

Lead Paint: Property Transfer



Berkshire County Board of REALTORS®, Inc. (413) 442-8049
Massachusetts Department Of Public Health CLAPP (Childhood Lead Poisoning Prevention Program)

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The Requirement:

Under Massachusetts and federal law, owners and real estate agents must comply with Property Transfer Lead Paint Notification requirements when a prospective buyer or tenant with an option to buy is about to purchase a home built before 1978.

The aim of this requirement is to inform prospective buyers about:

- The danger lead paint poses to children and adults
- Lead poisoning prevention steps
- The requirements of the Lead Law

Compliance:

To comply with both state and federal requirements, sellers and real estate agents must provide the Property Transfer Lead Paint Notification to a prospective buyer before signing a purchase and sale agreement, a lease with an option to purchase, or a memorandum of agreement used in foreclosure sales. In addition, they must:

- Provide a copy of any lead inspection report, risk assessment report, Letter of Compliance, or Letter of Interim Control.
- Tell the buyer anything they know about lead in the home.
- Tell the buyer that, under the Lead Law, a new owner of a home built before 1978 in which a child under six will live or continue to live must have the home either deleaded or brought into Interim Control within 90 days of taking the title.
- Sign, and have the buyer sign, the certification page of the Property Transfer Lead Paint Notification, which contains a checklist to ensure that the buyer has been fully notified of the requirements of the Lead Law.

Sellers or real estate agents who fail to comply with Property Transfer Lead Paint Notification requirements are subject to civil penalty under Massachusetts law, and both civil and criminal penalties under federal law.

What does the lead law require?

The Lead Law requires the removal or covering of lead paint hazards in homes built before 1978 where any children under six live. Lead paint hazards include loose lead paint and lead paint on windows and other surfaces accessible to children. Owners are responsible with complying with the law. This includes owners of rental property as well as owners living in their own single family home. Financial help is available through tax credits, grants and loans.

How does an owner comply with the lead law?

There are two ways: 1. Have all lead hazards removed or covered. The owner must first hire a licensed lead inspector who will test the home for lead and record all lead hazards. After the work is approved, the owner will receive a Letter of Full Compliance. or... 2. Have only urgent lead hazards corrected, while controlling remaining hazards. This temporary method is called interim control. The owner must first hire a licensed risk assessor who will explain what work needs to be done for interim control.

After the work is approved, the owner will receive a Letter of Interim Control. Owners then have up to two years before they must have the remaining lead hazards removed or covered and receive a Letter of Full Compliance.

Who can remove or cover lead hazards?

Some work must be done by a licensed deleader. However, an owner or agent (someone working for an owner without a deleader's license) can perform some specific tasks. An owner or agent cannot begin any of those tasks until:

1. The home is inspected by a licensed lead inspector
2. The owner or agent is properly trained to perform the deleading work

For more information about what work may be done by an owner or agent and how to become trained, call the Childhood Lead Poisoning Prevention Program at (800) 532-9571

MODERATE-RISK DELEADING: A NEW OPTION FOR OWNERS & THEIR AGENTS

The Massachusetts Department of Public Health's Childhood Lead Poisoning Prevention Program's (CLPPP's) regulations allowing people who are not deleaders to do moderate-risk deleading work take effect February 4, 2000. The purpose of these regulations is to lower the costs of deleading, with the ultimate goal of having more children's homes being made lead-safe.

What work may be done by those trained for moderate-risk deleading?

- ◆ **Removing:** windows, woodwork and any residential surface, with the exception of ceilings and walls.
- ◆ **Making intact:** (repairing for repainting, not scraping down to bare wood) small amounts of deteriorated lead paint. A small amount is no more than 2 square feet per interior room, hallway or common area, and no more than 10 square feet total on exterior surfaces.

Who will be able to do moderate-risk work?

- ◆ **Property owners and their agents.** Before beginning any deleading work, they must complete the course required by CLPPP and pass a CLPPP exam. Owners and agents who pass will receive a certificate from CLPPP as proof that they are authorized to do this work.
- ◆ **Lead-safe renovators.** Contractors must complete the training required by the Department of Labor and Workforce Development, pass an exam and become licensed.

What will the owner/agent moderate risk training entail?

- The course will be one-day long.
- It will cover safety procedures, cleanup and what is required to meet the Lead Law and Regulations requirements.
- Carpentry skills will not be covered in the course. Owners and agents considering doing moderate-risk deleading work should have such skills.
- The course will be made as widely available as possible across the state.
- It will be put on by private groups and organizations approved by CLPPP.
- The cost will vary depending on the training provider. CLPPP will have no control over the cost of courses.
- People will be able to perform moderate-risk deleading as soon as the regulations take effect AND the one-day course becomes available. CLPPP expects the course for owners and agents to be available in March 2000.

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