

TITLE 27, CALIFORNIA CODE OF REGULATIONS
CLEAR AND REASONABLE WARNINGS
SECTIONS 25607.34 AND 25607.35
RESIDENTIAL RENTAL PROPERTY EXPOSURE WARNINGS
MODIFICATION TO TEXT OF PROPOSED REGULATION
OCTOBER 22, 2018

NOTE: Changes to the proposed regulatory text are identified herein as follows. Additions to the March 2018 proposed regulatory text are indicated by underline, thus: added language. Deletions from the March 2018 proposed regulatory text are indicated by strikeout, thus: ~~deleted language~~.

Section 25607.34 Residential Rental Property Exposure Warnings – Methods of Transmission.

(a) For purposes of this section, “residential rental property”, hereafter also referred to as “property”, includes an apartment, house, duplex, triplex, condominium or other dwelling that a landlord rents to a tenant to live in, including common areas, but does not include a “hotel” as defined in Section 25607.32 of this subarticle.

(b) A warning for exposures to listed chemicals at a residential rental property meets the requirements of this subarticle if it complies with the content requirements in Section 25607.35, and is provided to each known adult occupant of the property at the time of renting, leasing, or hiring out the property, and each year thereafter. Warnings provided pursuant to this section may be in hardcopy or electronic format, using one or more of the following methods:

~~(1) Is provided to each known adult occupant at the time of renting, leasing, letting, or hiring out the property, and~~

~~(2) Is provided annually directly to the known adult occupants of the property in hard copy or electronic form or in each lease or rental agreement, renewal or amendment for the property.~~

(1) In a letter delivered to 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

(2) In an electronic message sent to each email address otherwise used to communicate information to the known adult occupants and to other tenants and occupants; or

(3) In the lease or rental agreement, but, in that event, the requirements of this subarticle are met only as to those adult occupants who sign or are named in the lease or rental agreement. The warning may be provided to other known occupants using one or more of the methods in subsections (b)(1) or (b)(2).

(4) In any year after the initial year of renting, leasing, letting, or hiring out the property, the warning may be provided using one or more of the methods in subsections (b)(1) or (b)(2), or in the renewed lease or rental agreement in any year in which the lease or rental agreement is being renewed, but, in that event, the warning will only cover those adult occupants who sign or are named in the renewed lease or rental agreement and only for the year in which the lease or rental agreement is being renewed.

(c) If the lease, rental agreement, renewal, or amendment for the property or any other disclosures or required notices from the landlord to the tenant are provided to the occupants in any language other than English, the warning must be provided in that or those languages.

(d) In addition to the warning specified in this section, residential rental properties must also provide warnings for enclosed parking facilities pursuant to Sections 25607.20, and 25607.21, and designated smoking areas pursuant to Sections 25607.28 and 25607.29, where exposures to listed chemicals from any enclosed parking facilities and designated smoking areas can occur on the property.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.

Section 25607.35 Residential Rental Property Exposure Warnings – Content.

(a) A warning for exposures to listed chemicals at a residential rental property meets the requirements of this subarticle if it is provided using the methods required in Section 25607.34 and includes all the following elements:

(1) The symbol required in Section 25603(a)(1).

(2) The word “**WARNING:**” in all capital letters and bold print.

(3) For exposures to listed carcinogens, the words, “[Name of one or more exposure source(s)] on this property can expose you to chemicals including [name of one or more chemicals] which is [are] known to the State of California to cause cancer. Talk to your landlord or the building owner about how and when you could be exposed to these chemicals in your building. For additional information go to www.P65Warnings.ca.gov/apartments.”

(4) For exposures to a single listed carcinogen, the following words may be used, “[Name of one or more exposure source(s)] on this property can expose you to

[name of chemical] which is known to the State of California to cause cancer. Talk to your landlord or the building owner about how and when you could be exposed to this chemical in your building. For additional information go to www.P65Warnings.ca.gov/apartments.”

(5) For exposures to listed reproductive toxicants, the words, “[Name of one or more exposure source(s)] on this property can expose you to chemicals including [name of one or more chemicals] which is [are] known to the State of California to cause birth defects or other reproductive harm. Talk to your landlord or the building owner about how and when you could be exposed to these chemicals in your building. For additional information go to www.P65Warnings.ca.gov/apartments.”

(6) For exposures to a single listed reproductive toxicant, the following words may be used, “[Name of one or more exposure source(s)] on this property can expose you to [name of chemical] which is known to the State of California to cause birth defects or other reproductive harm. Talk to your landlord or the building owner about how and when you could be exposed to this chemical in your building. For additional information go to www.P65Warnings.ca.gov/apartments.”

(7) For exposures to both listed carcinogens and reproductive toxicants, the words, “[Name of one or more exposure source(s)] on this property can expose you to chemicals including [name of one or more chemicals] which is [are] known to the State of California to cause cancer and [name of one or more chemicals] which is [are] known to the State of California to cause birth defects or other reproductive harm. Talk to your landlord or the building owner about how and when you could be exposed to these chemicals in your building. For additional information go to www.P65Warnings.ca.gov/apartments.”

(8) For exposures to a chemical that is listed as both a carcinogen and a reproductive toxicant, the words, “[Name of one or more exposure sources(s)] on this property can expose you to [name of one or more chemicals] which is [are] known to the State of California to cause cancer and birth defects or other reproductive harm. Talk to your landlord or the building owner about how and when you could be exposed to this chemical in your building. For additional information go to www.P65Warnings.ca.gov/apartments.”

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.6 and 25249.11, Health and Safety Code.