

CHAPTER 5

LEAD-BASED PAINT POISONING AND PREVENTION ACT

This notice, 24CFR Part 35, applies to all properties constructed prior to 1978. The regulation contains specific requirements that owners and agents provide prospective and current residents with an Environmental Protection Agency (EPA) Lead Hazard information pamphlet entitled *PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME* (EPA747-K-94-001 available from the EPA.) This pamphlet is available in English and Spanish. To order, call 1-800-424-LEAD, TTY 1-800-877-8339, or access the website at www.epa.gov/lead. For further information, access the HUD website at www.hud.gov/program_offices/healthy_homes.

If a property is designed as housing for the elderly, the owner is not required to notify lessees, unless a child age six or under resides in a unit or is expected to reside in a unit. Efficiency dwelling units are also exempt from the notification requirements.

The Notice highlights the following requirements:

1. Notify all current lessees of the hazards of lead-based paint in accordance with the Lead Hazard information pamphlet.
2. Obtain from lessee an acknowledgment on the Notification Brochure that he or she received a copy of the pamphlet.
3. All leases must include, as an attachment or within the lease, a Lead Warning Statement with the following specific regulatory language.

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, lessors must disclose the presence of lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

4. Prepare a list of the lessees who refuse to acknowledge receipt of the Notification Brochure, along with a statement that the lessee was given a copy of the pamphlet.
5. Owners and residents must sign a disclosure statement acknowledging that the resident was informed and has received the necessary disclosure material. Sample disclosure statement included in this Chapter.
6. Owners must provide residents with copies of any records or reports available on the presence of lead-based paint hazards on the property.

Owners are not required to disclose the presence of lead-based paint in dwelling units in the following instances:

- 0-bedroom (efficiency units)
- Housing for elderly and disabled (w/o child <6)
- Leases in certified "lead-based paint free housing."
- Lease renewals where previous disclosure occurred.

Sample Disclosure Format for Target Housing Rentals and Leases
Disclosure of Information of Lead-Based Paint and/or Lead-Based Paint Hazards

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, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure (initial)

____ (a) Presence of lead-based paint and/or lead-based paint hazards (check one below):

- Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

- Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

____ (b) Records and reports available to the lessor (check one below):

- Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

- Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

____ (c) Lessee has received copies of all information listed above.

____ (d) Lessee has received the pamphlet ***Protect Your Family from Lead in Your Home***.

Agent's Acknowledgment (initial)

____ (e) Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852(d) 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.

Lessor	Date	Lessor	Date
Lessee	Date	Lessee	Date
Agent	Date	Agent	Date