a complaint with the HRC if the tenant finds the mitigation of lead hazards to be unsatisfactory. Tenants:~~

C. Households that include an At-Risk Occupant shall have the right of a private action to seek injunctive relief from a court with jurisdiction against the Owner to compel lead safe compliance. A person who prevails is entitled to an award of the costs of the litigation and reasonable attorney's fees in an amount to be fixed by the court.1. shall receive copies of all of the documents resulting from §§ 3.5.3, 3.5.4, 3.5.6, and 3.5.5(C)(2) of this Part within ten(10) business days after the owner receives the report from the mitigation inspector or copy of the affidavit of visual inspections.

2. may then file a complaint with the HRC. The HRC will forward such complaints to the appropriate authority(ies) for consideration and/or action. Appropriate authorities may include local building officials, State Department of Health and/or other parties.

...

G. Tenants shall have the right to voluntarily notify the Owner of any At-Risk Occupants, potential or otherwise, at any point before, during, or after unit Turnover.

2.8 LEAD HAZARD AWARENESS SEMINAR TRAINING CERTIFICATION REQUIREMENTS TO CONDUCT TRAINING COURSES PROVIDERS

A. To apply for certificationIn order to obtain certification as a training provider for the lead hazard awareness seminar or for the mitigation inspector training, an applicant shall submit an completed application to HRC, on forms approved by HRC, for review at least forty five (45) days prior to the first scheduled course date and must complete courses approved by the HRC. The application must include all information required by R.I. Gen. Laws 42-128.1 and all supporting documentation specified on the application form.

B1. For in person seminars, the application must include the name(s) and qualifications of the instructor(s) to be approved by HRC. Training providers shall notify HRC of all scheduled and canceled in-person seminars at least (7) days in advance. HRC may audit any lead hazard awareness seminar.

2. For online trainings, a link, login and password must be provided to HRC for course review and approval. The certification shall expire on the last day of the month two (2) years from the date of issue by the HRC, unless sooner suspended or revoked.

- C. Any training person-provider certified pursuant to this Section shall notify HRC~~the commission~~ in writing before making any changes which would amend the information contained in their application.
- D. The certification shall ~~expire on the last day of the month two (2)~~expire four (4) years from the date of issue by ~~the~~ HRC, unless sooner suspended or revoked.
- ~~D. The HRC may audit any lead hazard awareness seminar or mitigation inspector training.~~
- ~~E. The ratio of students to instructors for the field experience component of mitigation inspector training shall be at most three environmental lead technicians to one environmental lead inspector/technician (3:1).~~
- F. A training provider shall renew a certification every ~~two (2)~~four (4) years by re-applying to HRC, upon submission of an application, subject to the approval of HRC without reference to any previously submitted material. In any case in which the ~~provider responsible individual of a certified training course~~ has submitted~~filed~~ a renewal application in proper form not less than thirty (~~30~~45) days prior to expiration of its ~~current~~existing certification, the ~~current~~existing certification ~~will~~shall not expire until final action on the application has been taken by HRC.
- G. Suspension or revocation of any certification, privileges or database access issued pursuant to this Partese regulations may be implemented in any circumstances of intentional, egregious, repeated or grossly negligent conduct.
- H. Written notice of any disciplinary action taken by ~~the~~ HRC, including appeal rights, and a detailed explanation of the facts and circumstances for which the disciplinary actions is~~are~~ being taken must be provided to the party being disciplined before such action shall take effect.
- I. HRC may deny an application for certification pursuant to this Section if it determines that the applicant has not demonstrated the ability to comply fully with applicable requirements established by this Partese Regulations.

2.9 VARIANCES

- A. A variance may be granted to an property ~~e~~Owner where there exists a hardship to financing Lead Safe Compliance, or where weather, materials, or personnel delay ~~the mitigation completion of the work~~.
- B. A request for a variance must be submitted in writing, on a form approved by HRC.

C. For the purposes of this Part, an interior Certificate of Conformance issued between November 1 and March 31, when the weather prevents correcting exterior lead hazards, is considered an automatic weather variance which will expire the following June 30.

1. On or before June 30, a Licensed Lead Inspector shall conduct an exterior re-inspection to issue a full Certificate of Conformance if the exterior inspection passes. The full Certificate of Conformance will expire two (2) years from the date that the interior inspection, including dust wipe sampling, passed. Both the interior and exterior independent clearance inspection forms and signed variance request must be included in the final Mitigation Report.

2. After June 30, a Licensed Lead Inspector shall conduct a full independent clearance inspection (i.e. interior, including dust wipe sampling, and exterior) to issue a full Certificate of Conformance if the inspection passes. The new Certificate of Conformance will expire two (2) years from the date of the last inspection and dust wipe sampling. ~~An automatic weather variance shall be granted by the Mitigation Inspector between November 1 and March 31, when the weather prevents the property owner from correcting exterior hazards. The Mitigation Inspector must have the Property Owner/Designated person to complete and signed the Weather Variance Form, approved by HRC, and maintain a copy on records. Any identified hazards must be corrected by the Property Owner/Designated Person and inspected by the Mitigation Inspector no later than the following June 1 or within 30 days from the date it was issued, whatever is latest.~~

~~D. The Certificate of Conformance issued by the Mitigation Inspector, under the Weather Variance provision, shall be dated and entered upon the date of the initial inspection. Any further documentation of variances should be on forms approved by and submitted to the HRC, but no change is to be made to the original Certificate of Conformance.~~

~~E. Mitigation Inspectors granting a weather variance, as specified in Section 3, above are responsible to follow up with the Property Owner or Designated Person to make sure the exterior of the property meets the standards by re-inspecting the unit no later than the following June 1 or within 30 days from the date it was issued, whatever is latest. In the event that the Property Owner or Designated Person is not in compliance by the following June 1, the Inspector must report that the property is not in compliance, providing the number of the Certificate that was issued, no later than June 30, following the above deadline.~~

| DF. ~~The~~HRC may declare any variance granted pursuant to this Section immediately null and void if the HRC determines that the terms of the variance have been violated.