Property and Lessee to which the above violations pertain:

- 1326 Oxford Street
  Berkeley, CA 94709
  Lessee: Randa Baramki-Azar
  Date unit was built: 1920's
  Date of original lease: 10/1/88
  Date of LDF: 5/20/00 (not signed by Lessee)

You are hereby requested to send EPA at the address below documentation that it is your policy to fully comply with the requirements of Section 1018 in the future. Please send this documentation within 30 days of receipt of this letter to:

Helen Burke, Lead Compliance Officer
U.S. EPA Region 9
75 Hawthorne Street (CMD-4-2)
San Francisco, CA 94105

For your own protection you may wish to send this document by certified mail with return receipt requested.

Each violation of the Disclosure Rule is a prohibited act under TSCA § 409, which can result in civil penalties under TSCA § 16 of up to $11,000 per violation. Although you are receiving a NON for these violations at this time, any further violations of the Disclosure Rule by you may result in the issuance of a Civil Administrative Complaint for the assessment of penalties. All future leasing transactions involving target housing must be made in strict accordance with the Disclosure Rule.

It is EPA's understanding that the above tenant has moved out and that the unit had not been painted in some time. Because a child with an elevated blood lead level previously lived in the housing unit, as a property owner you may wish to repair and repaint the unit using a certified painter and proper work practices to protect the workers and any tenants from lead dust.

Enclosed is a Small Business Regulatory Enforcement and Fairness Act ("SBREFA") information sheet, which is designed to provide information on compliance assistance and inform small businesses of their right to comment to the SBREFA Ombudsman concerning EPA enforcement activities. Be aware that SBREFA does not eliminate your responsibility to comply with the law nor create any new rights or defences under the law.

Should you have any questions, you may contact Helen Burke at (415) 744-1126.

Sincerely yours,

for

Paula Bisson, Chief
Toxics Section

Enclosure: SBREFA Information Sheet

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street (CMD-4-2)
San Francisco, CA 94105

NOV 15 2000

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Ms. Florence Hicks
1330 Oxford Street
Berkeley, CA 94709

RE: Notice of Noncompliance (NON) for violation of the Lead Disclosure Rule

Dear Ms. Hicks:

The U.S. Environmental Protection Agency ("EPA") finds you in violation of the Real Estate Notification and Disclosure Rule ("Disclosure Rule") which is codified at 40 C.F.R. part 745, subpart F.

The Disclosure Rule requires that Lessors or Sellers of pre-1978 residential housing disclose information about lead-based paint (LBP) and its hazards to lessees or buyers before signing a contract to lease or sell. If the Lessor, Seller or Agent fails or refuses to comply with the Disclosure Rule, then the Lessor, Seller or Agent has committed a prohibited act under the Toxics Substances Control Act ("TSCA") § 409, 15 United States Code § 2689, and is liable under TSCA § 16 for penalties.

On April 19, 2000, in response to a complaint, EPA sent you a letter requesting information about lead-based paint for housing units located at 1326 Oxford Street, Berkeley, California. On May 8, 2000, you sent answers to questions but did not include a copy of the lease or lead disclosure form (LDF). On May 15th EPA sent you a letter requesting copies of these documents. On May 16th you called EPA to explain that because the lease is month to month, you did not have a copy of the current lease nor of the LDF. You also asked what you should do. EPA recommended that you get in compliance as soon as possible by giving a pamphlet to the Lessee as well as the LDF and documenting those actions.

A review of those documents revealed violations by you of the Disclosure Rule. The violations resulted from your failure to fill out the Lead Disclosure Form (LDF) and to give the pamphlet at the time of the first rent increase after September 6, 1997, the date when the enforcement program for the Lead Disclosure Rule went into effect. The following are the violations and the property and Lessee to which they pertain.

Violations

- Lessor failed to provide Lessee with EPA-approved lead hazard information pamphlet pursuant to 40 C.F.R. § 745.107(a)(1)
- Lessor failed to disclose to Lessee the presence of any known LBP and/or LBP hazards in target housing pursuant to 40 C.F.R. § 745.107(a)(3)
- Lessor failed to include as an attachment or within the contract to lease target housing, the Lead Warning Statement pursuant to 40 C.F.R. § 745.113(b)(1)
- Lessor failed to include as an attachment or within the contract a statement by the Agent disclosing the presence of known LBP and/or LBP hazards or indicating no knowledge of the presence of LBP and/or LBP hazards, pursuant to 40 C.F.R. § 745.113(b)(2)
- Lessor failed to include in the contract for lease signatures of the Lessor, Agent, and Lessee certifying to the accuracy of their statements, as well as dates, pursuant to 40 C.F.R. § 745.113(b)(6)
- Lessor failed to provide to Lessee any records or reports available to the Lessor pertaining to lead-based paint and/or lead-based paint hazards in the target housing as cited in 40 C.F.R. § 745.107(a)(4)