



Department
of Health

New York State Rental Registry and Proactive Inspections to Identify Lead Hazards.

May 2, 2023

Rental Registry Proposal Overview

- Gov Hochul's proposed budget includes a new lead initiative targeting prevention of childhood lead poisoning
- Initiative builds off success of rental registry and inspection approach developed in Rochester
- Initiative involves multiple agencies including DOH, Division of Housing and Community Renewal (DHCR) and Department of State (DOS).
- Proposal to amend Public Health Law by adding a new section 1377 – State rental registry and proactive inspections to identify lead hazards.

Rental Registry Proposal Overview

- PHL Section 1377 would direct the Commissioner of DOH to promulgate regulations for administration, coordination, and enforcement of the section including the establishment of fines for non-compliance.
- Additionally, DOH to promulgate regulations regarding registry requirements including frequency of inspections, certification of inspections, minimum conditions for certification, and qualifications for inspectors.

Rental Registry Proposal Overview

- Companion amendment to Executive Law Section 381 (Administration and enforcement of the New York state uniform fire prevention and building code and the New York state energy conservation construction code).
- New section (j) would direct Secretary of State to promulgate rules and regulations for procedures requiring documentation of compliance with regulations adopted by DOH pursuant to PHL 1377.
- Specifies compliance with such regulations **as a condition to issuance of a certificate of occupancy or certificate of compliance** following a periodic fire safety and property maintenance inspection for multiple dwellings.

Rental Registry Proposal Overview

- The rental registry would cover residential dwellings with two or more rental units built prior to 1980 and located within communities of concern as identified by DOH.
- The State rental registry is not proposed to be applicable to cities of one million people or more.
- The proposed bill includes funding to provide resources to State DOH, LHDs and owners for remediation assistance (via HCR) to incentivize compliance.

NYS DOH Current Funded Programs for Lead Services

Childhood Elevated Blood Lead (CLPPP)

- 56 counties funded, each with a base grant
- Total base grants across 56 counties = \$7.1 M
- Case management, nursing and environmental services, education, etc.

Additional Prevention Funding to address high risk housing (CLPPP+)

- High risk municipalities, zip codes, age of housing stock, previous cases
- \$8.7 M across 20 counties

CLPPP+

- Inspections upon request in high risk zip codes
- Target (for inspection) other units in buildings with identified EBLL child
- Community engagement in primary prevention initiatives (coalitions, task forces, local leadership)
- Build workforce capacity (lead safe work practice training, renovator courses, collaboration with BOCES)
- Housing partnerships (code enforcement, HUD, DSS, CDBG, etc) to leverage resources in support of lead safe housing

Proposed Rental Registry Program

- Incentivize landlords to maintain lead safe housing
- Create a record of rental properties to monitor and ensure compliance with safe housing requirements
- Require periodic inspection of all rental housing to confirm continued compliance
- Streamline an enforcement mechanism to force compliance with recalcitrant landlords
- Engage other stakeholders to commit funds to lead hazard reduction through seed money to the most impacted municipalities

Program Main Goals

To identify and remediate lead hazards in rental housing before children are harmed by lead poisoning.

To do so effectively and efficiently by requiring periodic inspections for lead hazards and providing an effective enforcement mechanism to ensure compliance.

Why a State Rental Registry?

- Lead-based paint remains a primary source of lead poisoning in children under six years of age in New York State.
- Rental registries and proactive rental unit inspections work to reduce elevated blood lead levels in children, as evidenced by the successful program in Rochester, New York.
- We need to increase the number of lead safe rental units throughout NYS's communities of concern.
- Local Health Departments serving communities of concern need funding and DOH support to continue to enhance existing rental registry programs or create new rental registry programs with flexibility to meet goals while promoting database uniformity across the state.

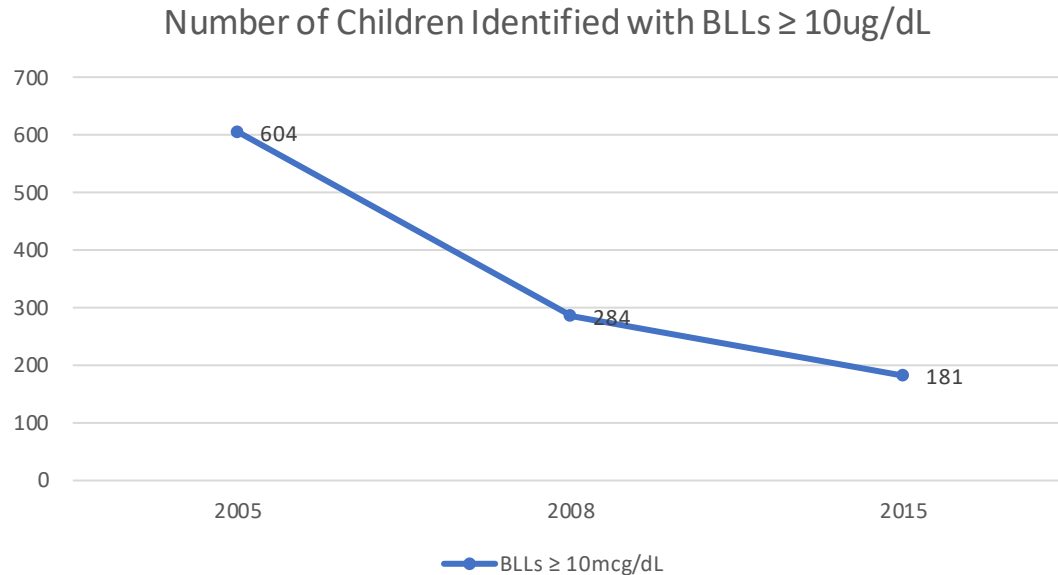
Why a State Rental Registry?

- To decrease the number of dwellings that require environmental intervention from local health departments due to resident children identified with EBLL.
- To efficiently use State resources to establish a Rental Registry with the ability to identify applicable dwellings, collect statewide inspection and compliance data for communities of concern, provide flexibility to incorporate existing established programs and registries, and foster community partnerships and solutions.
- To provide regulatory authority to enforce the rental registry requirements.

Why a State Rental Registry?

- Utilize existing multiple dwelling inspections by Local Codes Enforcement Officers in communities of concern to identify lead hazards in rental units and require safe remediation of such hazards prior to issuance of a certificate of occupancy or certificate of compliance.
- To provide a mechanism to assist owners with demonstrated need a means of assistance with remediation costs when lead hazards are identified.
- Use regulation requirements and educational outreach to prevent lead poisoning of children during remediation of hazards after they are identified.
- It is a good investment. Each dollar invested in lead paint hazard control results in a return of \$17–\$221 or a net savings of \$181–269 billion. *Gould, 2009 Env Health Perspectives

Rochester's Lead Poisoning Incidence Rate



Developing a State Rental Registry Program

What have we learned?

- CEH, with the assistance of Division of Housing and Community Renewal, National Center for Health Housing (NCHH), and existing program data, worked to identify communities of concern, the scope of LHD resource needs, potential costs to program and owners, numbers of rental units in 2+ buildings, existing rental registry data programs, and data management products on the market.
- Anticipate 90,000 units inspected for lead hazards and an expected \$116 million annual cost to property owners for inspections (using 3rd party inspectors) and remediation
- There is an anticipated failure rate of 15% for lead safety inspections of the rental units.

Developing a State Rental Registry Program

National Center for Health Housing gathered information to estimate remediation costs.

- Used information from Altarum's Value of Lead Prevention Tool (including estimates for NYS, two cities within NYS, and two comparable cities)
- Contacted 14 programs inside NYS currently operating a HUD Lead Hazard Control Grant
- Reached out to Maryland to gain additional program implementation insight and data.
- Used data gathered from the City of Rochester and state of Rhode Island.

Environmental Remediation Estimates by Severity of Hazards

- I. Limited Remediation Required
 - a) May contain:
 - Small areas of deteriorated woodwork
 - Minor damage to some walls, window ledges, and trim
 - Normal wear and tear (damage where doorknobs hit wall, scrapes from moving furniture, etc.)
 - Minor deterioration on exterior of dwelling
 - b) Rough estimate of \$1000-\$3500 to provide paint film stabilization to areas designated as lead hazards.

Environmental Remediation Estimates by Severity of Hazards

II. Significant Remediations Required

- a) Deterioration that warrants more than simply repainting generally requires the hiring of contractors certified in safe lead remediation or abatement.
- b) May contain:
 - Large areas of significantly deteriorated woodwork within the unit and in common areas of the dwelling
 - Severe damage to walls throughout unit and common areas.
 - Damaged paint from friction in window sills, sashes, jambs, and door frames
 - Extensive deterioration on exterior of dwelling
 - Soil around dwelling found to contain lead in excessive quantities requiring remediation
- c) Costs to remediate these hazards can exceed \$10,000.
- d) Situations described above are not uncommon.

Developing a State Rental Registry Program

Where should we start?

At DOH, Center for Environmental Health:

- Identify existing technology for rental registry data management program considering needs of DOH, Local Health Departments, Municipalities with existing rental registries, and owners of multiple unit dwellings.
- Engage New York State Advisory Council on Lead Poisoning Prevention
- Draft new regulations as outlined in (proposed) Section 1377 of PHL.
- Work with HCR to develop the rental registry and a mechanism for funding assistance for owners of need for lead remediation of multi-family rental units
- Conduct outreach to Local Health Departments, community stakeholders and partners
- Draft workplan template for LHDs identifying minimum requirements
- Create phased in program based on final language of proposal



Developing a State Rental Registry Program

NYS DOH BCEHFP responsibilities:

- Draft revised regulations – Part 67-5
- Work with DHCR to identify landlord re-imburement/funding mechanisms. Develop Memorandum of Understanding if needed
- Draft workplan template for LHDs to customize as part of contracts
- Create education and outreach materials and training documents
- Draft template letters for rental registry, certification form, inspection report
- Identify dust wipe sampling requirements
- Identify laboratory capacities for dust wipe sampling
- Identify enforcement mechanisms, expectations of LHDs and Code Enforcement Officers in consultation with DOS. Develop MOU if needed

Developing a State Rental Registry Program

Local Health Departments with Communities of Concern:

- Once budget is finalized, a formula for funding the LHDs will be finalized
- The funding formula will consist of a minimum base amount for each LHD to fund a minimum number of positions
- Additional funding beyond the base amount will be a function of the prevalence of children with elevated blood lead levels in the municipality and the number of multi-family rental units built before 1980
- Flexibility will be built into the workplans and funding to allow for existing successful rental registry programs to continue without completely being redesigned to conform to a standard state model

Developing a State Rental Registry Program

Local Health Departments with Communities of Concern:

- Proposal allows LHDs to have the flexibility to conduct the lead safety inspections themselves using trained staff, contract with trained local Codes Enforcement to conduct the lead safety inspections, or accept third party inspections by trained inspectors
- A minimum number of audit inspections (proposed 10%) would be conducted by the LHD to verify quality and accuracy of third party inspections
- If LHDs contract with Codes Enforcement for the lead safety inspections, should have the flexibility to use a portion of the funds allocated for LHD staffing to offset the contract costs
- Number and titles of staff hired within each LHD will be based on funding amount and workplan design

Developing a State Rental Registry Program

Owners of Multi-family Rental Units Responsibilities:

- Once Rental Registry in place, register units on rental registry
- Notify LHD when rental units are sold or when new rental units are purchased in Communities of Concern
- Arrange for inspection of unit as required by LHD
- For third party inspections, notify LHD of results of inspection
- If lead safety inspection unsatisfactory, work with LHD to ensure safe remediation of unit.
- Apply for inspection cost assistance or remediation cost assistance, if applicable
- Ensure protection of existing tenants while remediation being performed.
- Provide copy of lead safety certification/inspection to local codes enforcement when required.

Developing a State Rental Registry Program

Division of Housing and Community Renewal

- Manage distribution of landlord remediation assistance
- Identify and apply for other available grant funding
- Collaborate with LHDs on community engagement and identify potential community partners
- Develop funding criteria for landlord assistance in conjunction with LHDs

Year 1-2 - Implementation

Hire state staff
at DOH and HCR

- Get the program up and running
- Create educational materials
- Reach out to municipalities and develop work plan
- Provide education for landlords to incentivize the program

1

Create an
online
statewide
rental
registry
program

2

Begin hiring
at LHDs

- Begin lead safety certification training
- Conduct outreach to landlords

3

Allow
landlords
to register
rental units
and begin
inspections

Year 2-3 – Full Program

Local Health Departments

- Ensure registration of rental properties
- Create and disseminate education materials
- Manage lead safety inspections
- Conduct spot checks to ensure program efficacy

1

Landlords/ Property Owners

- Set appointment for rental unit inspections

2

Landlords/Property Owners

- Upload lead safety certificate to rental registry and/or work with LHD to safely remediate lead hazards

3

HCR

- Support LHDs in identifying remediation funds for landlords

Questions & Discussion