

Roberta DiMezza

From: Rhonda Mesenbourg <Rmesenbourg@kw.com>
Sent: Tuesday, March 18, 2025 11:46 PM
To: House Judiciary Committee
Subject: SUPPORT H5917, H5918, & H5906 Lead Reform

Follow Up Flag: Follow up
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Dear Committee Clerk DiMezza,

I urge you to make these necessary changes to the lead and registry law that was recently enacted. Due to recent changes, there has been a significant amount of strain placed on the system of lead inspectors and also contractors. This has placed many landlords and homeowners in a situation where they feel set up to fail, while potentially exacerbating the lead hazard risks in our community. We propose the following amendments to ensure the law works as it is intended while protecting the rights of all Rhode Islanders.

- Focus the registry on pre-1978 properties, only focus the lead law on at-risk occupants rather than entire housing stock (This would ensure that attention and resources are aimed at potential hazardous properties. Currently the system is operating in such an overcapacity that at-risk children are living in houses that were historically lead certified and are no longer due to lack of inspectors at renewal time. It is important to note - this is going to be an ONGOING issue. Lead certificates require perpetual renewal.)

- Eliminate eviction ban for non-conforming units. As it stands now, a landlord cannot evict a tenant for non-payment if they do not have their lead certificate. This measure is punitive and counterproductive to the goal. This prevents the lawful eviction of tenants who may not even be at-risk of lead poisoning and incentivizes tenants who may be at-risk to remain in potentially unsafe conditions. Many landlords require rental income in order to pay their operating expenses such as mortgage, taxes, insurance, utilities, and maintenance costs. Additionally, the cost to make necessary changes for lead safety and/or inspect a property could be harmed by a reduction in cash flow due to a non-paying tenant. We must incentivize reaching the goal of lead safe housing rather than subject landlords and tenants to a failing system of unintended consequence.

- Create escrow procedure - Currently there is not a functional escrow procedure in place. The law states a tenant "may" place their rent in escrow, however there is no way for a landlord to bring a suit so that a tenant "shall" pay their rent into escrow. If a tenant stops paying, there is no way for a landlord to bring a court action against that tenant due to the eviction ban. Escrowed money would be best made available at a judge's discretion in order to support necessary repairs, improvements, and inspections.

- Consolidate implementation & regulation to ONE dept - The Department of Health - This would streamline the process so that all parties can avoid overlap and discord in procedure and enforcement proceedings.

- Clarify information required for the registry and limit information that would be public facing - Through trial and error at the registry's initial roll-out, it was apparent that unnecessary information was publicized and may still be. While it is important to ensure lead safety, it is also important to protect the identity and privacy of all Rhode Islanders. In today's era of internet scams, fraud, and lack of security, it is important to restore certain protections. It would be reasonable that a tenant access information pertaining to their own residence, but we cannot see the benefit of the general public accessing information that is not pertinent to their own living arrangements.

Extend effective date to October 2025 - This date is just around the corner. We must provide a timeline that is attainable. Subjecting landlords to extensive penalties including monthly fines, eviction bans, and civil suits, does nothing to bring us closer to our goal.

Require renewal of registration only when information changes rather than yearly - This would lessen the administrative burden, thus reduce the administrative costs that will inevitably be passed down to tenants in relation to this law.

Prohibit further fees from being implemented (example - licensing) - This registry was implemented under the guise of being a "lead registry". It is evident that it is a "property registry" with signals of increased regulation. Increased regulatory fees and expenses will do nothing to aid in keeping housing costs low OR incentivizing more housing production. This is an important consideration for all Rhode Islanders. This lead law and registry in combination is arguably the most burdensome in the country.

- Provide timeline that DOH must follow to certify visual affidavits - The registry must be refined to allow for a timely procedure in visual affidavit compliance.

Thank you for taking the time to hear some of the current issues and proposed remedies need for the lead law and rental registry.

Sincerely,

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