



Cleaning Up the Lead Law Confusion

This state rule addresses more than just paint

By Samantha Dickman, Testudo LLC



Know this: The big “lead law” so many property managers and contractors are talking about these days is in effect. News outlets and bloggers have discussed the Renovation, Repair and Painting (RRP) rule a lot during the past year, and the Environmental Protection Agency (EPA) has issued a few changes to the rule. These combined actions

have, unfortunately, resulted in a lot of confusion over whether the rule is currently in effect—but it most certainly is.

The RRP rule is confusing in Wisconsin specifically because the badger state is one of ten states that has established its own version of the law; Wisconsin handles administration and enforcement of the rule through its Department of Health Services (DHS). (What’s more, the RRP rule in Wisconsin is officially referred to as “Chapter DHS 163”—catchy, eh?) So, really, all the discussions about the RRP rule you might read in national trade publications or national newspapers aren’t even relevant in Wisconsin. For example, when the EPA issued delays of RRP enforcement in 2010, there was absolutely no delay in Wisconsin. Luckily, Testudo delivers this kind of information all the time on our blog, www.TestudoOnline.com/blog.

Another source of confusion around the rule is the fact that a lot of people call it the “lead paint” rule, when the rule applies to any leaded coating, whether it’s paint, shellac, varnish or stain. To our misfortune, lead was added to myriad household coatings before it was outlawed for residential use by the Consumer Products Safety Commission beginning

in 1978. These coatings are still present in literally millions of homes throughout the country.

Requirements

Let’s clarify the requirements of property managers under the RRP rule—or DHS 163. The rule takes effect when you disturb more than six square feet of a leaded coating inside a room or more than 20 square feet on the exterior of a home or building (any renovation smaller than these amounts is called a “minor repair”). You also need to be performing the renovation on a dwelling that is not your primary residence; that is, if you’re just renovating your own home, you don’t need to follow the RRP rule. But if you’re renovating a tenant’s dwelling, or your brother’s or your sister’s home, you need to follow RRP guidelines if your work area exceeds the minor repair amounts. Last, the building in which the renovation will be performed must be a home or child-occupied facility that was built before 1978.

Really, the RRP rule has been a long time coming. Basically, the rule requires that property managers and contractors perform renovations cleanly and in an effort to reduce lead poisoning, which is still a very large problem, especially among children. There are also some extra management and administrative requirements, but they’re really not that demanding. To start, you have to notify tenants in advance that you’ll be performing RRP work, and then distribute educational materials that describe the dangers of lead poisoning, which is really nothing new for the rental community.

Next a “containment area” must be established to help restrict the spread of lead dust during the renovation. This includes using plastic sheeting and tape to cover doors, windows, HVAC vents, and the flooring near the disturbance area. During the actual renovation work, certain lead-safe work practices must be used, including wetting surfaces (since water will capture lead before it becomes dust) and using a HEPA vacuum. When the renovation is complete, the area must be thoroughly cleaned.

Exceptions

Oddly, work performed by a homeowner on his or her primary residence does not fall under the RRP umbrella. Also,



if the property in question was erected after 1977, you do not need to worry about following the RRP rule. Last, if the renovation you're doing comprises less than six square feet of an interior surface—or less than 20 square feet outside—you do not have to follow the rule. (However, you always need to follow the rule when replacing windows or performing any interior demolition, no matter whether your renovation meets minor repair amounts.)

Certification

There are two types of certification—individual and firm—and you need both of them to perform renovations in compliance with the rule. First, a company must have at least one worker who has gone through the eight-hour Lead-Safe Renovator training session; this makes that worker a "Lead-Safe Renovator." Next, that individual's company must become a "Lead-Safe Company" by applying through DHS. Also, know that RRP certification is not a lead abatement certification; lead abatement means you intend to remove a leaded surface, whereas, during an RRP renovation, you're simply fixing a problem, cosmetic or otherwise.

Fines for violating the RRP rule in Wisconsin can be up to \$1,000 per violation per day. (Notice this is one significant difference from EPA's RRP fines, which can get as high as \$37,500 per violation.) So if you're in the middle of replacing 10 windows on a rental unit but are not properly containing your work areas, that could result in a fine of up to \$10,000. And if you neglected to notify your ten tenants in the building, that \$10,000 fine could be doubled. And here's a final point about the rule: With the summer renovation season nearing, DHS has said they have already begun ramping up enforcement of the rule.



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What Will \$200,000 Buy?

By Dana Dratch • Bankrate.com

What can you get for \$200,000 in 2011?

It comes down to three things: location, location, location.

In some parts of the country, \$200,000 will buy a house with a couple of bedrooms and some high-end amenities. In other areas, you'll get a one-bedroom, or a studio. And some places \$200,000 will get you a real handyman's special.

Overall, buyers "are getting more for the money" this year, says Ron Phipps, President of the National Association of Realtors. But what they can get "is very location-specific," he says.

Nationwide, median home prices are \$170,600, up about 0.5 percent, according to the association's 2010 year-end numbers. But that's a mash-up that includes Honolulu, where the median home price is \$598,200, and the Youngstown, Ohio area, where it's \$62,800.

What buyers need hasn't changed all that much, says Jeff Wiren, President of the Portland Metropolitan Association of Realtors in Oregon. "In general, the biggest shift that we have seen in the marketplace is people trending toward smaller homes that are easier and more affordable to maintain."

Buyers are being a lot more realistic, Wiren says, "about the reality of the cost of homeownership."

