



June 18, 2004

Document Control Office (7407M)
Office of Pollution Prevention and Toxics (OPPT)
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460-0001

Re: Lead-Based Paint Pre-Renovation Information Collection Request

To Whom It May Concern:

On behalf of the NATIONAL ASSOCIATION OF REALTORS® (NAR) and the Institute of Real Estate Management (IREM), we are pleased to offer the following comments in response to an Information Collection Request published in the 4/19/04 *Federal Register* (Vol.69, 20871-20874). With over one million members nationwide, NAR is the largest professional trade association in the country. NAR members are engaged in all aspects of commercial and residential real estate transactions. IREM, an affiliated organization of NAR, represents nearly 16,000 members who own and manage commercial and multifamily properties nationwide.

Because both NAR and IREM members are involved in extensive property management activities, they have an interest in ensuring that current lead-based paint regulatory programs protect the health of their tenants without being overly burdensome for owners to administer and operate. As a result of the experiences of our members, we would like to share with you a number of concerns with the lead-based paint pre-renovation regulations, as they are currently implemented.

The Regulations Have Resulted In an Explosion of Paperwork

For owners and managers of multifamily properties, distributing the pamphlet prior to every renovation activity has become a burdensome and cumbersome activity. The main problem is getting the information to the appropriate tenants in a timely manner, and obtaining tenant signatures when necessary. Although Section 406 (b) of the Toxic Substances Control Act (TSCA) states that pre-renovation dissemination is the responsibility of the third-party contractor, in cases where such a contractor is utilized for the renovation activity, many owners and managers are not confident that the contractor will follow the necessary steps to be in

compliance with TSCA 406(b). Therefore, owners and managers have taken it upon themselves to distribute the pamphlets and obtain the necessary signatures, in order to ensure compliance.

The issue is further complicated depending upon the housing type of the tenants that are being notified. Multifamily properties and single family units each present different challenges. For multifamily properties, the notification process has caused confusion among tenants about exactly what is being renovated, the risks associated with the renovation, and who may be impacted by the renovation. Single family units present different concerns, such as whether or not the tenants have seen and reviewed the information provided, and other tenant communication problems. Storage and distribution of the pamphlet, obtaining and filing the signed acknowledgement, certified mailings receipts and all the other paperwork requirements have all resulted in an enormous paperwork burden for property managers. These requirements may have the perverse effect of property managers delaying necessary maintenance and repairs because of the burden to conduct these pre-renovation dissemination activities.

The Costs to Property Owners and Managers Are Adding Up

The costs to conduct pre-renovation dissemination activities for property owners and managers are not insignificant. Because of the frequency of maintenance and renovation activities, particularly in large multifamily properties, there are continuous cycles of notification. It takes many hours to order or make copies of the pamphlet, distribute the pamphlet, obtain and correctly file the signed acknowledgement form, answer questions about the renovation activity, find hard-to-reach tenants to obtain their signature, mail the pamphlet and obtain the certified mail receipt, while also conducting the other activities that are required to operate a high-quality multifamily residential property. The costs are difficult to quantify, but could include additional hiring of property management staff, overtime hours and salary, and other administrative costs. These costs are passed through to the tenant in the form of higher rents, thus driving up the costs to the tenant to reside in the property.

Does This Activity Protect the Tenant From the Risks of Lead-Based Paint?

NAR and IREM members are concerned that all of the activities associated with the pre-renovation dissemination requirements actually result in very little, if any, meaningful risk reduction. In large multifamily developments, particularly when renovation activities are frequent and regular, the pamphlets tend to be ignored by tenants after the first couple of renovation activities. While the information may be useful, the format and context in which it is presented diminishes the value of the material over time. The nexus between these activities and tenant protection from the hazards of lead-based paint is tenuous.

Conclusion

NAR and IREM appreciate the opportunity to offer our comments and perspectives regarding lead-based paint pre-renovation information dissemination activities. From the perspective of our members, who have extensive property management portfolios, these activities present a significant paperwork burden, are expensive to conduct, and do not significantly contribute to the

protection of tenants from the risks of lead-based paint during renovation activities. Please contact Russell Riggs, at 202-383-1259, if you have any questions regarding these comments.

Sincerely,



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