CALIFORNIA ASSOCIATION OF REALTORS®

April 16, 2018

Lauren Zeise, Ph.D., Director
Office of Environmental Health Hazard Assessment
Cal/EPA Headquarters
1001 I Street
Sacramento, California 95814
(Via E-Mail: lzeise@oehha.ca.gov)

RE: Proposed Amendments to Article 6: Clear and Reasonable Warnings: Residential Rental Property Exposure Warnings, New Sections 25607.34 and 25607.35 - March 2, 2018

Dear Director Zeise,

The California Association of REALTORS® (C.A.R.) has concerns with the proposed regulations dated March 2, 2018 that seek to establish Proposition 65 warnings for residential rental property. C.A.R. would like the Office of Environmental Health Hazard Assessment (OEHHA) to take the following suggestion under consideration as it considers these proposed regulations.

Rental properties with 15 units or less should be exempt from the proposed regulations. California Code of Regulations Title 25, Section 42 requires multifamily residential rental complexes of 16 units or more to have a manager or other similar staff person residing onsite. Residential single-family properties consisting of 1 to 4 units and small apartment complexes consisting of 5 to 15 units – **taken together, properties with 15 units or less** – do not employ an onsite professional manager and are generally located in low-income urban communities, many of which are owned by seniors and other small "mom and pop" operators. Due to this lack of onsite professional management, OEHHA should ensure that these owners do not accrue additional liability under the proposed regulations by providing an exemption for small property owners.

For example, under the proposed definition of "residential rental property," small property owners would have to, among other things, post Proposition 65 warning signs on the garage doors of single-family homes or in parts of single-family homes designated for smoking to comply with Title 27, Sections 25607.20, 25607.21, 25607.28, and 25607.29 of the California Code of Regulations. This is simply not feasible and would impose onerous standards on small property owners.

C.A.R. looks forward to working with OEHHA and its staff to create a more meaningful notice to the public related to hazards that may be present within apartment complexes with 16 units or more. If we can be of any assistance, then please do not hesitate to contact us.

Sincerely,

Karim Drissi
Legislative Advocate

Cc via e-mail: Carol Monahan-Cummings, OEHHA Chief Counsel (cmcummings@oehha.ca.gov)
Monet Vela, OEHHA Associate Governmental Program Analyst (monet.vela@oehha.ca.gov)

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