

Changes to Vermont's Lead Paint Law & Essential Maintenance Practices (EMPs)

Effective July 1, 2008

The Vermont Legislature has amended Title 18, Chapter 38 in an effort to better protect children and others from lead poisoning. Most of the changes take effect July 1, 2008. Major changes for residential rental property owners are described below.

Changes to EMP Requirements

1. Annual EMP Affidavit has been changed and is now called an EMP Compliance Statement. There are two versions of the Compliance Statement, one for use with pre-1978 rental properties and another for use with pre-1978 child care facilities. Compliance Statements do not require a notary.

For residential rental properties, the Compliance Statement must be:

- Provided to tenants, at signing of the lease and when EMPs are completed annually, along with the pamphlet "Protect Your Family From Lead in Your Home."
- Filed every 365 days with the Department of Health and the property insurer.

For the owner of a building in which a child care facility operates, the Compliance Statement must be:

- Filed every 365 days with the Department of Health, the Department for Children and Families, the property insurer, and the tenant, if any.

2. Rental property owners are no longer required to annually clean window wells and window sills in units occupied by a family with a child age 6 or under. Specialized cleaning in units is required at unit turnover or after work that disturbs paint.
3. Interior common areas must receive specialized cleaning at least once a year.
4. Property owners are required to remove all visible paint chips from the ground on their property at least annually.
5. Exterior repair work identified after November 1 can be completed no later than the following May 31. However, at the time the hazards are identified, access must be restricted to the identified surfaces and components and the areas directly below the deteriorated surfaces, using physical barriers.
6. Lead safe work practices are now required in pre-1978 owner-occupied housing and still must be used in performing EMPs in rental housing. Certain dangerous work practices are prohibited such as power sanding and power washing. Other safe work practices are required, such as misting painted surfaces before disturbing the paint. (See attached information sheet *Lead Hazards in Housing*.)

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New Requirements for Motels and Property Managers

7. A hotel, motel, or other lodging for transient occupancy rented for more than 30 days falls under the EMP requirements.
8. EMPs apply to property managers who provide maintenance services unless the contract explicitly states the property manager is not responsible.

New Requirements for Residential Real Estate Transactions

9. Sellers of all pre-1978 residential properties must provide lead disclosure information and educational materials to buyers. Rental property owners must also provide buyers with verification of EMP compliance. (See attached information sheet *Real Estate Transactions and the Vermont Lead Law.*)

New Civil Penalties for Non-Compliance with EMPs

10. Starting January 1, 2010, new legal tools have been added to make it easier to enforce the law. For example, the Department of Health can issue a ticket for up to \$400 for failure to file the EMP Compliance Statement by the due date.

Resources

For more detailed information about changes to the law and recent enforcement actions, visit the Vermont Attorney General's web site at: www.atg.state.vt.us

For updated forms and information about how changes to the law will be implemented, visit the Vermont Department of Health web site: <http://healthvermont.gov/enviro/lead/lead.aspx>

Updated Course Manual: The EMP Training Manual will be updated during the summer 2008 and should be available for download this fall at: www.LeadSafeVermont.org