

New Lead Ordinance Requirements for Rental Property Owners
Effective January 1, 2010

On January 1, 2010 the City of Detroit Property Maintenance Code was amended to include new requirements for rental property owners. Rental properties in the City of Detroit must have a Lead Clearance BEFORE they can be rented out. Please read the pertinent information provided below that details the requirements.

- I. The Property Maintenance Code amendment to the Detroit City Code Chapter 8, Article 1, Division 3 requires the following:
- a. **Owners of rental property built before 1978** in the City of Detroit **must have a lead inspection and risk assessment performed** to determine the presence of lead based paint and lead based paint hazards.
 - b. If lead based paint hazards exist, the **hazards must be reduced or controlled using interim controls and/or abatement** (as defined by State Law) **prior to a tenant occupying the rental property.**
 - c. After Interim Controls and/or Abatement are performed by properly trained and certified individuals, **the owner must obtain a clearance inspection and lead clearance.** Owners must obtain this lead clearance in order to receive a Certificate of Compliance and Rental Registration from the City.
- II. The property owner must meet the requirements of this ordinance. In order to have a rental property in the City of Detroit, the property must have a Certificate of Rental Registration. This certificate cannot be obtained without a Lead Clearance.
- II. If a property is rented out without the proper lead clearance, the fines and penalties for non-compliance are as follows:

Size of Unit	1st Offense	2nd Offense	3rd Offense	Past 3rd Offense
One & Two Family Units	\$500	\$1000	\$2000	\$2000
All Other Structures except those with 5 stories or more	\$1000	\$2000	\$4000	\$4000
Building with 5 stories or more	\$2000	\$4000	\$8000	\$8000

**These fines are in addition to the current fines for renting without a Certificate of Compliance. Furthermore, all landlords may be held responsible for lead in their rental properties under local, state, and federal laws.*

III. Penalties can be assessed daily until compliance is achieved.

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IV. There are current laws, which hold landlords responsible for lead hazards in their properties. The laws are as follows:

- It is a **criminal offense in Michigan** to rent a residential housing unit to a family with a minor child who is found to have an elevated blood lead level where the property owner or manager has knowledge that the rental unit contains a lead-based paint hazard (MCL 333.5475a.). Penalties include up to 93 days in jail and/or fines up to \$5,000.00 for first-time offenders. Fines increase to \$10,000.00 for subsequent offenders.
- It is also a **violation of the Detroit City Code** to maintain a rental property with lead hazards. Section 20-4-45 of the code provides that it is unlawful for any owner to maintain a dwelling unit in a condition where lead hazards present a danger of lead poisoning to children who inhabit the dwelling. Penalties include fines of up to \$500 per day for each day the violation continues.
- **Federal law** requires landlords to disclose all known lead hazards to tenants at the time of lease or lease renewal. This disclosure must occur even if the hazards have been reduced or abated. Failure to disclose this information results in a violation of US Department of Housing and Urban Development and the U.S. Environmental Protection Agency regulations at 24 CFR Part 35 and 40 CFR Part 745 and can result in a fine of up to \$11,000 per violation.

V. The purpose of creating the revision to the previous laws is as follows:

Under previous law, rental properties that contain lead hazards were not identified until **after** a child has already been lead poisoned. The effects of lead poisoning are not reversible and last a lifetime. Under the revised law, lead hazards will be fixed before children are exposed, thus preventing the harmful effects of lead poisoning and improving the housing stock in Detroit.

- VI. The City of Detroit Buildings, Safety Engineering, and Environmental Department is responsible for regulating this ordinance. If you have any questions regarding this new ordinance, please call 313-628-2451.
- VII. For those seeking a new Certificate of Rental Registration on a property, the ordinance went into effect on January 1, 2010. For all others, it will occur at the time of your next inspection when you renew your Certificate of Rental Registration (annually).

VIII. Properties must obtain a risk assessment and clearance as follows:

If Interim Controls are used, a new risk assessment and clearance must be obtained annually in order to receive a Certificate of Compliance. If abatement occurs, they must be obtained every two (2) years. If no lead based paint is found in the initial inspection or all lead based paint is fully abated, then no further lead inspections or risk assessments are required.

- IX. Lead Inspections, Risk Assessments and Lead Clearances must be performed by a Lead Inspector/Risk Assessor certified by the State of Michigan, Michigan Department of Community Health. You can find a complete listing of certified and licensed Lead Inspector/Risk Assessors at www.michigan.gov/leadsafe.

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- X. The cost for a Lead Inspection/Risk Assessment is approximately \$450-\$600 for a single family home.

Please note: Costs can vary based on size, number of rooms, and age of the house.

- XI. The cost for a Lead Clearance examination is approximately \$200-\$300 for a single family home.

Please note: Costs can vary based on the number of wipe samples needed for the clearance.

XII. The difference between Interim Controls and Abatement is as follows:

Interim controls means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards including, but not limited to, specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

Abatement includes all of the following: The removal of lead-based paint hazards and dust lead hazards, the permanent enclosure (using a rigid material, such as dry wall, and mechanically attaching it and caulking all seams) or encapsulation of lead-based paint (using encapsulants approved by the State of Michigan), the replacement of lead-painted surfaces or fixtures, the removal or covering of soil lead hazards, and all preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures. All abatement work must be performed by a state certified lead abatement firm. A project resulting in the permanent elimination of lead-based paint hazards, conducted by a person certified pursuant to the Michigan Lead Abatement Act, being MCL 333.5451 *et seq.*, (the Act).

XIII. Interim Controls or Abatements must be performed by the following:

Interim Controls must be performed by a certified renovator. An accredited training program for which the State of Michigan Department of Community Health has issued a certificate to perform renovations, or who directs or subcontracts to others under their supervision to perform renovations

Abatements must be performed by a certified abatement worker means an individual who has been trained to perform abatement by an accredited training program and who is certified by the Michigan Department of Community Health to perform abatement.

XIV. Property owners can perform the work themselves. The following outlines the training necessary for performing Interim Controls, Renovations and/or Abatements:

As a rental property owner, you must be trained as a Certified Renovator in order to perform Interim Controls, or Renovations that disturb more than 6 square feet of paint per room or 20 square feet on the exterior of your rental property. To become a Certified Renovator, you or one of your staff must take the 8-hour Renovate, Repair, and Painting Course (formerly the Lead Safe Work Practices Course). The important links are as follows:

- To obtain a list of Certified Renovator Trainers, please visit the following website at www.epa.gov/lead/pubs/trainingproviders.htm.
- To obtain a list of Renovator classes currently scheduled in Michigan, please visit the State of Michigan website at www.michigan.gov/documents/mdch/RRP_Training_Schedule_290357_7.htm

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To perform Abatements, you must be trained to perform abatement and certified as a certified abatement worker by the Michigan Department of Community Health. For more information regarding how to become certified to do Lead Abatement or find currently certified people you may go to the State of Michigan website at www.mi.gov/leadsafe, or call (517) 335-9390.

XV. Next steps for the Property Owner is as follows:

For each of your rental properties in the City of Detroit do the following:

- 1) Seek Certificate of Rental Registration - call 313-628-2451
- 2) Obtain a Lead Inspection/Risk Assessment
- 3) Hire contractor to address the lead hazards listed in the Lead Inspection/Risk Assessment Report
- 4) Obtain a Lead Clearance and provide it to Buildings, Safety Engineering, and Environmental Department - call 313-628-2451

City of Detroit
Buildings, Safety Engineering, and Environmental Department
Contact Number: (313) 628-2451

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