

Government of the District of Columbia
Office of the Chief Financial Officer

CHAIRMAN GRAY



2008 DEC 16 AM 9:16

Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Vincent C. Gray
Chair, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer 

DATE: December 15, 2008

SUBJECT: Fiscal Impact Statement: "Lead Hazard Prevention and Elimination Act of 2008"

REFERENCE: Bill Number 17-936, Amendment in the Nature of a Substitute, dated December 16, 2008

Conclusion

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the proposed legislation.

Background

The proposed bill is intended to eliminate lead based paint hazards from properties built prior to 1978 as a primary prevention measure to reduce the risks of lead poisoning among District residents. The bill would require owners¹ of properties built prior to 1978 to maintain dwelling units, common areas of multifamily properties, and child-occupied facilities free of lead-based paint hazards and deteriorated lead-based paint.

The proposed bill also:

- Authorizes the Mayor to require lead abatement, repairs, and elimination of lead-based hazards in response to a child's elevated blood lead level;

¹ The definition of "owners" in the bill does not include the Government of the District of Columbia. Therefore, the District Government would not be compelled to conform to the lead-based paint requirements enumerated in the proposed bill for buildings owned by the District Government.

- Expands the authority of the Mayor to require repair and clearance in response to deteriorated paint and other lead-based paint hazards where there is no child with an elevated blood lead level;
- Requires that owners of pre-1978 rental property and owner-occupied homes provide at turnover a clearance report demonstrating that there are no lead-based paint hazards or deteriorated paint;
- Requires full disclosure by all property owners of deteriorated paint and other lead-based paint hazards to prospective tenants and buyers;
- Authorizes inspections, enforcement, and civil and criminal penalties for violations; and
- Establishes the Lead Poisoning Prevention Fund ("Fund") to be used by the Mayor to ensure compliance with and enforcement of the proposed bill, and to provide low-income residents of the District with assistance to comply with the requirements of the proposed bill, provided that they qualify for such assistance in accordance with rules issued by the Mayor.

Financial Plan Impact

Funds are sufficient in the FY 2009 through FY 2012 budget and financial plan to implement the proposed legislation. The District Department of the Environment (DDOE) could absorb the cost of implementing the provisions of the proposed legislation with existing resources and new revenues associated with the proposed bill. These revenues include those deposited into the proposed Fund² and fee revenues from certification of individuals and/or businesses conducting lead-based paint activities. In order for the expected additional revenues to be available for expenditure, appropriation authority will be required.

Since the definition of "owners" in the proposed bill does not include the District Government, the District would not be compelled to conform to the lead-based paint requirements enumerated in the proposed bill for buildings owned by the District.

² Which include fees, fines, or penalties derived from compliance with and enforcement of the requirements of the proposed bill, and all interest earned on those monies.