

## Summary of Federal Lead Based Paint Law

### RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992

#### SCOPE OF RULE AND REGULATIONS

The Act: Section 1018 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of the Housing and Community Development Act of 1992) (42 U.S.C. 4852d) ("the Act") **requires sellers, landlords and agents to warn homebuyers and tenants of lead-based paint and lead-based paint hazards in pre-1978 housing.**

#### EXEMPTIONS

The regulations apply to all transactions to sell or lease target housing, except the following:

- housing constructed on or after 1978.
- housing for the elderly or persons with disabilities, unless a child under 6 resides or is expected to reside in the housing.
- dwellings without bedrooms, i.e., efficiencies and military barracks.
- foreclosure sales.
- short-term leases of 100 days or less.
- renewal of leases where all information has been disclosed previously and where lessor has acquired no new information.
- leases of housing which have been inspected and found to be free of lead-based paint by a certified inspector.

#### INFORMATION THE PURCHASER OR LESSEE MUST RECEIVE FROM THE SELLER OR LANDLORD PRIOR TO BECOMING OBLIGATED UNDER ANY CONTRACT TO LEASE OR PURCHASE TARGET HOUSING

- an EPA-approved information pamphlet on identifying and controlling lead-based paint hazards.
- any known information concerning lead-based paint or lead-based paint hazards. The seller or landlord must also disclose information such as the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces.
- any records and reports on lead-based paint which are available to the seller or landlord (for multi-unit buildings, this requirement includes records and reports concerning common areas and other units, when such information was obtained as a result of a building-wide evaluation).
- an attachment to the contract or lease (or language inserted in the lease itself) which includes a Lead Warning Statement and confirms that the seller or landlord has complied with all notification requirements.
- This attachment is to be provided in the same language used in the rest of the contract.
- Sellers or landlords, and agents, as well as homebuyers or tenants, must sign and date the attachment.

#### 10 DAY INSPECTION PERIOD FOR HOMEBUYERS

- Sellers must provide homebuyers a 10-day period to conduct a paint inspection or risk assessment for lead-based paint or lead-based paint hazards.
- Parties may mutually agree, in writing, to lengthen or shorten the time period for inspection.
- Homebuyers may waive this inspection opportunity.
- Sellers are not required by law to allow homebuyers to void their contract based on the results of the lead-based paint evaluation.

#### RECORDKEEPING

- Sellers and lessors must retain a copy of the disclosures for no less than three years from the date of sale or the date the leasing period begins.

#### WHAT YOU CAN DO

- If you did not receive the Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards form when you bought or leased pre-1978 housing, contact the National Lead Information Clearinghouse at 1-800-424-LEAD.
- To learn more information on how to protect children from lead poisoning, contact 1-800-LEAD-FYI.
- For information about lead in drinking water, call EPA's Safe Drinking Water Hotline at 1-800-426-4791.

\*Taken from Housing Urban Development (HUD) – Lead Disclosure Rule

For complete information check this web site. <http://www.hud.gov/lea/disclosurerule.html#information>