

TENANTS' RIGHTS AND RESPONSIBILITIES CHECK LIST:

- **NOTICE - SEE §90-58D**

- My landlord has given me written notice at least three (3) days prior to any lead hazard reduction work;
- __ The notice my landlord gave me was either a:
 - SIGN,
 - _ LETTER, OR
 - MEMORANDUM
- The notice:
 - described the work to be done;
 - was in English and Spanish;
 - _ was in compliance with the EPA pre-renovation notification rules set forth in 40 CFR Part 745, E, Subpart E;
 - stated *“Work is scheduled to be performed beginning _____ (date) on this property that may disturb or remove lead-based paint. The persons performing this work are required to follow federal and local laws regulating work with lead-based paint. You may obtain information regarding these laws, or report any suspected violations of these laws, by calling the City of Rochester at 428-LEAD.”*

- **PAMPHLET - SEE §90-58D(2)**

- My landlord gave me a copy of EPA's lead hazard information pamphlet. (A copy of the pamphlet can be found and printed from the following website: <http://www.epa.gov/lead/pubs/leadpbed.htm>)

- **SIGNAGE - SEE §90-58C &90-59B(2)**

- My landlord posted signs when exterior lead paint hazard reduction work was being conducted.
 - The signs were posted no later than when the work started;
 - _The signs were posted in locations clearly visible to adjacent properties;
 - The signs stated:

**LEAD-BASED PAINT HAZARD REDUCTION WORK IN
PROGRESS PUBLIC ACCESS TO WORK AREA
PROHIBITED POSTED IN ACCORDANCE WITH
CHAPTER 90 OF THE CITY OF ROCHESTER CODE
FOR FURTHER INFORMATION, PHONE _____**

- The signs were at least 24 inches square and used large boldface capital letters that were no less than one-half inch in size.
- The signs were in both English and Spanish.
- The signs were posted until the work was completed.

- My landlord posted signs when interior lead paint hazard reduction work was being conducted.
 - The sign(s) were posted at each entry to a room where hazard reduction activities were conducted when I was present; and/or
 - Signs were posted at each main and secondary entryway to a building from which I had been relocated.

- The signs stated: WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

*******IF THE LEAD REDUCTION WORK IS DONE WITH LESS THAN THREE (3) DAYS NOTICE -
SEE §90-58F & G**

- Landlords can perform lead hazard reduction work with less than three (3) days notice if the repair was a result of an *emergency condition*.
- I may waive the three (3) day notice requirement.

• OCCUPANTS' PROTECTIONS

--ENTRY INTO WORK AREAS - SEE §90-59A(1)

- As a tenant, I understand that I am not permitted to enter the worksite during hazard reduction activities unless employed to perform the work; and

- As a tenant, I understand that I am not permitted to enter the worksite until the work has been completed and clearance has been secured.

--RELOCATION - **SEE §90-58A(2)**

As a tenant, I understand that I shall be temporarily relocated during hazard reduction activities and until clearance is secured **UNLESS**:

- the work being done by my landlord will not disturb:
 - lead-based paint;
 - dust-lead hazards; or
 - soil-lead hazards;

and/or

- only the exterior of the unit is being repaired and:
 - all openings to the house near the worksite are sealed during the work; and
 - all openings are cleaned after lead hazard reduction work is completed; and
 - entry into the house is free of dust-lead hazards, soil-lead hazards and debris;

and/or

- interior work of the unit:
 - can be completed:
 - within one eight (8) daytime hours period; and
 - the worksite is contained to prevent the release of lead-substances and debris into other areas; and
 - the work does not create any other hazard; or

- will be completed:
 - within fifteen (15) calendar days; and
 - the worksite is contained to prevent the release of lead-substances and debris into other areas; and
 - treatment does not create other safety, health or environmental hazards; and
 - at the end of work on each day:

- the worksite and the area within at least 10 feet of the containment area is cleaned to remove any visible dust or debris; and
- tenants have safe daily access to

sleeping area and bathroom and kitchen facilities.

*****NOTE: If I am relocated to a unit not owned by my landlord, they are not responsible for rent accruing during that time.

--PROTECTION OF BELONGINGS - SEE §90-59A(3)

- ___ My landlord secured my unit against unauthorized entry.
- My landlord protected my belongings from contamination by dust-lead hazards and debris during hazard reduction activities. My landlord either:
 - ___ moved my belongings that were in the work area to a safe and secure area outside the work area; or
 - covered my belongings with a waterproof covering and all seams and edges were sealed with tape.

--LEAD SAFE WORK PRACTICES – See §90-59 & §90- 60

- My landlord or his/her agent, contractor or employees used lead safe work practices at all times. Specifically
 - The worksite was prepared in compliance with §90-59B. Specifically, containment barriers were placed to prevent the release of leaded dust and contain lead-based paint chips and other debris from hazard reduction activities within the worksite until they could be safely removed and measures were taken that minimized the spread of leaded dust, paint chips, soil and debris.
 - The following methods of paint removal were NOT used:
 - Open flame burning or torching;
 - Machine sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control;
 - Abrasive blasting or sandblasting without HEPA local exhaust control;
 - Heat guns operating above 1100 degrees Fahrenheit or charring the paint;
 - Dry sanding or dry scraping, except dry scraping in conjunction with heat guns or within 1.0 foot of electrical outlets, or when treating defective paint spots totaling no more than 2 square feet in any one interior room or space, or totaling no more than 20 square feet on exterior surfaces; and/or
 - Paint stripping in a poorly ventilated space using a volatile stripper that is a hazardous substance in accordance with regulations of the Consumer Product Safety Commission at 16 CFR §1500.3, and/or a hazardous chemical in accordance with the

Occupational Safety and Health Administration Regulations at 29 CFR §§1910.1200 or 1926.59 as applicable to the work.

After hazard reduction activities were completed, the worksite was cleaned using cleaning methods, products and devices that are successful in cleaning up dust-lead hazards, such as a HEPA vacuum or other method of equivalent efficacy, and lead-specific detergents or equivalent.

--RIGHT TO TERMINATE LEASE - SEE §90-59A(4)

As a tenant, I understand that if interior hazard reduction activities will not be or are not completed within sixty (60) calendar days, I have the right to terminate my lease and shall have no further obligation to pay rent under that rental agreement. However,

___ As a tenant, I understand that I still have to pay any back rent that I owe the landlord.

--RETALIATORY ACTION PROHIBITED - SEE §90-63

As a tenant, I understand that the Lead-Based Paint Poisoning Prevention Law doesn't let my landlord use my complaint against me for making a complaint under that law.

--QUESTIONS REGARDING LEAD, MY CHILD'S HEALTH, AND WHETHER IT IS SAFE TO STAY IN MY UNIT ONCE A VIOLATION HAS BEEN CITED.

Questions regarding yours or your family's health and safety should be directed to your Doctor or to the County Health Department (753-5087).

Questions regarding the status of a Code Enforcement Case citing a lead violation regarding your apartment can be directed to 428-LEAD.