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**GUIDANCE FOR LANDLORDS WITH PROPERTIES IN RHODE ISLAND**

**TO:** Rhode Island’s Residential Landlords  
**FROM:** Rhode Island Office of the Attorney General  
**DATE:** January 11, 2024  
**SUBJECT:** New Lead and Housing Laws Impacting the Duties of Landlords to Maintain Pre-1978 Rental Homes

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Every child in every home in Rhode Island deserves to be safe from lead poisoning. Landlords, alongside the Rhode Island Attorney General’s Office, the Rhode Island Department of Health (“RIDOH”), and code enforcement officials in our cities and towns, have a key role to play and the tools necessary to protect children from the devastating and permanent brain injuries that can be caused by lead.

During this past legislative session, the General Assembly passed a package of bills, introduced at the request of the Attorney General, to address lead poisoning and promote healthy housing. These laws mark a crucial step in eradicating childhood lead poisoning by ensuring compliance with existing lead laws that have already been in place for decades.<sup>1</sup>

The purpose of this Guidance is to provide landlords with a practical overview of these new laws and to answer frequently asked questions. The goal of these new laws is first and foremost prevention, and we are here to support Rhode Islanders looking to come into compliance. Additional information regarding lead poisoning prevention and enforcement can be found on the [Attorney General’s website](#) and [RIDOH’s website](#).

**Have new laws been enacted to reduce child lead poisoning in Rhode Island?**

Yes. The Rhode Island Legislature passed three laws to increase compliance with existing lead laws, and a new law subjecting owner-occupied rental properties to the lead certificate requirement.

The first law, [R.I. Gen. Laws § 34-18-58](#) (the “rental registry law”), establishes a statewide rental registry to be stood up by the Rhode Island Department of Health and mandates that **all landlords** register their rental units by October 1, 2024. Additionally, landlords who rent

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<sup>1</sup> This Guidance focuses exclusively on changes in the law with respect to lead paint in residential homes. It does cover other changes in the law respecting housing or information regarding lead water pipe replacement. Providence Water customers can contact the Lead Service Line Hotline at (401) 575-0776 for information on lead service line replacements.

properties built before 1978 are required to **file lead conformance certificates** – which are already required by law – through the registry.

The second law, [R.I. Gen. Laws § 42-128.1-14](#) (the “escrow law”), allows tenants to petition the court to **pay their rent into an escrow account** when their unit is not compliant with lead hazard risk reduction laws, including by lacking a required lead-safe certificate, or when there are otherwise unaddressed lead hazards in their homes. This law is now in effect.

The third law, [R.I. Gen. Laws § 42-128.1-11](#) (the “treble damages law”), allows tenants affected by lead poisoning to **recover up to three times their actual monetary damages** if their landlord has violated lead safety laws. This law is now in effect.

Finally, [R.I. Gen. Law § 42-128.1-8](#) was amended to require landlords of owner-occupied units to obtain lead certificates for their pre-1978 rental units, **regardless of the number of units in the building**, beginning on January 1, 2024.

### **What new responsibilities do landlords have under these new laws?**

Landlords who are already compliant with existing laws are unlikely to see a significant change in their responsibilities.

Landlords of owner-occupied units must obtain lead certificates for their rental properties; this law took effect on January 1, 2024. Under the new rental registry law, once the rental registry is in place, all landlords must register by providing basic contact information. All landlords subject to the requirements of the rental registry law, as of September 1, 2024, have until October 1, 2024 to register the information required by the law. In addition, landlords of pre-1978 units must upload their previously required lead certificates to the registry to prove compliance with existing lead laws. Landlords who fail to register will not be able to evict tenants for non-payment of rent.

In situations where a landlord fails to comply with existing lead laws, tenants may now petition the court to hold their rent in escrow. Should a tenant choose to exercise that option, a landlord may not evict, terminate tenancy, raise the rent, or reduce services in retaliation.

In addition to these responsibilities, landlords remain responsible for remediating or abating damaged, chipping, or flaking paint in pre-1978 dwellings and ensuring that lead safe work practices are followed when arranging for or conducting repairs that disturb lead-based paint. These requirements existed before the recent laws were enacted and remain the same.

### **When do these new laws take effect?**

The rental registry, escrow, and trebles damages laws took effect upon passage.

However, with respect to the registry, all landlords subject to the requirements of the rental registry law, as of September 1, 2024, have until October 1, 2024 to register the information required by the law. A landlord who acquires a rental property, or begins leasing a rental property to a tenant, after September 1, 2024, must register the information required by the law within thirty (30) days after the acquisition or lease to a tenant, whichever date is earlier.

The owner-occupied lead certificate requirement took effect on January 1, 2024.

## **How can landlords remediate lead hazards?**

A variety of methods are available. Landlords may hire a RIDOH-certified lead contractor or licensed lead renovation firm to perform lead hazard reduction or control. Alternatively, landlords can remediate lead violations themselves after taking an initial 8-hour Lead Renovator training course with a certified training provider and receiving a Lead Renovation Firm license from RIDOH. *See* 216-RICR-50-15-3.11.2 and 3.11.4(A). Should landlords choose to become qualified to make repairs themselves, they must submit their Lead Renovator certification to RIDOH along with all other materials necessary to apply for a Lead Renovation Firm License as outlined in 216-RICR-50-15-3.10.8 and 3.11.3. Conducting lead hazard reduction work without a required license or certification may result in an enforcement action by RIDOH and the Attorney General's Office, and fines of up to \$5,000 per day. *See* 216-RICR-50-15-3.19.3.

Owners can access information about and providers for lead hazard reduction and control services through [RIDOH's database](#).

## **Is there any financial assistance for landlords making lead remediations?**

**Yes.** Landlords may apply to various financial assistance programs. The [Rhode Island Housing Lead Safe Homes Program](#) provides owners with assistance in remediating lead paint hazards. Cities or towns may also offer financial assistance programs. For example, Providence's Lead Safe Providence Program provides forgivable loans to help make properties lead safe, and Woonsocket's Lead Hazard Reduction Program coordinates and provides forgivable loans for applicants' lead hazard reduction projects. Information about these programs can be found on [RIDOH's website](#).

Additionally, the Rhode Island Residential Lead Abatement Income Tax Credit provides landlords with a tax credit of up to \$5,000 per dwelling unit for money spent to correct lead hazards. To learn more and access the Residential Lead Abatement Income Tax Credit Form RI-6238, visit the [Division of Taxation's website](#).

More informational resources to help property owners remediate lead hazards and ensure compliance with the Lead Hazard Mitigation Act can be found on [RIDOH's website](#).

## **What if my tenant won't let me enter the unit to have a lead inspection performed or to remediate lead hazards?**

Under the Residential Landlord and Tenant Act, R.I. Gen. Laws § 34-18-26, a tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises or to make necessary or agreed upon repairs provided that a landlord gives a minimum two-day verbal or written notice and attempts to enter the tenant's rental unit at a reasonable time.

If a request for access has been properly made and a tenant refuses lawful access, the landlord can go to court to compel access or terminate the rental agreement. *See* R.I.G.L. § 34-18-45.

## **If there are no children in my rental units, do I still have to remediate hazards or have a lead conformance certificate?**

Yes. Rhode Island law states that all rental units in the state shall be maintained in a lead safe condition. Furthermore, for units built before 1978, most landlords are required to maintain an active certificate as evidence that the units are in a lead-safe condition. It is vital to comply with

these laws, as both adults and children can be lead poisoned by breathing in or swallowing lead dust settled on surfaces and eating paint chips or soil containing lead, including during renovations or repairs that disturb painted surfaces. While lead is especially dangerous to children under the age of six, high levels of lead in adults can cause harm to a developing fetus, fertility problems in men and women, and memory and concentration problems, in addition to other symptoms. It is important to remediate hazards and have updated lead conformance certificates to battle the negative health effects lead has on all of us.

More information on the effects of lead on adults and children can be found on [RIDOH's website](#).

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