



Bulletin No. 2
January 8, 1997

Lead Paint Hazard Disclosure Required for Homes and Apartments

Over the last twenty years the percentage of children in the United States with elevated levels of lead in their blood has declined considerably due to federal, state, and local efforts. However, an estimated 1.7 million children still have unnecessarily elevated blood lead levels.

Since 1978, the Centers for Disease Control and Prevention (CDC) has lowered the blood-lead level of concern in children and women of childbearing age from 60 micrograms per deciliter to 10 micrograms per deciliter. Blood-lead levels as low as 10 micrograms per deciliter have been associated with learning disabilities, growth impairment, permanent hearing and visual impairment, and other damage to the brain and nervous system. In the United States, lead from deteriorating lead-based paint is one of the remaining sources of lead exposure among children.

To reduce potential lead exposure, the Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X), Section 1018 directed the Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) to develop regulations requiring disclosure of **known** lead-based paint and/or lead-based paint hazards by persons selling or leasing housing constructed before the phaseout of residential lead-based paint in 1978. In March of this year EPA and HUD issued "*Lead; Requirements for Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards in Housing.*" The new rule covers most public and private housing that could be occupied by children and was built before 1978.

Specifically, the new HUD/EPA rule requires:

- Sellers and lessors of most residential housing built before 1978 must disclose the presence of known lead-based paint and/or lead based paint hazards in the housing. They also are required to give buyers or tenants any reports available from tests performed before sale or lease.
- Sellers and lessors must give purchasers and lessees a federally approved pamphlet entitled "*Protect Your Family From Lead in Your Home.*"
- Sellers must provide purchasers with a 10-day opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards before the purchaser is obligated under any purchase contract. This is true regardless of the information disclosed by the seller.
- Sales and leasing contracts must include certain disclosure and acknowledgment language. Agents must ensure compliance with all requirements.

Properties Exempt from Notification and Disclosure Requirements are:

- properties constructed in 1978 or later;
- zero-bedroom dwellings (studio and efficiency apartments, dormitory housing, etc.);
- housing for the elderly or disabled (unless occupied by a child under 6);
- property sold at foreclosure: however, the exemption does not apply to the sale of property originally acquired through a foreclosure sale and subsequently resold;
- purchase, sale, or servicing of a mortgage;
- "lead-based, paint-free" rental property (determined by a certified inspector);
- property leased for 100 days or less;
- renewal of leases where disclosure has already occurred and no new information is available;
- commercial facilities such as daycare centers and nurseries, except where such facilities are part of a residential dwelling;

Note - Oral leases are not exempt from the disclosure requirements.

Conclusions:

The disclosure rule does not require the seller or lessor to have any lead paint testing, removal or abatement performed, nor does it invalidate leasing and sales contracts. Lead hazard notification and disclosure is only part of the solution; notification and disclosure alone will not protect children from lead poisoning. They are among the many complementary strategies needed to protect children from lead hazards.

For additional information or to obtain copies of the final rule, copies of the pamphlet, or background materials, contact the National Lead Information Clearinghouse (NLIC), toll free, at (800) 424-LEAD. Materials are available in English or Spanish. In addition, information pertaining to lead in Alaska may be obtained through the Section of Epidemiology, (907) 269-8000.