

## Lead-Based Paint Hazards

### Does the Federal Lead-Based Paint Regulation Apply to You?

#### Background Information

The law requires that the Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) ensure that the public receives the information necessary to prevent lead poisoning in homes that may contain lead-based paint hazards. This newsletter provides information on two Acts that Congress has passed to address this issue:

- Residential Lead-Based Paint Hazard Reduction Act (Section 1018)
- The Lead Pre-Renovation Education Rule (TSCA Section 406(b))

#### The Lead-Based Paint "Disclosure Rule"

Section 1018 of Residential Lead-Based Paint Hazard Reduction Act (or, Title X) requires sellers and lessors of housing built before 1978 to disclose to buyers and renters that the housing may contain lead-based paint, and to provide any available information about the actual presence of lead-based paint and/or lead-based paint hazards in the housing. By recognizing the right of prospective homeowners and tenants to know about such actual and potential hazards in the homes, the "Disclosure Rule" provides them with the ability to take actions to protect themselves from exposure to lead-based paint hazards, and lead-contaminated dusts and soils. EPA's regulations are codified at 40 C.F.R. Part 745, Subpart F and took effect on September 6 and December 6, 1996.

#### What is Required?

Before the sale or lease of a residence (such as apartments, single-family homes, graduate student housing, faculty housing, and both private and public housing) built before 1978:

- Sellers, landlords, property owners/managers, and agents must disclose potential and known lead-based paint and lead-based paint hazards and provide available reports to buyers and renters.
- Sellers, landlords, property owners/managers, and agents must give buyers and renters the pamphlet titled "Protect Your Family from Lead in Your Home."
- Home buyers will get a 10-day period to conduct a lead-based paint inspection or risk assessment at their own expense. The rule gives the two parties flexibility to negotiate key terms of the evaluation.
- Sales contracts and leasing agreements must include certain notification and disclosure language.
- Disclosure must be documented and records must be kept for at least 3 years.

#### Housing Not Covered

- Housing built after 1977.
- Zero-bedroom units such as studios, lofts, and dormitories.
- Leases that specify a term for less than 100 days, such as vacation houses or short-term rentals.
- Housing for elderly or handicapped (unless children live there or expected to live there).
- Rental housing that has been found to be free of lead-based paint by a certified inspector.
- Foreclosure sales.



#### The New Federal Lead-Based Paint Regulation Applies to you if...

- Your work involves pre-1978 houses or apartments.
- You receive any form of compensation for your work.
- You disturb more than 2 square feet of painted surfaces.
- Your work is not specifically excluded from this law.

#### Where is Lead-Based Paint Found?

Over 60 million homes in America built before 1978 have lead-based paint. In general, the older the home, the more likely it has lead-based paint. Lead can be found:

- In homes in the city, country, or suburbs.
- In apartments, single-family homes, graduate student housing, faculty housing, and both private and public housing.
- Inside and outside the house.
- In soil around the home.

## Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards (Sample Form)



### Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, property owners must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Renters must also receive a federally approved pamphlet on lead poisoning prevention.

### Property Owner's Disclosure

a) Presence of actual or potential presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) \_\_\_\_\_ Known lead-based paint and/or lead-based paint hazards is present in the housing (explain). \_\_\_\_\_

(ii) \_\_\_\_\_ Property owner has no knowledge of lead lead-based paint and/or lead-based paint hazards in the housing.

b) Records and reports available to the property owner (check (i) or (ii) below):

(i) \_\_\_\_\_ Property owner has provided the renters with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below). \_\_\_\_\_

(ii) \_\_\_\_\_ Property owner has no reports records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing .

### Renter's Acknowledgment (initial)

c) \_\_\_\_\_ Renter has received copies of all information listed above.

d) \_\_\_\_\_ Renter has received the pamphlet *Protect Your Family from Lead in Your Home*.

### Agent's Acknowledgment (initial)

e) \_\_\_\_\_ Agent has informed the property owner of the property owner's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

### Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Property Owner	Date	Property Owner	Date
Renter	Date	Renter	Date
Agent	Date	Agent	Date

*Federal law re-quires distribution of this lead hazard information pamphlet BEFORE selling, renting or starting renovation in housing built before 1978.*

*“Lead poisoning can cause permanent damage to the brain and many other organs and causes reduced intelligence and behavioral problems. Lead can also cause abnormal fetal development in pregnant women.”*

## Exemptions to the Rule

The following are exemptions to the Lead Pre-Renovation Education Rule:

- Lead abatement activities performed by certified lead abatement contractors,
- Emergency renovations,
- Renovation of certified lead-based paint free components,
- Minor repair/maintenance activities which disturb less than 2 square feet of painted surfaces per component, &
- Renovations in dormitories/studio apartments/housing for the elderly or disabled.



## What am I required to do?

Specific requirements depend on the following criteria:

### In owner-occupied housing you must:

- Provide an EPA-approved lead information pamphlet to owner and get written acknowledgement or receipt from owner, OR
- Mail the pamphlet to owner 7 days prior to renovation and document with certified mail or certificate of mailing.

### In tenant-occupied housing you must:

- Provide an EPA-approved lead information pamphlet to both building owner and an adult occupant by one of the methods described in an "owner-occupied housing.
- If attempted delivery to adult occupant fails, you may comply by leaving the pamphlet at unit and preparing certification describing delivery attempts for your files.

### For renovations in "common areas" in multi-family housing (more than 4 units), you must:

- Provide and EPA-approved lead information pamphlet by one of the methods listed under owner-occupied housing listed above.
- Provide notice to each tenant in the building describing:
  - Nature/location/timing of renovation
  - Availability of the EPA-approved pamphlet (free upon request)
- Retain written documentation describing notification procedures for 3 years.

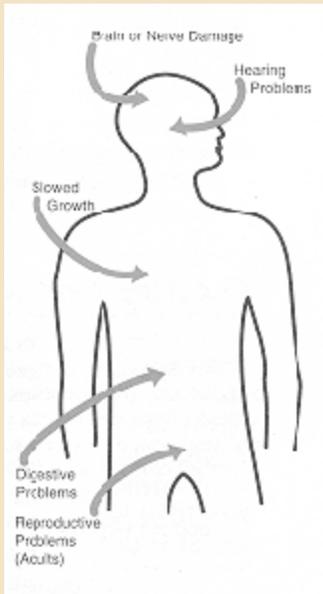
## Lead Affects the Body in Many Ways

### People can get lead in their body if they:

- Breathe in lead dust (especially during renovations that disturb painted surfaces).
- Put their hands or other objects covered with lead dust in their mouths.
- Eat paint chips or soil that contains lead.

### Lead is even more dangerous to children than adults because:

- Children's brains and nervous systems are more sensitive to the damaging effects of lead.
- Children's growing bodies absorb more lead.
- Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.



### Lead Effects on Children

If not detected early, children with high levels of lead in their bodies can suffer from:

- Damage to the brain and nervous system
- Behavior and learning problems (such as hyperactivity)
- Slowed growth
- Hearing problems
- Headaches
- Stomach aches

### Lead Effects on Adults

- Difficulties during pregnancy
- Other reproductive problems (in both men and women)
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems

## The Lead-Based Paint Pre-Renovation Education Rule

...applies to **renovations** in pre-1978 housing which are performed for **compensation**.

**Renovation** means any modifications of all or part of any existing structure in the housing that disturbs more than 2 square feet of painted surfaces. Renovation includes:

- Demolition of painted walls or ceilings;
- Large surface replastering;
- Major plumbing repairs or improvements;
- Window replacement; &
- Removal/modification of painted surfaces, components, or structures.

**Compensation** is the receipt of anything of value (not only money), and may include:

- Exchange of money, goods, or services; &
- Payment of rent to landlords or property managers.



