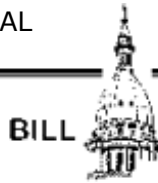




Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4763 (Substitute H-1 as passed by the House)
Sponsor: Representative Jeff Mayes
House Committee: Health Policy
Senate Committee: Health Policy

Date Completed: 12-11-07

CONTENT

The bill would amend the Lead Abatement Act (Part 54A of the Public Health Code) to exclude from the definition of "abatement" certain activities performed by volunteers to reduce or eliminate a lead-based paint hazard on residential dwellings.

The Act requires a person to be certified in the appropriate discipline by the Department of Community Health in order to engage in lead-based paint activity (i.e., inspection, risk assessment, and abatement in target housing and child occupied facilities). A person certified or seeking certification to engage in lead-based paint activity must meet minimum training, education, and experience standards, and pay an application processing fee and an annual certification fee.

"Abatement" means a measure or set of measures designed to eliminate lead-based paint hazards permanently, and includes specified activities. The Act states that "abatement" does not include any of the following:

- Renovation, remodeling, landscaping, or other activity, if the activity is not designed to eliminate lead-based paint hazards permanently, but is instead designed to repair, restore, or remodel a structure, target housing, or dwelling even though the activity might incidentally result in a reduction or elimination of a lead-based paint hazard.
- An interim control, operation, and maintenance activity, or other measure or activity designed to reduce a lead-based paint hazard temporarily, but not permanently.
- Any lead-based paint activity performed by the owner of an owner-occupied residential dwelling or an owner-occupied multifamily dwelling containing up to four units if the activity is performed only in that owner-occupied unit of the multifamily dwelling.

The bill also would exclude the scraping or removal of paint, painting over paint, or other similar activity that had the effect of reducing or eliminating a lead-based paint hazard, if the activity met all of the following criteria:

- The activity was performed only on residential or multifamily dwellings containing a maximum of four units.
- The activity was coordinated by a nonprofit charitable or volunteer organization that was in compliance with the procedures established under specific Federal regulations (pertaining to lead poisoning prevention in certain residential structures).

- The activity was performed only by unpaid volunteers and the organization received no remuneration directly from the owner or occupant of the residential or multifamily dwelling.
- The activity did not involve the use of a lead-based paint encapsulating product that required certification from the Department of Community Health.

MCL 333.5453

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: David Fosdick

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.