



New Indiana Rental Housing Habitability Standards and Lead-Based Paint Disclosure Rules Under the Residential Lead-Based Paint Hazard Reduction Act of 1992

House Enrolled Act 1013 (Habitability Standards) applies to housing let after June 30, 2002, the Act is codified at IC 32-31-7. The Residential Lead-Based Paint Hazard Reduction Act of 1992 is codified at 42 USC 4851, and regulations under the Act are codified at 24 CFR 35 (All sections effective since September 15, 2000).

1) Who does House Enrolled Act 1013, Indiana’s new law on habitability standards, apply to? The new law sets out certain obligations for both tenants and landlords, and generally applies to units let for rental after June 30, 2002 without an option for purchase. This sheet focuses on the landlord’s obligations.

a) Landlord Obligations (the following list is not exhaustive, see IC 32-31-8):

- Premises must be delivered in safe, clean and habitable condition.
- Landlord must comply with all health and housing codes applicable to the rental premise. (These might be the local housing code, the state code if no local code exists, or federal quality standards in the case of federally assisted housing.)
- Make reasonable efforts to keep common areas in clean and proper condition.
- Provide and maintain the following items in good and safe working condition, if these items are on the premises at the time of the rental agreement:
 - Electrical systems.
 - Plumbing systems, and a reasonable supply of hot and cold water.
 - Sanitary systems.
 - Heating, ventilating, and air conditioning systems. Heating systems must function at all times.
 - Elevators, if provided.
 - Appliances supplied as an inducement to the rental agreement.

b) Tenant Complaints: a tenant can sue the landlord for failing to provide one of items listed above only if:

- The tenant gives the landlord notice of non-compliance, AND
- Such notice gives the landlord a reasonable amount of time to make repairs and the landlord fails to do so.

c) Landlord liability may be for damages, recovery of repair costs, and/or attorney’s fees and costs. Liability begins at the time that the landlord has notice OR actual knowledge of his or her non-compliance, and fails to remedy the problem.

2) Who does The Residential Lead-Based Paint Hazard Reduction Act of 1992 apply to?

This law and its regulations apply to “target housing.” Target housing means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities where no children under 6 years of age reside, and except 0-bedroom dwellings. Note that federally assisted housing built before 1978 is considered “target housing.”

a) What does this law require of landlords?

i) Disclosure when selling or leasing target housing:

- The tenant must be provided with an EPA-approved lead hazard information pamphlet. 24 CFR 35.88(1)
- The landlord or seller must disclose the presence of any known lead-based paint and/or lead-based paint hazards, as well as additional information concerning lead-based paint or hazards,

such as the location of such lead-based paint, the condition of those painted surfaces, etc. 24 CFR 25.88(2) This must accompany the lease.

- The landlord or seller must provide the lessee or purchaser with any records or reports that pertain to lead-based paint or hazards in the dwelling. 24 CFR 25.88(4). This must accompany to the lease.
- Leases must include a Lead Warning Statement (see 24 CFR 35.92(b)(1) for approved language.)
- If this process is done correctly, it need not be repeated when renewing a lease. 23 CFR 35.82(d)

ii) Violations of the target housing disclosure provisions are punishable by civil monetary penalties, liability to the lessee for treble damages, and civil or criminal liability under other federal laws, such as TSCA & 42 USC 4852d(b)(5)).