

From: asumits@egcounsel.com
To: [Fernandez, Mario@OEHHA](mailto:Fernandez_Mario@OEHHA); [P65Public Comments](#)
Subject: Residential Rental Property Exposure Warnings - comments
Date: Wednesday, November 7, 2018 1:26:30 PM

Dear Mr. Fernandez and Ms. Vela:

I advise numerous landlords and owners of apartment complexes, who are in the process of planning for implementation of changes to comply with the new Proposition 65 requirements contemplated by this proposed regulation. In the new subsection (b) of proposed Section 25607.34, I believe OEHHA is intending to provide several methods of transmitting the warning – either in the lease (for those tenants who are actually signing the lease), or by a letter or email. The warning must be provided “at the time of renting, leasing, or hiring out the property, and each year thereafter.” Subsection (b)(1) provides that the warning may be in the form of a “letter delivered to the property.” From a practical standpoint, however, the option of sending a letter is not possible for the initial warning “at the time of renting, leasing, or hiring out the property,” because the tenants (and occupants) would not yet be living at the property before (or “at the time of”) signing a lease. As presently drafted, subsection (b)(1) is only an option for the annual notifications that follow the initial warning, but would not be an option for the initial warning.

One suggestion for correcting this problem would be to modify the language of Section 25607.34(b)(1) as follows:

“(1) In a letter delivered to the property, ***or otherwise provided to new Tenants at the time of renting, leasing, or hiring out the property***, and addressed to each known adult occupant, and to “Tenants and Occupants” if the names of all adult occupants are not known; or”

This would be the most feasible method from a compliance implementation standpoint. It would have the same effect as mailing a letter, and avoids the challenges of obtaining email addresses for and sending warnings to “other known adult occupants” who do not actually see or sign the lease.

Thank you for your consideration.

Best Regards,
Andrea Sumits

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