

Kimball, Tirey & St. John LLP

Proposition 65 Update-New Safe Harbor Warnings for California Residential Rental Property

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May 2019

Recent changes to Proposition 65's safe harbor warning guidelines may impact residential landlords.

- Effective **July 1, 2019**, new [Sections 25607.34 and 25607.35](#) will become effective. They require Proposition 65 warnings be provided to new tenants and other adult occupants (and again each year during the tenancy). The warnings must be in a specific format (which is new) and delivered in specific ways.
- Additionally, effective **August 30, 2018**, new warning signs were required to be posted in:
 - enclosed parking facilities; and
 - designated smoking areas.

California residential landlords should discontinue Prop. 65 signage and/or lease language that they previously utilized, and instead follow the safe harbor warnings specified in the new safe harbor warning guidelines.

Background

California requires businesses with ten or more employees to warn employees and the public regarding potential exposures to chemicals known to cause cancer, birth defects, or other reproductive harm. The California Office of Environmental Health Hazard Assessment (OEHHA) maintains and updates a list of chemicals requiring warnings. There are hundreds of chemicals on the list, available at <https://oehha.ca.gov/proposition-65/proposition-65-list>. Some of the Prop. 65 chemicals are contained in items common in residential buildings, such as automotive exhaust, building materials, fireplaces, tobacco smoke, and vinyl miniblinds manufactured before 1997.

Violating businesses can be fined up to \$2,500 per day per violation.

Additional Resources:

- [Notice of Amendment to Article 6, Clear and Reasonable Warnings Residential Rental Property Exposure Warnings](#)
- [Initial Statement of Reasons, Amendments to Article 6, New Sections 25607.34 and 25607.35](#)
- [Final Statement of Reasons, Amendments to Article 6, New Sections 25607.34 and 25607.35](#)
- For a consultation about Proposition 65, contact us at (800) 574-5587 or breginfo@kts-law.com. This service is provided on an hourly fee basis.

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