*** § 1377. State rental registry and proactive inspections to identify lead hazards.** 1. The department shall, in consultation with the division of housing and community renewal, develop a registry for all residential dwellings with two or more units built prior to nineteen hundred eighty which, by virtue of their property class designation, are potentially eligible for rental, lease, let or hiring out, and are located within communities of concern as identified by the department. Such registry shall only include qualifying residential dwellings outside a city with a population of one million people or more. The department shall utilize all available property information to develop the registry including but not limited to information from tax assessment rolls and information from property records in the office in which instruments affecting real property in the county are recorded.

2. The department, or their designee, shall provide written notice to the owners of residential dwellings qualifying for registration in accordance with this section within sixty days of the effectiveness of such registry.

3. Owners of all residential dwellings qualifying for registration in accordance with this section shall certify as free of lead paint hazards, in accordance with subdivision seven of this section and the regulations promulgated thereunder. Inspection certifications must be submitted by the owner to the local health department or their designee for recording in the rental registry by October first of the year the certification is due.

4. The department, or their designee, shall provide owners of qualifying residential dwellings a minimum of two notices prior to the deadline to submit a certification, not including the notification under subdivision two of this section. Such notice shall include information for owners to notify the department or their designee a residential dwelling is not eligible for rental, lease, let or hiring out and are therefore not required to submit a certification under this section.

If an owner fails to submit a certification by the deadline, or incorrectly asserts that they are not required to submit a certification

under this section, the department, or their designee, shall provide an additional notice prior to taking any further action.

5. The department shall establish an annual inspection and audit process which shall review at least ten percent of the certification inspections of residential dwellings qualifying for the rental registry. Such process shall include individual inspections and document review to ensure that owners complied with all obligations and responsibilities under this section. Such audits shall be conducted in-person and shall confirm that a residential dwelling is or is not eligible for the rental registry and that the residential dwelling is free of lead paint hazards.

6. The commissioner shall promulgate regulations as needed to administer, coordinate, and enforce this section.

7. The commissioner shall promulgate regulations regarding the inspections required to be completed pursuant to this section as well as the certification of such inspections which shall include, but not be limited to: (a) the frequency of such inspections which shall be no less frequent than every three years; (b) the minimum conditions the residential dwelling must meet for a valid inspection certification; (c) qualifications for inspectors; (d) minimum standards for a standardized form on which the owner of a residential dwelling may self-certify as to a satisfactory inspection, such form shall require such owner to confirm such residential dwelling meets all the requirements of paragraph (b) of this subdivision and may require such owner to submit any documentation deemed necessary by the commissioner, provided, however, such owner shall meet the qualifications pursuant to paragraph (c) of this subdivision; (e) alternative methods of certification, which may include the submission of a valid and active residential occupancy permit for which the minimum conditions required under paragraph (b) of this subdivision were required to be met for such issuance; (f) procedures for false certifications, upon a finding by the department that a self-certified dwelling contains lead hazards; and (g) any other information or requirements deemed necessary by the commissioner to administer, coordinate, and enforce this section.

8. The inspection requirements under this section shall, at a minimum, include visual inspections for deteriorated paint and outdoor soil conditions, as well as the collection of dust wipe samples obtained in accordance with United States Environmental Protection Agency protocols for such procedures.

9. Remediation of lead-based paint hazards must be conducted in compliance with all municipal requirements and specific requirements specified in regulation.

10. A failure to file or filing a false certificate as required under this section shall be subject to civil penalties under section twelve of this chapter, in addition to any penalties that may apply.

11. The commissioner shall, on or before December thirty-first in each year, beginning the calendar year after the effective date of this section, submit a report to the governor, the temporary president of the senate, and the speaker of the assembly on the activity and implementation of this section. Such report shall include but not be limited to: the number of residential properties qualifying for registration, the number of properties required to submit inspection certifications by October first of such year, the number of inspection certifications submitted by October first of such year, the number of inspections conducted pursuant to the audit process established in subdivision five of this section, the results of the audit process established in subdivision five of this section, and such other information as the commissioner determines. The information provided in the report shall reflect statewide activities in the aggregate and activities for each community of concern.

* NB Repealed November 3, 2028