



IMPORTANT INFORMATION

for Florida's Hospitality Industry



ATTENTION: Public Lodging Establishments	Number: 2001-03 Date: 2001 May 16
SUBJECT: <i>Lead-Based Paints In Pre-1978 Construction</i>	Susan R. McKinley, <i>Director</i>

LEAD-BASED PAINT HAZARD IN NONTRANSIENT LODGINGS

Apartments or other lodgings constructed prior to 1978 may contain lead-based painted surfaces that may become deteriorated and thus pose a hazard to the occupants. Paint may chip or flake over time and be ingested by children. Paint may also be disturbed during renovations or repairs. Inhalation of lead can occur when the friction involved in opening and closing painted doors and windows causes lead dust to be emitted into the air. Another source of lead contamination is soil. Chips or flakes of deteriorating lead-based paint can mix into the soil as well as debris that may contain lead, such as used, abandoned car batteries.

Lead has been shown to cause physical and developmental problems in children, including learning disabilities, lower intelligence, behavioral problems, stunted growth, permanent hearing and visual impairment, and other damage to the brain and nervous system. Children under six (6) years of age are especially at risk to lead exposure. Young children have been documented to absorb over three times as much lead via the gastrointestinal tract as adults. Since this age group has a rapidly developing nervous system, they are especially sensitive to the effects of lead. Children 6 years and younger have high hand-to-mouth activity which allows the lead-based paint on walls, windowsills, doors, fences, porches, banisters or baseboards; in contaminated soil; and lead dust on the carpet and toys to be easily transferred to their mouths. Also, younger children who are teething may actually chew and gnaw on items painted with lead-based paint.

KNOW YOUR RESPONSIBILITIES

Under Section 1018 of the Residential Lead-Based Paint Housing Reduction Act of 1992, sellers or lessors of pre-1978 housing must provide the lessee or buyer with all known information about lead-based paint and any hazards (if known) **prior to lease signing**. The required general information is available in pamphlet form from the United States Environmental Protection Agency. This material and other information may be ordered through the National Lead Information Center and Clearinghouse at **1-800-424-LEAD**. Also, any repairs or remodeling done on properties built prior to 1978 may also require notification. Contact the agencies below to confirm if you are affected by this requirement and for the specifics involved.

NOT ALL LODGINGS ARE AFFECTED

Only landlords renting units constructed prior to 1978 for periods of more than 100 days are affected by these regulations. If the unit has been certified by a testing service as being lead-free, the lessee notices are not required. Also exempt are housing for seniors and persons with disabilities, unless children under the age of 6 are expected to reside there, efficiencies and zero bedroom units.

IMPORTANT: Most landlords are not required to remove lead-based paints, but simply notify residents of the risks, unless the landlords are participating in certain HUD programs or receive federal monies for use on the property.

IMPORTANT NOTICE FOR PROPERTIES RECEIVING FEDERAL FUNDS OR HAVING FEDERAL MORTGAGE

INSURANCE: New HUD regulations went into effect September 15, 2000, which may directly impact your property. Contact HUD at the number or web site below immediately to see if your property is affected and to what extent.

THE CONSEQUENCES CAN BE VERY SERIOUS

While the division does not have authority to enforce the Residential Lead-Based Paint Housing Reduction Act, your failure to properly disclose this information allows you to be sued for triple damages and be subjected to additional criminal and civil penalties.

FOR FURTHER INFORMATION:

Environmental Health Center
 A Division of the National Safety Council
 1025 Connecticut Avenue, NW, Suite 1200
 Washington, DC 20036
 Telephone: 202—293—2270

U.S. Department of Housing and Urban Development
 Office of Lead Hazard Control
 451 7th Street SW, Room B-133
 Washington, DC 20410
 Telephone: 202—755—1785

Or on the Web:

www.nsc.org/ehc/lead.html
orion.oac.uci.edu/~epinet/The_Lead_Page/policy.html

www.hud.gov/lea/leahome
www.epa.gov/lead/new.htm

FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Jeb Bush, *Governor*

Division of Hotels and Restaurants

Kim Binkley-Seyer, *Secretary*