

Information About Federal Lead Laws

- Federal regulations governing lead paint apply to “target housing”, which with some exceptions means housing built before 1978.
- Unless an exception applies, if the LISTED PROPERTY was built before 1978, Seller must (i) give buyers the EPA brochure entitled “Protect Your Family From Lead In Your Home”, and (ii) give buyers and Broker all information Seller knows concerning the presence of lead-based paint and lead-based paint hazards in the LISTED PROPERTY and copies of all records and reports available to Seller pertaining to this.
- To meet the timing requirement of the federal law, Seller must give these documents and information to a buyer before the buyer is obligated under a purchase contract, (that is, before both the buyer and Seller have executed a purchase contract). Failure to do so may result in substantial damages and/or penalties against Seller under federal law.
- Seller should also understand that if the LISTED PROPERTY is “target housing” and no exception applies, Seller must permit a buyer a 10-day period to conduct a risk assessment or inspection for the presence of lead-based paint or lead-based paint hazards in the LISTED PROPERTY before the buyer is obligated under the contract. Seller can mutually agree with the buyer in writing to a different time period. The buyer can also waive this right completely in writing.
- Seller completes the seller’s portion of the Disclosure of Information on Lead-Based Paint and Hazards. Seller will receive a fully executed copy of the Disclosure and must keep it for 3 years after the closing.
- Seller may be liable for substantial damages and penalties for failing to meet the duties of a seller under the laws governing lead-based paint.