Lead-Based Paint Disclosure Requirements

On March 6, 1996, The Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) published a final rule, *Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Hazards in Housing (61FR9064-9088).* **This final ruling requires persons selling or leasing most residential housing built before 1978 to provide to the purchasers and renters with a federally approved lead hazard information pamphlet and to disclose known lead-based paint and/or lead-based paint hazards.** Approximately one-year grace period was given to property owners and managers to get familiar with the requirements of the ruling. Currently the federal legislation is being aggressively enforced through federal and local inspections. Failure to show documentation proving disclosure of lead-based paint or lead-based hazards has resulted in civil suit and fines as high as $60,000.

In order to comply with the federal legislation, all landlords or their management companies need to follow these required measures:

1. Utilize the form provided (next page), complete the *Disclosure of Information on Lead-Based Paint Hazards Addendum*, keeping a copy for your files, as well as providing the lessee with a copy of the signed form.

2. As noted in the Addendum, prior to signing the lease, disclose any existing lead-based paint that applies to the unit under consideration. Provide lessee with copies of all reports. If the report is excessively lengthy, a summary of all relevant information may be provided for clarity, however, a full copy must be on-hand for the lessee if requested.

3. Provide the lessee with the EPA pamphlet, *Protect Your Family From Lead in Your Home*. This pamphlet may be freely reproduced, however it must be administered to the tenant in its entirety. This pamphlet is available by calling the National Lead Information Center at 1-800-424-LEAD (5323) and requesting a copy to be mailed to you, on the Internet at the following website address: http://www.epa.gov/lead/pubs/brochure.htm or in most paint supply stores.

4. **EPA Lead-Safe Certification Program:** EPA regulations now mandate that any contractor or maintenance staff, from plumbers to electricians to painters, who disturbs more than six square feet of lead paint, replaces windows or does any demolition while working in a pre-1978 home, school or day-care center, must now be Lead-Safe Certified and trained in lead-safe work practices. **For more information, visit the EPA's website at http://www.epa.gov/getleadsafe or call 800-424-LEAD (5323).**

5. **At any time the terms of the lease change, another disclosure form must be completed for your files, and provided to lessee.**